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House of Representatives

The House met at 9 a.m.

The Reverend Henry Holley, Director of Asian Affairs, Billy Graham Evangelistic Association, Marietta, Georgia, offered the following prayer:

O Lord, You have said that first of all prayers, supplications, and intercessions be made for those in authority.

I pray for this Chamber of Representatives, that they may have wisdom, integrity, courage, faithfulness in their performance. I pray for the Speaker of this House and our President. Bless each one with Your presence, enfold them with Your love and strengthen them by Your spirit.

May all remember that government is an institution ordained by Almighty God, for Thou does not desire that mankind should live in anarchy in which everyone does that which seems right in his own eyes.

I pray for all citizens of our land. Cause us to know that righteousness exalteth a nation, but sin is a reproach. May we do justly, love mercy and walk humbly with Thee. God bless America.

I pray this with all respect for persons of other faiths. I pray this in the name of my savior, Jesus Christ. Amen.

THE JOURNAL

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

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

Mr. PALLONE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on agreeing to the Speaker's approval of the Journal.

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

Mr. PALLONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Wisconsin (Ms. BALDWIN) come forward and lead the House in the Pledge of Allegiance.

Ms. BALDWIN 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.

INTRODUCTION OF REVEREND HENRY HOLLEY, GUEST CHAPLAIN

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

Mr. PRICE of Georgia. Mr. Speaker, what a distinct privilege and honor to come before you today to introduce our guest Chaplain, the Reverend Henry Holley. As Members of Congress we are truly blessed with the opportunity to meet and get to know many wonderful Americans from all walks of life, many of whom have dedicated their lives to the betterment of the human race. Henry Holley is one of Georgia's and America's greatest treasures and a man who has given all and then some in his work on behalf of a grateful nation followed by his glorious affiliation with the Billy Graham Evangelistic Association.

Following service in World War II in the Pacific, Reverend Holley continued on active duty in the United States Marine Corps until 1966. He then joined the Reverend Billy Graham, ultimately becoming ordained into the gospel ministry by the Johnson Ferry Baptist Church in my district in Marietta, Georgia.

He has literally given his life to further outreach and evangelism. Reverend Holley has organized 10s of crusades worldwide, many attended by literally millions. The Hong Kong crusade in 1990, for example, extended its message of hope and faith to over 100 million people with the gospel, an effort directed by Reverend Holley.

He has served as a special assistant to Dr. Billy Graham on projects and missions too numerous to count, and has recently lent his talent to Reverend Franklin Graham. Reverend Holley is the embodiment of love and compassion and humility. He has been supported in his life work by Betty, his dear wife of 56 years, who joins us today. For the past 33 years they have made Georgia their home. They have three children and four grandchildren. Reverend Holley has brightened and made more meaningful so many lives, and I am privileged to have been able to add my name to that list. I appreciate the opportunity to share him with the House today.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize five 1-minutes on each side.

CAREFUL ADHERENCE TO MEDICATION THERAPIES SAVES LIVES

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

Mr. MURPHY. Mr. Speaker, failure to take prescription medications properly accounts for approximately 125,000 deaths, and an additional $100 billion per year in preventable hospitalizations, emergency department and repeat physician visits. Twenty-three percent of nursing home admissions and 10 percent of all hospital admissions result from patients failing to take medications properly.

Why do they skip their medications? Some forget, some want to save money,

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some did not believe that drugs were effective. Some doubted they needed to take them, or experienced unwanted side effects. Much of this can be solved by improving communication between doctor and pharmacist and patient.

Under the new Medicare bill, pharmacists will manage and monitor medications for patients with chronic illness. These programs have the potential to save billions of dollars and thousands of lives each year. It is a welcome addition to the Medicare bill and one that will help many seniors.

To learn more about the careful adherence to medication therapies and how they can save lives and money, I would encourage my colleagues to visit my Web site at murphy.house.gov.

NATIONAL COMING OUT DAY

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

Ms. BALDWIN. Mr. Speaker, I rise today to recognize the importance of National Coming Out Day. Next Tuesday, October 11th, will be the 18th annual National Coming Out Day.

As public officeholders, we know the power of telling real life stories and putting a human face on the policy issues that we deal with to convey the ideas that a dry public policy speech could not convey.

In the movement towards full equality for gay, lesbian, bisexuals and transgender Americans, no actions have been more important than the steps that millions of Americans have taken in being open, truthful, forthright, with their friends, families, coworkers and neighbors about who they are.

For much of history, gays and lesbians were invisible, so people knew us through stereotypes and myths. Visibility serves to shatter those stereotypes. Truth telling not only chips away at the myths, but serves to open minds and hearts.

National Coming Out Day is a time for us to celebrate that freedom and rededicate ourselves to the freedoms yet to be won.

OUTSTANDING SCHOOLS IN OHIO

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

Mr. CHABOT. Mr. Speaker, we all know the key to America's future is providing an excellent education for children. As a former school teacher myself, it gives me great pleasure to recognize two school districts located in my congressional district that truly live up to this commitment.

Wyoming City School District was recently named the State's most outstanding school district, receiving the highest performance index score in Ohio's State report card. 100 percent of students tested were at or above the proficient level, and their high school graduation rate has reached 100 percent.

The Oak Hills Local School District was also rated excellent, continuing in its long-standing tradition of academic excellence. Superintendent Patricia Brenneman has a lot to be proud of. With a graduation rate of 98.4 percent, Oak Hills boasts the highest rate of any high school its size in the entire State of Ohio.

These numbers are a testament to the hard work and dedication of the teachers, administrators, parents, and last but not least, the students of Wyoming City Schools and the Oak Hill School District. I would like to congratulate both communities on this outstanding achievement.

HOUSE OF SHAME

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

Mr. PALLONE. Mr. Speaker, Republican cronyism here in Washington is something that has become quite evident to people outside the Beltway in recent weeks. I just wanted to reference today an article in the last issue of Newsweek magazine by Jonathan Alter called ''Tom DeLay's House of Shame.'' It talks about how Mr. Alter a decade ago called on TOM DELAY in his ornate office in the Capitol and what he found there.

Alter goes on to say, and I quote, ''Thus began what historians will regard as the single most corrupt decade in the long and colorful history of the House of Representatives. Never before has the leadership of the House been hijacked by a small band of extremists bent on building a ruthless shakedown machine, lining the pockets of their richest constituents and rolling back popular protections for ordinary people.''

He goes on to say that ''the 21st century radical Republican agenda, that is today, repeals health and safety regulations and spends billions on shameless pork-barrel projects to keep the GOP at the trough.''

The bottom line is that Republican cronyism is now evident to everyone.

COOSA MIDDLE SCHOOL

(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 congratulate Coosa Middle School in Rome, Georgia, for being named a Blue Ribbon School by the United States Department of Education. This award recognizes schools that dramatically improve student performance on State tests and whose students excel at the educational standards set by our States. I am extremely proud Coosa Middle School has attained these goals. Coosa Middle School was one of only 12 middle schools across the Nation to win this prestigious award and the only middle school in the State of Georgia to do so.

Floyd County Superintendent Kelly Henson, Coosa Principal Lisa Landrum, the Floyd County Board of Education and all the teachers at Coosa Middle School deserve our praise and admiration for the fine work they do educating Rome's schoolchildren.

Their efforts show how much our students can achieve when we give them a solid educational foundation based on high expectations and the resources needed to help students meet these expectations.

Mr. Speaker, I ask that you join me in congratulating Coosa Middle School.

IRAQ AND THE WAR ON TERROR

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

Mr. KUCINICH. Mr. Speaker, the President's speech yesterday proved one thing, that this administration is intent on war and nothing else. They are intent on sending more troops to die for a shifting tale of pure fiction, about WMDs, about trying to establish a democracy, about a war on terror.

Come home, America. Deal with the terror of joblessness in the United States. Deal with the terror of lack of adequate health care, of people losing their homes and their hope. Deal with things here at home. Give people a chance to make things work for their families. Create a new WPA program to put millions back to work. Give health care for all. Stop taking this Nation to the edge of total war with the world.

SUPPORTING OUR TROOPS

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

Mrs. DRAKE. Mr. Speaker, this weekend I had the privilege to lead an armed services congressional delegation to Iraq. We had the great opportunity to visit with our brave fighting men and women, attend briefings by their commanders, and see firsthand the progress that is being made. We visited Camp Victory, Baghdad, Ballad, and Qatar. Our brave men and women are working very hard, they are making incredible progress, they are proud of what they are doing, they are determined to prevent another attack on our Nation, and they know a free and democratic Iraq means the spread of freedom throughout the Middle East and a safer world for all of us.

As these courageous American heroes stand side by side with our allies and with Iraqi soldiers, they want to be assured that the American people support them, that the American people understand the mission, and that the American people understand the threat to the entire world. Today New Yorkers are on alert because of their efforts. What happens in Iraq matters to Americans. I thank them for their service.

CONSUMER CONFIDENCE

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

Mrs. MALONEY. Mr. Speaker, last week we saw new evidence that Americans are becoming increasingly pessimistic about this economy. Two separate measures of consumer attitudes plunged drastically, posting their largest declines in decades.

The impact of the hurricanes was the immediate cause of pessimism, but Americans have never had much confidence in the Bush economy. The President has the worst job creation record since Herbert Hoover. American workers have been left behind in the economic recovery from the 2001 recession.

For the typical worker and household, wages and incomes are not keeping up with the cost of living. The gap between the haves and the have-nots continues to grow and I find that tremendously troubling for our country. This record does not inspire confidence in our economy. We can do better.

□ 0915

RECOGNIZING NATIONAL FIRE PREVENTION WEEK

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

Mr. BRADLEY of New Hampshire. Mr. Speaker, this morning I rise to recognize National Fire Prevention Week, which is October 9 through October 15. Fire Prevention Week is an opportunity for Americans of all ages to learn more about how to avoid fires and fire injuries and how to respond to them as well.

This year's theme, ''Use Candles With Care,'' reflects how proper use of candles can go a long way in protecting one's home and family from the devastating effects of fires. Candle fires in 2002 alone resulted in an estimated 130 deaths. Fire Prevention Week also serves as the time to honor our brave firefighters for risking their lives every day to protect us. They work tirelessly to educate their fellow citizens about fire safety and the importance of being prepared for emergencies.

I especially would like to recognize the brave and fine firefighters in my home State of New Hampshire for their efforts to make the granite State's community safer. We owe all firefighters a debt of gratitude for their courage and dedication to keeping us out of harm's way. I encourage all my colleagues to take a moment to thank their local first responders for their hard work and to heed the important lessons they impress upon us.

AMENDMENT TO HOUSE RESOLUTION 481, PROVIDING FOR CONSIDERATION OF H.R. 3893, GASOLINE FOR AMERICA'S SECURITY ACT OF 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent that House Resolution 481 be considered as amended by striking the number 3983 in each place it appears and inserting in lieu thereof the number 3893.

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

There was no objection.

PERMITTING INDIVIDUALS TO BE ADMITTED TO HALL OF HOUSE TO OBTAIN FOOTAGE OF HOUSE IN SESSION

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent that it shall be in order at any time to consider in the House the resolution, H. Res. 480; the resolution shall be considered as read; the previous question shall be considered as ordered on the resolution to its adoption without intervening motion except 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Rules.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, pursuant to the previous order of the House, I call up the resolution (H. Res. 480) permitting individuals to be admitted to the Hall of the House in order to obtain footage of the House in session for inclusion in the orientation film to be shown to visitors at the Capitol Visitor Center, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 480

Resolved, That the Speaker, in consultation with the minority leader, may designate individuals to be admitted to the Hall of the House and the rooms leading thereto in order to obtain film footage of the House in session for inclusion in the orientation film to be shown to visitors at the Capitol Visitor Center.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) and the gentlewoman from New York (Ms. SLAUGHTER) each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

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

Mr. Speaker, this is a very simple resolution which allows the Speaker, in consultation with the minority leader, to allow individuals to be admitted to the Hall of the House in order to film the House in session for inclusion in an orientation film to be shown to visitors at the Capitol Visitor Center. This resolution is necessary because clause 2(b) of rule IV of the rules of the House provides that the Speaker may not entertain a unanimous consent request or a motion to suspend clause 2 of rule IV, which restricts access to the floor of the House while the House is in session.

Mr. Speaker, I would urge all Members to support this resolution which will provide edification for millions of visitors to our Nation's Capitol.

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

Ms. SLAUGHTER. Mr. Speaker, we are pleased to support the resolution.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Pursuant to the order of the House of today, the resolution is considered read and the previous question is ordered.

The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3893, GASOLINE FOR AMERICA'S SECURITY ACT OF 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 481 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 481

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3893) to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people, and for other purposes. The bill shall be considered as read. The amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; (2) the amendment in the nature of a substitute printed in part B of the report of the Committee on Rules accompanying this resolution, if offered by Representative Stupak of Michigan or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my dear friend from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 481 is a structured rule that provides for the consideration of H.R. 3893. The rule provides 1 hour of general debate evenly divided and controlled by the chairman and the ranking minority member of the Committee on Energy and Commerce. The rule also provides one motion to recommit with or without instructions.

Mr. Speaker, in the last 24 years, our refinery capacity has dropped from almost 19 million barrels a day to less than 17 million barrels a day. Now, this has happened at the same time that our gross domestic product has quadrupled. In other words, because of the sustained growth of our economy and the fact that we have not built a new refinery in almost 30 years, the United States is now forced to import over 4 million barrels a day in refined products, and that is when our refineries are running at full capacity.

I thought it was impacting when I learned this fact that I have just relayed. We have not built a single refinery in the country during the time period that our gross domestic product has quadrupled. I think if there has ever been an example of a great superpower really sitting on its laurels, it is pointed out by this example. We have to take steps, as we are with this legislation that we bring to the floor today, to maintain the necessary infrastructure to continue being the most successful economy in the world.

Now, any change in our refinery capacity can cause supply constraints and price spikes, especially, for example, in the gulf coast, where we have almost 50 percent of our refinery capacity. That is what happened when we had the two natural disasters in the last weeks, hurricanes Katrina and Rita. They hit the gulf coast, causing gasoline prices to rise significantly.

On August 25, Hurricane Katrina began her path of destruction. The eye of that hurricane passed right by my district. It was fortunately then only a category 1 hurricane, but it hit us in South Florida; and then of course, as we all know, it went into the Gulf of Mexico and became a monster storm. That storm then headed towards Louisiana and then the Mississippi gulf coast as a category 4, almost category 5, storm.

Once that storm passed, we awoke to the greatest natural disaster that the United States has ever faced. The Mississippi gulf coast was decimated by that deadly combination of the powerful winds and the storm surge caused by Hurricane Katrina.

In Louisiana, the storm surge submerged a large portion of the southeastern part of the State, toppling over the levees that protected the area, including the city of New Orleans. In the immediate aftermath of the hurricane, several refineries were shut down, accounting for about 11 percent of the total United States refinery capacity.

As of the beginning of October, four oil refineries remain closed. Now, those refineries provide almost a million barrels a day, almost 5 percent of our refining capacity; and even at this time it is still not known when those four refineries will be able to reopen.

□ 0930

A month later, we had Hurricane Rita hit the Texas-Louisiana Gulf Coast with 120-mile-an-hour winds, causing widespread damage and flooding. In anticipation of the storm, several oil refineries in the warning area, constituting over 4 million barrels a day in refining capacity, were shut down. Some of those refineries were able to restart, but as of the first of October, nine refineries with the capacity to refine over 2 million barrels a day, about an eighth of our capacity, remain shut down.

Now combine that with the four refineries closed because of Hurricane Katrina, approximately 18 percent of the refining capacity in the United States is off line. Pipelines from the gulf to the Midwest and East Coast have also been affected by the hurricanes. The Colonial and Plantation pipelines serving the whole East Coast with refined products resumed operation not long after Hurricane Katrina. However, they were shut down again by the subsequent hurricane, Hurricane Rita, and are still not working at full capacity.

In order to prevent the sharp price increases we have seen after the hurricanes, we have to make sure that we do everything possible so that refineries, new refineries, are built. And if another hurricane or a terrorist attack were to hit our refineries, we will still have the capacity to produce enough gasoline for the needs of our economy; that must be our goal.

Mr. Speaker, H.R. 3893, I am so pleased to see the author, the gentleman from Texas (Chairman BARTON) here who has done a tremendous job. He has done a tremendous amount of hard work in a very difficult area. This is an area that you cannot alleviate, much less solve, this problem overnight. It requires the kind of hard work, dedication, seriousness, that the gentleman from Texas (Mr. BARTON) has demonstrated day in and day out. We are seeing it in legislation that we are bringing to the floor today.

Now, this bill, H.R. 3893, will remove some of the obstacles that have prevented the construction of new refineries. The underlying legislation streamlines the cumbersome environmental and energy provisions that affect construction of facilities such as refineries and oil pipelines. Bringing new refineries online will alleviate our reliance on foreign sources of refined products, will allow us to have enough refinery capacity to meet the needs of our growing economy, while providing a backup if any of our refineries are shut down in the future.

Now, to help conserve gasoline, the legislation also directs the Secretary of Energy to establish and carry out programs to encourage the use of carpooling and van pooling. After the hurricanes, we saw reports of unscrupulous business practices engaged in in some instances. The bill addresses unfair or deceptive acts or practices of any person selling crude oil or gasoline or diesel fuel or home heating oil at a price that constitutes price gouging.

Mr. Speaker, H.R. 3893, as I stated before, required a tremendous amount of hard work. It was introduced by the gentleman from Texas (Chairman BARTON), reported out of the Committee on Energy and Commerce on September 29. It is a good bill. I think it is very important to our energy needs, to the health of our economy and to the national security of this country.

So again I thank the gentleman from Texas (Mr. BARTON). I know the ranking member, the gentleman from Michigan (Mr. DINGELL) has worked extraordinarily hard, as he has for decades in this House on so many important issues. I urge my colleagues to support both the rule and the underlying legislation.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, there are two fundamental problems with the bill before us today: What it does and what it does not to do. The bill will not address the very real and very immediate problems millions of Americans are facing every day. People are struggling to be able to afford to drive to work in the morning, and families are wondering how they are going to pay to heat their homes this winter.

But the GAS Act we are considering today will not help them. This energy bill, written in the midst of what is threatening to become the worst energy crisis the country has ever experienced, does nothing to help reduce the price of gasoline.

That is not me talking, the chairman of the House Committee on Energy and Commerce, the gentleman from Texas (Mr. BARTON), admitted this very fact in the Committee on Rules yesterday. He told us without taking command and control measures, this Congress cannot do anything in the short term to lower gas prices, even if the bill is passed, and he wrote the bill.

I hope every American pays attention to that fact because it is a very

important one. With this bill, the Republican leadership is telling you they know there is a problem, they know you are suffering, but there is nothing they can do about it; but it is not true that they cannot, it is just true that they will not.

There are things that this Congress can do to help our fellow Americans in this time of crisis. There are measures that can be taken that will help reduce the price of gasoline. I know because we debated many of those measures in the Committee on Rules just last night. Amendments that I and my colleagues have proposed, such as eliminating the zone pricing methods employed by gasoline suppliers, would help to mitigate the high gas prices not years down the road but now.

These amendments were rejected by the majority. In fact, of the 18 Democratic amendments offered only one was allowed. We are offering that amendment by the gentleman from Michigan (Mr. STUPAK) as a substitute for the bill, but it begs the question, what is the leadership doing with their time and energy if we cannot have a real debate on how to solve these very real problems?

If unconcerned with the present, does the bill at least offer a plan for the future? Does it call for our Nation to raise its energy efficiency standards or for us to aggressively explore alternatives fuels? Amendments that were not allowed to be considered called for those things, but the GAS Act is silent on them.

Since the GAS Act will not address the needs of the people either now or in the years ahead, what will it do? The answer is as simple as it is predictable: It is a give-away to the oil industry. To justify this action, the Republican leadership first invented a problem. America needs to expand its refinery capacity, they said. This premise is dubious at best.

Edward Murphy, a refinery specialist with the American Petroleum Institute, told The Washington Post just yesterday there is not a shortage of capacity in America because capacity is a global issue. His learned opinion was clearly ignored by the authors of the legislation, for having invented their problem, they have already come up with a solution to it: Throw the money at the oil companies, and that will induce them to build more refineries.

The simple truth of the matter is that for three decades, oil companies have not been building refineries because it has not been profitable for them to do so. In almost 30 years, no oil company has applied to build one. By intentionally limiting the supply of available gasoline on the market, they keep its price up. Numerous industry memos available to the public have advocated just such an approach to business.

Furthermore, it is impossible to seriously argue that throwing even more money at the oil companies would change their minds. The American oil industry is already flush with cash, just as the people of the Nation struggle to foot the bill. In fact, since 2001, 4 years ago, the top five oil companies in the United States have recorded combined profits. This is important, Mr. Speaker, they have reported combined profits of $254 billion. That is more money than we have spent on the war in Iraq, and it is split between just five companies.

If we were to open that figure out to the entire industry, it would be even more staggering. This is not the only way in which the Republicans are standing up today for the corporations who need help the least. Under this bill, if an oil company wins a suit against a local government over the right to build a new refinery within that government's jurisdiction, this bill will force the locality to pay for the court costs.

But conversely, if the locality wins the suit, the company under this law does not have to pay a dime. So if Exxon wants to build a refinery in your backyard or near your child's school, and you and the local community want to oppose it, it means you very well may have the pleasure of paying Exxon's legal fees for trying to protect your community. It is an official incentive for corporations to take communities for all they are worth and then some.

Next, what about price gouging? Rather than punish this outrageous, immoral and deeply damaging practice, the bill will place a limit on the maximum daily fine that can be given to an individual guilty of that practice.

Sadly, we are lucky this is all the GAS Act will do because until late last night, it was much worse. The legislation included an unjustified attack on the Clean Air Act and was intent on rolling back 30 years of progress on protecting the quality of air that we and our children breathe. It seems that being good corporate citizens and mandating that companies not pump their waste into the air we breathe and the water we drink was just too much for this leadership to ask of their energy industry. Apparently, they would rather have Americans pay for corporate profits with their health.

Thankfully, the majority was shamed into removing such a provision from the bill as its own rank and file objected to this basic assault on the health of our country.

But what we are left with is still deeply troubling. It is legislation that is not responsive to the welfare of the people and does not offer real solutions for the future. It is the kind of legislation produced by a Congress that has forgotten who it works for, a Congress more concerned with corporate lobbyists who write bills than concerned with the working people who struggle to deal with their consequences. It is the product of congressional leadership out of touch with the citizens of this country.

This bill is a living, breathing example of the culture of corruption which has plagued this body and ails this Nation, and I urge my colleagues to oppose this rule, this bill, and to support the Democratic alternative.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule, and I thank my friend from Miami for his superb management of this, as well as the hard work he is doing upstairs as we worked late last night to ensure we could put this package together.

Since he has left the floor, I want to take this time to praise the very distinguished chairman of the Committee on Energy and Commerce, the gentleman from Texas (Mr. BARTON). I do not want him to actually hear this, Mr. Speaker, but I want to say he has done an absolutely phenomenal job in fashioning this very important piece of legislation that is designed to increase our Nation's refinery capacity.

We know full well that our constituents are complaining, understandably, about the high cost of gasoline. It is absolutely outrageous. I am privileged to represent the Los Angeles area, and we see prices in excess of $3.15 and $3.20 a gallon. Obviously, we have seen some relief, but it is clear if we look at the history of refinery capacity, it is one that has played a big role in exacerbating the cost of gasoline.

Since 1981, we have seen the number of refineries in the United States of America cut in half. It has been three decades since we have seen a new oil refinery constructed. Why? People have argued it is the oil companies that have not done this. An argument made, which is an appropriate one, is it has not been a great profit center.

The fact of the matter is when you have a regulatory burden which is designed to create a disincentive for the construction of refineries, why would anyone in the industry consider it? This bill is designed to address that issue. Our goal is clear and simple. We want to do everything within our power to bring the cost of energy down for the American people.

Now, many have argued that this is a partisan bill when in fact the gentleman from Texas (Mr. BARTON) has turned himself inside out to try and accommodate concerns that Members of the minority have. The combination of the base text of the bill and the manager's amendment, which will be in fact passed when we pass this rule, we address the concerns on heating oil put forward by the very distinguished gentleman from Massachusetts (Mr. MARKEY), and you can go right down the line and look at a number of issues that were brought forward by Members of the minority, including the gentleman from Illinois (Mr. RUSH), the

gentleman from Washington (Mr. INSLEE), the gentleman from Washington (Mr. DICKS), and others who have raised issues of concern, and the gentleman from Texas (Mr. BARTON) has worked diligently to address those.

Mr. Speaker, it is my hope this bill will enjoy strong bipartisan support. It is our one opportunity, our one opportunity now to step forward and actually take decisive steps to work towards diminishing the high cost of gasoline for the American people. I strongly support this rule and the underlying legislation. I thank my friends for their hard work on this important issue.

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

Mr. MCGOVERN. Mr. Speaker, we have a national energy crisis now. If my colleagues on the other side of the aisle do not appreciate that fact, I would suggest that they go home to their districts and listen to their constituents. Instead, we are rushing a flawed bill to the floor that will once again reward the very industries that have gouged the American people.

It is unacceptable for anybody in this Congress to say we cannot do anything about the short-term crisis of high energy costs.

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We must. That is what our constituents expect us to do. That is what we should be doing today here on the floor. The cost of filling a tank of gas ranges between $40 and $100. There are workers whose wages do not compensate for the cost of driving to and from work. I have senior citizens in my district and low- and moderate-income families who are scared out of their minds about how they will heat their homes this winter. We must crack down on price gouging in the short term and find other ways to lower prices. This is an emergency. It requires dramatic action by the Government of the United States.

In the long term, we should reduce our reliance on foreign oil by aggressively pursuing renewable energy sources, something that we should have been doing a long time ago.

What we have here in this so-called ''Gas Act'' is more of the same: tax breaks to reward the bad behavior of oil and gas companies; reduced regulations that compromise our communities; and nothing, absolutely nothing, for the relief of our citizens.

Let me say to my colleagues who vote for this, do not go home and tell their constituents that they did anything for them because in truth they have not. When they ask them what did they do to lower the prices of gas and home heating oil, they can say honestly they did nothing.

Mr. Speaker, I would urge my colleagues to support the Stupak substitute, which will deal head-on with the issue of price gouging; and if that fails, I would urge my colleagues to defeat this bill and to go back to the committee and do something meaningful. The status quo does not work. It is time for a comprehensive, honest-to-goodness energy plan, and this is not it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BARTON), distinguished chairman of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished member of the Committee on Rules for yielding me this time.

Mr. Speaker, I rise in very strong support of this rule and, of course, in strong support of the underlying bill, H.R. 3893.

I want to make a few comments first about the rule. We have made in order the Democratic substitute. My understanding is that the Democrat substitute is similar, if not identical, to the Democrat alternative that was put in play in the Committee on Energy and Commerce at our 16-hour markup last week. So point one is our friends on the minority side are going to get an opportunity to have their ideas on this issue addressed by the body and voted on; so that would be a very good reason for everybody to vote on the rule.

Another good reason to vote for the rule is that the manager's amendment that has been incorporated into the base text takes into account many of the issues that were debated in the Committee on Energy and Commerce and many of the issues that were supported by our minority members of that committee last week, in particular the concerns about price gouging.

The amendment that was adopted in committee on price gouging last week only referred to price gouging within a disaster area that had been declared by the President of the United States, and it only applied to gasoline and diesel fuel. The manager's amendment incorporates many of the ideas that the gentleman from Michigan (Mr. STUPAK) and the gentlewoman from New Mexico (Mrs. WILSON) on the majority side had in their alternative price gouging amendments.

It would expand the authority of the President to allow a price gouging investigation outside of the disaster area. It would allow the FTC to prosecute price gouging outside the disaster area if they felt that there was price gouging. It also expands the jurisdiction of price gouging that would be under the control of the Federal Trade Commission from gasoline and diesel fuel to home heating oil. And I know there are very legitimate concerns in the Northeast and the Midwest this winter about the price and availability of home heating oil.

So those are the reasons that I think we should vote for the rule.

When it comes time to vote for the bill, obviously we are going to have a very spirited debate, which is what this body is all about. As we have that debate, there are several facts that I think we should keep in mind. Number one, since 1981 we have closed 176 refineries in this country. That means that we have in operation today 148. We have closed over half of the refineries in the United States of America in the last 30 years. That might be acceptable if the demand for their products was going down; but, in fact, the opposite is true. The demand for refined products in our Nation is rising every year, somewhere between 1 percent to 3 percent a year. If we convert that to barrels per day, that is somewhere between 250,000 to 750,000 barrels a day. Our Nation uses 30 billion barrels of oil every year.

Our refinery capacity has simply not kept pace with our demand for the refined products. The consequences were clear for every American to see in the aftermath of Katrina and Rita when over half of our refineries shut down temporarily and about 25 percent of our oil and gas production shut down. In some parts of the country, the price of gasoline doubled and even tripled. Even with most of those refineries back on line, there is still enough refinery capacity disabled that the prices remain somewhere between 30 to 50 cents a gallon higher than they were before the hurricane.

So quite simply, Mr. Speaker, it is time to invest in our energy infrastructure, and one of the critical components of that is our refinery capacity. This bill would do that without putting direct Federal dollars into it. It would do it by eliminating the red tape that we have to go through to get a refinery permitted. It would not eliminate or reduce any environmental law on the books today, but it would create an expedited process that a Governor of a State that wished to build a new refinery or expand an existing one could utilize.

The bill would also make it easier to build some new oil pipelines. We have not built a new oil pipeline in this country in over 40 years. Again, the only two pipelines serving the Midwest and the Northeast, both of those were temporarily shut down because of Katrina. This bill takes some steps to do that.

The bill would also reduce the number of boutique fuels, which currently is over 40, down to six. If the EPA thinks that that is practical to do so, that would make these fuels more fungible, more efficient to refine, and less expensive for the taxpayers, motorists of our country, to have to purchase.

It also has some incentives and some emphasis on carpooling. Carpooling is not a real sexy high-tech issue; but if we could get one out of every three Americans to actually carpool on their way to and from work, we would save over 1 million barrels of oil per day, which, again, reducing the demand would reduce the cost of the gasoline.

This is a good bill. It is a bill that both sides of the aisle can support. I

would hope that we vote for the rule and then vote for the bill later this afternoon.

I want to thank the distinguished Committee on Rules for bringing this rule to the floor, and I look forward to working with them on this issue and other issues in the future.

Mr. Speaker, I rise in strong support of this rule.

The House today takes an important step in recovering from Hurricane Katrina. With the Gasoline for America's Security Act, we will make our country less dependent upon imports of gasoline and address high gas prices.

The bill increases U.S. fuel supply by encouraging new refineries and reducing the number of boutique fuels around the country. We promote conservation through carpooling. We also outlaw price gouging for gasoline.

The bill before us today is the product of a markup in committee that started at 8 a.m. and ended after midnight. It follows countless hearings over the last several years on gasoline markets, refinery capacity, and Clean Air Act issues.

Our Nation is dangerously dependent upon tight refinery capacity and refined product imports. Hurricane Katrina hit in the wrong place at the wrong time, and American consumers are suffering. Offshore crude oil production was shut down. Refineries went down and are struggling to come on line. Oil and gasoline pipelines were without power and couldn't pump their product. We are paying the price at the pump and must take action.

I keep hearing "it doesn't matter how much crude oil we import if we don't build or expand refineries." Katrina proved that right when refineries were damaged or unable to move their product.

Mr. Speaker, our Nation has not seen a new refinery built since 1976. The bill today encourages companies to come forward with proposals to build refineries. Many refiners have just given up because of an endless stream of red tape and the threat of nuisance litigation. The permitting process is overly cumbersome, and this bill fixes it.

We want all States to be able to build refineries under an expedited permitting process. Any Governor can request that we cut through the red tape. The President can designate Federal lands to be considered for a refinery, even a military base that is being closed. If a State needs to see a pipeline built to service a refinery, we let the Governor request expedited permitting, too.

The manager's amendment before us today improves the bill further from the bill reported out of the Energy and Commerce Committee. It extends the geographic reach of our price gouging provision and increases penalties for violations. The manager's amendment also drops provisions that are very important policies but which I will save for another day. Nothing should stand in the way of this bill passing.

If you want to increase the supply of gasoline, you need to do two things: Increase the supply of crude oil; and Increase refinery capacity.

In the end, the issue before us is whether people who work for a living will get the gasoline they need to go to work, at a price they can afford to pay. Some seem to believe that Americans will float to work on a cloud of our good intentions. But they drive to work in cars and trucks that run gasoline. That could change some day, and I hope it does, but it will not change this day or this decade.

We've known about the problem in refinery capacity for 30 years, and done nothing. Katrina and Rita demonstrated that the do-nothing policy is dangerous. Today we can start doing something about gasoline prices and gasoline supplies. The Energy Policy Act of 2005 will help on crude oil prices, as will future legislation by the Resources Committee. We can increase refinery capacity today by voting "yes" on this rule and "yes" on the GAS Act.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI).

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

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

I rise today in opposition to the rule and the underlying bill, H.R. 3893.

Hurricane Katrina highlighted the failure of the Republican leadership's first attempt to create a national energy policy. We now have a second chance to craft a forward-looking strategic plan. Unfortunately, H.R. 3893 fails to do this. Instead of tackling America's very serious energy challenges, we are looking at the castasides from the earlier legislation. I therefore urge my colleagues to support the substitute.

Every American now clearly sees that our energy policy affects everything, from a family's monthly budget to our national security. My constituents, like the other Members, are paying over $3 a gallon at the pump. Yet H.R. 3893 does not include price gouging provisions that would sufficiently protect American consumers, particularly when we have oil companies making as much as $80 million a day.

We owe our constituents more than empty promises on high gas prices. And we can do this with the substitute. It gives the FTC real authority to investigate the energy supply chain. The substitute provides for significant fines that actually have the power to deter companies from gouging consumers.

H.R. 3893's shortcomings are not exclusive to its attempts at immediate relief. The legislation also fails to address our Nation's long-term needs. Constructing new facilities would increase the Nation's capacity to process crude oil and soften the effects of future supply disruptions, but the oil refiners are not interested in incentives to do so. In fact, they have minimized capacity to maximize profit.

Again, Congress has a responsible alternative: Establish a strategic refinery reserve, a logical complement to the existing Strategic Petroleum Reserve. This would give us the increased flexibility and control to respond to future energy disruptions.

But this legislation fails to do that; and worse still, it ignores the larger causes of our energy security. A forward-looking energy policy should curb our reliance on unstable foreign oil markets and accelerate research for alternative sources of energy.

This bill takes only nominal steps toward that goal. There is an almost laughable $2.5 million for an education program and encouragement to Federal agencies to buy energy-efficient light bulbs. This is not exactly the bold out-of-the-box thinking that will free the next generation from dependence on foreign sources of energy. Congress needs to pause and examine our energy stance in a long-term strategic manner. We owe that to our children and our grandchildren.

I urge my colleagues to vote against the rule and reject this opportunistic legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I rise in support of the rule and the underlying bill and commend Chairman BARTON for his exceptional and timely work on this legislation.

But I also rise, Mr. Speaker, to say, while we respond to the energy crisis that was revealed by Hurricane Katrina, it is also vital that we respond to the fiscal crisis that was laid bare by the hurricane as well. For what began as a hurricane of nature very quickly became a hurricane of spending here on Capitol Hill: $60 billion appropriated in 6 days, paid for by simply adding to the national debt.

Now, some of us thought we should pay for the big cost of Hurricane Katrina by cutting Big Government; and this week, with the leadership of President George W. Bush and the leadership of the Republican majority in Congress, we are beginning to do just that.

Last night, Speaker HASTERT unveiled a bold plan to cut billions of dollars from every branch of government to offset the extraordinary cost of Hurricane Katrina and its aftermath. And while the details take shape that would save tens of billions of dollars through an across-the-board spending cut; through additional entitlement savings; through a Presidential recision package, the first time in this administration; by reopening the Budget Act with a Budget Act amendment, the first time Congress has done that since 1977; and by ending nearly 100 outdated Federal programs, we are beginning that process as well.

So I rise today to say on behalf of House conservatives we are pleased, but not content. We are encouraged, but not satisfied. For while the debate has been difficult at times, the work of cutting government spending to offset the extraordinary cost of Hurricane Katrina will be harder still. With more hurricane spending right around the corner, I rise humbly to challenge my

colleagues in the House and, Mr. Speaker, I rise to challenge my colleagues in the United States Senate to be strong and courageous and do the work.

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Let us have the courage to make the tough choices, to find the means to pay for the cost of Hurricane Katrina and its aftermath through reductions in government spending. Let us do the work of rebuilding our gulf coast with the compassion and the fiscal discipline that the American people expect from a Republican Congress.

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

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

The bill we are debating today is exactly what the American people expect from a Republican Congress. It is a set of giveaways to big oil and to big gas, while simultaneously out here on the floor the last two speakers are calling for a gutting of environmental laws and cutting of Medicaid and other social programs for the poorest people in our country as a response to Hurricanes Katrina and Rita.

This Republican Party is so out of touch that it believes that the oil and gas industries, the wealthiest industries in our country, the industries that are tipping American consumers upside-down and shaking money out of their pockets, is the first bill they should bring to the floor to respond to Hurricane Katrina, even after 10 years of a conscious conspiracy on the part of the oil industry to shut down 30 refineries, voluntarily.

And the reason is clear. In a series of memos 10 years ago, the oil industry said that we have too much refining capacity in our country. We must shut it down if we want to charge the consumers in our country more money.

That is what is going on out here on the floor, this leave-no-oilman-behind bill. We cannot fund leave No Child Behind, but can leave-no-oilman, who today planned this complete catastrophe that occurs because they shut down 30 refineries. They shut them down deliberately to cause this crisis.

We should be debating out here on the floor, which the Republicans refuse to do. Increasing fuel economy standards for automobiles, they refuse to even allow that debate out here on the floor. Increasing, doubling, tripling, quadrupling solar energy, wind energy out here on the floor, they refuse to have that debate. Instead, it is this leave-no-oilman-behind bill. Today, they have failed the historic test of preparing our country for this day.

We are here because this party believes that an energy policy is the President holding the hand of a Saudi prince and taking him in for a barbecue at Crawford, that it can substitute for the kind of plan which President Kennedy had in 1961 when the Soviets were challenging our supremacy in outer space.

President Kennedy had a plan for us to take on the Soviet Union. This administration says there is no magic wand, and, if there is one, it is only to give more breaks, more environmental breaks, more subsidies, to the oil and gas industry, which is reporting profits that they admit they cannot even spend themselves. There is no plan from the Republican Party, except giving more to the largest industries that have dug this hole.

Mr. Speaker, the Republican Party is in violation of the first law of holes: When you are in one, stop digging. What they have out here today on the floor is a huge excavation device digging our country ever deeper, without looking at automotive technology, solar technology and the future of technology for our country.

Mr. Speaker. I rise in opposition to the Rule providing for consideration of H.R. 3893, the Gasoline for America's Security Act of 2005.''

Let me begin by saying that I've been in Congress for 29 years now, and this is absolutely the worst energy bill that I've seen in the last eight weeks.

Moreover, the Rule that we are considering this morning is pretty much a gag Rule. It makes only one Substitute in order, and it bars the amendment filed by the Gentleman from New York (Mr. BOEHLERT), myself, and the Gentlelady from California (Ms. ESHOO) to mandate new fuel efficiency standards for cars and SUVs. This amendment was identical to one that I offered in the Energy and Commerce Committee, and it is unconscionable that at a time when gas prices are over $3.00 a gallon nationwide that the Republican Leadership of this House would deny the Members an opportunity to debate the issue of whether or not to increase CAFE standards.

What is the Republican Leadership afraid of? Are they afraid that the Members, if given an opportunity to approve a measure that might actually do something to reduce gas prices, might vote for a fuel efficiency standard increase? We should be able to have that debate and vote on this issue today.

The last Energy bill that President Bush signed into law way back in August was praised by the Chairman of the Energy and Commerce Committee, who said its boutique fuels provisions would ''make it more efficient to use our boutique fuels'' by reducing the number of these fuels ''so that we have greater transportability of our boutique fuels between those regions of the country that need those fuel sources.''

Eight weeks later, we are about to take up a bill that repeals those boutique fuels provisions and replaces them with a completely new boutique fuels statute. Without any hearings, and without any Record, we're just going to rewrite those provisions.

When the last Republican energy bill was on the House floor in July, the Speaker of the House said it ''promotes greater refinery capacity so more gasoline will be on the market and it increases gasoline supply by putting an end to the proliferation of boutique fuels.''

Eight weeks later, this House is about to repeal the refinery provisions the Speaker praised, and replace with a whole new refinery bill.

This bill is based on a false premise, the premise that somehow our Nation's environmental laws stand in the way of building more refineries around the country. Nothing could be further from the truth. The Clean Air Act isn't the problem, it's the Anti-Competitive Acts of the oil companies that has lead to our current problems. Consider these facts.

Since 1994, 30 refineries have been closed across the country, reducing the Nation's refinery capacity by a collective 750,000 barrels per day.

This reduction represents nearly 5% of the Nation's current refinery production capability of 17.1 million barrels per day.

Twenty-one of the 30 refineries that the refiners voluntarily closed—or 78% of the shut down refinery capacity—were located in states that are not on the Gulf Coast and therefore would not have been affected by Hurricanes Katrina or Rita.

Nine of the top 10 producing refineries that were shut down were located outside the Gulf Coast, including 3 in Illinois, one in Kansas, one in Michigan, 2 in California, and 1 in Washington.

Why are these refineries being closed down?

Is it environmental regulations? No. During this same period, the refinery industry increased capacity at existing sites—with all the permits and approvals granted by the EPA. The one new refinery permit application that was submitted out in Arizona was approved by the EPA in less than a year.

So, why did the oil companies close these refineries? The reason is very clear. During the last decade, there was a wave of mergers in the refinery industry. The Big Oil companies got bigger, and as they gobbled up their smaller competitors, they closed down certain refineries for strategic business reasons.

Oil industry documents from the mid-1990s suggest that at that time, major players sought to shut down refineries in order to decrease supply and thereby drive up prices. Consider this:

A 1996 Chevron internal memo stated that ''A senior energy analyst at the recent API [American Petroleum Institute] convention warned that if the U.S. petroleum industry doesn't reduce its refining capacity it will never see any substantial increase in refinery margins.''

A March 1996 memo from Texaco discussed concerns that ''the most critical factor facing the refining industry on the West Coast is the surplus of refining capacity, and the surplus gasoline production capacity. . . . This results in very poor refinery margins and very poor refinery financial results. Significant events need to occur to assist in reducing supplies and/or demand for gasoline.''

It seems clear that the oil industry, in closing 30 refineries over the course of the last decade, was pursuing a deliberate business profit-maximization strategy aimed at addressing the oil industry's ''problem'' of low profit margins in refinery operations. By closing down refineries, and by consolidating any increased production at existing refineries, the oil industry has been able to drive up their profit margins.

This strategy has worked out quite well for the oil industry. During the course of this year, the profit margins of each of these companies have risen higher and higher and higher. According to a recent article in the Washington

Post, there's been a 255 percent average increase in refiner profit margins over the last two years. Now, all of that is great news if you are a shareholder in any of the big companies. But it's terrible news if you're a consumer paying $3.00 a gallon or more to fill up the gas tank on your car or paying a $1,000 more this winter to fill up the oil tank to heat your home.

So, what does this bill proposed to do?

Is it going to impose a windfall profit tax on the big oil companies? No.

Is it going to mandate an increase in fuel efficiency standards for cars and SUVs so we can begin reducing consumer demand? No.

Is it going to promote investment in and deployment of solar and wind energy technologies that could be an alternative to natural gas? No.

Is it going to give the Federal Trade Commission and the State Attorneys General tough new enforcement powers to go after price gouging at both the wholesale and retail level? No.

What this bill proposes is more giveaways for the big oil and gas companies at the expense of consumers and the environment.

This bill shamelessly tries to exploit the terrible human tragedy of Hurricanes Katrina and Rita to advance a radical anti-environmental agenda, of gutting the Clean Air Act, of gutting the principle of local control over land use decisions, all to advance an oil company agenda.

The sponsors of this bill call it the GAS Act. In reality, it should be called the "Leave no Oil Company Behind Act."

This is a terrible bill. It deserves to be defeated.

I strongly urge a "no" vote on the Rule and a "no" vote on final passage.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is interesting how today is a clear example of how anything, anything, is possible on this floor. Anything can be said. That is freedom. Even the most inconceivable, out of touch with reality statements.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BARTON), the author of the legislation, the distinguished chairman of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Speaker, I want to thank the distinguished gentleman from Florida for yielding me time.

Mr. Speaker, I want to point out one thing to the body: There is one thing in this bill, one thing, that scores as a cost by the Congressional Budget Office. One thing. Do you know what it is? It is the Markey amendment that we accepted in committee to increase the home heating oil reserve from 2 million barrels to 5 million barrels. We accepted it because the gentleman from Massachusetts has a legitimate concern about the plight of people that need home heating oil in the northeast. We accepted his amendment to increase the reserve by 150 percent. That is the only thing in the bill before us that the CBO has scored.

Now, is that a giveaway to big oil? Is that some kind of a payoff to industry? Or is that a legitimate need of the American people that we put into the bill because the gentleman from Massachusetts (Mr. MARKEY) asked for it, legitimately so, and it made sense, and we put it in the bill?

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, well, the majority party is shocked, shocked that price gouging took place in the wake of Katrina. Of course, they turned a blind eye to the gouging of consumers for months and years before that by big oil working in collusion with OPEC.

In the last 4 years, the top five oil companies have made $254 billion of profits. Exxon-Mobil, in the quarter before Katrina, $14 billion in one-quarter. And this bill does nothing to provide price relief to consumers or prevent gouging. Big oil gets a pass yet again. They are not getting as big of a gift this time, just a pass.

They point the finger at the retailers. Well, with rare exceptions, the gouging is not at the retail level. Producers of gas, they are getting 46 percent more, 47 cents a gallon; refiners, they are up to 250 percent in one year, 70 cents a gallon. Every American is paying 70 cents a gallon more to the refiners and 2 cents more on average to the retail people. It is not the retailers who are price gouging.

The chairman says ''we have closed 175 refineries.'' He can only say ''we'' if he is the oil industry. The oil industry has consciously colluded to close refineries to squeeze supply to drive up the price. It is the same thing Enron did in California to stick it to everybody on the West Coast of America. Tried and true. The industry has been doing that for years.

It is not environmental laws or regulation which have closed these refineries. They have been closed by mergers and a conscious decision of the chief operating officers and CEOs of big oil to drive up their profits, and boy, have they done that. Unfortunately, it is about to destroy small businesses and consumers across America.

But they still cannot take them on. They cannot take on their benefactors here on the floor. The President offered last year to let Valero or anybody else build a new refinery on a closed military base, waiving all environmental laws, and the chief operating officer of Valero, stock up 263 percent in one year, you thought Google was doing good, he said, why would we do that? It is working really well the way it is. It is phenomenally profitable for them and the few others who still operate refineries.

We need real help for Americans, short-term relief against price gouging, take on OPEC in the World Trade Organization. And then we need longer-term new technology, new fuels, more efficiency, true energy independence for the United States of America from big oil and the Saudi and the OPEC cartels. That would be something for the American people. You are not doing that.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, we find ourselves with so many things happening now. We have increased gasoline prices, increased winter heating costs, natural gas prices are up, manufacturing jobs are down, all because the cost of energy has remained high. Our demand for oil has grown, our production simply cannot meet demands, and this has caused increased prices. We have increased population, and we want more manufacturers to remain in the United States. That means that we have to do something.

Mr. Speaker, we do not need another hurricane to remind us that our energy infrastructure is wholly inadequate. Had we taken action to prevent our energy problems years ago, we would not have been vulnerable to natural disasters. For 30 years, we sat back. We did not want to study it. We did not want to take inventories. We did not want to explore. We resisted drilling for oil or gas. We did not build refineries. We did not move to develop clean coal technology. We did not build nuclear power plants over those 30 years, while demand grew. And eventually the system snapped. We did the same thing over and over again and expected different results.

Until our refining capacity and production capacity expands, our oil markets will remain vulnerable to disruptions. We have to have increased conservation measures. We have to have the car-pooling measures in this bill. We have to have energy-efficient cars, but we have to have more refineries.

During the last 30 years, our dependence or foreign energy has increased from 24 to 62 percent. How much further do we have to go? The American people understand this, and that is why they support this. That is why labor unions support this bill. That is why we have to move this forward.

The Gasoline for America's Security Act builds on the Energy Policy Act of 2005 and keeps us moving in the right direction. It addresses a great deal of what we need, the use of biomass debris, car pooling, van pooling, requirements to direct the FTC to conduct an investigation into nationwide gasoline prices, and it does include anti-price-gouging measures.

The other side says repeatedly it is not in there, but it does. It has anti-price-gouging measures and enforcement for gasoline, for diesel, for home heating oil, for crude oil. It is massive.

There will be a temptation to blame the high gas prices on the storms alone or to use politics to block this. But the American people understand, you cannot drive a car with politics in your tank or heat a home with politics.

I support the rule and this bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, one of the things that you can say about the

way in which the national Republican Party has handled America's energy problem is that they are being very consistent, and that goes back to the first moment when they controlled both the Congress and the White House; when the President, charged by the Bush administration to develop an energy policy, did the natural thing for them, brought in the energy companies to tell them what kind of policy we should have. That attitude is reflected in this bill, as well as the one that this Congress passed last July. They are both deferential to the energy companies at the expense of the American people. Everything goes to the energy companies; nothing goes to the American people.

The energy companies last year, the oil companies, made record profits, more than $125 billion. One corporation alone made more than $25 billion in profits in 2004. Their profits in 2005 are even higher, while the American people struggle to get back and forth to work because of the price of gasoline and as they will struggle this winter to heat their homes to try to stay safe and secure. Lives will be lost because of the way in which the national Republican Party is handling this energy problem.

In order to justify gasoline being sold at $3 a gallon under a free, open market, you would have to have oil priced at $95 a barrel. But we do not have a free and open market, even though the Republicans claim we do. We have a market that is controlled by the oil companies, for the oil companies and against the interests of the American people, and all of that is conspired and entered into by the national Republican Party, in the White House and in this Congress as well.

That is what we are seeing here today in the context of this legislation: More for the oil companies, less for Americans. Struggle, struggle, struggle for the American worker; struggle, struggle, struggle for the American family, while huge profits are given to the oil companies over and over again. It has got to stop. Defeat this rule, defeat the bill, pass the Stupak substitute.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank our distinguished ranking member for yielding me time.

Mr. Speaker, I rise in opposition to the rule. I want to point out something that is in the underlying bill which authorizes the President to designate Federal lands that might be suitable for the construction of an oil refinery.

Once he has made a designation, the land must be leased for the construction of a refinery. The refinery would be permitted under expedited procedures with limited judicial review. Although the manager's amendment requires the President to conduct an analysis of the suitability of the site, there is no obligation that he take the analysis into account before designating Federal property as suitable for a refinery. So there is no requirement that there be an opportunity for citizen input.

The sponsors of the bill did bar the President from designating lands that are part of the National Park System, the National Wilderness System and national monuments.

□ 1015

But they failed to place language in the bill that would protect millions of acres of other equally sensitive lands, including national forests, the National Wildlife Refuge System, National Conservation Areas, Wilderness Study Areas, the National Wild and Scenic River System, the National Trail System, and the National Landscape Conservation System.

I offered an amendment that was turned back by the Committee on Rules that would have protected these lands which have been set aside for the American people. I cannot imagine why a President would want to clear the path for building a new refinery in Chincoteague, Virginia; the Great Bay Refuge in New Hampshire; or in Arkansas's Cache River Refuge. My question is, why would Congress want to give him the chance?

Vote against the rule. This is a bad bill for the American people.

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

Mr. KUCINICH. Mr. Speaker, first of all, at the appropriate time, I will enter some extraneous information into the RECORD.

Mr. Speaker, it is very clear when we look at what has happened in the last few years where we have had a number of mergers of oil companies, the top five oil companies, I believe, now dominate more than a third of the market. As a result, we see that prices keep increasing as market concentration increases. This is a clear example of what happens when monopolies dominate an economy. We have high prices, and we also have manipulation of supplies, increased profits; and now we have price gouging.

With this manipulation of supply, we are also seeing an attempt today to attack our environmental laws. That puts us in a position where we sacrifice not only the standard of living of many Americans to the oil companies but now we are sacrificing the environment itself.

I think that many Americans are already aware that one of the reasons that we are in Iraq is because of oil. I mean, very few people would dispute that now. There were no weapons of mass destruction, they are not going to have a democracy there, but the administration is preparing to stay there for the long haul, and it is because of oil. Oil is corrupting this government. Oil is costing us peace in the world. Oil is putting us on a path to economic ruin. Oil is dominating this political process right now.

We need to take a new course. We can start with the windfall profits tax, but we have to go beyond that. We need to look at alternative energy, the power of the sun. Sunlight is a disinfectant in many ways, but it is also a powerful energy source. We need wind power, we need geothermal, we need to tap all available technologies to take us in a new direction where the globe itself is not at stake.

What a disgrace it is that we put the lives and the existence of the Gwitchin Indians in Alaska at risk for more oil. What a disgrace it is that we violate people's human rights for more oil. What a disgrace it is that we are not taking a new direction, not just to save the planet, but to save democracy. Vote down the bill.

PUBLIC CITIZEN,
Washington, DC, October 5, 2005.

DEAR REPRESENTATIVE: On Friday, October 7 the House will consider H.R. 3893, the ''Gasoline for America's Security (GAS) Act of 2005.'' This bill takes the approach that environmental laws must be weakened in order to encourage the U.S. refining industry to expand or construct new refining capacity. This is false. The facts clearly show that not only are current environmental laws in place at a time when the refining industry is experiencing record profits, but that recent, fundamental changes to the refining industry—namely recent mergers—have created financial incentives for refineries to encourage tight supplies. Until these market fundamentals—and not environmental rules—are corrected, Americans will continue to be price-gouged by oil companies.

This week, the national average gasoline price hit $2.93/gallon, up 50 percent from a year ago. These prices were well on their way to hitting record highs long before Hurricane Katrina. Oil and gasoline prices were rising long before Hurricane Katrina wreaked havoc. U.S. gasoline prices jumped 14 percent from July 25 to August 22.

The problem is that too few oil companies control too much of the refineries, squelching competition but guaranteeing record profits for the industry.

In 1993, the 5 largest U.S. oil refining companies controlled 34.5 percent of domestic oil refinery capacity; the top 10 companies controlled 55.6 percent. By 2004, the top 5—ConocoPhillips, Valero, ExxonMobil, Shell and BP—controlled 56.3 percent and the top 10 refiners controlled 83 percent. As a result of all of these recent mergers, the largest 5 oil refiners today control more capacity than the largest 10 did a decade ago. This dramatic increase in the control of just the top 5 companies makes it easier for oil companies to manipulate gasoline prices.

The proof is in the numbers. According to the Energy Information Administration, profit margins for U.S. oil refiners have been at record highs. In 1999, U.S. oil refiners made 22.8 cents for every gallon of gasoline refined from crude oil. By 2004, they were making 40.8 cents for every gallon of gasoline refined, a 79 percent jump. And the Washington Post noted that those profit margins have soared even higher in 2005, to 99 cents on each gallon sold, for a more than 300 percent increase since 1999.

It is no coincidence that oil corporation profits—including refining—are enjoying record highs. Since 2001, the largest 5 oil refiners in America have recorded $228 billion in profits.

And will the environmental regulations make it easier to build new refineries? No, because the financial structure of the refining industry is what is prohibiting additional

investment. That's because the industry is making record profits off of the current tight supplies. They have no interest in creating surplus capacity because that will erode their profit margins.

Want proof? Start with the U.S. Federal Trade Commission. In March 2001, FTC concluded in its Midwest Gasoline Price Investigation:

''. . . A significant part of the supply reduction was caused by the investment decisions of three firms . . . One firm increased its summer-grade RFG [reformulated gasoline] production substantially and, as a result, had excess supplies of RFG available and had additional capacity to produce more RFG at the time of the price spike. This firm did sell off some inventoried RFG, but it limited its response because selling extra supply would have pushed down prices and thereby reduced the profitability of its existing RFG sales. An executive of this company made clear that he would rather sell less gasoline and earn a higher margin on each gallon sold than sell more gasoline and earn a lower margin. Another employee of this firm raised concerns about oversupplying the market and thereby reducing the high market prices. A decision to limit supply does not violate the antitrust laws, absent some agreement among firms. Firms that withheld or delayed shipping additional supply in the face of a price spike did not violate the antitrust laws. In each instance, the firms chose strategies they thought would maximize their profits.''

So, that settles it: U.S. oil refineries would rather sell less gasoline and earn bigger profits than flood the market and earn lower profit margins. So gutting environmental laws, as H.R. 3893 proposes, will do nothing to expand refining capacity, but it will reduce public health protections for Americans.

And a May 2004 U.S. Government Accountability Office report agreed with Public Citizen that recent mergers in the oil industry have directly led to higher prices. It is important to note, however, that this GAO report severely underestimates the impact mergers have on prices because their price analysis stops in 2000—long before the mergers that created ChevronTexaco, ConocoPhillips, and Valero-Ultramar/Diamond Shamrock-Premcor.

Rolling back environmental laws will do nothing to lower prices, but it will weaken public health protections for Americans.

Sincerely,

TYSON SLOCUM,
Public Citizen's Energy Program.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, after hearing more prophecies of pessimism, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me this time. I rise, after listening to the last two or three speakers, because we are short of energy in this country because we have locked up our energy. We are short of energy in this country because we have built no refineries to process the oil that we purchase now from Third World countries.

We cannot shut down supply; we cannot shut down our capacity or not increase our capacity with the growing need and not have high prices. When we restrict supply, we give the power to the big companies. When we bring on supply, our market system works, and prices will come down; but then we have to have, we have to have the refineries to refine it.

To not pass this bill today is a tragedy. I am going to support this rule, even though my amendment that I think was very important to open up supply was not allowed to be a part of it.

I want to tell my colleagues, natural gas is an issue that this Congress has to deal with. We have to deal with the supply of oil and gas both. We have to deal with having the capacity to process and provide the products. This winter, home heating oil is going to be in very short supply. In some markets, it will be way higher than others because it is not an even distribution system.

But natural gas is the one thing that we have to deal with this fall, in my view, because natural gas has not doubled; it is 700 percent more. We are going to endanger home heating. We are going to endanger major industries who are natural gas-intensive. We have companies who use it. Polymers, plastics, petrochemicals, fertilizers use natural gas as an ingredient and as a fuel. They cannot afford $14 and $15 natural gas. They will leave American shores.

My brick companies are closing down until it gets less costly. The last plant they are shutting down because they cannot properly make glass and compete with these natural gas prices. It is the one we have where we can be totally self-sufficient in this country on the clean fuel natural gas that fuels our industry, heats our homes, heats our schools, heats our hospitals.

Folks, let us not go home this fall until we deal with natural gas.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. STUPAK) for the purpose of asking a question to the previous speaker.

Mr. STUPAK. Mr. Speaker, the gentleman from Pennsylvania makes a good point, but if you look at today's Washington Post, ''Natural Gas Danger Signs,'' they talk about a 90 percent increase in natural gas. Higher costs threaten our economic growth in U.S. manufacturing. Here is USA Today: ''Staying Warm Costs Up 90 Percent More.''

There is no way you are going to vote for the Barton bill, the main bill, if you believe the price of natural gas is too high. If you believe everything the gentleman from Pennsylvania said, you would vote against the Barton bill, because it does not include natural gas. Only the Democratic substitute, the Stupak-Boucher bill does.

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

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman for yielding me this time and for her leadership.

I rise in strong opposition to this very restrictive rule. Now, we are all touched by the magnitude of the devastation caused by Hurricane Katrina and Hurricane Rita in the gulf coast. The human and environmental costs of these disasters are unimaginable. But as in any catastrophe, there is always somebody waiting in the wings to make a profit off the human misery and suffering. Today, once again, it is the energy companies. This adds insult to injury. We just gave them over $12.8 billion in subsidies and tax breaks 2 months ago, and now they are back asking for more help. Why?

The top 10 energy companies last year made over $125 billion. Why should the American public be subsidizing these megaprofits? Once again, instead of allowing us to take a real stand to address our short-and long-term energy needs, the Committee on Rules has reported a restrictive rule that rejects consideration of many amendments which would have made this bill much better.

Despite a recent survey indicating that 86 percent, 86 percent of Americans favor an increase in fuel economy standards, the Committee on Rules prevented, prevented consideration of the Boehlert-Markey amendment which would do just that. We were prevented from considering the Gas Price Spike Act of 2005 offered as an amendment by the gentleman from Ohio (Mr. KUCINICH), the gentleman from New York (Mr. HINCHEY), the gentleman from Arizona (Mr. GRIJALVA), and myself. It would have discouraged price gouging by implementing a windfall tax on oil and gasoline profits. And we were also prevented from considering the Larson-Slaughter amendment which would have put an end, an end to gasoline price discrimination based on location, creating a free market for gasoline dealers.

Our current energy strategy will only further increase our dependence on foreign oil. We must break this chain by implementing a strategy of energy independence and defeat this giveaway to the oil industry.

Vote for a new strategy, not more of the same. We must oppose this rule and support the Stupak substitute.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, the Republican leadership has done it. They have turned the House of Representatives into a banana republic. We have a bill on the floor today that had no hearings. It had no subcommittee markup. It was rushed through the committee without any attempt to find a compromise.

A few hours ago, in the dark of night, the bill was rewritten. There is not one Member who really understands everything that is in this bill or understands what this bill will really do. But there are dozens of cronies and special interest lobbyists smiling this morning because they know the fix is in.

The Republican leadership is so scared of open debate and the democratic process that they will not allow the bill's provisions to be debated or amended. They only will permit one amendment to one of the most anti-environmental, backward, and intellectually dishonest bills that has ever come before the House. And that may not be the worst of it, because the Republican leadership is trying to do all of this in the name of Katrina.

America watched with horror as this hurricane struck. The damage was immense, and so was our responsibility in Congress to do all we can to help those who have been displaced rebuild their lives. But that is what makes this legislation so shameful. At a time of desperate need and profound responsibility, the response of Washington Republicans is crass opportunism.

The bill will not help a single victim of Katrina. It will do nothing to help lower gas prices. Instead, Washington Republicans are using the devastation caused by the hurricanes to stampede Congress into undermining our environmental laws.

Exploitation is an ugly word, but that is what this is. I would urge Members to vote against the rule and, more importantly, vote against this bill. It is a shameful piece of legislation. It is the legislative equivalent of price gouging, and the American people deserve better, and we can do better.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Speaker, I hope the American people are watching this debate; and if they are watching this debate on TV, I hope they have a video recorder, because they need to record this debate.

When you are talking in your church or in your home or where you work about high fuel prices, you can play this and let people see why we have the prices that we have right now; why they are going to be paying more for home heating oil; why they are paying more for gasoline, because this side of the aisle over here does not understand the problems that we have in this country.

Play it; listen to it. You are an individual out there. You can car pool if you want to. If you want to buy a car that gets 50 miles to the gallon, they make them every day. You can go buy them by the hundreds. If you want to buy a car that gets 10 miles to the gallon, that is up to you. You are an individual, and you have individual responsibilities.

Let us quit blaming the people who are trying to be leaders in this country and put us on the right track for an energy policy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would advise Members to address their remarks to the Chair and not to guests in the gallery or the television audience.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentlewoman from New York (Ms. SLAUGHTER) has 1½ minutes remaining. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 2 minutes remaining.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. BARTON), the author of the legislation.

Mr. BARTON of Texas. Mr. Speaker, I want to try to respond to some of the comments that have been made. One comment that has been made is that the U.S. oil companies somehow control the market. We consume 21 million barrels a day of oil in this country. We only produce 8 million barrels a day. We import 1 million to 2 million barrels a day from Saudi Arabia. We import a million barrels a day from Venezuela. We import a half a million barrels a day from Libya. We import some oil, believe it or not, from Iraq. We import a million barrels a day from Mexico.

One thing the U.S. oil companies do not do is control the market. They do accept a world market price. The reason the price of oil is high is because the world is using about 84 million barrels of oil a day and the world is producing about 84 million barrels of oil a day.

□ 1030

Economies like China and India are growing at 2 to 3 to 4 to 5 percent a year. The amount of oil that China is going to need from the world market in the next year is expected to go up perhaps as much as a million barrels a day. So that is one reason the oil prices are high.

The gentleman from Michigan (Mr. STUPAK) comments that his price gouging amendment does something on natural gas. That is true. I would like to point out that every State PUC in the country already regulates the retail price of natural gas, so in that particular instance, I am not sure that his amendment would do much good. The pending bill does have a provision to get information from the gathering systems, the Gulf of Mexico for natural gas production, which is something that we do not have under current law.

With that I would just ask us to vote for the rule.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, this is an important piece of legislation that the gentleman from Texas (Mr. BARTON) has brought forward today. I urge support of the rule. I urge that we reject the arguments we have heard from the prophets of pessimism. This is an important piece of legislation to keep the economy's infrastructure in place for sustained economic growth and for the lifestyle that this great Nation has become accustomed to, and so we would ask all colleagues to support the underlying legislation as well as the rule.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to express my disappointment and opposition to the Rule regarding H.R. 3893.

The Gasoline Security Act, as reported by the Committee on Energy and Commerce, includes language that takes away States' rights to have State decisions on Clean Water Act permits and water quality related to the placement of refineries and pipelines decided in State courts. Instead, the Gasoline Security Act overturns 33 years of successful State/Federal partnership and forces States to defend their actions in the U.S. Court of Appeals for the District of Columbia.

In the absence of this provision, challenges to State decisions would be brought in State courts as they always have.

The Gasoline Security Act dilutes State authority to protect water quality. I offered an amendment that would have prevented this dilution; unfortunately it was not make in order.

Section 401 of the Clean Water Act requires that before any Federal permit or license is issued that could result in a discharge into the State's waters, the State in which the discharge would occur must issue a certification that the proposed activity is consistent with the State's water quality standards.

Such a certification must be issued within a reasonable time (not more than one year), and if the certification is denied, the Federal permit or license may not be issued.

This authority is the States' ability to ensure a role in Federally-permitted activity within the State's borders.

The provisions contained in both the refinery and pipeline titles of the Gasoline Security Act are modeled on a similar provision in the recently enacted Energy Policy Act. This language was inserted in response to a specific case in Connecticut where the business community wanted to construct a pipeline over State and public objections.

The proponents of the pipeline believe that Federal courts will be less deferential to Connecticut's position in denying the water quality certification. In fact, less than two hours after President Bush signed the Energy Policy Act, Islander East Pipeline Co. went to the Federal Appeals Court seeking to overturn Connecticut's decision.

I urge my colleagues and members of the Rules Committee to help stop the trampling of the States' rights to defend the quality of the environment and public health by making in order my amendment to modify these provisions from H.R. 3893.

Mr. LINCOLN DIAZ-BALART of Florida. 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 SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 481 will be followed by a 5-minute vote on approval of the Journal.

The vote was taken by electronic device, and there were—yeas 216, nays 201, not voting 16, as follows:

[Roll No. 515]

YEAS—216

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

NAYS—201

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

NOT VOTING—16

Beauprez
Boswell
Clay
Deal (GA)
Delahunt
Fitzpatrick (PA)
Hastings (FL)
Neal (MA)
Norwood
Olver
Payne
Poe
Royce
Schwarz (MI)
Simmons
Young (AK)

□ 1055

Messrs. CARNAHAN, WYNN and KENNEDY of Rhode Island changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the title is amended to conform to the number of the bill reflected in the text.

There was no objection.

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. 1858. An act to provide for community disaster loans.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal on which the yeas and nays are ordered.

The question is on agreeing to the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 348, nays 63, not voting 22, as follows:

[Roll No. 516]

YEAS—348

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matsui
McCaul (TX)
McCollum (MN)
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave

Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
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)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (FL)

NAYS—63

Ackerman
Baird
Baldwin
Barrow
Berry
Brady (PA)
Capuano
Chandler
Costello
Davis (KY)
DeFazio
English (PA)
Evans
Filner
Fossella
Graves
Gutknecht
Hefley
Hinchey
Holt
Israel
Kennedy (MN)
Kucinich
Larsen (WA)
Larson (CT)
Latham
LoBiondo
Lynch
Maloney
Markey
Marshall
Matheson
McCarthy
McCotter
McDermott
McNulty
Miller, George
Moran (KS)
Oberstar
Ramstad
Sabo
Sanchez, Loretta
Schakowsky
Shuster
Slaughter
Stark
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson
Weller
Whitfield
Wu

NOT VOTING—22

Andrews
Beauprez
Boswell
Clay
Deal (GA)
Delahunt
Edwards
Fitzpatrick (PA)
Hastings (FL)
Lewis (CA)
Linder
Melancon
Neal (MA)
Norwood
Olver
Payne
Poe
Royce
Schwarz (MI)
Simmons
Wexler
Young (AK)

□ 1103

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SIMMONS. Mr. Speaker, I was regrettably delayed in a meeting at the Pentagon, and was unable to be on the House Floor for rollcall votes 515 and 516.

Had I been present, I would have voted "yea" on rollcall 515, the rule providing for consideration of the bill H.R. 3893 and "yea" on rollcall 516, approving the Journal.

GASOLINE FOR AMERICA'S SECURITY ACT OF 2005

Mr. BARTON of Texas. Mr. Speaker, pursuant to House Resolution 481, I call up the bill (H.R. 3893) to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 481, the bill is considered read.

The text of the bill is as follows:

H.R. 3893

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 "Gasoline for America's Security Act of 2005".

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—INCREASING REFINERY CAPACITY

Sec. 101. State participation and presidential designation.
Sec. 102. Process coordination and rules of procedure.
Sec. 103. Refinery revitalization repeal.
Sec. 104. Standby support for refineries.
Sec. 105. Military use refinery.
Sec. 106. New source review under Clean Air Act.
Sec. 107. Waiver authority for extreme fuel supply emergencies.
Sec. 108. List of fuel blends.
Sec. 109. Attainment dates for downwind ozone nonattainment areas.
Sec. 110. Northwest crude oil supply.
Sec. 111. Discounted sales of royalty-in-kind oil to qualified small refineries.
Sec. 112. Study and Report Relating to Streamlining Paperwork Requirements.

TITLE II—INCREASING DELIVERY INFRASTRUCTURE

Sec. 201. Process coordination; hearings; rules of procedure.
Sec. 202. Issuance of Commission order.
Sec. 203. Backup power capacity.
Sec. 204. Sunset of loan guarantees.
Sec. 205. Offshore gathering pipelines.
Sec. 206. Savings clause.

TITLE III—CONSERVATION

Sec. 301. Department of Energy carpooling and vanpooling program.
Sec. 302. Evaluation and assessment of carpool and vanpool projects.
Sec. 303. Internet utilization.
Sec. 304. Fuel consumption education campaign.

TITLE IV—GASOLINE PRICE REFORM

Sec. 401. FTC investigation on price-gouging.
Sec. 402. FTC study of petroleum prices on exchange.

TITLE V—STRATEGIC PETROLEUM RESERVE

Sec. 501. Strategic Petroleum Reserve capacity.
Sec. 502. Strategic petroleum reserve sale.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) No new refinery has been constructed in the United States since 1976. There are 148 operating refineries in the United States, down from 324 in 1981. Refined petroleum product imports are currently projected to grow from 7.9 percent to 10.7 percent of total refined product by 2025 to satisfy increasing demand.

(2) While the number of American refineries in operation has reduced over the last 20 years, much of the resulting lost capacity has been replaced by gains from more efficient refineries.

(3) Hurricanes Katrina and Rita substantially disrupted petroleum production, refining, and pipeline systems in the Gulf Coast region, impacting energy prices and supply nationwide. In the immediate aftermath of Katrina alone, United States refining capacity was reduced by more than 2,000,000 barrels per day. However, before Hurricanes Katrina and Rita, United States refining capacity was already significantly strained by increased levels of production, with industry average utilization rates of 95 percent of capacity or higher.

(4) It serves the national interest to increase refinery capacity for gasoline, heating oil, diesel fuel, and jet fuel wherever located within the United States, to bring more reliable and economic supply to the American people.

(5) According to economic analysis, households are conservatively estimated to spend an average of $1,948 this year on gasoline, up 45 percent from 3 years ago, and households with incomes under $15,000 (⅕ of all households) this year will spend, on average, more than 1/10 of their income just on gasoline.

(6) According to economic analysis, rural Americans will spend $2,087 on gasoline this year. Rural Americans are paying an estimated 22 percent more for gasoline than their urban counterparts because they must drive longer distances.

(7) A growing reliance on foreign sources of refined petroleum products impairs our national security interests and global competitiveness.

(8) Refiners are subject to significant environmental and other regulations and face several new Clean Air Act requirements over the next decade. New Clean Air Act requirements will benefit the environment but will also require substantial capital investment and additional government permits. These new requirements increase business uncertainty and dissuade investment in new refinery capacity.

(9) There is currently a lack of coordination in permitting requirements and other regulations affecting refineries at the Federal, State, and local levels. There is no consistent national permitting program for refineries, compared with the Federal Energy Regulatory Commission's lead agency role over interstate natural gas pipelines, liquefied natural gas, and hydroelectric power and the Nuclear Regulatory Commission's role over nuclear plant licensing. More regulatory certainty and coordination is needed for refinery owners to stimulate investment in increased refinery capacity.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the Environmental Protection Agency;

(2) the term "refinery" means a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or other fuel; and

(3) the term "Secretary" means the Secretary of Energy.

TITLE I—INCREASING REFINERY CAPACITY

SEC. 101. STATE PARTICIPATION AND PRESIDENTIAL DESIGNATION.

(a) FEDERAL-STATE REGULATORY COORDINATION AND ASSISTANCE.—

(1) GOVERNOR'S REQUEST.—The governor of a State may submit a request to the Secretary for the application of process coordination and rules of procedure under section 102 to the siting, construction, expansion, or operation of any refinery in that State.

(2) STATE ASSISTANCE.—The Secretary and the Administrator are authorized to provide financial assistance to State governments to facilitate the hiring of additional personnel with expertise in fields relevant to consideration of applications to site, construct, expand, or operate any refinery in that State.

(3) OTHER ASSISTANCE.—The Secretary and the Administrator shall provide technical, legal, or other assistance to State governments to facilitate their review of applications to site, construct, expand, or operate any refinery in that State.

(b) PRESIDENTIAL DESIGNATION.—

(1) REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the President shall designate sites on Federal lands, including closed military installations, that are appropriate for the purposes of siting a refinery. Any such designation may be based on an analysis of—

(A) the availability of crude oil supplies to the site, including supplies from domestic production of shale oil and tar sands and other strategic unconventional fuels;

(B) the distribution of the Nation's refined petroleum product demand;

(C) whether such sites are in close proximity to substantial pipeline infrastructure, including both crude and refined petroleum product pipelines, and potential infrastructure feasibility;

(D) the need to diversify the geographical location of the Nation's domestic refining capacity;

(E) the effect that increased refined petroleum products from a refinery on that site may have on the price and supply of gasoline to consumers;

(F) national defense; and

(G) such other factors as the President considers appropriate.

(2) MILITARY INSTALLATIONS.—Among the sites designated pursuant to this subsection, the President shall designate no less than 3 military installations closed pursuant to a base closure law (as defined in section 101(a)(17) of title 10, United States Code), as suitable for the construction of a refinery. Until the expiration of 2 years after the date of enactment of this Act, the Federal Government shall not sell or otherwise dispose of the military installations designated pursuant to this subsection.

(c) APPLICABILITY.—Section 102 shall only apply to refineries sited or proposed to be sited or expanded or proposed to be expanded—

(1) in a State whose governor has requested applicability of such section pursuant to subsection (a) of this section; or

(2) on a site designated by the President under subsection (b).

(d) DEFINITION.—For purposes of this section—

(1) the term ''Federal lands'' means all land owned by the United States, except that such term does not include land—

(A) within the National Park System;

(B) within the National Wilderness Preservation System; and

(C) designated as a National Monument; and

(2) the term ''State'' means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 102. PROCESS COORDINATION AND RULES OF PROCEDURE.

(a) DEFINITION.—For purposes of this section and section 105, the term ''Federal refinery authorization''—

(1) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(2) includes any permits, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery.

(b) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—The Department of Energy shall act as the lead agency for the purposes of coordinating all applicable Federal refinery authorizations and related environmental reviews with respect to a refinery.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Secretary and comply with the deadlines established by the Secretary.

(c) SCHEDULE.—

(1) SECRETARY'S AUTHORITY TO SET SCHEDULE.—The Secretary shall establish a schedule for all Federal refinery authorizations with respect to a refinery. In establishing the schedule, the Secretary shall—

(A) ensure expeditious completion of all such proceedings; and

(B) accommodate the applicable schedules established by Federal law for such proceedings.

(2) FAILURE TO MEET SCHEDULE.—If a Federal or State administrative agency or official does not complete a proceeding for an approval that is required for a Federal refinery authorization in accordance with the schedule established by the Secretary under this subsection, the applicant may pursue remedies under subsection (e).

(d) CONSOLIDATED RECORD.—The Secretary shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Secretary or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization. Such record shall be the record for judicial review under subsection (e) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Secretary for further development of the consolidated record.

(e) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States Court of Appeals for the District of Columbia shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order or action, related to a Federal refinery authorization, by a Federal or State administrative agency or official; and

(B) an alleged failure to act by a Federal or State administrative agency or official acting pursuant to a Federal refinery authorization.

The failure of an agency or official to act on a Federal refinery authorization in accordance with the Secretary's schedule established pursuant to subsection (c) shall be considered inconsistent with Federal law for the purposes of paragraph (2) of this subsection.

(2) COURT ACTION.—If the Court finds that an order or action described in paragraph (1)(A) is inconsistent with the Federal law governing such Federal refinery authorization, or that a failure to act as described in paragraph (1)(B) has occurred, and the order, action, or failure to act would prevent the siting, construction, expansion, or operation of the refinery, the Court shall remand the proceeding to the agency or official to take appropriate action consistent with the order of the Court. If the Court remands the order, action, or failure to act to the Federal or State administrative agency or official, the Court shall set a reasonable schedule and deadline for the agency or official to act on remand.

(3) SECRETARY'S ACTION.—For any civil action brought under this subsection, the Secretary shall promptly file with the Court the consolidated record compiled by the Secretary pursuant to subsection (d).

(4) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

(5) ATTORNEY'S FEES.—In any action challenging a Federal refinery authorization that has been granted, reasonable attorney's fees and other expenses of litigation shall be awarded to the prevailing party. This paragraph shall not apply to any action seeking remedies for denial of a Federal refinery authorization or failure to act on an application for a Federal refinery authorization.

SEC. 103. REFINERY REVITALIZATION REPEAL.

Subtitle H of title III of the Energy Policy Act of 2005 and the items relating thereto in the table of contents of such Act are repealed.

SEC. 104. STANDBY SUPPORT FOR REFINERIES.

(a) DEFINITION.—For purposes of this section, the term ''authorization'' means any authorization or permit required under State or Federal law.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary may enter into contracts under this section with non-Federal entities that the Secretary determines, at the sole discretion of the Secretary, to be the first non-Federal entities to enter into firm contracts after the date of enactment of this Act to construct new refineries in the United States or refurbish and return to commercial operation existing but nonoperating refineries in the United States. The Secretary may enter into contracts under this section with respect to new refineries or refurbished refineries that add a total of no more than 2,000,000 barrels per day of refining capacity to the refining capacity of the United States as in existence on the date of enactment of this Act.

(2) CONDITIONS.—Except as provided in paragraphs (4) and (5), under a contract authorized under paragraph (1), the Secretary shall pay to the non-Federal entity the costs specified in paragraph (3), using funds deposited in the Standby Refinery Support Account established under subsection (c), if—

(A) the non-Federal entity has substantially completed construction of the new refinery or the refurbished refinery and the initial commercial operation of the new refinery or of the refurbished refinery is delayed because of—

(i) litigation that could not have been reasonably foreseen by the non-Federal entity at the time the non-Federal entity entered into the firm contract to construct; or

(ii) a failure of an agency of the Federal Government or of a State government to grant an authorization within a period specified in the contract authorized by this section; or

(B) the throughput level of commercial operation of the new or refurbished refinery is substantially reduced due to—

(i) State or Federal law or regulations enacted or implemented after the firm contract was entered into; or

(ii) litigation, that could not have been reasonably foreseen by the non-Federal entity, disputing actions taken by the non-Federal entity to conform with and satisfy Federal law or regulations enacted or implemented after the firm contract was entered into.

(3) COVERED COSTS.—Under a contract authorized under this section, the Secretary shall pay—

(A) in the case of a delay described in paragraph (2)(A), all costs of the delay in the initial commercial operation of a new refining or a refurbished refinery, including the principal or interest due on any debt obligation of the new refinery or of the refurbished refinery during the delay, and any consequential damages; and

(B) in the case of a substantial reduction described in paragraph (2)(B), all costs necessary to offset the costs of the reduced throughput and the costs of complying with the new State or Federal law or regulations.

(4) COSTS NOT COVERED.—The Secretary shall not enter into a contract under this section that would obligate the Secretary to pay any costs resulting from—

(A) except as provided in paragraph (3)(B), a failure of the non-Federal entity to take any action required by law or regulation; or

(B) events within the control of the non-Federal entity.

(5) DEPOSIT.—The Secretary shall not enter into a contract authorized under this section until the Secretary has deposited into the Standby Refinery Support Account amounts sufficient to cover the costs specified in paragraph (3).

(c) STANDBY REFINERY SUPPORT ACCOUNT.—There is established in the Treasury an account known as the Standby Refinery Support Account. The Secretary shall deposit into this account amounts appropriated, in advance of entering into a contract authorized by this section, to the Secretary for the purpose of carrying out this section and payments paid to the Secretary by any non-Federal source for the purpose of carrying out this section. The Secretary may receive and accept payments from any non-Federal source, and amounts deposited into the account, whether appropriated or received from a non-Federal source, shall be available to the Secretary, without further appropriation, for the payment of the costs specified in subsection (b)(3).

(d) REGULATIONS.—The Secretary may issue regulations necessary or appropriate to carry out this section.

(e) REPORTS.—The Secretary shall file with Congress annually a report of the Secretary's activities under this section and the activities of the non-Federal entity under any contract entered into under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section.

(g) APPLICABILITY.—This section shall only apply to refineries sited or proposed to be sited—

(1) in a State whose governor has requested applicability of this section; or

(2) on a site designated by the President under section 101(a).

SEC. 105. MILITARY USE REFINERY.

(a) AUTHORIZATION.—The President may authorize the design of, obtain all necessary Federal refinery authorizations for, acquire an appropriate site for, and authorize the construction and operation of a refinery for the purpose of manufacturing petroleum products for consumption by the Armed Forces of the United States. A refinery constructed under this section shall be located at a site designated by the President under section 101(b).

(b) SOLICITATION FOR DESIGN AND CONSTRUCTION.—The President shall solicit proposals for the design and construction of a refinery under this section. In selecting a proposal under this subsection, the President shall consider—

(1) the ability of the applicant to undertake and complete the project;

(2) the extent to which the applicant's proposal serves the purposes of the project; and

(3) the ability of the applicant to best satisfy the criteria set forth in subsection (c).

(c) REFINERY CRITERIA.—A refinery constructed under this section shall meet or exceed the industry average for—

(1) construction efficiencies; and

(2) operational efficiencies, including cost efficiencies.

(d) OPERATION.—When all design, Federal refinery authorization, acquisition, and construction activities are completed with respect to a refinery under this section, the President shall offer for sale or lease the rights to operate such refinery. If the President is unable to sell or lease the right to operate the refinery, it shall be operated by the Federal Government.

(e) USE OF PRODUCTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), all petroleum products manufactured at a refinery constructed under this section shall be for use by the Armed Forces of the United States.

(2) EXCEPTION.—The Secretary of Energy, at the direction of the President, may sell any portion of the petroleum products manufactured at the refinery that are not needed for the purposes described in paragraph (1) in private markets at the products' fair market value.

SEC. 106. NEW SOURCE REVIEW UNDER CLEAN AIR ACT.

(a) RULEMAKING.—Considering the devastation brought about by the recent natural disasters, and the adverse impact of such disasters on the United States energy markets, including both the availability and the price of energy, the Administrator shall initiate a rulemaking, to issue guidance, and to take all other appropriate steps to reform, as expeditiously as practicable, the New Source Review programs under title I, parts C and D of the Clean Air Act. Taking into account the urgent need to increase the efficiency and availability and to improve the reliability of the energy supply to consumers and industrial sources, and to secure a decrease in energy prices, the Administrator, in undertaking these reform efforts, should utilize and draw upon the maximum legal flexibility available under existing law, in order to enable energy industry facilities, including, but not limited to, refineries, electric power generating stations, and compressor stations, to undertake without hindrance, promptly and in the least-cost manner, projects to maintain, to restore, and to improve the efficiency, the reliability, or the availability of such facilities.

(b) DEFINITION.—Section 302 of the Clean Air Act (42 U.S.C. 7602) is amended by adding the following new subsection at the end thereof:

''(aa) PHYSICAL CHANGE, OR CHANGE IN THE METHOD OF OPERATION OF EXISTING EMISSIONS UNIT.—For purposes of parts C and D of this title, the term 'physical change, or change in the method of operation of,' as applied to an existing emissions unit, means a 'modification' as defined in paragraphs (a), (b), (c), (e), and (h) of title 40 of the Code of Federal Regulations, section 60.14 (as in effect on September 22, 2005), except that paragraph (h) shall apply to all industrial categories and paragraph (e)(1) shall include all repairs and replacements covered by section 51.166(y) of title 40 of the Code of Federal Regulations (as in effect on December 31, 2004).''.

SEC. 107. WAIVER AUTHORITY FOR EXTREME FUEL SUPPLY EMERGENCIES.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating the second clause (v) as clause (viii);

(2) by redesignating clause (v) as clause (vii);

(3) by inserting after clause (iv) the following:

''(v)(I) For the purpose of alleviating an extreme and unusual fuel or fuel additive supply emergency resulting from a natural disaster, the President, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy—

''(aa) may temporarily waive any control or prohibition respecting the use of a fuel or fuel additive required by this section; and

''(bb) may preempt and temporarily waive any related or equivalent control or prohibition respecting the use of a fuel or fuel additive prescribed by a State or local statute or regulation, including any such requirement in a State implementation plan.

''(II) The effective period of a waiver under this clause shall be the time period necessary to permit the correction of the extreme and unusual fuel or fuel additive supply emergency caused by the natural disaster.''; and

(4) by inserting after clause (v) (as inserted by paragraph (3)) the following:

''(vi) A State shall not be subject to any finding, disapproval, or determination by the Administrator under section 179, no person may bring an action against a State or the Administrator under section 304, and the Administrator shall not take any action under section 110(c) to require the revision of an applicable implementation plan, because of any emissions attributable to a waiver granted by the Administrator under clause (ii) or by the President under clause (v).''.

SEC. 108. LIST OF FUEL BLENDS.

(a) LIST OF BLENDS.—Section 211(c)(4)(C)(viii) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)(viii)), as so redesignated by section 107(1) of this Act, is amended—

(1) by striking subclauses (I) through (V);

(2) by redesignating subclause (VI) as subclause (V); and

(3) by inserting the following before subclause (V), as so redesignated by paragraph (2) of this subsection:

''(I) The Administrator, in coordination with the Secretary of Energy (hereinafter in this clause referred to as the 'Secretary'), shall identify and publish in the Federal Register, within 12 months after the enactment of this subclause and after notice and opportunity for public comment, a list of 6 gasoline and diesel fuel blends to be used in States that have not received a waiver under section 209(b) of this Act or any State dependent on refineries in such State for gasoline or diesel fuel supplies. The list shall be referred to as the 'Federal Fuels List' and shall include one Federal diesel fuel, one alternative diesel fuel blend approved under this subparagraph before enactment of this subclause, one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 additional gasoline blends with Reid vapor pressure (RVP) controls for use in ozone nonattainment areas of varying degrees of severity. None of the fuel blends identified under this subclause shall control fuel sulfur or toxics levels beyond levels required by regulations of the Administrator.

''(II) Gasoline and diesel fuel blends shall be included on the Federal Fuels List based on the Administrator's analysis of their ability to reduce ozone emissions to assist States in attaining established ozone standards under this Act, and on an analysis by

the Secretary that the adoption of the Federal Fuels List will not result in a reduction in supply or in producibility, including that caused by a reduction in domestic refining capacity triggered by this clause. In the event the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility, the Administrator and the Secretary shall report that conclusion to Congress, and suspend implementation of this clause. The Administrator and the Secretary shall conduct the study required under section 1541(c) of the Energy Policy Act of 2005 on the timetable required in that section to provide Congress with legislative recommendations for modifications to the proposed Federal Fuels List only if the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility.

''(III) Upon publication of the Federal Fuels List, the Administrator shall have no authority, when considering a State implementation plan or State implementation plan revision, to approve under this subparagraph any fuel included in such plan or plan revision if the fuel proposed is not one of the fuels included on the Federal Fuels List; or to approve such plan or revision unless, after consultation with the Secretary, the Administrator publishes in the Federal Register, after notice and opportunity for public comment, a finding that, in the Administrator's judgment, such revisions to newly adopt one of the fuels included on the Federal Fuels List will not cause fuel supply or distribution interruptions or have a significant adverse impact on fuel producibility in the affected area or contiguous area. The Administrator's findings shall include an assessment of reasonably foreseeable supply distribution emergencies that could occur in the affected area or contiguous area and how adoption of the particular fuel revision would effect supply opportunities during reasonably foreseeable supply distribution emergencies.

''(IV) The Administrator, in consultation with the Secretary, shall develop a plan to harmonize the currently approved fuel blends in State implementation plans with the blends included on the Federal Fuels List and shall promulgate implementing regulations for this plan not later than 18 months after enactment of this subclause. This harmonization shall be fully implemented by the States by December 31, 2008.''.

(b) STUDY.—Section 1541(c)(2) of the Energy Policy Act of 2005 is amended to read as follows:

''(2) FOCUS OF STUDY.—The primary focus of the study required under paragraph (1) shall be to determine how to develop a Federal fuels system that maximizes motor fuel fungibility and supply, preserves air quality standards, and reduces motor fuel price volatility that results from the proliferation of boutique fuels, and to recommend to Congress such legislative changes as are necessary to implement such a system. The study should include the impacts on overall energy supply, distribution, and use as a result of the legislative changes recommended. The study should include an analysis of the impact on ozone emissions and supply of a mandatory reduction in the number of fuel blends to 6, including one Federal diesel fuel, one alternative diesel fuel blend, one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 additional gasoline blends with Reid vapor pressure (RVP) controls for use in ozone nonattainment areas of varying degrees of severity.''.

SEC. 109. ATTAINMENT DATES FOR DOWNWIND OZONE NONATTAINMENT AREAS.

Section 181 of the Clean Air Act (42 U.S.C.7511) is amended by adding the following new subsection at the end thereof:

''(d) EXTENDED ATTAINMENT DATE FOR CERTAIN DOWNWIND AREAS.—

''(1) DEFINITIONS.—

''(A) The term 'upwind area' means an area that—

''(i) affects nonattainment in another area, hereinafter referred to as a downwind area; and

''(ii) is either—

''(I) a nonattainment area with a later attainment date than the downwind area, or

''(II) an area in another State that the Administrator has found to be significantly contributing to nonattainment in the downwind area in violation of section 110(a)(2)(D) and for which the Administrator has established requirements through notice and comment rulemaking to eliminate the emissions causing such significant contribution.

''(B) The term 'current classification' means the classification of a downwind area under this section at the time of the determination under paragraph.

''(2) EXTENSION.—Notwithstanding the provisions of subsection (b)(2) of this section, a downwind area that is not in attainment within 18 months of the attainment deadline required under this section may seek an extension of time to come into attainment by petitioning the Administrator for such an extension. If the Administrator—

''(A) determines that any area is a downwind area with respect to a particular national ambient air quality standard for ozone;

''(B) approves a plan revision for such area as provided in paragraph (3) prior to a reclassification under subsection (b)(2)(A); and

''(C) determines that the petitioning downwind area has demonstrated that it is affected by transport from an upwind area to a degree that affects the area's ability to attain,

the Administrator, in lieu of such reclassification, may extend the attainment date for such downwind area for such standard in accordance with paragraph (5).

''(3) APPROVAL.—In order to extend the attainment date for a downwind area under this subsection, the Administrator may approve a revision of the applicable implementation plan for the downwind area for such standard that—

''(A) complies with all requirements of this Act applicable under the current classification of the downwind area, including any requirements applicable to the area under section 172(c) for such standard;

''(B) includes any additional measures needed to demonstrate attainment by the extended attainment date provided under this subsection, and provides for implementation of those measures as expeditiously as practicable; and

''(C) provides appropriate measures to ensure that no area downwind of the area receiving the extended attainment date will be affected by transport to a degree that affects the area's ability to attain, from the area receiving the extension.

''(4) PRIOR RECLASSIFICATION DETERMINATION.—If, after April 1, 2003, and prior to the time the 1-hour ozone standard no longer applies to a downwind area, the Administrator made a reclassification determination under subsection (b)(2)(A) for such downwind area, and the Administrator approves a plan consistent with subparagraphs (A) and (B) for such area, the reclassification shall be withdrawn and, for purposes of implementing the 8-hour ozone national ambient air quality standard, the area shall be treated as if the reclassification never occurred. Such plan must be submitted no later than 12 months following enactment of this subsection—

''(A) the plan revision for the downwind area complies with all control and planning requirements of this Act applicable under the classification that applied immediately prior to reclassification, including any requirements applicable to the area under section 172(c) for such standard; and

''(B) the plan includes any additional measures needed to demonstrate attainment no later than the date on which the last reductions in pollution transport that have been found by the Administrator to significantly contribute to nonattainment are required to be achieved by the upwind area or areas.

The attainment date extended under this paragraph shall provide for attainment of such national ambient air quality standard for ozone in the downwind area as expeditiously as practicable but no later than the end of the first complete ozone season following the date on which the last reductions in pollution transport that have been found by the Administrator to significantly contribute to nonattainment are required to be achieved by the upwind area or areas.

''(5) EXTENDED DATE.—The attainment date extended under this subsection shall provide for attainment of such national ambient air quality standard for ozone in the downwind area as expeditiously as practicable but no later than the new date that the area would have been subject to had it been reclassified under subsection (b)(2).

''(6) RULEMAKING.—Within 12 months after the enactment of this subsection, the Administrator shall, through notice and comment, promulgate rules to define the term 'affected by transport to a degree that affects an areas ability to attain' in order to ensure that downwind areas are not unjustly penalized, and for purposes of paragraphs (2) and (3) of this subsection.''.

SEC. 110. NORTHWEST CRUDE OIL SUPPLY.

Section 5(b) of the Act entitled ''An Act to authorize appropriations for fiscal year 1978 to carry out the Marine Mammal Protection Act of 1972'', enacted October 18, 1977 (Public Law 95–136) is amended by striking ''for consumption in the State of Washington''.

SEC. 111. DISCOUNTED SALES OF ROYALTY-IN-KIND OIL TO QUALIFIED SMALL REFINERIES.

(a) REQUIREMENT.—The Secretary of the Interior shall issue and begin implementing regulations by not later than 60 days after the date of the enactment of this Act, under which the Secretary of the Interior shall charge a discounted price in any sale to a qualified small refinery of crude oil obtained by the United States as royalty-in-kind.

(b) AMOUNT OF DISCOUNT.—The regulations shall provide that the amount of any discount applied pursuant to this section in any sale of crude oil to a qualified small refinery—

(1) shall reflect the actual costs of transporting such oil from the point of origin to the qualified small refinery; and

(2) shall not exceed $4.50 per barrel of oil sold.

(c) TERMINATION OF DISCOUNT.—This section and any regulations issued under this section shall not apply on and after any date on which the Secretary of Energy determines that United States domestic refining capacity is sufficient.

(d) QUALIFIED SMALL REFINERY.—In this section the term ''qualified small refinery'' means a refinery of a small business refiner (as that term is defined in section 45H(c)(1) of the Internal Revenue Code of 1986) that demonstrates to the Secretary of the Interior that it had unused crude oil processing capacity in 2004.

SEC. 112. STUDY AND REPORT RELATING TO STREAMLINING PAPERWORK REQUIREMENTS.

(a) STUDY.—The Administrator of the Environmental Protection Agency shall study

ways to streamline the paperwork requirements associated with title V of the Clean Air Act and corresponding requirements under State laws, particularly with regard to States that have more stringent requirements than the Federal Government in this area.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator shall report to Congress the results of the study made under subsection (a), together with recommendations on how to streamline those paperwork requirements.

TITLE II—INCREASING DELIVERY INFRASTRUCTURE

SEC. 201. PROCESS COORDINATION; HEARINGS; RULES OF PROCEDURE.

(a) DEFINITIONS.—For purposes of this title—

(1) the term ''Commission'' means the Federal Energy Regulatory Commission; and

(2) the term ''Federal pipeline authorization''—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a crude oil or refined petroleum product pipeline facility in interstate commerce; and

(B) includes any permits, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a crude oil or refined petroleum product pipeline facility in interstate commerce.

(b) COMMISSION AUTHORIZATION REQUIRED.—

(1) REQUIREMENT.—No person shall site, construct, expand, or operate a crude oil or refined petroleum product pipeline facility in interstate commerce without an order from the Commission authorizing such action.

(2) NOTICE AND HEARING.—Upon the filing of an application to site, construct, expand, or operate a crude oil or refined petroleum product pipeline facility in interstate commerce, the Commission shall—

(A) set the matter for hearing;

(B) give reasonable notice of the hearing to all interested persons;

(C) decide the matter in accordance with this title; and

(D) issue or deny the appropriate order accordingly.

(c) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—The Commission shall act as the lead agency for the purposes of coordinating all applicable Federal pipeline authorizations and for the purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a crude oil or refined petroleum product pipeline facility.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide Federal pipeline authorization shall cooperate with the Commission and comply with the deadlines established by the Commission.

(d) SCHEDULE.—

(1) COMMISSION'S AUTHORITY TO SET SCHEDULE.—The Commission shall establish a schedule for all Federal pipeline authorizations with respect to a crude oil or refined petroleum product pipeline facility. In establishing the schedule, the Commission shall—

(A) ensure expeditious completion of all such proceedings; and

(B) accommodate the applicable schedules established by Federal law for such proceedings.

(2) FAILURE TO MEET SCHEDULE.—If a Federal or State administrative agency or official does not complete a proceeding for an approval that is required for a Federal pipeline authorization in accordance with the schedule established by the Commission under this subsection, the applicant may pursue remedies under subsection (f).

(e) CONSOLIDATED RECORD.—The Commission shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Commission or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal pipeline authorization. Such record shall be the record for judicial review under subsection (f) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Commission for further development of the consolidated record.

(f) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States Court of Appeals for the District of Columbia shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order or action related to a Federal pipeline authorization by a Federal or State administrative agency or official; and

(B) an alleged failure to act by a Federal or State administrative agency or official acting pursuant to a Federal pipeline authorization.

The failure of an agency or official to act on a Federal pipeline authorization in accordance with the Commission's schedule established pursuant to subsection (d) shall be considered inconsistent with Federal law for the purposes of paragraph (2) of this subsection.

(2) COURT ACTION.—If the Court finds that an order or action described in paragraph (1)(A) is inconsistent with the Federal law governing such Federal pipeline authorization, or that a failure to act as described in paragraph (1)(B) has occurred, and the order, action, or failure to act would prevent the siting, construction, expansion, or operation of the crude oil or refined petroleum product pipeline facility, the Court shall remand the proceeding to the agency or official to take appropriate action consistent with the order of the Court. If the Court remands the order, action, or failure to act to the Federal or State administrative agency or official, the Court shall set a reasonable schedule and deadline for the agency or official to act on remand.

(3) COMMISSION'S ACTION.—For any civil action brought under this subsection, the Commission shall promptly file with the Court the consolidated record compiled by the Commission pursuant to subsection (e).

(4) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

(5) ATTORNEY'S FEES.—In any action challenging a Federal pipeline authorization that has been granted, reasonable attorney's fees and other expenses of litigation shall be awarded to the prevailing party. This paragraph shall not apply to any action seeking remedies for denial of a Federal pipeline authorization or failure to act on an application for a Federal pipeline authorization.

SEC. 202. ISSUANCE OF COMMISSION ORDER.

(a) CRITERIA.—Upon application by a qualified applicant, the Commission shall issue an order authorizing, in whole or in part, the siting, construction, expansion, or operation of a crude oil or refined petroleum product pipeline facility in interstate commerce—

(1) unless the Commission finds that such actions or operations will not be consistent with the public interest; and

(2) if the Commission has found that the applicant is—

(A) able and willing to carry out the actions and operations proposed; and

(B) willing to conform to any terms, conditions, or other requirements of the Commission under this section.

(b) TERMS AND CONDITIONS.—The Commission may by its order grant an application, in whole or in part, with such modification and upon such terms and conditions as the Commission may find necessary or appropriate.

(c) RIGHTS-OF-WAY.—When any holder of an order from the Commission under this section cannot acquire by contract, or is unable to agree with the owner of property to the compensation to be paid for—

(1) the necessary right-of-way to site, construct, operate, and maintain a pipeline or pipelines for the transportation of crude oil or refined petroleum products; and

(2) the necessary land or other property for the location of compressor stations, pressure apparatus, or other stations or equipment necessary to the proper operation of such pipeline or pipelines,

the holder of the order may acquire such property by the exercise of the right of eminent domain in the district court of the United States for the district in which such property may be located, or in the State courts. The practice and procedure in any action or proceeding under this subsection in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar action or proceeding in the courts of the State where the property is situated.

SEC. 203. BACKUP POWER CAPACITY.

(a) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations requiring the owners or operators of crude oil or refined petroleum product pipeline facilities that the Secretary finds to be significant to the Nation's supply needs to ensure the availability of sufficient backup power capacity, in areas that have historically been subject to higher incidents of natural disasters such as hurricanes, earthquakes, and tornados, to provide for the continued operation of the pipeline facilities in the event of any reasonably foreseeable emergency situation.

(b) SUSPENSION OF CERTAIN REQUIREMENTS.—The Administrator shall promulgate regulations providing for the temporary suspension, for the duration of an emergency described in subsection (a), of all or part of any requirement (including any Federal or State permitting requirement, emissions limit, or operations limit) in effect under the Clean Air Act or under any implementation plan in effect under that Act to the extent that such requirement applies to the process or equipment necessary to provide backup power capacity under subsection (a).

SEC. 204. SUNSET OF LOAN GUARANTEES.

Section 116(a) of the Alaska Natural Gas Pipeline Act is amended by adding at the end the following new paragraph:

''(4) The Secretary shall not enter into an agreement under paragraph (1) or (2) after the date that is 60 days after the date of enactment of the Gasoline for America's Security Act of 2005 if the State of Alaska and all interested parties have not entered into an agreement pursuant to Alaska Stranded Gas Development Act which contractually binds the parties to deliver North Slope natural gas to markets via the proposed Alaska Natural Gas Pipeline.''.

SEC. 205. OFFSHORE GATHERING PIPELINES.

Section 1(b) of the Natural Gas Act (15 U.S.C. 717(b)) is amended—

(1) by striking ''and to natural gas companies'' and inserting ''to natural gas companies'';

(2) by inserting ''gathering in Federal waters,'' after ''such transportation or sale''; and

(3) by striking ''the production or gathering of natural gas'' and inserting ''the production of natural gas or to the gathering onshore or in State waters of natural gas''.

SEC. 206. SAVINGS CLAUSE.

Nothing in this title shall be construed to amend, alter, or in any way affect the jurisdiction or responsibilities of the Department of Transportation with respect to pipeline safety issues under chapter 601 of title 49, United States Code, or any other law.

TITLE III—CONSERVATION

SEC. 301. DEPARTMENT OF ENERGY CARPOOLING AND VANPOOLING PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) Metropolitan transit organizations have reported heightened interest in carpooling and vanpooling projects in light of recent increases in gasoline prices.

(2) The National Transportation Database reports that, in 2003, American commuters traveled over 440,000 miles using public transportation vanpools, an increase of 60 percent since 1996.

(3) According to the Natural Resource Defense Council, if each commuter car carried just one more passenger once a week, American gasoline consumption would be reduced by about 2 percent.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out a program to encourage the use of carpooling and vanpooling to reduce the consumption of gasoline. The program shall focus on carpool and vanpool operations, outreach activities, and marketing programs, including utilization of the Internet for marketing and outreach.

(c) GRANTS TO STATE AND LOCAL GOVERNMENTS.—As part of the program established under subsection (b), the Secretary may make grants to State and local governments for carpooling or vanpooling projects. The Secretary may make such a grant only if at least 50 percent of the costs of the project will be provided by the State or local government. If a private sector entity provides vehicles for use in a carpooling or vanpooling project supported under this subsection, the value of those vehicles may be counted as part of the State or local contribution to the project.

SEC. 302. EVALUATION AND ASSESSMENT OF CARPOOL AND VANPOOL PROJECTS.

(a) IN GENERAL.—The Administrator, in consultation with the Secretary, shall evaluate and assess carpool and van pool projects funded under the congestion mitigation and air quality program established under section 149 of title 23, United States Code, to—

(1) reduce consumption of gasoline;

(2) determine the direct and indirect impact of the projects on air quality and congestion levels; and

(3) ensure the effective implementation of the projects under such program.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary, shall submit to Congress a report including recommendations and findings that would improve the operation and evaluation of carpool and vanpool projects funded under the congestion mitigation and air quality improvement program and shall make such report available to all State and local metropolitan planning organizations.

SEC. 303. INTERNET UTILIZATION.

The program established under section 301 shall include outreach activities and marketing programs, including the utilization of the Internet for marketing and outreach, to encourage, facilitate, provide incentives for, and maintain carpools and vanpools without regard to any limitation on operating costs.

SEC. 304. FUEL CONSUMPTION EDUCATION CAMPAIGN.

(a) PARTNERSHIP.—The Secretary shall enter into a partnership with interested industry groups to create an education campaign that provides information to United States drivers about measures that may be taken to conserve gasoline.

(b) ACCESSIBILITY.—The public information campaign shall be designed to reach the widest audience possible. The education campaign may include television, print, Internet website, or any method designed to maximize the dissemination of gasoline savings information to drivers.

(c) COST SHARING.—The Secretary shall provide no more than 50 percent of the cost of the campaign created under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $2,500,000 for carrying out this section.

TITLE IV—GASOLINE PRICE REFORM

SEC. 401. FTC INVESTIGATION ON PRICE-GOUGING.

(a) STUDY.—The Federal Trade Commission shall conduct an investigation into nationwide gasoline prices in the aftermath of Hurricane Katrina, including any evidence of price-gouging by subject companies described in subsection (b). Such investigation shall include—

(1) a comparison of, and analysis of the reasons for changes in, profit levels of subject companies during the 12-month period ending on August 31, 2005, and their profit levels for the month of September, 2005, including information for particular companies on a basis that does not permit the identification of any company to which the information relates;

(2) a summary of tax expenditures (as defined in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3)) for such companies;

(3) an examination of the effects of increased gasoline prices and gasoline price-gouging on economic activity in the United States; and

(4) an analysis of the overall cost of increased gasoline prices and gasoline price-gouging to the economy, including the impact on consumers' purchasing power in both declared State and National disaster areas and elsewhere.

Chapter 35 of title 44, United States Code, does not apply to the collection of information for the investigation required by this section.

(b) SUBJECT COMPANIES.—The companies subject to the investigation required by this section shall be—

(1) any company with total United States wholesale sales of gasoline and petroleum distillates for calendar year 2004 in excess of $500,000; and

(2) any retail distributor of gasoline and petroleum distillates against which multiple formal complaints (that identify the location of the particular retail distributor and provide contact information for the complainant) of price-gouging were filed in August or September 2005, with a Federal or State consumer protection agency.

(c) EVIDENCE OF PRICE-GOUGING.—In conducting its investigation, the Commission shall treat as evidence of price-gouging any finding that the average price of gasoline available for sale to the public in September, 2005, or thereafter in a market area located in an area designated as a State or National disaster area because of Hurricane Katrina, or in any other area where price-gouging complaints have been filed because of Hurricane Katrina with a Federal or State consumer protection agency, exceeded the average price of such gasoline in that area for the month of August, 2005, unless the Commission finds substantial evidence that the increase is substantially attributable to additional costs in connection with the production, transportation, delivery, and sale of gasoline in that area or to national or international market trends.

(d) REPORTS.—

(1) NOTIFICATION TO STATE AGENCIES.—In any areas of markets in which the Commission determines price increases are due to factors other than the additional costs, it shall also notify the appropriate State agency of its findings.

(2) PROGRESS AND FINAL REPORTS TO CONGRESS.—The Commission shall provide information on the progress of the investigation to the Appropriations Committees of the House of Representatives and the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, every 30 days after the date of enactment of this Act. The Commission shall provide those Committees a written interim report 90 days after such date, and shall transmit a final report to those Committees, together with its findings and recommendations, no later than 180 days after the date of enactment of this Act. Such reports shall include recommendations, based on its findings, to for any legislation necessary to protect consumers from gasoline price-gouging in both State and National disaster areas and elsewhere.

(e) EVIDENCE OF CRIMINAL MISCONDUCT.—If, during the investigation required by this section, the Commission obtains evidence that a person may have violated a criminal law, the Commission may transmit that evidence to appropriate Federal or State authorities.

SEC. 402. FTC STUDY OF PETROLEUM PRICES ON EXCHANGE.

Not later than 180 days after the date of enactment of this Act, the Federal Trade Commission shall transmit to Congress a report on the price of refined petroleum products on the New York Mercantile Exchange and the effects on such price, if any, of the following:

(1) The geographic size of the delivery market and the number of delivery points.

(2) The proximity of energy futures markets in relation to the source of supply.

(3) The specified grade of gasoline deliverable on the exchange.

(4) The control of the storage and delivery market infrastructure.

(5) The effectiveness of temporary trading halts and the monetary threshold for such temporary trading halts.

TITLE V—STRATEGIC PETROLEUM RESERVE

SEC. 501. STRATEGIC PETROLEUM RESERVE CAPACITY.

(a) AUTHORITY TO DRAWDOWN AND SELL PETROLEUM PRODUCTS FOR EXPANSION OF RESERVE.—Notwithstanding any other provision of law, the Secretary may drawdown and sell petroleum products from the Strategic Petroleum Reserve to construct, purchase, lease, or otherwise acquire additional capacity sufficient to permit filling the Strategic Petroleum Reserve to its maximum authorized level.

(b) ESTABLISHMENT OF SPR EXPANSION FUND.—The Secretary of the Treasury shall establish in the Treasury of the United States an account to be known as the ''SPR Expansion Fund'' (in this section referred to as the ''Fund'') and the proceeds from any sale pursuant to subsection (a) shall be deposited into the Fund.

(c) OBLIGATION OF FUNDS FOR EXPANSION.—Amounts in the Fund may be obligated by

the Secretary to carry out the purposes in subsection (a) to the extent and in such aggregate amounts as may be appropriated in advance in appropriations Acts for such purposes.

(d) OFFSETTING COLLECTIONS.—The proceeds from any sale pursuant to subsection (a) shall be credited to the Fund as offsetting collections in amounts not to exceed the amounts annually appropriated from the Fund.

SEC. 502. STRATEGIC PETROLEUM RESERVE SALE.

Section 161(e) of the Energy Policy and Conservation Act (42 U.S.C. 6241(e)) is amended by inserting after paragraph (2) a new paragraph as follows:

''(3) Any contract under which petroleum products are sold under this section shall include a requirement that the person or entity that acquires the petroleum products agrees—

''(A) not to resell the petroleum products before the products are refined; and

''(B) to refine the petroleum products primarily for consumption in the United States.''.

The SPEAKER pro tempore. The amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 109–245, is adopted.

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

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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 ''Gasoline for America's Security Act of 2005''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—INCREASING REFINERY CAPACITY

Sec. 101. State participation and presidential designation.
Sec. 102. Process coordination and rules of procedure.
Sec. 103. Refinery revitalization repeal.
Sec. 104. Standby support for refineries.
Sec. 105. Military use refinery.
Sec. 106. Waiver authority for extreme fuel supply emergencies.
Sec. 107. List of fuel blends.
Sec. 108. Attainment dates for downwind ozone nonattainment areas.
Sec. 109. Rebates for sales of royalty-in-kind oil to qualified small refineries.
Sec. 110. Study and report relating to streamlining paperwork requirements.
Sec. 111. Response to biomass debris emergency.

TITLE II—INCREASING DELIVERY INFRASTRUCTURE

Sec. 201. Federal-State regulatory coordination.
Sec. 202. Process coordination and rules of procedure.
Sec. 203. Backup power capacity study.
Sec. 204. Sunset of loan guarantees.
Sec. 205. Offshore pipelines.
Sec. 206. Savings clause.

TITLE III—CONSERVATION AND EDUCATION

Sec. 301. Department of Energy carpooling and vanpooling program.
Sec. 302. Evaluation and assessment of carpool and vanpool projects.
Sec. 303. Internet utilization study.
Sec. 304. Fuel consumption education campaign.
Sec. 305. Procurement of energy efficient lighting devices.
Sec. 306. Minority employment.

TITLE IV—GASOLINE PRICE REFORM

Sec. 401. Short title.
Sec. 402. Gasoline price gouging prohibited.
Sec. 403. FTC investigation on price-gouging.
Sec. 404. FTC study of petroleum prices on exchange.

TITLE V—STRATEGIC PETROLEUM RESERVE

Sec. 501. Strategic Petroleum Reserve capacity.
Sec. 502. Strategic Petroleum Reserve sale.
Sec. 503. Northeast Home Heating Oil Reserve capacity.

TITLE VI—COMMISSION FOR THE DEPLOYMENT OF THE HYDROGEN ECONOMY

Sec. 601. Establishment.
Sec. 602. Duties of Commission.
Sec. 603. Membership.
Sec. 604. Staff of Commission; experts and consultants.
Sec. 605. Powers of Commission.
Sec. 606. Report.

TITLE VII—CRITICAL ENERGY ASSURANCE

Sec. 701. Evacuation plan review.
Sec. 702. Disaster assistance.
Sec. 703. Critical Energy Assurance Account.
Sec. 704. Regulations.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) No new refinery has been constructed in the United States since 1976. There are 148 operating refineries in the United States, down from 324 in 1981. Refined petroleum product imports are currently projected to grow from 7.9 percent to 10.7 percent of total refined product by 2025 to satisfy increasing demand.

(2) While the number of American refineries in operation has reduced over the last 20 years, much of the resulting lost capacity has been replaced by gains from more efficient refineries.

(3) Hurricanes Katrina and Rita substantially disrupted petroleum production, refining, and pipeline systems in the Gulf Coast region, affecting energy prices and supply nationwide. In the immediate aftermath of Katrina alone, United States refining capacity was reduced by more than 2,000,000 barrels per day. However, before Hurricanes Katrina and Rita, United States refining capacity was already significantly strained by increased levels of production, with industry average utilization rates of 95 percent of capacity or higher.

(4) It serves the national interest to increase refinery capacity for gasoline, heating oil, diesel fuel, and jet fuel wherever located within the United States, to bring more reliable and economic supply to the American people.

(5) According to economic analysis, households are conservatively estimated to spend an average of $1,948 this year on gasoline, up 45 percent from 3 years ago, and households with incomes under $15,000 (1/5 of all households) this year will spend, on average, more than 1/10 of their income just on gasoline.

(6) According to economic analysis, rural American households will spend $2,087 on gasoline this year. Rural Americans are paying an estimated 22 percent more for gasoline than their urban counterparts because they must drive longer distances.

(7) A growing reliance on foreign sources of refined petroleum products impairs our national security interests and global competitiveness.

(8) Refiners are subject to significant environmental and other regulations and face several new Clean Air Act requirements over the next decade. New Clean Air Act requirements will benefit the environment but will also require substantial capital investment and additional government permits. These new requirements increase business uncertainty and dissuade investment in new refinery capacity.

(9) There is currently a lack of coordination in permitting requirements and other regulations affecting refineries at the Federal, State, and local levels. There is no consistent national permitting program for refineries, compared with the Federal Energy Regulatory Commission's lead agency role over interstate natural gas pipelines, liquefied natural gas, and hydroelectric power and the Nuclear Regulatory Commission's role over nuclear plant licensing. More regulatory certainty and coordination is needed for refinery owners to stimulate investment in increased refinery capacity.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term ''Administrator'' means the Administrator of the Environmental Protection Agency;

(2) the term ''refinery'' means—

(A) a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or other fuel; or

(B) a facility designed and operated to receive, load, unload, store, transport, process, and refine coal by any chemical or physical process, including liquefaction, in order to produce gasoline, diesel, or other liquid fuel as its primary output; and

(3) the term ''Secretary'' means the Secretary of Energy.

TITLE I—INCREASING REFINERY CAPACITY

SEC. 101. STATE PARTICIPATION AND PRESIDENTIAL DESIGNATION.

(a) FEDERAL-STATE REGULATORY COORDINATION AND ASSISTANCE.—

(1) GOVERNOR'S REQUEST.—The governor of a State may submit a request to the Secretary for the application of process coordination and rules of procedure under section 102 to the siting, construction, expansion, or operation of any refinery in that State.

(2) STATE ASSISTANCE.—The Secretary and the Administrator are authorized to provide financial assistance to State governments to facilitate the hiring of additional personnel with expertise in fields relevant to consideration of applications to site, construct, expand, or operate any refinery in that State.

(3) OTHER ASSISTANCE.—The Secretary and the Administrator shall provide technical, legal, or other assistance to State governments to facilitate their review of applications to site, construct, expand, or operate any refinery in that State.

(b) PRESIDENTIAL DESIGNATION.—

(1) DESIGNATION REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the President shall designate sites on Federal lands, including closed military installations ''subject to paragraph (3)'', that are appropriate for the purposes of siting a refinery.

(2) ANALYSIS OF REFINERY SITES.—IN CONSIDERING ANY SITE ON FEDERAL LANDS FOR POSSIBLE DESIGNATION UNDER THIS SUBJECTION, THE PRESIDENT SHALL CONDUCT AN ANALYSIS OF—

(A) the availability of crude oil supplies to the site, including supplies from domestic production of shale oil and tar sands and other strategic unconventional fuels;

(B) the distribution of the Nation's refined petroleum product demand;

(C) whether ''such sites is'' in close proximity to substantial pipeline infrastructure, including both crude oil and refined petroleum product pipelines, and potential infrastructure feasibility;

(D) the need to diversify the geographical location of the domestic refining capacity;

(E) the effect that increased refined petroleum products from a refinery on that site may have

on the price and supply of gasoline to consumers;

(F) ''the impact of locating a refinery on the site on the readiness and operations of the Armed Forces''; and

(G) such other factors as the President considers appropriate.

(3) SPECIAL RULES FOR CLOSED MILITARY INSTALLATIONS.—

(A) DESIGNATION FOR CONSIDERATION AS REFINERY SITE.—Among the sites designated pursuant to this subsection, the President shall designate no less than 3 closed military installations, or portions thereof, as suitable for the construction of a refinery.

(B) EFFECT OF DESIGNATION.—In the case of a closed military installation, or portion thereof, designated by the President as a potentially suitable refinery site pursuant to this subsection—

(i) the redevelopment authority for the installation, in preparing or revising the redevelopment plan for the installation, shall consider the feasibility and practicability of siting a refinery on the installation; and

(ii) the Secretary of Defense, in a managing and disposing of real property at the installation pursuant to the base closure law applicable to the installation, shall given substantial deference to the recommendations of the redevelopment authority, as contained in the redevelopment plan for the installation, regarding the siting of a refinery on the installation.

(c) USE OF DESIGNATED SITES.—

(1) LEASE.—Except as provided in paragraph (2), the Federal Government shall offer for lease any site designated by the President under subsection (b) consistent with procedures for the disposition of such site under applicable Federal property laws. Notwithstanding any provision of such Federal property laws providing for the disposition or reuse of the site, a lease under this paragraph shall be deemed to be the appropriate disposition of the site. A site shall not be leased under this paragraph except for the purpose of construction of a refinery.

(2) SPECIAL RULES FOR CLOSED MILITARY INSTALLATIONS.—Paragraph (1) shall not apply to a closed military installation. The management and disposal of real property at a closed military installation, even a closed military installation or portion thereof found to be suitable for the siting of a refinery under subsection (b)(3), shall be carried out in the manner provided by the base closure law applicable to the installation.

(d) APPLICABILITY.—Section 102 shall only apply to a refinery sited or proposed to be sited or expanded or proposed to be expanded—

(1) in a State whose governor has requested applicability of such section pursuant to subsection (a);

(2) on a site (other than a closed military installation or portion thereof) designated by the President under subsection (b);

(3) on a closed military installation, or portion thereof, made available for the siting of a refinery in the manner provided by the base closure law applicable to the installation; or

(4) on a site leased by the Secretary of a military department under section 2667 of title 10, United States Code, or by the Secretary of Defense under section 2667a of such title for the siting of a refinery.

(e) DEFINITION.—For purposes of this section—

(1) the term ''base closure law'' means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note);

(2) the term ''closed military installation'' means a military installation closed or approved for closure pursuant to a base closure law;

(3) the term ''Federal lands'' means all land owned by the United States, except that such term does not include land—

(A) within the National Park System;

(B) within the National Wilderness Preservation System;

(C) designated as a National Monument; or

(D) under the jurisdiction of the Department of Defense or withdrawn from the public domain for use by the Armed Forces (other than a closed military installation); and

(4) the term ''State'' means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 102. PROCESS COORDINATION AND RULES OF PROCEDURE.

(a) DEFINITION.—For purposes of this section and section 105, the term ''Federal refinery authorization''—

(1) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(2) includes any permits, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery.

(b) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—The Department of Energy shall act as the lead agency for the purposes of coordinating all applicable Federal refinery authorizations and related environmental reviews with respect to a refinery.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Secretary and comply with the deadlines established by the Secretary.

(c) SCHEDULE.—

(1) SECRETARY'S AUTHORITY TO SET SCHEDULE.—The Secretary shall establish a schedule for all Federal refinery authorizations with respect to a refinery. In establishing the schedule, the Secretary shall—

(A) ensure expeditious completion of all such proceedings; and

(B) accommodate the applicable schedules established by Federal law for such proceedings.

(2) FAILURE TO MEET SCHEDULE.—If a Federal or State administrative agency or official does not complete a proceeding for an approval that is required for a Federal refinery authorization in accordance with the schedule established by the Secretary under this subsection, the applicant may pursue remedies under subsection (e).

(d) CONSOLIDATED RECORD.—The Secretary shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Secretary or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization. Such record shall be the record for judicial review under subsection (e) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Secretary for further development of the consolidated record.

(e) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States Court of Appeals for the District of Columbia shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order or action, related to a Federal refinery authorization, by a Federal or State administrative agency or official; and

(B) an alleged failure to act by a Federal or State administrative agency or official acting pursuant to a Federal refinery authorization.

The failure of an agency or official to act on a Federal refinery authorization in accordance with the Secretary's schedule established pursuant to subsection (c) shall be considered inconsistent with Federal law for the purposes of paragraph (2) of this subsection.

(2) COURT ACTION.—If the Court finds that an order or action described in paragraph (1)(A) is inconsistent with the Federal law governing such Federal refinery authorization, or that a failure to act as described in paragraph (1)(B) has occurred, and the order, action, or failure to act would prevent the siting, construction, expansion, or operation of the refinery, the Court shall remand the proceeding to the agency or official to take appropriate action consistent with the order of the Court. If the Court remands the order, action, or failure to act to the Federal or State administrative agency or official, the Court shall set a reasonable schedule and deadline for the agency or official to act on remand.

(3) SECRETARY'S ACTION.—For any civil action brought under this subsection, the Secretary shall promptly file with the Court the consolidated record compiled by the Secretary pursuant to subsection (d).

(4) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

(5) ATTORNEY'S FEES.—In any action challenging a Federal refinery authorization that has been granted, reasonable attorney's fees and other expenses of litigation shall be awarded to the prevailing party. This paragraph shall not apply to any action seeking remedies for denial of a Federal refinery authorization or failure to act on an application for a Federal refinery authorization.

SEC. 103. REFINERY REVITALIZATION REPEAL.

Subtitle H of title III of the Energy Policy Act of 2005 and the items relating thereto in the table of contents of such Act are repealed.

SEC. 104. STANDBY SUPPORT FOR REFINERIES.

(a) DEFINITION.—For purposes of this section, the term ''authorization'' means any authorization or permit required under State or Federal law.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary may enter into contracts under this section with non-Federal entities that the Secretary determines, at the sole discretion of the Secretary, to be the first non-Federal entities to enter into firm contracts after the date of enactment of this Act to construct new refineries in the United States or refurbish and return to commercial operation existing but nonoperating refineries in the United States. The Secretary may enter into contracts under this section with respect to new refineries or refurbished refineries that add a total of no more than 2,000,000 barrels per day of refining capacity to the refining capacity of the United States as in existence on the date of enactment of this Act.

(2) CONDITIONS.—Except as provided in paragraphs (4) and (5), under a contract authorized under paragraph (1), the Secretary shall pay to the non-Federal entity the costs specified in paragraph (3), using funds deposited in the Standby Refinery Support Account established under subsection (c), if—

(A) the non-Federal entity has substantially completed construction of the new refinery or the refurbished refinery and the initial commercial operation of the new refinery or of the refurbished refinery is delayed because of—

(i) litigation that could not have been reasonably foreseen by the non-Federal entity at the time the non-Federal entity entered into the firm contract to construct; or

(ii) a failure of an agency of the Federal Government or of a State government to grant an authorization within a period specified in the contract authorized by this section; or

(B) the throughput level of commercial operation of the new or refurbished refinery is substantially reduced due to—

(i) State or Federal law or regulations enacted or implemented after the firm contract was entered into; or

(ii) litigation, that could not have been reasonably foreseen by the non-Federal entity, disputing actions taken by the non-Federal entity

to conform with and satisfy Federal law or regulations enacted or implemented after the firm contract was entered into.

(3) COVERED COSTS.—Under a contract authorized under this section, the Secretary shall pay—

(A) in the case of a delay described in paragraph (2)(A), all costs of the delay in the initial commercial operation of a new refining or a refurbished refinery, including the principal or interest due on any debt obligation of the new refinery or of the refurbished refinery during the delay, and any consequential damages; and

(B) in the case of a substantial reduction described in paragraph (2)(B), all costs necessary to offset the costs of the reduced throughput and the costs of complying with the new State or Federal law or regulations.

(4) COSTS NOT COVERED.—The Secretary shall not enter into a contract under this section that would obligate the Secretary to pay any costs resulting from—

(A) except as provided in paragraph (3)(B), a failure of the non-Federal entity to take any action required by law or regulation; or

(B) events within the control of the non-Federal entity.

(5) DEPOSIT.—The Secretary shall not enter into a contract authorized under this section until the Secretary has deposited into the Standby Refinery Support Account amounts sufficient to cover the costs specified in paragraph (3).

(c) STANDBY REFINERY SUPPORT ACCOUNT.—There is established in the Treasury an account known as the Standby Refinery Support Account. The Secretary shall deposit into this account amounts appropriated, in advance of entering into a contract authorized by this section, to the Secretary for the purpose of carrying out this section and payments paid to the Secretary by any non-Federal source for the purpose of carrying out this section. The Secretary may receive and accept payments from any non-Federal source, which shall be made available without further appropriation for the payment of the covered costs.

(d) REGULATIONS.—The Secretary may issue regulations necessary or appropriate to carry out this section.

(e) REPORTS.—The Secretary shall file with Congress annually a report of the Secretary's activities under this section and the activities of the non-Federal entity under any contract entered into under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section.

(g) APPLICABILITY.—This section shall only apply to refineries sited or proposed to be sited—

(1) in a State whose governor has requested applicability of this section pursuant to section 101(a)(1); or

(2) on a site designated by the President under section 101(b).

SEC. 105. MILITARY USE REFINERY.

(a) AUTHORIZATION.—If the President determines that there is not sufficient refining capacity in the United States, the President may authorize the design and construction of a refinery that will be—

(1) located at a site—

(A) designated by the President under section 101(b), other than a closed military installation or portion thereof; or

(B) on a closed military installation, or portion thereof, made available for the siting of a refinery in the manner provided by the base closure law applicable to the installation;

(2) disposed of in the manner provided in paragraph (1) of section 101(c) or, in the case of a closed military installation, or portion thereof, paragraph (2) of such section; and

(3) reserved for the exclusive purpose of manufacturing petroleum products for consumption by the Armed Forces.

(b) SOLICITATION FOR DESIGN, CONSTRUCTION, AND OPERATION.—The President shall solicit proposals for the design, construction, and operation of a refinery ''(or any combination thereof)'' under this section. In selecting a proposal or proposals under this subsection, the President shall consider—

(1) the ability of the applicant to undertake and complete the project;

(2) the extent to which the applicant's proposal serves the purposes of the project; and

(3) the ability of the applicant to best satisfy the criteria set forth in subsection (c).

(c) REFINERY CRITERIA.—A refinery constructed under this section shall meet or exceed the industry average for—

(1) construction efficiencies; and

(2) operational efficiencies, including cost efficiencies.

(d) USE OF PRODUCTS.—All petroleum products manufactured at a refinery constructed under this section shall be sold to the Federal Government at a price not to exceed the fair market value of the petroleum products,'' for use by the Armed Forces of the United States.

(e) FUNDING.—A contract for the design or construction of a refinery may not be entered into under this section in advance of the appropriation of funds sufficient for such purpose. Funds appropriated for the Department or Defense or for Department of Energy national security programs may not be used to enter into contracts under this section for the design, construction, or operation of a refinery. Funds appropriated for the Department of Defense may be used to purchase petroleum products manufactured at a refinery constructed under this section for use by the Armed Forces.

(f) DEFINITIONS.—For purposes of this section, the terms ''base closure law'' and ''closed military installation'' have the meanings given those terms in section 101.

SEC. 106. WAIVER AUTHORITY FOR EXTREME FUEL SUPPLY EMERGENCIES.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating the second clause (v) as clause (viii);

(2) by redesignating clause (v) as clause (vii);

(3) by inserting after clause (iv) the following:

''(v)(I) For the purpose of alleviating an extreme and unusual fuel or fuel additive supply emergency resulting from a natural disaster, ''the President, in consultation with the Administrator and the Secretary of Energy may temporarily waive any control or prohibition respecting the use of a fuel or fuel additive required by this subsection or by subsection (h), (i), (k), or (m); and may, with respect to a State implementation plan, temporarily waive any equivalent control or prohibition respecting the use of a fuel or fuel additive required by this subparagraph. Nothing in this clause shall be construed to authorize the waiver of, or to affect in any way, any Federal or State law or regulation pertaining to ethanol or methyl tertiary butyl ether.''

(4) by inserting after clause (v) (as inserted by paragraph (3)) the following:

''(vi) A State shall not be subject to any finding, disapproval, or determination by the Administrator under section 179, no person may bring an action against a State or the Administrator under section 304, and the Administrator shall not take any action under section 110(c) to require the revision of an applicable implementation plan, because of any emissions attributable to a waiver granted by the Administrator under clause (ii) or by the President under clause (v).''.

SEC. 107. LIST OF FUELS.

(a) LIST OF FUELS.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended as follows:

(1) By redesignating subclause (VI) of clause (viii) (as so redesignated by section 107(1) of this Act) as clause (x).

(2) In such redesignated clause (x) by striking ''this clause'' and inserting ''clause (viii) or clause (ix)''.

(3) By inserting the following new subclause at the end of clause (viii) (as so redesignated by section 107(1) of this Act):

''(VI) The provisions of this clause, including the limitations of the authority of the Administrator and the limit on the total number of fuels permitted, shall remain in effect until the publication of the list under subclause (III) of clause (ix).''.

(4) By inserting the following new clause after clause (viii) (as so redesignated):

''(ix)(I) The Administrator'', in coordination with the Secretary of Energy (hereinafter in this clause referred to as the 'Secretary'), shall identify and publish in the Federal Register, within 12 months after the enactment of this subclause and after notice and opportunity for public comment, a list of ''6 gasoline and diesel fuels'' to be used in States that have not received a waiver under section 209(b) of this Act or any State dependent on refineries in such State for gasoline or diesel fuel supplies. The list shall be referred to as the 'Federal Fuels List' and shall include one Federal diesel fuel, ''one other diesel fuel'', one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and ''2 additional gasolines'' with Reid vapor pressure (RVP) controls for use in ozone nonattainment areas of varying degrees of severity. ''None of the fuels'' identified under this subclause shall control fuel sulfur or toxics levels beyond levels required by regulations of the Administrator.

''(II) Gasoline and ''diesel fuels'' shall be included on the Federal Fuels List based on the Administrator's analysis of their ability to reduce ozone emissions to assist States in attaining established ozone standards under this Act, and on an analysis by the Secretary that the adoption of the Federal Fuels List will not result in a reduction in supply or in producibility, including that caused by a reduction in domestic refining capacity triggered by this clause. In the event the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility, the Administrator and the Secretary shall report that conclusion to Congress, and suspend implementation of this clause. The Administrator and the Secretary shall conduct the study required under section 1541(c) of the Energy Policy Act of 2005 on the timetable required in that section to provide Congress with legislative recommendations for modifications to the proposed Federal Fuels List only if the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility.

''(III) Upon publication of the Federal Fuels List, the Administrator shall have no authority, when considering a State implementation plan or State implementation plan revision, to approve under this subparagraph any fuel included in such plan or plan revision if the fuel proposed is not one of the fuels included on the Federal Fuels List; or to approve such plan or revision unless, after consultation with the Secretary, the Administrator publishes in the Federal Register, after notice and opportunity for public comment, a finding that, in the Administrator's judgment, such revisions to newly adopt one of the fuels included on the Federal Fuels List will not cause fuel supply or distribution interruptions or have a significant adverse impact on fuel producibility in the affected area or contiguous area. The Administrator's findings shall include an assessment of reasonably foreseeable supply distribution emergencies that could occur in the affected area or contiguous area and how adoption of the particular fuel revision would effect supply opportunities during reasonably foreseeable supply distribution emergencies.

''(IV) The Administrator, in consultation with the Secretary, shall develop a plan to harmonize

the ''currently approved fuels'' in State implementation plans with ''the fuels included'' on the Federal Fuels List and shall promulgate implementing regulations for this plan not later than 18 months after enactment of this subclause. This harmonization shall be fully implemented by the States by December 31, 2008.''.

(b) STUDY.—Section 1541(c)(2) of the Energy Policy Act of 2005 is amended to read as follows:

''(2) FOCUS OF STUDY.—The primary focus of the study required under paragraph (1) shall be to determine how to develop a Federal fuels system that maximizes motor fuel fungibility and supply, preserves air quality standards, and reduces motor fuel price volatility that results from the proliferation of boutique fuels, and to recommend to Congress such legislative changes as are necessary to implement such a system. The study should include the impacts on overall energy supply, distribution, and use as a result of the legislative changes recommended. The study should include an analysis of the impact on ozone emissions and supply of a mandatory reduction in ''the number of fuels'' to 6, including one Federal diesel fuel, ''one other diesel fuel'', one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 ''additional gasolines'' with Reid vapor pressure (RVP) controls for use in ozone nonattainment areas of varying degrees of severity.''.

SEC. 108. ATTAINMENT DATES FOR DOWNWIND OZONE NONATTAINMENT AREAS.

Section 181 of the Clean Air Act (42 U.S.C. 7511) is amended by adding the following new subsection at the end thereof:

''(d) EXTENDED ATTAINMENT DATE FOR CERTAIN DOWNWIND AREAS.—

''(1) DEFINITIONS.—In this subsection:

''(A) The term 'upwind area' means an area that—

''(i) affects nonattainment in another area, hereinafter referred to as a downwind area; and

''(ii) is either—

''(I) a nonattainment area with a later attainment date than the downwind area, or

''(II) an area in another State that the Administrator has found to be significantly contributing to nonattainment in the downwind area in violation of section 110(a)(2)(D) and for which the Administrator has established requirements through notice and comment rulemaking to eliminate the emissions causing such significant contribution.

''(B) The term 'current classification' means the classification of a downwind area under this section at the time of the determination under paragraph (2).

''(2) EXTENSION.—Notwithstanding the provisions of subsection (b)(2) of this section, a downwind area that is not in attainment within 18 months of the attainment deadline required under this section may seek an extension of time to come into attainment by petitioning the Administrator for such an extension. If the Administrator—

''(A) determines that any area is a downwind area with respect to a particular national ambient air quality standard for ozone;

''(B) approves a plan revision for such area as provided in paragraph (3) prior to a reclassification under subsection (b)(2)(A); and

''(C) determines that the petitioning downwind area has demonstrated that it is affected by transport from an upwind area to a degree that affects the area's ability to attain,

the Administrator, in lieu of such reclassification, may extend the attainment date for such downwind area for such standard in accordance with paragraph (5).

''(3) APPROVAL.—In order to extend the attainment date for a downwind area under this subsection, the Administrator may approve a revision of the applicable implementation plan for the downwind area for such standard that—

''(A) complies with all requirements of this Act applicable under the current classification of the downwind area, including any requirements applicable to the area under section 172(c) for such standard;

''(B) includes any additional measures needed to demonstrate attainment by the extended attainment date provided under this subsection, and provides for implementation of those measures as expeditiously as practicable; and

''(C) provides appropriate measures to ensure that no area downwind of the area receiving the extended attainment date will be affected by transport to a degree that affects the area's ability to attain, from the area receiving the extension.

''(4) PRIOR RECLASSIFICATION DETERMINATION.—If, after April 1, 2003, and prior to the time the 1-hour ozone standard no longer applies to a downwind area, the Administrator made a reclassification determination under subsection (b)(2)(A) for such downwind area, and the Administrator approves a plan consistent with subparagraphs (A) and (B) for such area, the reclassification shall be withdrawn and, for purposes of implementing the 8-hour ozone national ambient air quality standard, the area shall be treated as if the reclassification never occurred. Such plan must be submitted no later than 12 months following enactment of this subsection, and—

''(A) the plan revision for the downwind area must comply with all control and planning requirements of this Act applicable under the classification that applied immediately prior to reclassification, including any requirements applicable to the area under section 172(c) for such standard; and

''(B) the plan must include any additional measures needed to demonstrate attainment no later than the date on which the last reductions in pollution transport that have been found by the Administrator to significantly contribute to nonattainment are required to be achieved by the upwind area or areas.

The attainment date extended under this subsection shall provide for attainment of such national ambient air quality standard for ozone in the downwind area as expeditiously as practicable but no later than the end of the first complete ozone season following the date on which the last reductions in pollution transport that have been found by the Administrator to significantly contribute to nonattainment are required to be achieved by the upwind area or areas.

''(5) EXTENDED DATE.—The attainment date extended under this subsection shall provide for attainment of such national ambient air quality standard for ozone in the downwind area as expeditiously as practicable but no later than the new date that the area would have been subject to had it been reclassified under subsection (b)(2).

''(6) RULEMAKING.—Within 12 months after the enactment of this subsection, the Administrator shall, through notice and comment, promulgate rules to define the term 'affected by transport to a degree that affects an areas ability to attain' in order to ensure that downwind areas are not unjustly penalized, and for purposes of paragraphs (2) and (3) of this subsection.''.

SEC. 110. REBATES FOR SALES OF ROYALTY-IN-KIND OIL TO QUALIFIED SMALL REFINERIES.

(a) REQUIREMENT.—The Secretary of the Interior shall issue and begin implementing regulations by not later than 60 days after the date of the enactment of this Act, under which the Secretary of the Interior shall pay to a qualified small refinery a rebate for any sale to the qualified small refinery of crude oil obtained by the United States as royalty-in-kind.

(b) AMOUNT OF REBATE.—The amount of any rebate paid pursuant to this section with respect to any sale of crude oil to a qualified small refinery—

(1) shall reflect the actual costs of transporting such oil from the point of origin to the qualified small refinery; and

(2) shall not exceed $4.50 per barrel of oil sold.

(c) SUBJECT TO APPROPRIATIONS.—The requirement to pay rebates under this section is subject to the availability of funds provided in advance in appropriations Acts.

(d) TERMINATION.—This section and any regulations issued under this section shall not apply on and after any date on which the Secretary of Energy determines that United States domestic refining capacity is sufficient.

(e) QUALIFIED SMALL REFINERY DEFINED.—In this section the term ''qualified small refinery'' means a refinery of a small business refiner (as that term is defined in section 45H(c)(1) of the Internal Revenue Code of 1986) that demonstrates to the Secretary of the Interior that it had unused crude oil processing capacity in 2004.

SEC. 111. STUDY AND REPORT RELATING TO STREAMLINING PAPERWORK REQUIREMENTS.

(a) STUDY.—The Administrator shall study ways to streamline the paperwork requirements associated with title V of the Clean Air Act and corresponding requirements under State laws, particularly with regard to States that have more stringent requirements than the Federal Government in this area.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator shall report to Congress the results of the study made under subsection (a), together with recommendations on how to streamline those paperwork requirements.

SEC. 112. RESPONSE TO BIOMASS DEBRIS EMERGENCY.

(a) USE OF BIOMASS DEBRIS AS FUEL.—Notwithstanding any other provision of law, the Secretary of Energy may authorize any facility to use as fuel biomass debris if—

(1) the debris results from a major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

(2) the debris is located in the area for which the major disaster is declared; and

(3) the requirements of subsection (b) are met.

(b) CERTIFICATION.—A facility described in subsection (a)—

(1) shall certify to the State in which the facility is located that no significant impact on meeting national ambient air quality standards will result and shall propose emission limits adequate to support such certification; and

(2) may begin burning biomass debris fuel upon filing the certification required by paragraph (1) unless the State notifies the facility to the contrary.

(c) EMISSION LIMITS.—The State in which a facility described in subsection (a) is located shall—

(1) adopt (or as appropriate amend) the proposed emission limits for the biomass burning at the facility; and

(2) retain other existing emissions limits wherever they are necessary and reasonable.

(d) NEW SOURCE REVIEW.—No activities needed to qualify a facility to burn biomass debris as fuel in accordance with this section shall trigger the requirements of new source review or new source performance standards under the Clean Air Act.

TITLE II—INCREASING DELIVERY INFRASTRUCTURE

SEC. 201. FEDERAL-STATE REGULATORY COORDINATION.

(a) GOVERNOR'S REQUEST.—The Governor of a State may submit a request to the Commission for the application of process coordination and rules of procedure under section 202 to the siting of a crude oil or refined petroleum product pipeline facility in that State.

(b) APPLICABILITY.—Section 202 shall only apply to crude oil or refined petroleum product pipeline facilities sited or proposed to be sited in a State whose Governor has requested such applicability under subsection (a).

(c) INTERSTATE COMPACTS.—(1) The consent of Congress is given for 2 or more contiguous States to enter into an interstate compact, subject to approval by Congress, establishing regional pipeline siting agencies to facilitate siting of future crude oil or refined petroleum product pipeline facilities within those States.

(2) The Secretary may provide technical assistance to regional pipeline siting agencies established under this subsection.

SEC. 202. PROCESS COORDINATION AND RULES OF PROCEDURE.

(a) DEFINITIONS.—For purposes of this title—

(1) the term ''Commission'' means the Federal Energy Regulatory Commission; and

(2) the term ''Federal pipeline authorization''—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting of a crude oil or refined petroleum product pipeline facility in interstate commerce; and

(B) includes any permits, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting of a crude oil or refined petroleum product pipeline facility in interstate commerce.

(b) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—The Commission shall act as the lead agency for the purposes of coordinating all applicable Federal pipeline authorizations and related environmental reviews with respect to a crude oil or refined petroleum product pipeline facility.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide Federal pipeline authorization shall cooperate with the Commission and comply with the deadlines established by the Commission.

(c) SCHEDULE.—

(1) COMMISSION'S AUTHORITY TO SET SCHEDULE.—The Commission shall establish a schedule for all Federal pipeline authorizations with respect to a crude oil or refined petroleum product pipeline facility. In establishing the schedule, the Commission shall—

(A) ensure expeditious completion of all such proceedings; and

(B) accommodate the applicable schedules established by Federal law for such proceedings.

(2) FAILURE TO MEET SCHEDULE.—If a Federal or State administrative agency or official does not complete a proceeding for an approval that is required for a Federal pipeline authorization in accordance with the schedule established by the Commission under this subsection, the applicant may pursue remedies under subsection (e).

(d) CONSOLIDATED RECORD.—The Commission shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Commission or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal pipeline authorization. Such record shall be the record for judicial review under subsection (e) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Commission for further development of the consolidated record.

(e) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States Court of Appeals for the District of Columbia shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order or action related to a Federal pipeline authorization by a Federal or State administrative agency or official; and

(B) an alleged failure to act by a Federal or State administrative agency or official acting pursuant to a Federal pipeline authorization.

The failure of an agency or official to act on a Federal pipeline authorization in accordance with the Commission's schedule established pursuant to subsection (c) shall be considered inconsistent with Federal law for the purposes of paragraph (2) of this subsection.

(2) COURT ACTION.—If the Court finds that an order or action described in paragraph (1)(A) is inconsistent with the Federal law governing such Federal pipeline authorization, or that a failure to act as described in paragraph (1)(B) has occurred, and the order, action, or failure to act would prevent the siting of the crude oil or refined petroleum product pipeline facility, the Court shall remand the proceeding to the agency or official to take appropriate action consistent with the order of the Court. If the Court remands the order, action, or failure to act to the Federal or State administrative agency or official, the Court shall set a reasonable schedule and deadline for the agency or official to act on remand.

(3) COMMISSION'S ACTION.—For any civil action brought under this subsection, the Commission shall promptly file with the Court the consolidated record compiled by the Commission pursuant to subsection (d).

(4) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

(5) ATTORNEY'S FEES.—In any action challenging a Federal pipeline authorization that has been granted, reasonable attorney's fees and other expenses of litigation shall be awarded to the prevailing party. This paragraph shall not apply to any action seeking remedies for denial of a Federal pipeline authorization or failure to act on an application for a Federal pipeline authorization.

SEC. 203. BACKUP POWER CAPACITY STUDY.

Not later than 6 months after the date of enactment of this Act, the Secretary shall transmit to the Congress a report assessing the adequacy of backup power capacity in place as of the date of enactment of this Act, and the need for any additional capacity, to provide for the continuing operation during any reasonably foreseeable emergency situation, of those crude oil or refined petroleum product pipeline facilities that the Secretary finds to be significant to the Nation's supply needs, in areas that have historically been subject to higher incidents of natural disasters such as hurricanes, earthquakes, and tornados.

SEC. 204. SUNSET OF LOAN GUARANTEES.

Section 116(a) of the Alaska Natural Gas Pipeline Act is amended by adding at the end the following new paragraph:

''(4) The Secretary shall not enter into an agreement under paragraph (1) or (2) after the date that is 24 months after the date of enactment of the Gasoline for America's Security Act of 2005 if the State of Alaska has not entered into an agreement pursuant to the Alaska Stranded Gas Development Act which in good faith contractually binds the parties to deliver North Slope natural gas to markets via the proposed Alaska Natural Gas Pipeline.''.

SEC. 205. OFFSHORE PIPELINES.

The Natural Gas Act is amended—

(1) in section 1(b) 15 U.S.C. 717(b)) by inserting after ''to the production or'' the following: '', except as provided in section 4(g),''; and

(2) in section 4 (15 U.S.C. 717(b)) by adding at the end the following:

''(g)(1) For the purposes of this subsection—

''(A) the term 'gas service provider' means an entity that operates a facility located in the outer Continental Shelf that is used to ''gather or transport natural gas'' on or across the outer Continental Shelf; and

''(B) the term 'outer Continental Shelf' has the meaning given that term in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

''(2) All gas service providers shall submit to the Commission annually the conditions of service for each shipper served, consisting of—

''(A) the full legal name of the shipper receiving service;

''(B) a notation of shipper affiliation;

''(C) the type of service provided;

''(D) primary receipt points;

''(E) primary delivery points;

''(F) rates between each pair of points; and

''(G) other conditions of service deemed relevant by the gas service provider.

''(3) This subsection shall not apply to—

''(A) a gas service company that serves exclusively a single entity (either itself or one other party), until such time as—

''(i) the gas service provider agrees to serve a second shipper; or

''(ii) a determination is made that the gas service provider's denial of a request for service is unjustified;

''(B) a gas service provider that serves exclusively shippers with ownership interests in both the pipeline operated by the gas service provider and the gas produced from a field or fields connected to a single pipeline, until such time as—

''(i) the gas service provider offers to serve a nonowner shipper; or

''(ii) a determination is made that the gas service provider's denial of a request for service is unjustified;

''(C) service rendered over facilities that feed into a facility where natural gas is first collected, separated, dehydrated, or otherwise processed; and

''(D) gas service providers' facilities and service regulated by the Commission under section 7 of this Act.

''(4) When a gas service provider subject to this subsection alters its affiliates, customers, rates, conditions of service, or facilities, within any calendar quarter, it must then file with the Commission, on the first business day of the subsequent quarter, a revised report describing the status of its services and facilities.''.

SEC. 206. SAVINGS CLAUSE.

Nothing in this title shall be construed to amend, alter, or in any way affect the jurisdiction or responsibilities of the Department of Transportation with respect to pipeline safety issues under chapter 601 of title 49, United States Code, or any other law.

TITLE III—CONSERVATION AND EDUCATION

SEC. 301. DEPARTMENT OF ENERGY CARPOOLING AND VANPOOLING PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) Metropolitan transit organizations have reported heightened interest in carpooling and vanpooling projects in light of recent increases in gasoline prices.

(2) The National Transportation Database reports that, in 2003, American commuters traveled over 440,000 miles using public transportation vanpools, an increase of 60 percent since 1996.

(3) According to the Natural Resource Defense Council, if each commuter car carried just one more passenger once a week, American gasoline consumption would be reduced by about 2 percent.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out a program to encourage the use of carpooling and vanpooling to reduce the consumption of gasoline. The program shall focus on carpool and vanpool operations, outreach activities, and marketing programs, including utilization of the Internet for marketing and outreach.

(c) GRANTS TO STATE AND LOCAL GOVERNMENTS.—As part of the program established under subsection (b), the Secretary may make grants to State and local governments for carpooling or vanpooling projects. The Secretary may make such a grant only if at least 50 percent of the costs of the project will be provided by the State or local government. If a private sector entity provides vehicles for use in a carpooling or vanpooling project supported under this subsection, the value of those vehicles may be counted as part of the State or local contribution to the project.

(d) CONSIDERATIONS.—In making grants for projects under subsection (c), the Secretary shall consider each of the following:

(1) The potential of the project to promote oil conservation.

(2) The contribution of the project to State or local disaster evacuation plans.

(3) Whether the area in which the project is located is a nonattainment area (as that term is defined in section 171 of the Clean Air Act (42 U.S.C. 7501)).

SEC. 302. EVALUATION AND ASSESSMENT OF CARPOOL AND VANPOOL PROJECTS.

(a) IN GENERAL.—The Administrator, in consultation with the Secretary, shall evaluate and assess carpool and vanpool projects funded under the congestion mitigation and air quality program established under section 149 of title 23, United States Code, to—

(1) reduce consumption of gasoline;

(2) determine the direct and indirect impact of the projects on air quality and congestion levels; and

(3) ensure the effective implementation of the projects under such program.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary, shall submit to Congress a report including recommendations and findings that would improve the operation and evaluation of carpool and vanpool projects funded under the congestion mitigation and air quality improvement program and shall make such report available to all State and local metropolitan planning organizations.

SEC. 303. INTERNET UTILIZATION STUDY.

(a) IN GENERAL.—The Secretary, under the program established in section 301, shall evaluate the capacity of the Internet to facilitate carpool and vanpool operations through—

(1) linking riders with local carpools and vanpools;

(2) providing real-time messaging communication between drivers and riders;

(3) assisting employers to establish intercompany vanpool and carpool programs; and

(4) marketing existing vanpool and carpool programs.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report including recommendations and findings that would improve Internet utilization in carpool and vanpool operations and shall make such report available to all State and local metropolitan planning organizations.

SEC. 304. FUEL CONSUMPTION EDUCATION CAMPAIGN.

(a) PARTNERSHIP.—The Secretary shall enter into a partnership with interested industry groups to create an education campaign that provides information to United States drivers about measures that may be taken to conserve gasoline.

(b) ACCESSIBILITY.—The public information campaign shall be designed to reach the widest audience possible. The education campaign may include television, print, Internet website, or any method designed to maximize the dissemination of gasoline savings information to drivers.

(c) COST SHARING.—The Secretary shall provide no more than 50 percent of the cost of the campaign created under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $2,500,000 for carrying out this section.

SEC. 305. PROCUREMENT OF ENERGY EFFICIENT LIGHTING DEVICES.

Section 553(d) of the National Energy Conservation Policy Act is amended by adding at the end the following new paragraph:

''(3) The head of an agency shall procure the most energy efficient and cost-effective light bulbs or other electrical lighting products, consistent with safety considerations, for use in that agency's facilities and buildings.''.

SEC. 306. MINORITY EMPLOYMENT.

Section 385 of the Energy Policy Act of 2005 is amended by adding at the end the following:

''(d) PROGRAM.—The Secretary of Energy is authorized and directed to establish a program to encourage minority students to study the earth sciences and enter the field of geology in order to qualify for employment in the oil, gas, and mineral industries. There are authorized to be appropriated for the program established under the preceding sentence $10,000,000.''.

TITLE IV—GASOLINE PRICE REFORM

SEC. 401. SHORT TITLE.

This title may be cited as the ''Gas Price Gouging Prevention Act''.

SEC. 402. GASOLINE PRICE GOUGING PROHIBITED.

(a) UNLAWFUL CONDUCT.—During a period of a major disaster, it shall be unfair or deceptive act or practice in violation of section 5 of the Federal Trade Commission Act for any person to sell crude oil, gasoline, diesel fuel, or home heating oil at a price which constitutes price gouging as defined by rule pursuant to subsection (b).

(b) PRICE GOUGING.—Not later than 6 months after the date of the enactment of this Act, the Federal Trade Commission shall promulgate any rules necessary for the enforcement of this section. Such rules shall define ''price gouging'' for purposes of this section, and shall be consistent with the requirements for declaring unfair acts or practices in section 5(n) of the Federal Trade Commission Act (15 U.S.C. 45(n)).

(c) ENFORCEMENT BY FTC.—

(1) IN GENERAL.—A violation of subsection (a) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this section.

(2) EXCLUSIVE ENFORCEMENT.—Notwithstanding any other provision of law, no person or State or political subdivision of a State other than the Federal Trade Commission, or the Attorney General to the extent provided for in section 5 of the Federal Trade Commission Act, shall have any authority to enforce this section, or any rule prescribed pursuant to this section.

(d) PENALTIES.—Any person who violates subsection (a), or the rules promulgated pursuant to this section, shall be subject to a civil penalty of not more than $11,000 per violation.

(e) DEFINITION OF MAJOR DISASTER.—

(1) DETERMINATION.—As used in this section, and for purposes of any rule promulgated pursuant to this section, the term ''major disaster'' means a major disaster declared by the President as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) that the Secretary of Energy determines to have substantially disrupted the production, distribution, or supply of crude oil, gasoline, diesel fuel, or home heating oil.

(2) APPLICABLE AREA AND PERIOD.—The prohibition in subsection (a) shall apply to the United States or a specific geographic region of the United States as determined by the President and the Secretary of Energy at the time in which a determination under paragraph (1) is made, and for a period of 30 days after such determination is made. The President may extend the prohibition for such additional 30-day periods as the President determines necessary.

SEC. 403. FTC INVESTIGATION ON PRICE-GOUGING.

(a) STUDY.—The Federal Trade Commission shall conduct an investigation into nationwide gasoline prices in the aftermath of Hurricane Katrina, including any evidence of price-gouging by subject companies described in subsection (b). Such investigation shall include—

(1) a comparison of, and analysis of the reasons for changes in, profit levels of subject companies during the 12-month period ending on August 31, 2005, and their profit levels for the month of September, 2005, including information for particular companies on a basis that does not permit the identification of any company to which the information relates;

(2) a summary of tax expenditures (as defined in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3)) for such companies;

(3) an examination of the effects of increased gasoline prices and gasoline price-gouging on economic activity in the United States;

(4) an analysis of the overall cost of increased gasoline prices and gasoline price-gouging to the economy, including the impact on consumers' purchasing power in both declared State and National disaster areas and elsewhere; and

(5) an analysis of the role and overall cost of credit card interchange rates on gasoline and diesel fuel retail prices.

(b) SUBJECT COMPANIES.—The companies subject to the investigation required by this section shall be—

(1) any company with total United States wholesale sales of gasoline and petroleum distillates for calendar year 2004 in excess of $500,000,000; and

(2) any retail distributor of gasoline and petroleum distillates against which multiple formal complaints (that identify the location of the particular retail distributor and provide contact information for the complainant) of price-gouging were filed in August or September 2005, with a Federal or State consumer protection agency.

(c) EVIDENCE OF PRICE-GOUGING.—In conducting its investigation, the Commission shall treat as evidence of price-gouging any finding that the average price of gasoline available for sale to the public in September, 2005, or thereafter in a market area located in an area designated as a State or National disaster area because of Hurricane Katrina, or in any other area where price-gouging complaints have been filed because of Hurricane Katrina with a Federal or State consumer protection agency, exceeded the average price of such gasoline in that area for the month of August, 2005, unless the Commission finds substantial evidence that the increase is substantially attributable to additional costs in connection with the production, transportation, delivery, and sale of gasoline in that area or to national or international market trends.

(d) REPORTS.—

(1) NOTIFICATION TO STATE AGENCIES.—In any areas of markets in which the Commission determines price increases are due to factors other than the additional costs, it shall also notify the appropriate State agency of its findings.

(2) PROGRESS AND FINAL REPORTS TO CONGRESS.—The Commission shall provide information on the progress of the investigation to the Appropriations Committees of the House of Representatives and the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, every 30 days after the date of enactment of this Act. The Commission shall provide those Committees a written interim report 90 days after such date, and shall transmit a final report to those Committees, together with its findings and recommendations, no later than 180 days after the date of enactment of this Act. Such reports shall include recommendations, based on its findings, for any legislation necessary to protect consumers from gasoline price-gouging in both State and National disaster areas and elsewhere.

(e) EVIDENCE OF CRIMINAL MISCONDUCT.—If, during the investigation required by this section, the Commission obtains evidence that a person may have violated a criminal law, the Commission may transmit that evidence to appropriate Federal or State authorities.

SEC. 404. FTC STUDY OF PETROLEUM PRICES ON EXCHANGE.

Not later than 180 days after the date of enactment of this Act, the Federal Trade Commission shall transmit to Congress a report on the price of refined petroleum products on the New York Mercantile Exchange and the effects on such price, if any, of the following:

(1) The geographic size of the delivery market and the number of delivery points.

(2) The proximity of energy futures markets in relation to the source of supply.

(3) The specified grade of gasoline deliverable on the exchange.

(4) The control of the storage and delivery market infrastructure.

(5) The effectiveness of temporary trading halts and the monetary threshold for such temporary trading halts.

TITLE V—STRATEGIC PETROLEUM RESERVE

SEC. 501. STRATEGIC PETROLEUM RESERVE CAPACITY.

(a) AUTHORITY TO DRAWDOWN AND SELL PETROLEUM PRODUCTS FOR EXPANSION OF RESERVE.—''In addition to the authority provided under part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.),'' the Secretary may drawdown and sell petroleum products from the Strategic Petroleum Reserve to construct, purchase, lease, or otherwise acquire additional capacity sufficient to permit filling the Strategic Petroleum Reserve to its maximum authorized level.

(b) ESTABLISHMENT OF SPR EXPANSION FUND.—The Secretary of the Treasury shall establish in the Treasury of the United States an account to be known as the ''SPR Expansion Fund'' (in this section referred to as the ''Fund''), and the proceeds from any sale pursuant to subsection (a) shall be deposited into the Fund.

(c) OBLIGATION OF FUNDS FOR EXPANSION.—Amounts in the Fund may be obligated by the Secretary to carry out the purposes in subsection (a) to the extent and in such aggregate amounts as may be appropriated in advance in appropriations Acts for such purposes.

SEC. 502. STRATEGIC PETROLEUM RESERVE SALE.

Section 161(e) of the Energy Policy and Conservation Act (42 U.S.C. 6241(e)) is amended by inserting after paragraph (2) a new paragraph as follows:

''(3) Any contract under which petroleum products are sold under this section shall include a requirement that the person or entity that acquires the petroleum products agrees—

''(A) not to resell the petroleum products before the products are refined; and

''(B) to refine the petroleum products primarily for consumption in the United States.''.

SEC. 503. NORTHEAST HOME HEATING OIL RESERVE CAPACITY.

Section 181(a) of the Energy Policy and Conservation Act (42 U.S.C. 6250(a)) is amended by striking ''2 million barrels'' and inserting ''5 million barrels''.

TITLE VI—CRITICAL ENERGY ASSURANCE

SEC. 601. EVACUATION PLAN REVIEW.

Not later than 6 months after the date of enactment of this Act, the Secretary shall transmit to the Congress a report of the Secretary's review of the fuel supply plan components of State evacuation plans and the National Capitol region. Such report shall determine the sufficiency of such plans, and shall include recommendations for improvements thereto. Annually after the transmittal of a report under the preceding sentence, the Secretary shall transmit a report to the Congress assessing plans found insufficient under previous reports.

SEC. 602. DISASTER ASSISTANCE.

(a) AUTHORITY.—During any federally declared emergency or disaster, the Secretary may provide direct assistance to private sector entities that operate critical energy infrastructure, including refineries.

(b) ASSISTANCE.—Assistance under this section may include emergency preparation and recovery assistance, including power generation equipment, other protective or emergency recovery equipment, assistance to restore access to water, power, or other raw materials, and transportation and housing for critical employees. The Secretary may request assistance from other Federal agencies in carrying out this section.

SEC. 603. CRITICAL ENERGY ASSURANCE ACCOUNT.

There is established in the Treasury an account known as the Critical Energy Assurance Account. The Secretary shall deposit into this account amounts appropriated to the Secretary for the purpose of carrying out this title and payments paid to the Secretary by any non-Federal source for the purpose of carrying out this title. The Secretary may receive and accept payments from any non-Federal source, which shall be available to the Secretary, without further appropriation, for carrying out this title.

SEC. 604. REGULATIONS.

The Secretary may issue regulations necessary or appropriate to carry out this title.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in part B of the report, if offered by the gentleman from Michigan (Mr. STUPAK) or his designee, which shall be considered read, and shall be debatable for 40 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Texas (Mr. BARTON) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation before us and to insert extraneous material on the bill.

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

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS), the distinguished subcommittee chairman.

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

Mr. STEARNS. Mr. Speaker, let me say to all my colleagues that are concerned about this bill, within the bill is a gas price gouging prevention portion, the ''Gas Price Gouging Prevention Act,'' my amendment that was approved in Committee. Included in the manager's amendment, it will for the first time direct the Federal Trade Commission to define price gouging and prosecute it as an unfair and deceptive trade practice.

It will direct Federal Trade Commission expertise and resources in addition to existing State anti-gouging laws on eliminating retail and wholesale price gouging in a designated disaster area as well as any extended problem in the areas around the country, as determined by the President and the Secretary of Energy. Penalties include fines up to $11,000 for violation in addition to equitable remedies, like returning ill-gotten profits.

The amendment prohibits price gouging in the market for crude oil, home heating oil, gasoline, and diesel fuel. This has been extended. It is difficult to define price gouging. For the first time in this country, we are going to define it. We are going to prosecute it, and we are going to give the Federal Trade Commission the authority to do just that.

The amendment provides for the exclusive enforcement by the Federal Trade Commission of the provisions as a violation of a rule defining an unfair deceptive act or practice under the FTC Act. As I mentioned earlier, there are stiff penalties involved.

The bill is triggered for 30 days in the affected area, not just 1 or 2 weeks, but 30 days and beyond if the President of the United States, in consultation with the Secretary of Energy, deems it to be appropriate. When the President declares a major disaster, and only for those major disasters that the Secretary has determined could significantly affect production, distribution or supply, then it is extended, it is enforced. As mentioned earlier, it includes not just crude oil, home heating oil, and gasoline and diesel fuel.

I urge my colleagues to look carefully at this bill. If you are going to vote against this bill, you are going to vote against a provision that establishes for the first time price gouging that is defined and prosecuted on a Federal level.

I urge all my colleagues to support the bill.

The amendment prohibits price gouging in the market for crude oil, home heating oil, gasoline and diesel fuel.

It is difficult to define ''price gouging.'' The existing State statutes in this area have vastly different definitions and interpretations. Therefore, the amendment directs the FTC to define price gouging within 6 months of enactment consistent with the requirements for declaring unfair acts or practices in Section 5 of the FTC Act.

The FTC's authority to define ''price gouging'' is tempered by the traditional unfairness principles under Section 5(n) of the FTC Act. Under this section, to be ''unfair'' a practice must: cause or be likely to cause substantial injury to consumers; not be reasonably avoidable by consumers themselves; and not be outweighed by countervailing benefits to consumers or to competition.

The amendment provides for the exclusive enforcement by the FTC of the provision as a violation of a rule defining an unfair or deceptive act or practice under the FTC Act.

The amendment provides for civil penalties of up to $11,000 per violation.

The bill is triggered for 30 days in the affected areas—and beyond if the President, in consultation with the Secretary of Energy, deems it to be appropriate—when the President declares a major disaster, and only for those major disasters that the Secretary has determined could significantly affect production, distribution, or supply. The President may

extend the prohibition for such additional 30-day periods as he or she determines necessary.

In addition, the issue of price gouging must be addressed. Unfortunately, the tremendous goodwill of the American people in helping their fellow citizens on the devastated gulf coast was marred by some now infamous instances of gasoline price gouging. Experts say the rapid rise in gasoline and diesel fuel prices nationwide following these natural disasters primarily resulted from a supply crisis. Yet, there were some specific gasoline price increases that the average American, and maybe even the experts, knows are gouging. Certain market situations, particularly those involving natural disasters like Hurricanes Katrina and Rita, require aggressive and targeted Federal prosecution of gasoline price gouging.

My amendment, the "Gas Price Gouging Prevention Act," which is included in the Manager's amendment, will for the first time direct the Federal Trade Commission to define price gouging and prosecute it as an unfair and deceptive trade practice. The "Gas Gouging Prevention Act" will direct FTC expertise and resources, in addition to existing state anti-gouging laws, on eliminating retail and wholesale price gouging in a designated disaster area, as well as any extended problem areas around the country as determined by the President and Secretary of Energy. Penalties include fines of up to $11,000 per violation, in addition to equitable remedies like returning ill-gotten profits.

It's time to flush out the gougers and protect consumers with a new Federal weapon to prosecute gasoline price gouging. I thank my colleagues, especially Mr. WALDEN, for their help in making the amendment even better and I urge that we pass "Gas Price Gouging Prevention Act" included in H.R. 3893, the "Gasoline for America's Security Act."

In closing, this legislation will go a long way to better protect the U.S. oil markets, as well as all consumers who depend on them. I urge my colleagues to support it.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

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

Mr. DINGELL. Mr. Speaker, we have before us today a hastily crafted minimally reviewed bill of doubtful value and most curious circumstance. We have had no hearings on the specific measure before us. The major changes in language in the bill were revealed late last night, I believe at 11 p.m. We have not received a single response to the questions we asked of the Department of Energy and the Environmental Protection Agency.

We do not know whether the provisions in the energy bill passed less than 2 months ago to expedite refinery siting are working. We do not know what these new provisions on refinery sitings are going to do. We literally have before us a bill which is composed of scraps assembled from the waste baskets at the House Legislative Counsel, crafted together by my Republican colleagues to do something which they will have great difficulty in explaining today.

There can only be one explanation for this rush to the floor, and that is the desire of the Republican leadership of the House to use the hardship of the devastation of Hurricanes Katrina and Rita to push various parts of their agenda. The former majority leader, as is custom, has tried to blame Democrats for all ills, saying, and I quote, "[t]he Democrats made us drop many important issues out of the last energy bill that would have helped this situation that we have found ourselves in now, and it is time to go back and revisit those."

I would remind the House that it was widely pointed out when that legislation was before us what a remarkable example of bipartisanship and legislative cooperation it was. Of course, the committee chairman has offered to negotiate, and I want to express my affection and respect for him.

But the predetermined schedules of the goal meant that all the Republicans wished to negotiate for was political cover for themselves and perhaps surrender by the Democratic members. Now we have before us a poorly thought out and poorly vetted effort to pass the Republican and energy wish list. This is not the way to respond to energy issues raised by hurricanes.

If we decide to act on an expedited basis, we should be focusing on immediate problems of rising gasoline prices and anticipated increases in natural gas and home heating oil prices which are coming upon us in the fall. Democrats will today offer a sensible substitute that provides tough consequences for price gouging whenever it occurs in the industry, not just by the little corner gas station.

Our substitute will tackle the problem of limited refinery capacity head-on by creating a national Strategic Refinery Reserve patterned after the successful Strategic Petroleum Reserve. We direct the Secretary of Energy to establish and operate refineries that will help protect our national security and protect consumers from supply disruptions. The public interest demands no less.

I urge my colleagues to vote against the bill and for the Democratic substitute.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LEWIS), the distinguished chairman of the Appropriations Committee.

□ 1115

Mr. LEWIS of California. Mr. Speaker, I would say to the gentleman from Texas (Mr. BARTON), I appreciate the expeditious way he has responded to this crises. If there is a silver lining to the Hurricane Katrina crisis, it is that it has opened the eyes of Congress and our business community to the urgent need to add to the capacity of our oil refineries. The fact that gas prices shot up in the wake of this monstrous hurricane is a reflection of the reality that we do not have the capability to meet the sort of refining needs the country has that will put the kind of pressure on gas prices that are so important to our consuming public.

Hurricane Katrina is telling us very clearly that we have a challenge and an opportunity here to increase that capacity. In the last year, I met on several occasions with Adel Al-Jubeir, a representative of the country of Saudi Arabia. On any number of occasions he has rather smiled at me saying America does not have the capacity to provide the gasoline that your consuming public needs. You have not built a refinery in three generations.

We do have that opportunity by this action today, and I strongly urge the House to recognize it. This is the one chance for us to make a long-term commitment to reducing gasoline prices. I strongly urge an "aye" vote on this measure.

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to yield the remainder of my time to the gentleman from Virginia (Mr. BOUCHER), and that he be allowed to control the time for this side.

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

There was no objection.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN), a senior member of the Committee on Energy and Commerce.

Mr. WAXMAN. Mr. Chairman, I rise in strong opposition to H.R. 3893 and in strong support of the Stupak substitute.

The Gulf Coast of the United States was devastated by a catastrophic hurricane. Hundreds of thousands of Americans lost their homes and their possessions. Gasoline prices jumped 46 cents per gallon overnight. Price gouging was rampant. The big oil companies charged more, simply because they could. The oil companies took shameless advantage of the disaster, and now Washington Republicans are trying to do the very same thing.

The Republican leadership is trying to use this tragedy and Missouri to undermine our environmental laws and pass more special interest giveaways to the oil industry. It wants to exploit Hurricane Katrina for a special interest bonanza. This is the legislative equivalent of price gouging, and it is unconscionable.

The bill before us is supposed to be a response to Hurricane Katrina. It is supposed to respond to the damage done to our Nation's energy infrastructure and address the Nation's runaway energy prices, but what it does is give the oil companies even more taxpayer subsidies and exemptions from environmental laws, and the bill is not even limited to the oil industry.

If this bill becomes law, the entire eastern half of the United States can suffer more pollution for years to come. The ideas in this bill are not

new. They are the same egregious environmental assaults that Republicans in Congress have tried unsuccessfully to pass for years. All that is new is the rationale. There is no excuse for this legislation to allow children with asthma to have to suffer more medical problems on the eastern coast of the United States in order to address a tragedy in the gulf coast of the United States.

Ten years ago, the gentleman from Texas (Mr. DELAY) introduced legislation to repeal the Clean Air Act piece by piece. Today, Washington Republicans are using hurricanes as a cover to enact his radical agenda. These were very bad ideas when they were first proposed. To pass them now in the guise of helping hurricane victims would be shameful.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), a member of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the chairman for putting this bill together. I want to talk about one very important provision of this bill, and I want to endorse the passage of this legislation.

This legislation builds on progress we had in the energy bill dealing with boutique fuels, but what I want to do is explain the problem we have with boutique gasoline blends in America.

Today we have 18 different fuel types, which translates into 45 different fuel blends. This map of America looks like a piece of modern art and shows the different fuel blends we have to have running through America today. When we designed our pipeline and refinery system three generations ago, it was designed for one kind of gasoline: conventional gasoline. Today we have to pump 45 different blends of gasoline through that system.

Any time there is a problem with supply, a pipeline break, a hurricane, a refinery fire, what happens? The price of gas skyrockets. There are refineries that cannot even make the needed gasoline for particular areas. The problem is getting worse. This map is because we have 217 counties that have to have some kind of reformulated boutique fuel. Because of the new, 8-hour ozone regulations this year, 474 counties will have to adopt new blends of gasoline so the problem will get even worse if we do nothing. This bill fixes that.

This bill says that, over the next year, the EPA and the DOE will have to design a six-fuel-blend system. So we go from 18 different base blends with 45 different fuels down to six fuels, to make sure we can meet and exceed our Clean Air Act standards, no compromise on those, and have stable, fungible blends of gasoline.

Mr. Speaker, we can have cheap gas and clean gas at the same time in this country. We need to harmonize our gasoline blends so we have standard, stable blends of gasoline. If we do that, we stabilize the supply. If we do that, we stabilize the price. I urge passage of this legislation.

Mr. BOUCHER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the bill before us today was rushed through the committee. It did not receive a single legislative hearing. It would weaken environmental protections but would do nothing to reduce the price of gasoline.

There has been much attention given to the fact that our Nation's refinery capacity is limited, but there has been no substantial evidence presented to conclude that the reason for this shortage is difficulty in siting or obtaining the environmental permits necessary in order to build a new refinery. In fact, there has been some evidence that suggests the reason for the thin refinery capacity is that refiners are reluctant to build new facilities since they are enjoying record profits under the current regime.

The bill before us would seek to increase refinery capacity by easing environmental requirements and providing additional Federal authorities for siting new facilities. Based on the evidence before us, that would be the wrong remedy. There is a better approach.

Later today I will be joining with our colleague, the gentleman from Michigan (Mr. STUPAK), in offering a substitute for the bill. Our substitute would address the refinery capacity issue by creating a strategic refinery reserve. The new reserve would build on the success of the strategic petroleum reserve and would provide the Nation with a reserve refinery capacity that could be used in times of national emergency to increase the supply of gasoline and minimize supply disruptions and price spikes.

Given the choices that are before us today, the substitute that the gentleman from Michigan (Mr. STUPAK) and I will be offering is far more likely to address our real gasoline supply problems than the underlying bill.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Speaker, 1976 was a great year. We built our last refinery in this country, and I graduated from high school. That is too long for that to occur.

Our domestic demand for crude oil averages 21 million barrels a day. We refine only 17 million barrels a day. That means we import gasoline. People understand we have a dependence upon foreign oil. What they do not understand and find incredibly ridiculous is that we import refined product just making us more dependent on the industry.

This is a great piece of legislation, and anyone from coal country ought to support it. Coal to liquid, fisher trove technology developed during World War II is evident in production in South Africa today. What we have done in this bill is we have taken the definition of refinery and added coal to liquid, which means we can harvest the great coal reserves of this country. We can turn them into clean fuel and use that clean fuel to reduce our demand for foreign oil. We are also able to disburse our refinery assets around the country so we are not held hostage by having 47 percent of our refineries in hurricane alley.

This bill is a tremendous step forward in decreasing our reliance on foreign oil, new technology, diversifying our refinery portfolio, and I ask all of my colleagues to join me in support of this legislation.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong opposition to this bill.

It is ironic that this bill is called the Gasoline for America's Security Act, or GAS Act, because this bill is certainly filled with a lot of hot air.

This bill will do nothing to bring down the cost of gasoline. My constituents and millions of Americans want to know why they are paying $3 and more for gasoline. Just today in the newspaper it reported that Americans can expect to spend 45 to 90 percent more on home heating fuel this year than they did last winter. This is absolutely unconscionable.

We saw during Hurricane Katrina looters in New Orleans, but the real looters are the big oil companies. They are looting the American people. They are making record profits. What does this bill do? It does nothing to bring down the price of gasoline. That is what Americans want. They do not want rhetoric. They do not want more SOP to the oil and gas industry. They do not want more of the same.

Since I am from the Bronx, I will quote Yogi Berra of the Yankees: It is deja vu all over again.

Once again, the majority has presented us with legislation that purports to respond to skyrocketing gas prices, but does nothing of the sort. Under the guise of responding to Hurricane Katrina, we are voting on a bill that guts environmental and public health protections and does nothing to reduce our Nation's devastating dependence on Middle Eastern oil.

Further, we are once again witnessing the majority undermining States' rights on the floor of the House. This bill includes provisions that preempt State and local government's authority to decide where refinery facilities are placed in individual communities.

What this country critically needs, but was neither in the Energy Policy Act of 2005, which was signed into law, nor in this bill, is a policy to reduce our addiction to oil through the promotion of alternatives and clean renewables, automotive fuel efficiency

and the reduction of greenhouse gases. We must create policies that achieve these goals, and we need not destroy the environment and the rights of our citizens in doing so.

This is a sop to the industry. It gives us more of the same. It does nothing to lower gas prices. I urge a ''no'' vote.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON), a member of the Committee on Energy and Commerce and chairman of the Subcommittee on Telecommunications.

Mr. UPTON. Mr. Speaker, what have Members been hearing in their districts? I will tell Members what I have been hearing: There is a constant uproar and anguish about the gas prices across this country.

One of the home builders that I met with earlier this week, it cost him $94 to fill up his pickup. Sadly, I do not see that price going down any time soon. This is a long-term, not a short-term, problem.

Worldwide, we consume what we produce. This country uses 25 percent of the world's energy, yet we have only 2.5 percent of the world's energy reserves. And in fact in Alaska, we are getting 50 percent of what we got only 7 years ago.

The energy bill signed in August will help us in the long term, but it will not help us in the short term. This bill will help us in the long term, not in the short term.

We have heard the arguments. We have fewer refineries than we had 30 years ago. We have not built a new refinery in a generation. We need more, and this bill will bring that about.

We have dozens of boutique fuels, 45 different blends of gasoline to serve this country. That means we have a different blend for St. Louis than Milwaukee than Detroit than Los Angeles than Houston than Philadelphia than Washington. It is crazy.

□ 1130

This bill is going to reduce that from 45 blends to no more than six or eight.

The bottom line is if we are not happy with $3 gas, we need to vote ''yes'' on this bill. We need to send it to the Senate. I will remind my colleagues that this bill passed by a voice vote after 16 hours of markup, and I applaud the gentleman from Texas (Mr. BARTON), my chairman, for making sure we did it in a bipartisan way.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I have always believed something many politicians do not realize: the American people are not stupid. This winter, as their car gasoline prices remain high, their home heating bills from natural gas and heating oil go up, they are going to understand this bill has no connection to lowering gas prices and no connection to Hurricane Katrina.

What this bill does do is it rides roughshod over environmental laws, and it rides roughshod over local control of new refineries. Just wait for the public outcry if this bill passes when people find out that refineries can be put up in their backyards with no local input and especially when they find out that these refineries' profits went up 255 percent last year.

So what should we be doing? Number one, we should genuinely address price gouging. The provisions in this bill are toothless at best. If we really want to stop price gouging, what we should do is pass the Democratic substitute, which would actually beef up the FTC's ability to prosecute this practice.

Number two, I have been saying this for the 9 years I have been in Congress: we need a forward-looking energy policy that puts real teeth into conservation and renewables so that we can reduce our dependence on foreign oil.

What does this bill do about conservation? Members will be pleased to know it encourages carpooling and van pooling. I am going to tell the Members the other soccer moms at my kids' school would be appalled to know that this is all Congress is doing to encourage conservation.

What about renewables? Well, I offered an amendment both in committee and at the Committee on Rules which was denied. All this amendment says is let us increase the use of renewable energy in this country. I think that the majority of Coloradans who voted for an initiative on a ballot last year would agree with this along with the rest of Americans. What we need, Mr. Speaker, is a comprehensive energy policy that is more than a sop to Big Oil.

Vote for the substitute and ''no'' on final.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), a member of the committee.

Mrs. BLACKBURN. Mr. Speaker, I thank the chairman for his excellent work on this issue.

It is so interesting for me to stand here in this body and listen to people say it was rushed through committee, that we have not given proper thought to this issue.

Mr. Speaker, it seems this issue has been around for about 10 years, trying to get an energy bill through, and we did. We passed the Energy Policy Act of 2005. But this issue has been on the table for 10 years, and if former President Clinton had not vetoed drilling in ANWR in 1995, we might not be standing here having this discussion today. But that happened.

So this is not being rushed through. This is something that is the culmination of a decade's worth of talk. And the people in Tennessee, in my district, are tired of the talk, Mr. Speaker. They are ready for some action. This is a right step. It is the right time.

I want to hit two provisions that are included in this bill. One is streamlining the countless regulations, then helping to prevent some of the frivolous lawsuits. When we look at streamlining some of the process they have to go through to build a refinery, that is a good thing. It is going to help us to be able to move forward on refineries in a more expeditious manner. The other thing is establishing the Department of Energy as the lead agency for siting refineries and eliminating some of the unnecessary requirements on waiting on multiple bureaucracies to respond to a request to build one refinery. This is not about bureaucrats and building. It is about meeting real American needs of real families for energy uses on a daily basis.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Speaker, I rise today in strong opposition to the wrongly named Gasoline for America's Security Act. It would be more appropriate to call this the Don't Hold Your Breath Act, as this bill will not do what my colleagues on the other side claim.

While it is clear to all of us that our Nation does not have the refinery capacity that we need, it is equally clear that the bill before us will not increase this shortfall. The idea that simply eliminating environmental standards and removing judicial control will solve this problem is absolutely wrong.

Over the past 30 years, there has been only one application filed to build a new refinery. I will say that again: only one application has been filed. We are not talking about permit after permit being thrown out. We are not talking about an industry trying time after time to site a facility and being denied.

What we are talking about is the fact that the gasoline industry makes the vast majority of their profits at the refinery level, and there is zero economic incentive for them to increase their capacity. As long as the refineries are operating at near 100 percent, their profit margins are through the roof. This bill ignores this obvious fact and instead focuses on eliminating environmental protections, which is nothing more than a scapegoat measure that will not do anything to address the basic problem.

So what does this bill actually do? It strips virtually all of the environmental protections of the Clean Air Act, the Clean Water Act, and the Endangered Species Act when they come into conflict with the siting of a refinery. The bill removes all cases challenging refinery siting from local State courts and forces communities to come to Washington, D.C. in order to challenge the selection of their hometown for a new refinery. And, further, if the local communities lose in court, they have to pay all of the industry's legal bills. This bill also will limit the Federal Trade Commission's ability to impose penalties when presented with evidence of price gouging, effectively incentivizing industry to take advantage of disasters like Katrina.

For these reasons, I ask my colleagues to reject this bill. Democrats

have a substitute that will address critical shortages during disasters without gutting our environmental laws, and it deserves our support.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER), a member of the committee and the distinguished chairman of the Committee on Veterans' Affairs.

Mr. BUYER. Mr. Speaker, I appreciate the gentleman's comments, the speaker before me, because what he has really laid out is sort of the complaints that we hear from the Democrat side of the aisle, the complaints for years when they controlled Congress and laid out policies and rules and regulations that prevented, really, people to bring capital at risk to build refineries. So we hear a lot of complaints, but we do not hear of ideas and actions to help an industry that will help America.

This is a good bill. I support the bill. I want to compliment the chairman for his good work.

I also believe that Hurricane Katrina did reveal a weakness in our energy supply systems, highlighting the reliance this country has on the gulf coast for our energy resources. Approximately 47 percent of the U.S. refining capacity and 28 percent of oil production are located in the hurricane-prone region. So I think it is time for America to take steps to build more refineries and protect this country in time of natural disaster.

This is a good bill. It will address our growing need for gasoline, heating oil, and other fuels and will bring more supply to the market and for the American people. So despite the noise that we maybe hear on the floor, for the American people this is a good bill.

I am concerned, though, that a section of the bill was removed that dealt with the interchange rates, and what we wanted to do was to address the channels of trade to bring more transparency to how credit card companies actually apply these interchange rate fees and how the consumer then picks it up. I am pleased, in a conversation with the chairman and the gentleman from Florida (Mr. STEARNS), they are going to consider having a hearing on the issue; and I think that is a good thing.

I strongly support the Bush Administration's clean diesel rules, which will reduce air pollution from diesel engines by more than 90 percent, and reduce the sulfur content of diesel fuel by more than 95 percent. These rules will not only help clean the air, but they will also encourage greater use of highly fuel-efficient clean diesel engines. The use of highly fuel-efficient clean diesel engines is a mandates free way of making our existing domestic refining and oil production go further. In fact, according to the Department of Energy, if diesel vehicles made up 20 percent of our fleet in 15 years, we would save 350,000 barrels of oil a day.

I understand the challenges that so-called "boutique fuels" present. Section 108 takes steps towards addressing these challenges. However, I want to make it clear that I have been assured by the Chairman of the Energy and Commerce Committee, the Gentleman from Texas, that Section 108 of the legislation does not intend to alter or delay—in any way—the Bush Administration's on- and off-road diesel rules.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS), a member of the Committee on Energy and Commerce.

Mrs. CAPPS. Mr. Speaker, I rise in strong opposition to this ill-conceived legislation.

This bill is a shameless attempt to use the tragedy of Katrina as an engine to drive bad policies into law. The purported reason behind the bill is the high cost of gas caused by Katrina, and this is the bill that is supposed to meet that challenge. But gas prices were at record highs before Katrina hit. Katrina merely ramped them up and provided an excuse to push more failed Republican energy ideas.

I guess the best thing we can say about the bill is what is not in it, namely, the repeal of the longstanding, bipartisan moratorium on new offshore drilling. But the bill, however, does gut public health and environmental laws. It does strip States and localities of the authority to protect their own citizens. And, bottom line, it fails to protect consumers from price gouging at the pump, which we have seen going on on a regular basis.

Mr. Speaker, the problem of high gas prices is a serious one. It affects businesses and families on a daily basis, and I should know because my gas prices in my district are usually among the highest in the Nation. Right now they hover around $3.50 a gallon. But this bill is not about trying to do something about that. It is about trying to distract the American people from a failed Republican energy strategy, a strategy that fails to realize that we have 3 percent of the world's oil reserves while we account for 25 percent of the world demand. This is a strategy that relies on increasing our supplies at all costs while conservation efforts are ridiculed by our Vice President as "signs of personal virtue." This is a strategy that says if laws that protect public health or environment get in the way, we should just waive them. It is a strategy that dooms America to never-ending energy crises that consistently enrich energy companies at the expense of hard-working American families and businesses.

Over the past several years, we have had repeated chances to craft commonsense, efficient, and effective energy legislation that would set America on a more stable future; but this Republican Congress has failed to do that and this, failure is once again realized in this bill.

So I urge my colleagues to vote for the alternative and to vote down this awful legislation.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 4 minutes.

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

Mr. BARTON of Texas. Mr. Speaker, I want to cut to the chase on this issue.

In 1981 there were 324 operating refineries in the boundaries of the United States of America. Today there are 148. Do the math: 184 is a smaller number by 176 than 324. There are a lot of reasons for it, but one of the reasons is this flow diagram to my left.

To the left we have all of the permits that are required for what is called "new source review." That is if they want to expand an existing refinery. Now, this is actually the permitting application to expand an existing refinery in the State that I live in, the State of Texas. In the new source review, every one of these steps has to go forward. On the right of the chart are additional permits in addition to the new source review.

This is not a made-up chart. This is the law as it exists today. What company's board of directors in their right minds would want to go through this process and tie up billions of dollars for years and years if they did not know that they would at least get a definite decision in a timely fashion?

The bill before us may not be the best bill. It may not be the only approach. But it is a fact that we use 21 million barrels of oil a day in this country and we only have the refining capacity for about 16 on a good day; and, unfortunately, since Katrina and Rita, we have had many good days. We are down to 14 million barrels of refinery capacity that is available, and we need 21 million barrels of refinery capacity to refine our consumer demands that we have right now in this country. So this bill before us today does not eliminate any of these requirements. It does not lower the standard.

What it does do is require the Environmental Protection Agency and the Department of Energy to appoint officials within their agencies to consolidate and to coordinate all of these reviews if, if, a State Governor wants them to or if the President of the United States wants them to on Federal property. If a Governor does not want it to expedite the review, they do not have to; and this stays in existence, which means in those States they will not get any new or existing refineries built or expanded.

□ 1145

But in some States, and I hope my State of Texas is one, I think Governor Perry would ask for this expedited review. If that happens, and if we can get a company that wants to invest in a new refinery or expand an existing refinery, you will actually get a decision in a timely fashion. I have reason to believe that if we pass this bill and if the Senate passes this bill within the next year, you are going to see America's systems step forward and actually ask to build new refineries in the United States of America.

This is a good bill. We should vote for it. We should send it to the Senate, encourage them to vote for a similar bill

and then go to conference and produce a conference report that the President can sign, and let us get our country moving again and at least begin to start the process to lower gasoline prices for every American in this country.

In the days right after Hurricane Katrina, gasoline prices shot up past the $3 dollar mark almost everywhere. Shortages caused some gasoline stations to run dry. Americans nationwide worried if the price would be higher on their way home from work than it was in the morning. Many consumers worried that they were getting gouged, and wondered if prices would ever go down again. Today, we take action. Today, the House of Representatives will support building new refineries, improving gasoline markets, and outlawing price gouging.

My committee was voting on the Gasoline for America's Security Act just 4 weeks after Hurricane Katrina crossed the coast. On that day, 11 refineries remained closed by flooding and power failures, and most had no restart dates. Roughly 18 percent of all U.S. gasoline production was still halted, and prices everywhere had spiked as a consequence.

Katrina damaged refineries all over Louisiana and Mississippi. Then Hurricane Rita came along and damaged refineries in Louisiana and Texas. Some have not restarted yet. We were all surprised to learn what happens when a chunk of our domestic capacity goes off line. Every driver in America has endured shortages and price spikes that still have not fully subsided.

This bill encourages new refineries to increase supply. We improve siting procedures, provide regulatory risk insurance, suggest non-park Federal lands for consideration, and give refiners more certainty about the rules they have to live under. Our Nation is more secure if refineries are spread more throughout the country.

This bill promotes new pipelines to get new crude oil and gasoline to consumers at lower prices. We encourage those who might build the Alaska Natural Gas Pipeline to speed up, by setting a deadline on their incentives. We require a study of whether pipelines should have backup power capability, so that they could operate during power outages.

The bill outlaws price gouging during emergencies for gasoline, crude oil, and home heating oil. We leave in place State measures against price gouging. We increase penalties to $11,000 per incident and expand the geographic scope of the provision. I want to thank Chairman CLIFF STEARNS of our Commerce, Trade and Consumer Protection Subcommittee and Congressman GREG WALDEN for their help on this provision.

We promote conservation with a DOE program to encourage carpooling and vanpooling. We also require evaluation of using CMAQ funds, Congestion Mitigation and Air Quality, for carpool and vanpool projects. We can make it easier for Americans to network and do these voluntary reductions of demand.

We authorize a refinery built for military use. If the President determines that there is insufficient refining capacity, the President can enter into contracts to permit, construct and operate a refinery with private industry to manufacture refined products for the military.

This bill doesn't do everything I think it should do. Last night, I agreed to drop very important New Source Review provisions that would give clarity to refiners and other energy providers. An operator of a refinery, a power plant, or an industrial facility should not feel scared to conduct routine maintenance or modernize the system without hurting emissions. A bipartisan majority of the Energy & Commerce Committee believes we should codify the Administration's return to a sensible NSR policy. Those who want to delay these sensible reforms are taking a step back from increasing supplies of gasoline, heating oil and other forms energy.

But I don't want this to get in the way of expanding refinery capacity after Hurricane Katrina, so I will set it aside for now until we can hold the additional hearings that some believe are needed. We will have a vote in the future on this policy, and when it passes, our Nation's supply of both energy supply and common sense will expand.

But today we have a chance to strike a blow against high gasoline prices. We can increase competition among refineries by seeing new ones built. We let any retail gasoline provider know the Federal government is watching—so don't gouge consumers in an emergency.

People everywhere expect us to do the right thing, and there's been honest and candid debate about what constitutes the right thing. According to some, doing nothing is not only right, but cheap and easy, too. The do-nothing plan is the one we've followed for decades. I think the two killer hurricanes have weakened the will to continue doing nothing, however. I hope so.

Our country needs more oil refineries because the people who work for a living need gasoline to get to work. These are people who earn paychecks and buy groceries at the Safeway and pay their bills, including their taxes. That means they use gasoline every day. They need it, and they need it at a price they can afford. They aren't activists and they don't contribute to campaigns or hire any lobbyists. Sometimes Washington forgets about them, but I haven't, and that's why we're taking up this bill.

Our cars, our jobs, our Nation's economic growth and our people's opportunity to prosper—they all rely on gasoline. Gasoline does not come from heaven, it comes from a refinery.

Let's send to the Senate and the President this antidote for high gasoline prices. Vote "yes" on this bill.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

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

Mr. MARKEY. I thank the gentleman for yielding me time.

We cannot begin to discuss how we are going to reduce our dependence upon imported oil unless we debate increasing the fuel economy standards for automobiles and SUVs in the United States. The gentleman from New York (Mr. BOEHLERT) and I have made this amendment for 4 years in a row. Now that the public's attention is on it, the Republican majority refuses to have a debate on how we can dramatically increase the fuel economy standards for SUVs and automobiles, and we put 70 percent of all the oil we consume into gasoline tanks.

We also are not having the debate out here on solar energy. Europe now outspends us on solar energy by four to one. Japan outspends us four to one. China is now passing us. No debate, however, under the Republican rules, on solar energy as a solution.

Instead, what we have here is new law which will allow for refineries to be built on closed-down military bases, on wildlife refuges, with a mayor or a State incapable of blocking it. In fact, if the State or city sues and loses, they must pay the legal bills of ExxonMobil. But if the city wins, ExxonMobil does not have to pay the legal bills of the city. That just shows you how backwards all of this is.

We should be debating a futuristic, innovative, energy strategy to cut in half our dependence upon imported oil, to use automotive technologies, to use solar and wind, to quadruple our expenditures, to surpass the world, to be number one looking over our shoulders at number two and three in the world, to do what President Kennedy did in responding to the Sputnik challenge of the Soviet Union.

Instead, our industry that engaged in a conspiracy to shut down 30 refineries in the last 10 years is now coming here and asking us to waive the Clean Air Act as the answer to their irresponsible actions. That is absolutely wrong. This bill must be defeated.

Mr. Speaker, I rise in opposition to this bill.

The race is on. It is a worldwide race among nations to embrace and own the energy technology of the future. Right now, the United States is not even at the starting line. We're not even tying up the laces on our running shoes.

Energy is the lifeblood of our economy, of our security, or our lives. Oil, black gold, runs our cars, machines, and planes and heats our homes—what if it just stopped coming? Think about it. It would take simply a decision of one or two oil producing nations to cut off critical supplies of oil to the U.S. tomorrow. The impact of such disruption to our economy would be crippling.

Al Qaeda has already identified this American vulnerability—our energy dependency Achilles heel. They call on jihadists everywhere to attack not just people, but also oil wells and pipelines, arguing that "the killing of 10 American soldiers is nothing compared to the impact of the rise in oil prices on America and the disruption that it causes in the international economy."

The decisions being made today by the Republican-controlled Congress are handicapping our nation at the starting line.

While this House is busying itself with the care and feeding of the industries of the last century—oil and gas production and refining, we are doing precious little to develop the energy technologies of the 21st Century. The only solution the Republican Leadership in Congress has to offer up to our current energy problems is giving oil companies more giveaways and more exemptions from environmental laws. Meanwhile, other nations around the world are beginning to race ahead of us.

The European Union already has set a target of meeting at least 20 percent of its overall

energy consumption with renewable energy technologies by 2020. They've just passed a resolution in the European Parliament to increase that target up to 25 percent.

Aggressive renewable energy policies have put Europe on track to increase electricity generated from wind ten-fold and from solar photovoltaics 45 times by 2020. A major factor making this rapid growth possible is the significant investments European governments have made in R&D. We spend a paltry $80 million on photovoltaics, for example, whereas Europe spends $300 million. So does Japan.

What's more, according to Christopher Flavin, Chairman of the World Watch Institute, China is set to overtake everyone. "In 5 years' time we see China as a world leader in this department. . . . Already, 35-million homes in China get their hot water from solar collectors. That is more than the rest of the world combined." China has also adopted CAFE standards that by 2008 will require cars to get 40 miles per gallon and trucks to get 21 miles per gallon. China is also purchasing Hybrids from abroad and developing hybrid production capabilities.

How do we expect to keep up, let alone lead, in these emerging innovative energy technology markets if we starve our R&D sector and refuse to set bold goals that stimulate creativity and achievement?

Americans know in their bones that we need to do more—that we are lagging behind in this race. Every time we pull up to the pump and watch the cost of the gasoline filling up our cars, ringing up to $40.00 for a tank that is barely full, we are reminded of the need to get out of this mess.

Consumers are paying the price for the Republican Congress' submissiveness to the Big Oil companies, for its lack of vision.

Consumers lose when the Republican Congress allows America to slip behind the pack of nations racing to lead the energy industries of the future. Right now, we have few choices but to return to the pump, fill our cars and hope that this spike that has lasted for over 2 years is going to break soon.

We owe our citizens a new vision for America's energy future to hang their hopes on. Hope without vision is a four letter word—our vision for restoring America's greatness through an energy challenge gives wings to the hopes of Americans wondering when this crunch will end.

This is a can-do Nation that has never stepped down from a challenge. Today we cannot afford to walk away from the challenge to lead the world in the future of energy technology.

In 1961, President Kennedy announced a goal of sending a Man to the Moon and returning him safely to Earth. By 1969, Neil Armstrong was standing on the Moon looking up at the earth. We need a similar visionary leadership today.

Instead of the bill before us now, we should be bringing a bill to the floor of this House which would:

Adopt a national policy of cutting our dependence on imported oil in half within the next decade.

Recognize that since we consume 25 percent of the world's energy but have only 3 percent of the world's oil reserves, we cannot drill our way into energy independence.

Embrace innovative energy technologies to improve the fuel efficiency of our cars and SUVs so that we make our motor vehicles at least 1 mile per gallon more efficient every year for the next 10 years.

Launch a Manhattan Project scale R&D initiative that is twice the size of comparable programs in the European Union, Japan, and China combined.

Mandate that at least 30 percent of our Nation's overall energy needs be met with solar, wind or other renewable energy sources, or with energy efficiency measures.

Create public and private partnerships to help rapidly commercialize and deploy a whole new generation of super-efficiency hybrid vehicles to deploy solar energy to our homes and businesses, to broadly deploy wind turbines around the country, to deploy Fuel Cells, clean-burning coal, more efficient natural gas and alternative fuels.

The U.S. is the technological engine of the world and we must lead the innovation in wind, solar energy and new fuel sources. We cannot, we must not lose this race.

If the Democrats were in charge of this House, we would be challenging America to establish a national oil savings goal, drive the future of the energy industry, and revolutionize our domestic use of fuels.

Democrats would be setting an agenda of innovation and establishing measurable goals to test the success of this to measure the success of their energy policy.

We would be demonstrating that a modern economy can grow and provide jobs to its citizens without sacrificing the quality of its air, its water or its most precious natural heritage areas.

That is what we need to be doing on the Floor of this House, and that is what the bill before us today entirely fails to do.

I urge the House to vote down this bill.

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

Mr. BOUSTANY. Mr. Speaker, I rise today in vigorous support of H.R. 3893. This bill takes us back to Earth in reality. This bill recognizes the need for increased supplies of refined petroleum products and takes the necessary steps to increase refining capacity.

No new refinery has been constructed in the United States since 1976. We just heard the numbers earlier. The demand for gasoline exceeds domestic production by an average of 4 million barrels per day. This growing gap is met by importing refined petroleum from foreign sources, which is a threat to market stability and national security. Refining capacity is not being increased, due in part to a permitting process that is overly cumbersome and capital intensive.

The two hurricanes only further exposed the lack of a comprehensive national energy security policy. Currently, 20 percent of our Nation's refinery production is shut down. 600,000 barrels are off line in my southwest Louisiana district.

This bill makes the necessary commitments to expand and diversify the refining industry in this country. By reforming and expediting a permitting process that is excessively slow and nearly impossible to navigate, we will enable refiners to meets the energy needs of America's citizens.

This legislation would not circumvent or remove any environmental protection, but would simply coordinate and streamline the process. It would also encourage investment in new pipelines and expansion of existing infrastructure to transport petroleum products more efficiently and at a lower cost to consumers.

The farmers of Louisiana need to harvest crops. The industries of Louisiana need to rebuild, and families of Louisiana would like to return. Affordable energy is going to be an important factor in our ability to do that.

The people of my district have realized the responsibility of providing fuel for this Nation for a long time, and they are happy to do so. It is now time to give them the tools to meet this growing task and share it with others. I urge the passage of this bill.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Committee on Science.

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

Mr. BOEHLERT. Mr. Speaker, I rise in strong opposition to this bill. H.R. 3893 will increase the deficit, harm the environment, undermine the States and give charity to oil companies, while doing virtually nothing, virtually nothing, to help consumers.

The whole premise of this bill is faulty: Refining capacity in U.S. is increasing. Let me repeat that: Refining capacity in the U.S. is increasing, and it has been increasing for a decade.

Yes, the number of refineries has declined, but that is irrelevant. Saying that we have less refining capacity today because we have fewer refineries is like saying that we have fewer crops today than we did in 1920 because fewer Americans are farming. It just does not make sense. It does not pass the laugh test.

Not only that, the marketplace offers incentives, and plenty of them, for oil companies, all the incentives they need to build more refineries. They have record profits and demand for their products keeps increasing. Refining capacity is likely to increase even more with or without this bill responding to the market demand.

But with this bill, we burden taxpayers by sending their hard-earned tax dollars into the pockets of oil companies through rebates and special payments. With this bill, we interfere with environmental rules designed to improve public health. With this bill, we take away, take away, authority from the States and local governments.

What we do not do with this bill is take any steps to reduce demand for oil, the only step that will actually reduce the price of gasoline, not to mention to make our Nation more secure.

I urge opposition. The priorities are all wrong.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentlewoman from New

Mexico (Mrs. WILSON), a member of the committee.

Mrs. WILSON of New Mexico. Mr. Speaker, one of the things that bothered me at the time of Katrina and then Rita was when you saw on the television long lines of cars at gas stations that were charging $5 or $6 for gas that you knew they did not pay that much to get in there. I do not believe that disasters should be a windfall for opportunists, and I appreciate the chairman and his staff working with us over the last week to strengthen the price-gouging provisions in this bill.

Currently, under current law, most price-gouging statutes are at the State level, and only 23 States in the Nation have price-gouging statutes. The only authority at the Federal level is through antitrust laws. You have to have two companies colluding in order to investigate it. With this bill, that will change for the first time.

For the first time, there will be Federal authority under the Federal Trade Commission to investigate price gouging after a disaster area has been declared. We have worked to strengthen this bill from the committee. The fines will be up to $11,000 per instance. It will apply in a disaster area and also beyond that disaster area if the President expands the area of coverage.

It covers any person or company, not just the retailers, but up and down the supply chain, and it applies to gasoline, crude oil, home heating oil and natural gas. It is quite a broad provision compared to what we had coming out of the committee.

I want to thank the chairman for his leadership and his staff for really strengthening the price-gouging provisions in this bill and, for the first time in this country, giving the Federal Government the tools they need to combat people who are taking advantage of terrible situations and take care of this problem of windfalls.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in opposition to the bill and in support of the Democratic substitute. I would like to start out by saluting the gentleman from New York (Mr. BOEHLERT) for having the courage as a Republican to stand up and to take the position that he has.

I think it is a sad day when the Republican Party is no longer holding on to the environmental mantle. One of my predecessors, Pete McCloskey, was a great champion in the Congress on those issues, and I think it is regrettable that that is where the Republicans are today, because if there were more that would stand up, we would be able to put into place a bill that would really serve the American people well.

Hurricanes Katrina and Rita only exacerbated what has been happening to consumers in our country for the past year. Weeks before Katrina hit, consumers were paying higher and higher prices at the pump. In California, prices climbed $1 between January and August. They rose 50 cents in a month's time between July and August, with prices rising to well over $3 a gallon. I paid close to $4 a gallon in my congressional district just a week ago. Consumers in other parts of the country have seen similar hikes.

If we look at what the Washington Post recently reported, it is painfully evident that the oil industry and the refiners have profited handsomely. The money going to crude producers has climbed 46 percent over the last year. For refiners, revenues have increased 255 percent in one year, from September 2004 to September 2005.

The last time I remember seeing revenue increases like this was when Enron, Reliant and other gougers were raking in their profits during the so-called California energy crisis. And the explanations are also too familiar. We are being told again we are paying the price for having too little capacity. It is not the case, Mr. Speaker. The record shows otherwise. It is economics, not regulations, that have led to the shortfall in capacity.

I hope everyone will support the Democratic substitute. It is the legislation that will really put the gougers' feet to the fire and do something about it. I urge everyone to vote for the substitute and against the base bill.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS), a member of committee.

Mr. BASS. Mr. Speaker, I thank the chairman for yielding me time, and I want to thank the gentleman from Texas (Mr. BARTON) for working so hard to accommodate those of us who represent the northeastern part of this country in this bill. I rise in strong support of this legislation, and I do so having worked hard to make sure that those of us who represent the northeastern part of the country are satisfied with what we have before us today.

I wish to make three points. The first is that the issue of new source review is gone. It is a debate for another day, and I think that is an enormous improvement to the bill. The issue of pollution in this country needs to be addressed, and the Clean Air Act definitely needs to be amended, but I felt for a long time a refinery bill was not the place to do that, and I commend my leadership for being able to work that out. As the gentlewoman from New Mexico mentioned in her speech, there is a wonderful provision on price gouging that will protect consumers against price gouging from the refinery on down.

The third point is that the only cost in this bill is the cost associated with increasing the Northeast Home Heating Oil Reserve from 2 million to 5 million barrels a day, which is critical to the northeast.

The bottom line is, if you are satisfied with higher gas prices, if you are satisfied with the concentration of refinery capacity in hurricane-prone areas, if you are satisfied with the fact that we have not built a new refinery in so many years, if you are satisfied with the status quo and if you think your constituents are satisfied with that, if you think that 2 million barrels is enough for the Northeast Heating Oil Reserve, if you think this bill is going to cost money even though it will not, then vote against it.

□ 1200

But this is your opportunity to support an energy bill that you can tell your constituents will help, over the short term and the long term, provide gasoline and heating oil to your constituents who need it badly.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong opposition to this bill and in support of the Stupak-Boucher substitute.

This bill does nothing to help us gain energy independence, to increase refining capacity, or lower prices at the pump. And no Member, and particularly no one who represents the Midwest, should vote for this bill.

The Federal Energy Information Agency predicted that the price of natural gas would increase by 71 percent in the Midwest this winter. In Chicago, the average heating bill is predicted to be $1,475 per household. Yet, instead of addressing an impending heating crisis and protecting consumers, this bill is filled with giveaways to the same energy companies that are making record profits in the aftermath of the hurricanes.

This bill's attempt to prevent gasoline price gouging is little more than a charade. But this bill does not even pretend to prevent natural gas companies from gouging consumers. Even though natural gas prices are four times what they were in 2001, there is no mention of natural gas in the price gouging section of this bill. For natural gas suppliers and distributors, this bill is a green light to jack up the prices.

In Illinois, to qualify for the Low Income Home Energy Assistance Program, a family of four must earn under $29,000 a year, under that. Because of increasing energy costs, LIHEAP has covered a smaller share of a family's average heating bill over the last 4 years, and that share will be lower this year due to these record price spikes. This winter, millions more Americans may find that they cannot pay their home heating bills, not just poor Americans. What are we doing to protect them?

The Democratic substitute gives the FTC new authority to prevent and punish corporations that gouge consumers for the oil, gasoline, and natural gas they need to get to work, heat their homes, and run their businesses. It is

the only proposal before the House today that will address the impending heating crisis facing millions of Americans this winter.

Mr. Speaker, we were unprepared for Katrina. We cannot let that happen again. Members in this body are faced with a choice: representing consumers and small businesses, or big oil companies. We should not leave the American people in the cold this winter while energy companies are left with money to burn.

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

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, today I rise in opposition to the anti-public health, anti-consumer ''GAS Act.'' The legislation is an insult to the American public which needs real relief, but this is an attack on our public health; and it is a giveaway to corporate America.

Their interests will harm, in my opinion, 5.5 million Latinos that live within 10 miles of coal-powered plants and the 68 percent of all African Americans that live within 30 miles of a coal-powered plant.

These changes will increase the risk of disease to schoolchildren in Texas who are exposed right now to 43.4 million tons of toxic pollutants in just 1 year because of almost 140 nearby industrial facilities. These changes will increase the risk of disease to over 207,000 children who go to schools within a 2-mile radius of a chemical plant or refinery in Texas. These changes will not help construct new refineries or guarantee an increase in refinery capacity and will do nothing to lower the cost of gasoline.

This is a Washington bill drafted on K Street by those lobbyists and is an attack on our public health. No State air boards were consulted, no mayors, no city managers, no land use planners, no attorneys general, not even mine from California.

There is a reason why the bill is opposed by the National Association of Counties, the National League of Cities, and nine attorneys general. The local air pollution program and control officers, the South Coast Air Quality Management District, the American Lung Association, and many others are in opposition to this bill.

It is time that the administration and the Republican leadership learn that public health and the environment and the voices of our communities are not exploitable commodities.

I will support the Democratic alternative which protects public health, protects consumers, and secures our refineries in times of emergency. I will not support the underlying legislation which gives Americans a false sense of hope and security. I urge my colleagues to join me in opposition. America deserves better.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. ROGERS), a member of the committee.

Mr. ROGERS of Michigan. Mr. Speaker, I am a little surprised by the discourse from my colleagues on the other side of the aisle, very 1960s rhetoric for a 2005 problem. You cannot regulate and put hurdles and tell the oil industry that is really global these days that you cannot build refining capacity in America. It is bad.

Most Americans, when they saw the hurricane strike, realized that 30 percent of our refineries were at risk, 30 percent. They understood that you cannot concentrate our refineries in one place and that you have to have more capacity.

The reason it is expensive is because we import refined product. Americans understand that. Your rhetoric today, the old-fashioned ideas of regulate and hinder and put hurdles up, will not solve these problems. It took 20 years to get here because we would not allow them to build refineries across this country to meet public demand.

I tell you, I have working families in my district that pull up to that pump and talk about mortgaging their house in order to get it completely full. This is a serious problem, and it needs serious solutions.

This bill goes a long way. It says we are going to protect the environment, we are encouraging some conservation, and we are going to build capacity so that we do not have to have this foreign dependence on refined product. I thank the chairman for doing this. This is the responsible thing to do, moving this country forward, and putting us in a place where we are not foreign-dependent and we have the ability to lower the prices and give stable prices in the future in this great country.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong opposition to this bill, the so-called Gasoline For America's Security Act. Now, this is not a partisan rant. I am a Democrat, but I supported the last energy bill. It had considerable merit and a few flaws. This bill is very flawed and has very little merit.

Let us talk about refineries. Over the past 20 years, U.S. demand has increased 20 percent. No new refineries have been built. In fact, refining capacity has declined by 10 percent. But contrary to what my colleagues just heard, there are no barriers stopping the refining industry from building new refineries and expanding capacity. In fact, the key thing people need to understand in this debate is that the profit margins for the refineries has gone up 255 percent. They are making more money than anybody else. So there is no reason why we should give them some big subsidy or big benefit to encourage them to build refinery capacity.

This bill really is outrageous in terms of having the taxpayers pay the refineries to cover their unanticipated costs. It is in the bill and it is called stand-by support, stand-by support. What that means is if they encounter some sort of reasonable delay, government regulation, or something like that, and they suffer losses and they cannot open on time or they are delayed in their operations, we, the taxpayer, get to pay for that. That is not unusual. That is not a crisis situation. That is not the airlines after September 11. That is not an unusually high-risk situation. These are delays in the normal course of business; but, yet, this bill would have the taxpayer pay for those losses, and that does not make sense.

Let me take a minute and talk about price gouging. Now, they came out of committee with a very limited bill that basically talked about gasoline, and now they say, well, we want to broaden it a little bit. Let me suggest that the broadest possible protection for the American people in terms of price gouging comes from the Democratic substitute. It gives the broadest jurisdiction over the most types of fuel, including propane, home heating oil, crude oil. That is where we need to be, not with the limited approach of the Republicans.

They also do not deal with market manipulation, and market manipulation is where the consumer takes the hit. I urge rejection of the Republican bill and adoption of the Democratic alternative.

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

Mr. Speaker, this is one of the two most important bills that has come before this Congress maybe in the last 10 years, one we passed a couple or 3 months ago. This bill is not just important to us in Congress that we pass something; it is not just important to companies that have to adhere to the contents of it; not just to the big oil companies, as they have been referred to, we need them, they need us, we need what they can do for us; but it is important to the youth of our Nation. This is really a generational bill because it affects your children and my children and my grandchildren.

I probably have asked myself a dozen times what is the primary duty of a Member of Congress. It is probably to prevent a war. And how do you do that? You do that by removing the causes of war, and energy or lack of energy is a major cause of most wars that I know anything about or remember.

Who fights wars? Your children do. They are today in school, juniors or seniors or maybe in junior college, totally unaware of what we are doing here, but so affected by what we do. Our children have to fight wars, not us anymore. About 64 years ago I was a senior in high school, and I heard Frank Roosevelt at that podium right there stand up and say in a speech after our Nation had been attacked, ''To some generations much is given, of some generations, much is expected,

but this generation has a rendezvous with destiny.'' That rendezvous was World War II. We do not want that rendezvous for our children. If we remove the causes of war, and energy is a major cause of war, if we pass this bill, we will have refinery capacity to prevent a war for this generation and those that are waiting.

So, Mr. Speaker, of course I rise today in support of H.R. 3893. While the impetus for the bill arose from tragedy, it opened our eyes to the vulnerability of our Nation's gasoline supply and causes us to act to prevent the price spikes and shortages from happening again, and everything we have said or done here on this floor is going to be in the CONGRESSIONAL RECORD for the American people to see. I would hate to say that I opposed everything that had been offered to solve the energy crisis.

There has not been a new refinery built in some 25 or 30 years, and the ones that are currently running are doing so at 95 percent of operating capacity and at peak times of the year, even higher.

The main thrust of this bill before us today encourages the building of new refineries, and in more diverse locations. It gives areas with closed military bases a chance to convert these bases into refineries so that they can keep their citizens employed and remain economically stable. I have one in my district at Texarkana, not subject to the vicissitudes of nature or the hurricanes; it is inland far enough. There are other areas in here. I hope consideration is given to them.

I encourage my colleagues to vote for H.R. 3893 insomuch as it is a bill that addresses head-on the high price of gasoline and provides solutions from supply to conservation. I am tired of seeing my constituents have to pay almost 3 bucks for a gallon of gas. If you want your constituents to keep on paying these exorbitant prices, then go ahead and vote against this bill. If you want to help them, like I do, I ask my colleagues to vote ''yes.''

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

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Washington (Mr. INSLEE), a member of the Committee on Energy and Commerce.

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

Mr. INSLEE. Mr. Speaker, this bill is a giant missed opportunity. We had an opportunity to do something significant. Kennedy said we were going to go to the Moon in 10 years; this bill will not get us to Cleveland. And the reason is it invests in old technology. Did Kennedy challenge the country to invest in propeller plane technology? Here we are simply investing in oil fossil fuel technology, a giveaway to the oil and gas industry of millions and billions of dollars of taxpayer money.

We need a new Apollo energy project. H.R. 2828 will get us there with new technologies and fuel-efficient cars, new technologies and new productive capabilities in wind and solar and wave power and a whole slew of other things. We need new ideas, we need a new vision, not an old giveaway to oil and gas.

Mr. Speaker, this bill is one small misstep for man and one giant leap backwards for mankind, and it should be defeated.

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Mr. BOUCHER. Mr. Speaker, I yield the balance of my time to the gentleman from Maine (Mr. ALLEN).

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Maine is recognized for 2 minutes.

Mr. ALLEN. Mr. Speaker, I rise in strong opposition to H.R. 3893. This bill is a laundry list of giveaways to the oil industry, one of the most profitable industries in America and one that is right now gouging American consumers. Big oil and its supporters are exploiting the tragedy and human suffering caused by Hurricane Katrina to ram through Congress ideas so bad they were rejected just 2 months ago when Congress last approved a laundry list of giveaways to the oil industry.

For example, the bill guts key environmental and human health protections of the Clean Air Act by limiting the States ability to use specialized blends of gasoline to achieve their clean air goals, and permitting up-wind States to continue to send pollution downwind. The result: More dirty air at higher emissions rates for a longer period of time.

Supporters of this bill will tell you that environmental regulations make it impossible to build or expand refineries. But that simply is not true. Environmental regulations are not the problem. The truth is that the oil industry's profits will decline if the capacity is increased, so they have not really tried to keep up with demand. The oil companies are making billions these days. They do not need another subsidy.

Moreover, there are no offsets for subsidies to big oil in this bill. Apparently, the Republican operation offset applies only to programs that help poor people, like Medicaid and food stamps, and not to oil industry subsidies.

I am pleased that the manager's amendment appropriately modified the provision requiring the President to designate three closed military bases for construction of a refinery against the will of the local community. I am also pleased that the chairman deleted the section of the bill that eviscerated the Clean Air Act's new source review program.

But these welcome programs do not make the underlying bill a good one. I believe that we should act to increase refinery capacity, and that the Stupak-Boucher amendment is the right approach. Let us reject this bill and move forward on a better solution to our energy crisis.

Mr. LANGEVIN. Mr. Speaker, I rise today in opposition to H.R. 3893, which pretends to be a response to our Nation's exorbitant energy costs, but which is actually a giveaway to oil and gas companies that doesn't help America's struggling consumers. In fact, many of the provisions in this legislation are not new; we have seen them before, but they have proven so controversial that they were excluded from the energy bill that Congress passed earlier this year.

Rhode Islanders are paying an average of $2.86 for a gallon of gasoline, and high home heating oil and natural gas prices are causing families to wonder how they will be able to afford to stay warm in the coming winter months. In recent weeks, Rhode Islanders have learned of two utility rate increases for both electricity and gas. These proposed increases come at a time when the average price of gasoline at the pump is up 51 percent, compared with last year, and home heating oil is up 57 percent in the same period.

Congress must take swift action to reduce the cost of energy, but this bill benefits only the oil and gas industries, which have been reaping record profits in recent months. We have heard legitimate questions about how much of the recent increase in energy costs is the result of price fixing, yet this legislation's provisions to combat price gouging are insufficient and amount to no more than a slap on the wrist. Furthermore, it would reverse longstanding health and environmental protections, despite strong opposition nationwide to these proposals. In fact, one of the bill's original provisions—expanding loopholes for refineries and power plants to avoid compliance with the Clean Air Act—was deemed so controversial that it was removed in the dead of night.

I support the Democratic plan to establish strong federal laws and new penalties to crack down on price gouging. The Stupak-Boucher substitute empowers the Federal Trade Commission to combat price gouging for gasoline, diesel, natural gas, home heating oil, and propane. Unlike the Republican bill, the Democratic proposal includes real penalties for price gouging and energy market manipulation—up to $3 million per day. Additionally, the Democratic plan would create a Strategic Refinery Reserve, which like the Strategic Petroleum Reserve, would improve our Nation's ability to prevent oil and gasoline shortages in the wake of a natural disaster such as a hurricane.

Our Nation needs a new, long-term energy policy that encourages the use of renewable fuels and energy conservation efforts. To this end, I have cosponsored legislation to increase automobile fuel efficiency standards and have strongly supported Congressman INSLEE's New Apollo Energy Act, which would establish a nationwide commitment to developing and promoting new energy sources for the future. This strategy is important not only for our economy, but also for our national security.

Unfortunately, the Republican bill considered today does nothing to move us toward that goal, but instead offers us more of the failed policies of the past. I urge my colleagues to support the Stupak-Boucher substitute and to oppose H.R. 3893.

Mrs. WILSON of New Mexico. Mr. Speaker, times of tragedy should not be windfalls for opportunists in the wake of Hurricane Katrina gas prices fluctuated to upwards of $6.00 in some communities.

Prosecution for price gouging is generally a state matter unless it involves some form of collusion or other activity in violation of federal laws.

Only 23 states have anti-gouging laws on the books, and definitions vary widely. Only 13 of those states have emergency anti-gouging laws. The aftermath of Hurricane Katrina has shown that the patchwork of state anti-gouging laws does not work to deter opportunists.

While the Federal Trade Commission (FTC) monitors gas prices and investigates possible antitrust violations in the petroleum industry, there is no federal law to prohibit price gouging by individual bad actors.

I welcome H.R. 3893 the Gasoline for America's Security (GAS) Act of 2005 price gouging language. It incorporates penalties of up to $11,000 per violation and covers retail and wholesale sellers of crude oil, gasoline, diesel fuel and home heating oil.

The GAS Act Requires the FTC to enact a price gouging definition as soon as possible within six months, an improvement from the potential delay in the language reported out of Committee.

The House should pass a strong price gouging law that would be in effect in disaster areas. This bill includes a strong national policy providing stiff penalties for gasoline price gouging. Times of tragedy should not be windfalls for opportunists. I urge my colleagues to vote in favor of H.R. 3893, the Gasoline for America's Security Act of 2005.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong opposition to H.R. 3893, which in many ways is little more than a hastily assembled—and opportunistically revived—retread of discarded ideas from past energy debates.

Mr. Speaker, our constituents are asking for transparency in markets and price relief at the pump. So what does this bill do?

Rather than empowering the FTC to launch an aggressive investigation into recent reports of market manipulation, this legislation actually reduces the maximum penalty for price gouging from $11,000 per incident to $11,000 per day. So much for strengthening transparency and deterrence.

Instead of ensuring additional refining capacity, this bill blames and then proposes to eliminate key provisions of the Clean Air Act—as if public health protections are the barrier to additional refining capacity. They are not. The Government Accountability Office (GAO) has concluded—and industry representatives concede—that the decisive factor is economics. Indeed, far from cheering this legislation, Attorneys General from across the nation are sounding the alarm that H.R. 3893 will cripple states' ability to meet basic clean air standards for our citizens.

Finally, not content to relieve industry of its environmental obligations, H.R. 3893 extends the gravy train begun several months ago by lavishing oil companies with an additional $1.5 billion over and above the $4 billion they just received under the last energy bill. This—during a time of record deficits *and* industry profits.

Mr. Speaker, we do indeed have an energy crisis in this country—one that cannot begin to be solved by the kind of special interest wish list being passed off as legislation today. In the near term, we need to restore confidence and transparency to the marketplace by taking decisive steps to punish and deter market manipulation where necessary. Next, it is imperative we make long overdue improvements in automobile fuel economy while diversifying our fuel mix to include alternatives like cellulosic ethanol and biodiesel. Finally, we need to invest in the next generation of 21st century technologies that create jobs, protect the environment and move us towards energy independence.

I ask my colleagues to embrace that vision and to oppose this bill.

Mr. SKELTON. Mr. Speaker, the Gasoline for America's Security Act has a nice name, but it does little to help Missouri's farmers and rural commuters who are experiencing record high energy costs.

Motorists in Missouri and across the Nation are paying a premium for gasoline and diesel fuel, especially in the wake of severe weather in the Gulf of Mexico. Missouri's Fourth Congressional District is primarily rural, and residents rely heavily on transportation in going about their daily lives. This is especially true for farmers who are also facing additional costs for natural gas, propane, fertilizer, and pesticides.

As energy expenses have sky-rocketed over the past few weeks, many Missourians have expressed concern and skepticism about high prices and simultaneous reports of record oil industry profits.

In order to make sure consumers are being treated fairly, the Federal Trade Commission and the Justice Department should be given explicit authority to investigate collusion and price gouging within the oil industry. Penalties must have teeth and must be severe. And, importantly, the government must be guaranteed broader authority to look into potentially illegal behavior within other energy sectors, at least during times of national emergency.

The bill being considered by the House today contains scant assistance for the rural Americans I am privileged to represent. It will not lower their energy prices and it puts in place weak price gouging standards. It also does little to promote additional refining capacity, while gutting important environmental safeguards and creating additional corporate tax breaks.

Waiving environmental protections and offering federal tax breaks to oil companies will not entice them to build new oil refineries. While more refineries would certainly help produce more gasoline, oil companies have had the opportunity and financial capability for years to increase their refining capacity. Environmental regulations are not stopping them. Rather, the inability to build profitable refineries has led oil company executives away from constructing or resurrecting them.

An alternative to this bill is being offered by Mr. STUPAK of Michigan and others. The Stupak bill would strengthen the hands of the Federal Trade Commission and the Justice Department, targeting price gouging across the energy spectrum. It would also help Americans who are struggling to deal with high gas prices and bracing for record home heating bills this winter, while creating a Strategic Refinery Reserve to provide additional gas supplies during energy shortages like the one we are currently facing.

I urge my colleagues to oppose the Republican bill and support the more wisely drafted alternative.

Mr. PAYNE. Mr. Speaker, I come before you today to express my opposition to H.R. 3893, the so-called ''Gasoline for America's Security Act of 2005.''

I share my colleagues' concern for the rising costs of fuel in this country, and I too am outraged at the allegations of those who would profit through other Americans' misfortunes by price gouging. However, I do not feel that we should join in the exploitation of this tragedy by using it as an opportunity to pass unsound, short-sighted, and irresponsible legislation.

This bill will do virtually nothing to lower gasoline and other fuel costs. It will not get relief to those Americans who are currently bearing the burden of more expensive gas and those who will be facing much bigger home heating bills this winter.

In fact, as far as I can tell, the only ones who will see relief from this bill are the ones who need it least: the gas and oil industry who are currently enjoying record profits. We seem to be offering subsidies to big oil with one breath and excuses to the American people with the next.

Just last week I came before you and assured you that I could not and would not support a bill that ignores and endangers public health. I make that promise again today. This bill's weakening of environmental protections poses a great threat not only to the viability and sustainability of our environment, but also to the people who inhabit it. Limiting judicial review and EPA oversight, allowing increased air emissions, and permitting delays in meeting current deadlines under the Clean Air Act is irresponsible and dangerous.

In my own state of New Jersey, studies have shown that our air pollution levels cause 2,000 premature deaths every year. At this rate, pollution ranks as the 3rd most serious public health threat in the State. Only smoking and obesity kill more New Jerseyans each year. Air pollution has also been directly linked to the rise in child asthma rates, lung cancer, learning disabilities, and heart attacks.

I will not endanger the lives and health of the people of my State. I will not support the weakening of environmental protections that will lead to increased pollution and threats to public health. I will not participate in fiscal irresponsibility by giving the oil and gas industry subsidies that do nothing to ease the cost burden on the American people, especially those who can least afford it.

In other words, I will not support H.R. 3893.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in opposition to the Gasoline for America's Security Act and in strong support for the substitute offered by the gentleman from Michigan (Mr. STUPAK) and the gentleman from Virginia (Mr. BOUCHER).

Our Nation is facing a real energy crisis. The people of Connecticut, and millions of Americans, are paying record amounts to fill their gas tanks. The Energy Information Administration (EIA) estimates that in the upcoming winter, homeowners in the northeast can expect to pay almost 30 percent more to heat their homes. American families will pay hundreds, if not thousands, more in extra energy costs this year. This will be a hard year for too many Americans.

Yet, in the name of Hurricane Katrina the House majority leadership is pushing a bill that does nothing to reduce our dependence on oil, lower gas prices, or help Americans get through the upcoming winter. We cannot solve high gas prices by throwing money at oil companies. We need to bring some real transparency into the oil industry and shine the brightest possible light on how these companies—making billions in record profits are

squeezing every possible dollar out of the American people. It's our American families who are struggling to heat their homes and fill their tanks this winter that need relief, not big oil.

I was honored to join the gentlewoman from New York (Mrs. SLAUGHTER) in offering an amendment that would have ended the practice of wholesale price discrimination by prohibiting oil companies from restricting the source of a dealer's supply of gasoline. This amendment, based on legislation proposed by Connecticut Attorney General Richard Blumenthal, would have gotten straight to the heart of high gas prices by freeing our local gas stations from the hold of big oil companies. The hard truth is that our small local gas station owners are just as much at the whim of big oil companies as the rest of us. They are locked into restrictive franchising agreements that require them to purchase their supply from a single wholesaler. As a result many of these owners, who may own two or more stations in different towns, often have to pay different prices on the same gas on the same day, depending on where their stations are located. Our amendment would have simply freed station owners to find the most competitive and fair market price to purchase their supply and pass real savings on to their customers.

Last night, while I was waiting at the Rules Committee to testify on our amendment, I had the opportunity to listen to many of my colleagues offer amendments that would have significantly improved this bill. From increasing fuel efficiency, addressing the natural gas crisis and making our Nation energy independent, it was clear to me that there are many worthwhile ideas that deserve real debate on the House floor. Unfortunately, as they do time and again, the majority rejected these excellent amendments in favor of pushing a bill that will do nothing for Americans paying high energy costs.

Instead of throwing taxpayer dollars at an industry making record profits, let us debate the real issues that are driving up the cost of energy. Let us take on the price gouging and market manipulation that is happening at all levels of oil production and distribution. Let us have a real discussion on how we can free our nation from dependence on foreign oil and develop the hydrogen and fuel cell technologies that will lead our energy future.

These debates are not taking place on the House floor today. The American people deserve better.

Mr. BLUMENAUER. Mr. Speaker, I rise in strong opposition to H.R. 3893, the ''Second Energy Special Interest Act of 2005.'' The Bush administration's energy policy and the machinations of the Republican leadership on this subject have an Alice in Wonderland quality.

It was the Vice President, after all, who said that energy conservation may have been a virtue but it was no basis for a national energy policy. Yet just last week the President was compelled by circumstances to urge the only things that are really going to work to get us out of this energy crisis: conservation, the use of mass transit, and changing American driving habits. Unfortunately, the administration has not put forward any concrete proposals or recommendations for conservation initiatives. Instead, he has cut funding for the conservation and efficiency programs we already have in place.

It is unconscionable that this most recent energy bill completely misses the point. We're not going to drill, dig, and subsidize our way out of this energy crisis. Burning money is not an efficient way to produce energy. We must have an energy program for this century, not the 1950s. This new energy policy should consist of more efficiency, new technology, and less petroleum.

If we're going to spend more money, it should be invested in programs that actually help people. Higher fuel efficiency standards, public transit, and even bicycles, will do much more to reduce our dependence on foreign oil than what's in this bill. If just two percent of trips taken nationwide were taken by bikes, we would save more than two thirds of a billion gallons of gasoline a year and up to $5 billion in total consumer driving costs.

Increasing fuel economy standards by a mere 1.5 miles per gallon—less than 10 percent—over the next 10 years would save more oil than we currently import from the Persian Gulf and more than we could ever recover from the Arctic National Wildlife Refuge, combined.

Last but not least, this bill's focus on making it easier to build more refineries by limiting our environmental standards completely misses the point. The fact is, the energy industry makes more money by restricting refinery capacity; the refiners' profits have jumped 80 percent over the past 5 years. As long as the oil companies stand to make more money with limited supply, this approach is doomed to fail.

This energy bill is not only a missed opportunity, but it is a cynical effort by Washington Republicans to exploit the tragedy of Hurricanes Katrina and Rita to give more subsidies to oil companies and to roll back environmental laws.

Mrs. MALONEY. Mr. Speaker, I rise today in strong opposition to H.R. 3893, the Gasoline for America's Security Act of 2005. This legislation will do nothing to lower the high cost of gas or help families pay for home heating oil this winter. Rather, it's another taxpayer subsidy from the Republican Majority to the oil and gas companies while the American people continue to face the increasing burdens that the rising cost of fuel is placing on family budgets.

I urge my colleagues to oppose this legislation.

Mr. COSTA. Mr. Speaker, since the 1973 energy crisis, we are no more energy independent now than we were then, and this legislation will do nothing to resolve this Nation's bankrupt energy policy.

For those of you who support federalism, this measure goes in opposition to state rights!

Our current energy policy is bankrupt. If this Congress is to pass a real energy policy, here are some things what we must do: Open up ANWR; invest the revenue into renewable energy resources; and provide incentives to promote the ingenuity of Americans to develop energy measures that are progressive and will rid us of energy dependence. The President has it right, we must conserve, but we must go further like improve CAFE standards and provide incentives to build a High Speed Rail network. Conservation is an American value, and it is lacking from this bill.

This Congress must craft a real energy policy that goes beyond the status quo.

Therefore, I urge that we vote down this measure, and support the Democratic substitute.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H.R. 3893, the so-called Gasoline for America's Security Act of 2005.

This bill represents the worst of legislation written by and for corporations. In the name of helping the economy, it decimates environmental laws and eliminates the ability of state and local governments to decide what's best for them. It then reimburses oil companies for the inconvenience of having to act appropriately to protect our air and water. It is so far afield of economic reality that even the oil companies admit that refining capacity will increase without it. It is so environmentally reckless that one has to wonder if Republicans think that they, in addition to being exempt from our ethics rules, breathe different air than the rest of us.

While the Majority says that environmental regulations are the reason for high gas prices, the facts just don't support their claim. The reason that the cost of refining has increased is because oil companies voluntarily closed 30 refineries in the late eighties and early nineties to increase their profit margins. The scheme worked: Refinery revenues increased by 255 percent last year alone.

As one would expect, high profits are now encouraging companies to once again build and expand refineries. 1.4 million barrels per day of refining capacity were added between 1996 and 2003. Due to this expansion, even the American Petroleum Institute acknowledges that the Republican's bill is completely unnecessary.

This bill is shamefully using hurricanes and high gas prices as an excuse to advance the extreme anti-environment agenda of the Republican Party's corporate bankrollers. It would:

Allow the President to place new refineries in national forests, wildlife refuges, and closed military bases. The military base in my district would probably be an appealing target for this President:. It's the site of a planned National Wildlife Refuge. Like many communities around the country, the City of Alameda has undergone an extensive planning process to convert the base to civilian use, but if the President said the word, all that could be undone without any local recourse.

Give the Federal Government sole authority to place new refineries, even those not on federal land. Apparently the oil executives running the Bush Energy Department know better than your City Council where an oil refinery should be placed.

Requires the Federal Government to reimburse refinery operators for the cost of lawsuits and any new environmental regulations. Citizens beware: If the Bush Administration wants to put a refinery next to your child's preschool, you can sue to block it, but you'll have to pay back the oil company every cent the lawsuit costs them.

We could have raised fuel economy standards today—the one policy that would actually have a dramatic impact on gas prices—but the Majority blocked the House from even voting on the issue. Then again, it would hardly be germane to consider such an amendment on a bill that has nothing whatsoever to do with lowering gas prices. I vote no on this reckless bill.

Mr. GENE GREEN of Texas. Mr. Speaker, these are very hard times for energy consumers—from people on fixed incomes filling up their tanks to multi-billion dollar chemical

companies facing soaring natural gas feedstock costs.

I think we did a good job with the energy bill, which cannot provide immediate relief, but will allow prices to stabilize in the future and to become more affordable over time.

If the global market gives us $60 per barrel oil, we are going to pay a lot for gas.

People say there is no global spare oil capacity.

Well, there is a lot here in the U.S. but we aren't allowed to use it—that is why I support expanded oil and gas production offshore in the OCS.

Limited refining capacity is leading to higher prices, but it is not the refiners fault.

We have 12 refining companies that make over 500,000 barrels per day.

That is more competitive than the software operating system industry, the airline industry, the semiconductor industry, and many others.

In the refining business, historical profits are well below average—that's why no one invested in expansion until recently, when margins improved.

Throughout this process, I have been concerned with both parties' approach to consumer protection on gasoline prices.

The original refinery bill had no FTC authority to protect consumers, only a study.

However, I am grateful to Chairman BARTON for making significant improvements to the committee-passed version of this bill.

The Stupak substitute goes even further by expanding refining capacity and applying tougher and clearer consumer protection standards to this bill.

It is clear that some price increases should be investigated—especially given price spikes in Atlanta that topped $6 after Hurricane Katrina.

But, I object to singling out the energy industry.

If we need the FTC to investigate price spikes for gasoline during emergencies, it should have the authority to investigate price increases for any necessity during an emergency.

We should cover water supplies, financial services, clothing, food, and other things we need to survive in the modern world.

I also don't agree with critics of this bill who call it a give-away to the energy industry.

When the refining industry has historically low returns and lots of pollution control investments to make, there is not much we can do to force them to expand capacity.

I am particularly grateful to Chairman BARTON for eliminating the New Source Review reform provisions in the committee-passed version of the bill.

That language had the potential to hinder our efforts to improve air quality in Houston.

My constituents are extremely concerned with air pollution in our district, and we are working on solutions with the help of both industry and residents.

The elimination of this provision greatly improves this bill and ensures that it will do no environmental harm to the Houston area, which has long struggled to contain air pollution and smog.

The courts and the EPA are working to reform New Source Review, a highly complex and controversial program, and it is wise for Congress to let them address this issue.

For my part, I am thankful for the Chairman accepting my amendment to respond to the crisis that brought us here—gasoline shortages and prices spikes after Hurricane Katrina and now Rita.

The amendment added an Energy Assurance title to the bill to require the Department of Energy to review, approve, and offer recommendations of the fuel supply segments of State evacuation plans.

The amendment also specifically authorizes critical energy facilities like refineries to request direct help from the Department of Energy during a federally declared emergency or disaster. It is in the national interest for refineries not to go down, and if they do, to get back up quickly,

The Department of Energy is authorized to provide assistance with generation capacity, water service, critical employees, ensure raw materials can be accessed, and any other necessity.

Neither the base bill nor the Stupak amendment is a perfect answer to our problems with refining capacity.

However, it is clear that the American public is feeling an energy pinch and is looking to Congress for action.

At this time, some amount of positive action is better than no action—which is why I will ultimately support this bill and encourage my colleagues to do the same.

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong opposition to this bill today.

This so-called GAS Act has nothing to do with bringing the prices of gasoline down—its ostensible purpose—and everything to do with the Republican leadership overreaching, exploiting the catastrophes of Hurricanes Katrina and Rita to their own advantage.

As I said earlier this year when the House passed the Energy Policy Act, there is nothing I'd rather vote for than a balanced energy bill that sets us on a forward-looking course—one that acknowledges that this country is overly dependent on a single energy source—fossil fuels—to the detriment of our environment, our national security, and our economy.

But like its predecessor, this bill is far from balanced.

Although there is bipartisan recognition that this bill should—at a minimum—address price-gouging that occurred in the wake of Katrina, this bill's price-gouging provisions are weak. They give the Federal Trade Commission (FTC) authority to pursue price gouging by sellers of gasoline or diesel fuel only in those areas where a natural disaster has occurred. And the provisions are directed at small gas station owners rather than at refiners, when recent studies show that refineries' prices have increased 255 percent—as compared to an increase of retailers' margin of about 5 percent.

The bill also includes subsidies for oil companies if a refinery is delayed because of litigation, even if the litigation results from the oil company violating the law. We shouldn't be using taxpayer dollars to help profitable oil companies evade local, state, and federal laws and regulations.

More problematic, the bill claims to solve a problem that doesn't exist. The Republicans would have us believe that environmental permit requirements are to blame for the fact that no new refineries have been built since 1976. In fact, the only refinery that industry has attempted to build since 1976—a facility in Arizona—received its permit in just nine months. The truth is that over the last ten years, 30 existing refineries have been closed, but our refining capacity has been increasing. Refining capacity has become tight in recent years—so now companies can use their substantial profits to increase that capacity. But there is no reason to think that market forces cannot solve the current problem, and no reason to believe that "burdensome" environmental rules had anything to do with industry decisions not to add to refining capacity in recent years.

The Republicans tell us we need a smaller federal government and greater local government control. Yet this bill is yet another example of where their message doesn't mesh with reality. The reality is that this bill preempts state and local government responsibilities and relaxes environmental laws. The National Association of Counties, National Conference of State Legislatures, National League of Cities, and U.S. Conference of Mayors oppose this bill—and for good reason."

H.R. 3893 gives federal bureaucrats at the Department of Energy sole authority over the location of new refineries, taking away the primary permitting and oversight authority from all other state and local agencies. The bill also gives the D.C. Appeals Court exclusive jurisdiction over states' actions related to refineries or pipelines, as opposed to allowing state and local agencies review refinery and pipeline construction. And even though the energy bill passed earlier this year limited the number of gasoline and diesel fuel blends, H.R. 3893 would limit them even further, undermining the ability of states and localities that already cannot meet national air quality goals to clean up the air their constituents breathe.

The bill instructs the president to designate sites on Federal lands, including closed military installations, for the purposes of siting a refinery. The bill excludes national parks, national monuments, and wilderness areas, but wildlife refuges and wilderness-quality lands such as Wilderness Study Areas and National Forest roadless areas are fair game.

I share the concerns of Thomas Markham, the Executive Director of the Lowry Redevelopment Authority in Colorado who also serves as the president of the Association of Defense Communities, about how this provision might affect former military bases. As he writes in a letter on behalf of the ADC, "Shifting the responsibility to the federal government for planning how closed military installation will be reused would interfere with the time-tested approach developed over the past two decades. The conversion of military property to civilian uses is the responsibility of the community. Communities must be in charge when planning for life after closure."

I realize that the rule as adopted today improved the bill language slightly to give communities more voice in the proposed process. But the essence of the bill language is the same. Again, this provision is a solution in search of a problem. There is nothing in the BRAC statute or in new DoD regulations that prevents a local community, through its redevelopment authority, from building or permitting an oil refinery on a military base.

And then there are the things the bill would not do. It fails on the "demand side" by not increasing vehicle fuel economy standards, which have been frozen since 1996. Raising CAFE standards is the single biggest step we can take to reduce oil consumption, since about half of the oil used in the U.S. goes into the gas tanks of our passenger vehicles.

I support legislation that would actually help lower gas prices.

I support the substitute introduced by Representative BART STUPAK that gives explicit authority to the FTC to define, for the first time, price gouging—not just for gasoline and diesel, but for natural gas, home heating oil, and propane. And the provisions are directed at the entire chain of gasoline production and distribution, including refineries. The substitute also authorizes new civil penalties of up to three times the amount of unjust profits gained by companies who engage in price gouging. The substitute would also increase our nation's refinery capacity by establishing a federal Strategic Refinery Reserve, patterned after the Strategic Petroleum Reserve, with capacity equal to 5 percent of the total U.S. demand for gasoline, home heating oil and other refined petroleum products.

Hurricanes Katrina and Rita did highlight a serious problem this country faces—our excessive reliance on fossil fuels. But the solution isn't to give still more incentives to oil and gas companies to drill. Instead, we should act to wean our nation from its dependence on fossil fuels, especially foreign oil. The Republican leadership claims this bill will help us reduce our dependence on foreign oil by stimulating domestic development and production. Yet with only 3% of the world's known oil reserves, we are not in a position to solve our energy vulnerability by drilling at home.

Our excessive dependence on fossil energy is a pressing matter of national security. We have an energy security crisis. We need to think anew to devise an energy security strategy that will give future generations of Americans an economy less dependent on oil and fossil fuels.

Unfortunately, this bill does not even begin to address this problem. For that reason, I cannot vote for it.

Ms. KILPATRICK of Michigan. Mr. Speaker, the spike in gasoline prices after hurricanes Katrina and Rita has drawn national attention to domestic energy supplies, as well as fuel efficiency standards. Instead of the Bush Administration and the Republican Congress offering a bill reducing gas prices, home heating prices, declare our Nation's energy independence, protect the environment, and put funds into increasing energy research and development, this Republican Congress promotes a bill that includes massive subsidies to oil companies at the expense of Americans.

Hurricanes Katrina and Rita devastated much of the energy infrastructure in the Gulf of Mexico. The region contains 47 percent of the Nation's oil refining capacity, and 19 percent of the Nation's natural gas production. Immediately after Hurricane Katrina the national average price for gasoline increased 46 cents to $3.07 per gallon.

Home heating costs, including home heating oil, natural gas and electricity are predicted to increase 50–90 percent over last year's prices. Since 2001, home heating oil costs have nearly tripled, and natural gas costs have more than doubled, nearing crisis levels for homeowners and Americans on a fixed and low income.

President Bush recently gave a speech calling on consumers to conserve gasoline and other fuels. I have yet to hear the President urge oil, coal, utility, and energy companies to reduce their costs. During a time oil and refinery company profits are more than 200 percent, the Republican solution is to offer subsidies to a profitable industry, to rollback environmental regulations, and to increase gasoline and home heating prices to Americans.

This bill is anti-consumer and anti-environment. The American people need real relief at the gas pump and with their heating bills. Democrats support an energy policy that helps Americans by stopping price gouging and increasing refinery capacity to keep gas and home heating prices low. The bill before us today will do nothing to lower gas prices at the pump or lower home heating costs.

If the alternative offered by my Michigan colleague, Representative BART STUPAK is accepted, we would have a strong energy bill. The Stupak substitute gives the Federal Trade Commission new powers to prohibit price gouging for gasoline, diesel, natural gas, home heating oil, and propane. The substitute also creates a new Strategic Refinery Reserve that would give our country the ability to produce refined oil products during extreme energy situations. This approach is more favorable and will help Americans at this most difficult time.

The underlying legislation is a bad deal for America. I urge my colleagues to join me in voting against passage of the energy bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it goes with out saying that we are facing a serious energy crisis in this country. Since the beginning of the year, crude oil prices have been continuously escalating, and most recently have exceeded $70 dollars a barrel. Many factors, ranging from the war in Iraq, to increased demand from China and India have caused the spike in prices. While the factors may vary, the results are constant. Many Americans are suffering from the high cost of gasoline which has exceeded $3 dollars a gallon in some areas. In addition, as winter approaches the price of natural gas is also expected to be exceedingly high which will further increase the burden Americans, particularly those who fall into low income brackets, will have to shoulder as they figure out how to pay for gas to get to work and electricity to heat their homes.

Unfortunately, Hurricane Katrina and Rita did not help the situation. With their devastating power, Katrina caused U.S. oil and refinery operations in the Gulf of Mexico to shut down an estimated 1 million barrels of refining capacity. With Louisiana and Mississippi being such a crucial part of the U.S. energy infrastructure, these interruptions played a vital role in spiking prices. Both hurricane Katrina and Rita should serve as flashing light that we need more refineries in this country. While this may be the case, we as policy makers must go about it in smart way that gives us the capacity we need, but also does not jeopardize the environment and health of the American people. This means ensuring that we have sound environmental laws that protect, but not restrict development. While I realize this can be difficult to achieve at first sight, I believe this goal can be achieved if party lines are dropped and the needs and concerns of the American people are put first. I hope this will be the course followed as we move through conference.

While I am pleased that the New Standard Review provision has been removed from the Barton bill, it is still not perfect. For example it does not list factors that the FTC must use when defining price gouging. In addition, the bill does not provide any additional penalties for those who engage in price gouging, and does not direct penalties collected back to consumers. Further, the bill does not event mention market manipulation or price transparency.

In contrast, the Stupak/Boucher substitute list factors that the FTC must use when defining price gouging. It also applies to all crude and refined petroleum products including propane and Natural Gas. The substitute also strengthens enforcement against those who price gouge by providing new civil penalties with up to triple damages of the profits gained by the violation. In addition, it directs penalties collected from price gougers to go towards LIHEAP. Further, it provides the FTC with authority to stop market manipulation and provide information on price transparency. Finally, the bill builds on the proven success of the Strategic Petroleum Reserve by requiring the Federal Government to operate Strategic Refinery Reserve to ensure adequate supply of refined products in emergency situations. Most importantly, the bill maintains environmental standards.

Before closing let me take a few moments to mention my amendment that was adopted by voice vote during the Full Committee Markup. I appreciate Chairman BARTON's willingness to work with me on this issue. In essence, the provision would authorize and direct the Secretary of Energy to establish a program at Historically Black Universities, Hispanic serving institutions, and community colleges to encourage minority students to study the earth and other sciences and enter the field of geology in order to qualify for employment in the oil, gas, and mineral industries. As we continue to deal with the energy crises we are facing, we need qualified individuals in the fields who can assist with providing new information as to the location of reserves. As we are all aware, there has been a great deal of talk about where the next source of oil will come from that will sustain this country. If we do not encourage individuals to study the earth sciences we may never find this country's next source of oil. Geology is more than the study of rocks; it has become the corner stone of this country's oil supply.

Today, HBCU's remain one of the surest ways for an African American, or student of any race, to receive a high quality education. Seven of the top eleven producers of African American baccalaureates in engineering were HBCU's, including #1 North Carolina A&T State University. The top three producers of African American baccalaureates in health professions (#1 Southern University and A&M College, #2 Florida A&M University and #3 Howard University) were HBCU's. The twelve top producers of African American baccalaureates in the physical sciences, including #1 Xavier University of Louisiana, were all HBCU's. While, Hispanic Serving Institutions (HIS's) have also produced great leaders in this country, according to the Hispanic Association of Colleges and Universities Hispanics are historically underrepresented in the areas of science, technology, engineering and mathematics. HIS's receive only half the federal funding per student, on average, accorded to every other degree-granting institution. This provision would seek to encourage all minorities to study the earth sciences and geology to better equip them for jobs in the oil and gas and minerals industries.

Mr. MORAN of Virginia. Mr. Speaker, I rise in opposition to this rule and this legislation.

This legislation is a corruption of special energy interests, it displays an abject disregard for human health and the environment, and it fails completely to find consensus to address the impending energy crisis.

Today, we have the opportunity to lead and help the people of this country in a genuine and lasting manner.

Instead, we are turning our back on the people and are catering to the self-interests of the highest bidders.

History will not look favorably on the actions of this administration and this Congress.

Confirmation of this criticism is contained in today's rule.

The rule corrects an overreach by some within the oil and gas and electric utility industries.

It seems the majority could not muster the votes to perpetrate a complete gutting of the Clean Air Act's New Source Review provisions.

Under the pretext of lowering the cost of building new refineries by waiving certain environmental laws designed to protect the public, a few bad electric utilities operators tried to hitch a ride and enact what they have been trying for years to achieve: enable their older coal-fired power plants to operate without adding modern emission controls to reduce harmful emissions.

Given the refinery industry's high profits and cash reserves, I find it hard to believe that we need to endanger the public's health to increase refinery capacity, but why should electric utilities be granted the same exemption from the New Source Review provisions?

Despite the full support of the Bush administration, the utility companies' goals have been blocked by the courts and enforcement actions by the Justice Department which has continued to uphold the law and prosecute violators.

The bill approved by the Energy and Commerce Committee would have enabled refineries and utilities making physical changes that do not increase emissions above a maximum level the plant could have theoretically once emitted to be exempt from the New Source Review requirements.

The late Senator John Chaffee, when crafting the New Source Review provisions, stated:

> [O]lder plants are operating well below their maximum capacity. To allow a refurbished utility to emit at its old potential levels could permit an almost twofold increase in emissions. * * * So this amendment could permit a powerplant, even one where its emissions directly affected a national park, for example, to refurbish or add a new boiler, to double its $NO_{[x]}$ and particulate emissions, triple its SO_2 emissions and cover these SO_2 emissions by purchasing allowances and never have to demonstrate what impact this would have on visibility or other air quality standards. Similarly, a powerplant * * * could increase emissions in one of these nonattainment areas and neither have to demonstrate air quality impacts nor be required to offset these increases of emissions as they are required to do under existing law.

Beyond making it easier and cheaper to increase refining capacity and to prosecute for price gouging, what does this legislation do to wean our dependency from oil and from a growing worldwide shortage in oil?

Nothing.

In fact, this rule blocks us from even considering what is clearly one greatest opportunities to reduce the country's dependence of imported oil.

My colleagues Representatives BOEHLERT and MARKEY had an amendment that this rule does not allow us to consider that would require auto manufacturers to improve the fuel efficiency of their automobiles by raising the Corporate Fuel Economy Standards (CAFE) for SUVs and minivans.

Had the current President's father adopted tougher CAFE standards, put us on a gradual path to 27 miles per gallon for light trucks and 34 gallons for cars, we would have displaced all oil we import from the Persian Gulf today.

Of course we would still be importing oil from the Persian Gulf, but our economy and our transportation sector and today's auto manufacturers would not be reeling from the consequences of $60 barrels of oil and $3.00 gallons of gasoline.

We are an oil-based economy, with about 60 percent of our oil imported from abroad. While coal, uranium and some renewable sources such as wind and hydro comprise a majority of the fuel used to generate electricity, most of our economy is dependent or exclusively reliant on oil, from fertilizers for agriculture, plastics for manufacturing to gasoline and diesel for transportation.

You would think that, in light of world events and the vulnerabilities Hurricane Katrina and Rita illuminated, we would have a different bill. World oil supplies have tightened, the price of oil has shot up to over $60 a barrel and many of our foreign sources of oil, the Middle East, in particular, but Africa and Venezuela as well, have grown even less stable.

This bill, while better than what was approved by the Energy and Commerce last week, is woefully deficient and heads our country in the wrong direction. It rushes us closer to the day oil shortages occur and sets us backward on our ability to address it.

Oppose today's rule and oppose this bill.

Mr. WOLF. Mr. Speaker, Hurricane Katrina may not only have been one of the most destructive natural disasters in our nation's history, the argument could be made that Katrina was the perfect storm in exposing our nation's vulnerabilities in supplying oil and gas to meet our energy needs.

There is absolutely no doubt that our country must become energy independent. Today we rely on foreign sources of oil to supply 60 percent of our energy needs. We are at the mercy of the Oil Producing Export Countries. Disruption in our energy supply—whether through OPEC polices to reduce production, disruption in domestic drilling and shipping caused by hurricanes, or limited refining capacity—energy security is a matter of national security.

I understand the serious impact that rising fuel prices have on the everyday lives of people and the strength of our economy. It is an issue which impacts everyone who drives or uses oil and every sector of our economy. We must find ways to improve conservation of oil resources, increase domestic production and oil refining capacity. Progress also needs to be made in developing alternative fuels as well as making the machines we use more energy efficient.

The argument has been made that our nation's ability to refine both imported and domestic sources of oil is limited because no new oil refineries have opened in the United States in almost 30 years. Additionally, just under half our refinery capacity or 47 percent is concentrated in the Gulf of Mexico. If every refinery is operating at full capacity, 17 million barrels per day are refined, however, demand averages at 21 million barrels a day. The legislation before the House today, H.R. 3893, the Gasoline for America's Security Act of 2005, attempts to increase refining capacity through provisions to encourage new refinery construction and streamline the regulatory path to build new refineries, among other provisions.

Mr. Speaker, I am giving the benefit of the doubt to Chairman BARTON and the Energy and Commerce Committee on this bill and I will vote for it, albeit reluctantly, to help move the process forward. But I believe we need more debate, especially on the issue of making certain we maintain strong environmental protections for clean air and water and endangered species when siting refineries, and I am hopeful that the House can negotiate with the Senate to come up with a more balanced bill. I am glad to see that the provisions modifying the New Source Review Program and the New Source Performance Standards Programs, which would reduce protections against pollutants, were removed from the final version of the bill.

I also am pleased that the bill authorizes the president to have a refinery permitted, constructed and operated for the sole consumption of the United States Armed Forces. It is absolutely necessary that we do everything possible to ensure that our ability to defend our citizens is inhibited by a simple lack of oil and refined gas.

If our nation ever hopes to reduce its dependence on imported oil, we also must increase automobile fuel economy standards. I was very disappointed that the Rules Committee failed to make in order an amendment to H.R. 3893 to increase Corporate Average Fuel Economy (CAFE) standards. I enclose for the record a copy of the text of the letter I signed with Representatives BOEHLERT, SHAYS, GILCHREST and others to the Rules Committee. We must have fuel efficient automobiles that do not waste gasoline. I support boosting CAFE standards for U.S. auto makers to 33 mpg over 10 years (by 2015), consistent with the findings of the National Academy of Sciences, in order to save 10 percent of the gasoline the nation would otherwise consume by 2015. The current standard of 27.5 miles per gallon has been in effect for nearly two decades despite proven technology that promises to stretch engine efficiency to much higher levels. I believe such a reasonable approach is needed to put U.S. auto makers on notice that they must work to produce more fuel efficient vehicles.

I am also disappointed that, although the bill establishes a program to encourage the use of carpooling and vanpooling to save energy, there is absolutely no mention of telework. Ridesharing is important, but telework is the most efficient way to reduce gasoline consumption and reduce pollutants by taking commuters off the roads and allowing them to work at home or at a telework center close to home. Allowing all eligible federal employees to telework is the law of the land. Why is telework not included in this bill?

I also believe we must have tough penalties on price gouging. I am very concerned when

I hear from my constituents who don't understand how the price of gasoline at the pump can jump 25 cents in one day or how the same brand of gasoline can be selling at widely different prices at gas stations only a few miles apart. Then we hear the major oil companies reporting record profits while consumers deal with skyrocketing gas prices.

This is far from a perfect bill. In the wake of the perfect storm that Katrina brought to our nation, we need to take action to both increase our energy supply and to become more energy and fuel efficient. Congress has an opportunity to craft a fair and balanced bill. I hope the legislation that is brought to the House after conference with the Senate is a bill that protects consumers, protects the environment and moves our nation to energy efficiency and is a final bill that I can support.

Hon. DAVID DREIER,
Chairman, House Committee on Rules,
The Capitol, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to urge that the Rules Committee make in order Congressman Boehlert's amendment to increase Corporate Average Fuel Economy (CAFE) standards when it reports out a rule for the consideration of H.R. 3893, the ''Gasoline for America's Security Act of 2005.''

The amendment, a version of which has been made in order in each of the last three Energy Bill debates in the House, is germane to H.R. 3893. Indeed, it is difficult to see how the House could be seen to have a complete debate on the availability of gasoline without a discussion of fuel economy standards. In the wake of Hurricane Katrina and $3 per gallon gasoline prices, more Americans are becoming aware of the need to address the demand, as well as the supply side of our gasoline crisis—to protect their own family pocketbooks, as well as to enhance the nation's energy security. Indeed one recent poll found that 86 percent of Americans favor higher fuel economy standards, more than the percentage favoring any other approach to the current energy pinch. At this time when both the public and their representatives are becoming more open to toughening fuel economy standards, fairness dictates that a serious amendment on fuel economy standards be part of the debate about how the nation will ensure that gasoline remains affordable and accessible.

The transportation sector is the nation's single largest consumer of oil, yet it is also the only sector of the economy that is less fuel efficient than it was 20 years ago. A debate on gasoline needs to include measures that will address that fact, especially when the National Academy of Sciences concluded four years ago that the technology exists to accomplish fuel economy goals cost-effectively and safely. And the study did not even consider three important technologies that automakers have since begun to introduce in the marketplace that can achieve even greater fuel economies: hybrid engine technologies, clean diesel technologies and high-strength, lightweight composites and steels.

The House needs and deserves to have a discrete debate on fuel economy, just as it has had during the debate on past energy bills. The issue must not get lost in disputes about other aspects of H.R. 3893, which deals with a wide variety of legal and regulatory issues. We urge you to allow a clear, full and open debate on the single measure that would do the most to reduce the U.S. demand for oil.

Sincerely, ———

Mr. ETHERIDGE. Mr. Speaker, I rise today in opposition to H.R. 3893.

Our country is facing a painful energy crisis under the policies of this Administration and Congressional leadership. Just last week, I received a letter from a constituent of mine, Paul Perry of Dunn, North Carolina, a small businessman struggling to make ends meet. He wrote: ''We just broke ground on a new brick plant and should be in operation by August of 2006. I just hope gas prices don't break us before we get the new plant in production.'' The American people desperately need effective new energy policies, but H.R. 3893 is simply more of the same failed giveaways to Big Oil.

The bill on the floor today is nothing more than a giveaway to big oil companies; and on top of this, it contains environmental rollbacks that the Administration has been unsuccessfully pursuing for years for gas and coal fired power plants. These provisions would relax existing pollution controls on thousands of industrial facilities across the country in what one energy industry official even called the most blatant attack on state and local environmental authority that he's ever seen.

This legislation would throw out provisions my state of North Carolina implemented when we passed our own clean smokestacks legislation. This legislation would cap penalties levied against big oil companies and refineries caught price gouging to meager amounts at a time when they are recording record profits. Finally, this bill would give tax breaks to those same oil companies at a time of record budget deficits.

I urge my colleagues to vote against this bill, and to support the substitute that provides real provisions to crack down on price gouging. The substitute bill provides real help to the American people. It punishes price gougers, not just the gas stations but the refineries, the wholesalers, and any of the big oil companies if they are caught taking advantage of the American people.

The substitute also creates a strategic refining capacity for the country in times of a national emergency, without jeopardizing the environmental safeguards put in place by the Congress to protect our air, water, land, and public health.

Again, I urge my colleagues to support the Democratic substitute.

Mr. HONDA. Mr. Speaker, I rise today to express my opposition to H.R. 3893. Hurricanes Katrina and Rita caused tremendous devastation along the Gulf coast, and I appreciate the need to address the suffering and destruction that resulted. However, I am appalled at this effort by the Republican majority to exploit this national tragedy to weaken environmental, public health, and consumer protections under the guise of lower gasoline prices; and protect consumers from price-gouging on gasoline. Sadly, the bill will accomplish none of these things, while being loaded down with controversial unrelated provisions. This is why it was opposed by every Democrat on the Committee on Energy and Commerce.

While claiming to protect consumers, this bill actually weakens the Federal Trade Commission's authority to deal with price gouging, at a time when we have seen gasoline prices rise at astronomical rates. It focuses all price gouging efforts on mom-and-pop retailers, rather than the big oil companies and refiners who are actually reaping enormous profits. This bill limits the areas that can be investigated for price-gouging, and there is no real enforcement authority to prosecute bad behavior.

The bill gives new regulatory subsidies to the refining industry at a time when that industry's profits are breaking records. The Washington Post reported last month that over the past year, refinery profit margins on a gallon of gasoline have increased over 255 percent. Yet the bill could also put taxpayers on the hook for unlimited damages if a refinery is stalled in litigation or must meet new regulatory standards. The fact is that refineries are not being built in this country because the companies do not want to build them for economic reasons.

And this bill will undermine local control by forcing some communities with closed military bases to accept refineries without having any input in the process. These communities will not be able to develop sites for years even if the Federal Government does not ultimately build refineries on them.

I was at a roundtable with high tech leaders last weekend, and the one thing they talked most about was energy. They emphasized the need for new alternative energy supplies and highlighted the role that new technologies can play in using energy more efficiently and generating it in new ways. Sadly, the Republican bill will do nothing in this area. And one amendment that would have led to real strides in efficiency, the Boehlert-Markey amendment which would have increased fuel economy standards for cars and trucks to 33 miles per gallon by 2015, was not even allowed by the Rules Committee. I am incredulous as to how we could be considering a bill that is supposed to address high gasoline prices and not have a debate on increasing the efficiency with which vehicles use fuel. Even the President is now advocating conservation, which his own Vice President once claimed was a virtue but not a policy.

That is why I oppose H.R. 3893 and support the Democratic substitute, which will provide real enforcement against energy price gouging and establish a Strategic Refinery Reserve, patterned on the successful Strategic Petroleum Reserve, to protect against loss of refinery capacity.

Mr. CASTLE. Mr. Speaker, more than ever in the wake of the recent hurricanes, Congress and the American people are focused on meeting our energy needs. Whether it's the rise in gas prices at the pump or the anticipation of expensive home heating bills this winter, all Americans are feeling the pinch.

We have already signed into law an energy bill that sought to expand domestic production of oil and other sources of energy, but we have done very little to reduce demand. Yet again, we are considering a bill that will only address the supply end of the equation. Even if increasing refinery capacity were to positively affect gasoline prices, as the The Gasoline for America's Security Act of 2005 (H.R. 3893) purports, it would do so at the expense of our environment and public health, and by trumping state law.

While I am pleased that the manager's amendment strikes changes to the ''New Source Review'' program, provisions remain that ill hurt taxpayers, pollute our environment, supersede state law, and give unnecessary payments to the oil companies. This bill outlines erroneous solutions to our current energy challenges, and ultimately fails to ''secure'' Americans from energy price surges.

Whereas intended to respond to temporary refinery shortages caused by recent hurricanes and to address high gasoline prices, the bill weakens environmental laws and undermines states' rights by limiting the kinds of

cleaner fuels states can require to meet their clean air targets; federalizing many siting and permitting decisions relating to refineries; limiting the kinds of diesel fuel that can be required and interfering with the low sulfur diesel rule that was championed by the Bush Administration; rewriting the permitting process for refineries to limit environmental reviews without any evidence that current processes are at all a problem; and enabling cities with harmful levels of ozone air pollutants to delay improving air quality.

Adoption of this bill would constitute a major setback for air quality across the nation. The longterm costs for backtracking on important pollution measures will be far greater than the short terms gains from this bill. Our states have worked aggressively to ensure that improvements are made to air quality and it is our duty to support, not hinder, such efforts.

Instead of only meeting our energy needs by increasing supply, we need to continue to improve conservation methods and our R&D efforts in renewable sources of energy like wind and solar power. And, we must take a hard look at automotives, from creating additional consumer incentives for domestic production and purchase of efficient hybrid-electric vehicles to the possibility of increasing fuel economy standards, so cars can go further on a tank of gas. A diversified approach, based on a variety of resources, will truly save consumers money at the pump and help to reduce our dependence on foreign oil.

The legislation before us today can only hurt our states and our environment and I urge a no vote on this legislation.

Mr. BARTON of Texas. Mr. Speaker, I submit the following exchange of letters for the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 5, 2005.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN BARTON: On September 28, 2005, the Committee on Energy and Commerce ordered reported H.R. 3893, the ''Gasoline for America's Security Act of 2005.'' In recognition of the desire to expedite floor consideration of H.R. 3893, the Committee on the Judiciary hereby waives any consideration of the bill.

Several sections of H.R. 3893 contain matters within the Committee on the Judiciary's rule X jurisdiction. A summary of principal provisions within the Committee on the Judiciary's jurisdiction follows.

Section 102(e) grants original and exclusive Federal court jurisdiction to adjudicate civil actions filed under this section. Section 202(e) grants original and exclusive Federal court jurisdiction to adjudicate civil actions filed under this section. These matters fall within the Committee on the Judiciary's jurisdiction under rule X(1)(l)(1) (''The judiciary and judicial proceedings, civil and criminal'').

Section 605(f) grants members of the ''Commission for the Deployment of the Hydrogen Economy,'' as creted under Title VI of the bill, the authority to issue subpoenas without requesting the assistance of the Attorney General. This matter falls within the Committee on the Judiciary's jurisdiction under rule X(1)(l)(1) (''The judiciary and judicial proceedings, civil and criminal'').

The Committee on the Judiciary agrees to waive any formal consideration of the bill with the understanding that its jurisdiction over these and other provisions contained in the legislation is no way altered or diminished. This waiver is further conditioned upon the understanding between our Committees that there are no provisions contained in H.R. 3893 that could be construed or interpreted to alter, modify, or to have any effect on any laws or regulations pertaining to any fuel additive, including ethanol and MTBE. The Committee on the Judiciary also reserves the right to seek appointment to any House-Senate conference on this legislation. I would appreciate your including this letter in the Congressional Record during consideration of H.R. 3893 on the House floor. Thank you for your attention to these matters.

Sincerely,
F. JAMES SENSENBRENNER, JR.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 4, 2005.

Hon. F. JAMES SENSENBRENNER, JR.,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: I write in regards to H.R. 3893, Gasoline for America's Security Act of 2005.

While the Committee on the Judiciary did not receive a referral of the bill upon introduction, I appreciate your willingness not to seek a referral on H.R. 3893. I agree that your decision to forego action on the bill will not prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this or future legislation.

Further, knowing of your interest in the debate surrounding fuel additive liability, nothing in H.R. 3893 should be construed or interpreted to alter, modify, or to have any effect on any laws or regulations pertaining to any additive, including ethanol and MTBE.

I will include our exchange of letters in the Committee's report on H.R. 3893, and I look forward to working with you as we prepare to pass this important energy legislation for the American people.

Sincerely,
JOE BARTON,
Chairman.

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

The SPEAKER pro tempore. All time for debate on the bill has expired.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2360) ''An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.''.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Speaker, I offer an amendment in the nature of a substitute.

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

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

Amendment in the nature of a substitute offered by Mr. STUPAK:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Response to Energy Emergencies Act of 2005''.

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

Sec. 1 Short title; table of contents.

TITLE I—PROTECTING CONSUMERS FROM ENERGY PRICE GOUGING

Sec. 101. Unconscionable pricing of gasoline, oil, natural gas, and petroleum distillates during emergencies.
Sec. 102. Declaration of energy emergency.
Sec. 103. Enforcement by the Federal Trade Commission.
Sec. 104. Enforcement at retail level by State attorneys general.
Sec. 105. Low Income energy assistance.
Sec. 106. Effect on other laws.
Sec. 107. Market transparency for crude oil, gasoline, and petroleum distillates.
Sec. 108. Report on United States energy emergency preparedness.
Sec. 109. Protective action to prevent future disruptions of supply.
Sec. 110. Authorization of Appropriations.

TITLE II—ENSURING EMERGENCY SUPPLY OF REFINED PETROLEUM PRODUCTS

Sec. 201. Refineries.

TITLE I—PROTECTING CONSUMERS FROM ENERGY PRICE GOUGING

SEC. 101. UNCONSCIONABLE PRICING OF GASOLINE, OIL, NATURAL GAS, AND PETROLEUM DISTILLATES DURING EMERGENCIES.

(a) UNCONSCIONABLE PRICING.—

(1) IN GENERAL.—During any energy emergency declared by the President under section 102, it is unlawful for any person to sell crude oil, gasoline, natural gas, or petroleum distillates in, or for use in, the area to which that declaration applies at a price that—

(A) is unconscionably excessive; or

(B) indicates the seller is taking unfair advantage of the circumstances to increase prices unreasonably.

(2) FACTORS CONSIDERED.—In determining whether a violation of paragraph (1) has occurred, there shall be taken into account, among other factors, whether—

(A) the amount charged represents a gross disparity between the price of the crude oil, gasoline, natural gas, or petroleum distillate sold and the price at which it was offered for sale in the usual course of the seller's business immediately prior to the energy emergency; or

(B) the amount charged grossly exceeds the price at which the same or similar crude oil, gasoline, natural gas, or petroleum distillate was readily obtainable by other purchasers in the area to which the declaration applies.

(3) MITIGATING FACTORS.—In determining whether a violation of paragraph (1) has occurred, there also shall be taken into account, among other factors, whether the price at which the crude oil, gasoline, natural gas, or petroleum distillate was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

(b) FALSE PRICING INFORMATION.—It is unlawful for any person to report information related to the wholesale price of crude oil, gasoline, natural gas, or petroleum distillates to the Federal Trade Commission if—

(1) that person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by that department or agency for statistical or analytical purposes with respect to the market for crude oil, gasoline, natural gas, or petroleum distillates.

(c) MARKET MANIPULATION.—It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil, gasoline, natural gas, or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Federal Trade Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

(d) RULEMAKING.—Not later than 180 days after the date of the enactment of this title, the Federal Trade Commission shall promulgate rules necessary and appropriate to enforce this section.

SEC. 102. DECLARATION OF ENERGY EMERGENCY.

(a) IN GENERAL.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline, natural gas, or petroleum distillates due to a disruption of the national distribution system for crude oil, gasoline, natural gas, or petroleum distillates (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122))), or significant pricing anomalies in national or regional energy markets for crude oil, gasoline, natural gas, or petroleum distillates of a more than transient nature, the President may declare that a Federal energy emergency exists.

(b) SCOPE AND DURATION.—The declaration shall apply to the Nation, a geographical region, or 1 or more States, as determined by the President, but may not be in effect for a period of more than 45 days.

(c) EXTENSIONS.—The President may—

(1) extend a declaration under subsection (a) for a period of not more than 45 days; and

(2) extend such a declaration more than once.

SEC. 103. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) ENFORCEMENT BY FTC.—A violation of section 101 shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission shall enforce this title in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this title. In enforcing section 101(a) of this title, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of $500,000,000 per year.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Notwithstanding the penalties set forth under the Federal Trade Commission Act, any person who violates section 101 shall be subject to the following penalties:

(A) PRICE GOUGING; UNJUST PROFITS.—Any person who violates section 101(a) shall be subject to—

(i) a fine of not more than 3 times the amount of profits gained by such person through such violation; or

(ii) a fine of not more than $3,000,000.

(B) FALSE INFORMATION; MARKET MANIPULATION.—Any person who violates section 101(b) or 101(c) shall be subject to a civil penalty of not more than $1,000,000.

(2) METHOD OF ASSESSMENT.—The penalties provided by paragraph (1) shall be assessed in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the Federal Trade Commission shall take into consideration the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

SEC. 104. ENFORCEMENT AT RETAIL LEVEL BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 101(a) of this title, or to impose the civil penalties authorized by section 103(b)(1)(B), whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this title or a regulation under this title.

(b) NOTICE.—The State shall serve written notice to the Federal Trade Commission of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Federal Trade Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the defendant operates;

(B) the defendant was authorized to do business; or

(C) where the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Federal Trade Commission has instituted a civil action or an administrative action for violation of this title, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Federal Trade Commission or the other agency for any violation of this title alleged in the complaint.

(g) ENFORCEMENT OF STATE LAW.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of such State.

SEC. 105. LOW INCOME ENERGY ASSISTANCE.

Amounts collected in fines and penalties under sections 103 of this title shall be deposited in a separate fund in the treasury to be known as the Consumer Relief Trust Fund. To the extent provided for in advance in appropriations Acts, such fund shall be used to provide assistance under the Low Income Home Energy Assistance Program established under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.).

SEC. 106. EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF FEDERAL TRADE COMMISSION.—Nothing in this title shall be construed to limit or affect in any way the Federal Trade Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) STATE LAW.—Nothing in this title preempts any State law.

SEC. 107. MARKET TRANSPARENCY FOR CRUDE OIL, GASOLINE, AND PETROLEUM DISTILLATES.

(a) IN GENERAL.—The Federal Trade Commission shall facilitate price transparency in markets for the sale of crude oil and essential petroleum products at wholesale, having due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers.

(b) MARKETPLACE TRANSPARENCY.—

(1) DISSEMINATION OF INFORMATION.—In carrying out this section, the Federal Trade Commission shall provide by rule for the dissemination, on a timely basis, of information about the availability and prices of wholesale crude oil, gasoline, and petroleum distillates to the Federal Trade Commission, States, wholesale buyers and sellers, and the public.

(2) PROTECTION OF PUBLIC FROM ANTICOMPETITIVE ACTIVITY.—In determining the information to be made available under this section and time to make the information available, the Federal Trade Commission shall seek to ensure that consumers and competitive markets are protected from the adverse effects of potential collusion or other anticompetitive behaviors that can be facilitated by untimely public disclosure of transaction-specific information.

(3) PROTECTION OF MARKET MECHANISMS.—The Federal Trade Commission shall withhold from public disclosure under this section any information the Commission determines would, if disclosed, be detrimental to the operation of an effective market or jeopardize system security.

(c) INFORMATION SOURCES.—

(1) IN GENERAL.—In carrying out subsection (b), the Federal Trade Commission may—

(A) obtain information from any market participant; and

(B) rely on entities other than the Commission to receive and make public the information, subject to the disclosure rules in subsection (b)(3).

(2) PUBLISHED DATA.—In carrying out this section, the Federal Trade Commission shall consider the degree of price transparency provided by existing price publishers and providers of trade processing services, and shall rely on such publishers and services to the maximum extent possible.

(3) ELECTRONIC INFORMATION SYSTEMS.—The Federal Trade Commission may establish an electronic information system if it determines that existing price publications are

not adequately providing price discovery or market transparency. Nothing in this section, however, shall affect any electronic information filing requirements in effect under this title as of the date of enactment of this section.

(4) DE MINIMUS EXCEPTION.—The Federal Trade Commission may not require entities who have a de minimus market presence to comply with the reporting requirements of this section.

(d) COOPERATION WITH OTHER FEDERAL AGENCIES.—

(1) MEMORANDUM OF UNDERSTANDING.—Within 180 days after the date of enactment of this title, the Federal Trade Commission shall conclude a memorandum of understanding with the Commodity Futures Trading Commission and other appropriate agencies (if applicable) relating to information sharing, which shall include provisions—

(A) ensuring that information requests to markets within the respective jurisdiction of each agency are properly coordinated to minimize duplicative information requests; and

(B) regarding the treatment of proprietary trading information.

(2) CFTC JURISDICTION.—Nothing in this section may be construed to limit or affect the exclusive jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.).

(e) RULEMAKING.—Within 180 days after the date of enactment of this title, the Federal Trade Commission shall initiate a rulemaking proceeding to establish such rules as the Commission determines to be necessary and appropriate to carry out this section.

SEC. 108. REPORT ON UNITED STATES ENERGY EMERGENCY PREPAREDNESS.

(a) POTENTIAL IMPACTS REPORT.—Within 30 days after the date of enactment of this title, the Federal Trade Commission shall transmit to the Congress a confidential report describing the potential impact on domestic prices of crude oil, residual fuel oil, and refined petroleum products that would result from the disruption for periods of 1 week, 1 year, and 5 years, respectively, of not less than—

(1) 30 percent of United States oil production;

(2) 20 percent of United States refinery capacity; and

(3) 5 percent of global oil supplies.

(b) PROJECTIONS AND POSSIBLE REMEDIES.—The President shall include in the report—

(1) projections of the impact any such disruptions would be likely to have on the United States economy; and

(2) detailed and prioritized recommendations for remedies under each scenario covered by the report.

SEC. 109. PROTECTIVE ACTION TO PREVENT FUTURE DISRUPTIONS OF SUPPLY.

The Secretary of Energy and the Energy Information Administration shall review expenditures by, and activities undertaken by, companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of $500,000,000 per year to protect the energy supply system from terrorist attacks, international supply disruptions, and natural disasters, and ensure a stable and reasonably priced supply of such products to consumers in the United States, and, not later than 180 days after the date of the enactment of this title, shall transmit a report of their findings to Congress. Such report shall include an assessment of the companies' preparations for the forecasted period of more frequent and more intense hurricane activity in the Gulf of Mexico and other vulnerable coastal areas.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TITLE II—REFINERIES

SEC. 201. REFINERIES.

Title I of the Energy Policy and Conservation Act is amended by adding at the end the following new part:

"PART E—REFINERIES

"SEC. 191. STRATEGIC REFINERY RESERVE.

''(a) ESTABLISHMENT.—The Secretary shall establish and operate a Strategic Refinery Reserve in the United States. The Secretary may design and construct new refineries, or acquire closed refineries and reopen them, to carry out this section.

''(b) OPERATION.—The Secretary shall operate refineries in the Strategic Refinery Reserve for the following purposes:

''(1) During any period described in subsection (c), to provide petroleum products to the general public.

''(2) To provide petroleum products to the Federal Government, including the Department of Defense, as well as State governments and political subdivisions thereof who choose to purchase refined petroleum products from the Strategic Refinery Reserve.

''(c) EMERGENCY PERIODS.—The Secretary shall make petroleum products from the Strategic Refinery Reserve available under subsection (b)(1) only—

''(1) during a severe energy supply interruption, within the meaning of such term under part B; or

''(2) if the President determines that there is a regional petroleum product supply shortage of significant scope and duration and that action taken under subsection (b)(1) would assist directly and significantly in reducing the adverse impact of such shortage.

''(d) LOCATIONS.—In determining the location of a refinery for the Strategic Refinery Reserve, the Secretary shall take into account the following factors:

''(1) Impact on the local community (determined after requesting and receiving comments from State, county or parish, and municipal governments, and the public).

''(2) Regional vulnerability to a natural disaster.

''(3) Regional vulnerability to terrorist attacks.

''(4) Proximity to the Strategic Petroleum Reserve.

''(5) Accessibility to energy infrastructure.

''(6) The need to minimize adverse public health and environmental impacts.

''(7) The energy needs of the Federal Government, including the Department of Defense.

''(e) INCREASED CAPACITY.—The Secretary shall ensure that refineries in the Strategic Refinery Reserve are designed to enable a rapid increase in production capacity during periods described in subsection (c).

''(f) IMPLEMENTATION PLAN.—Not later than 6 months after the date of enactment of this section, the Secretary shall transmit to the Congress a plan for the establishment and operation of the Strategic Refinery Reserve under this section. Such plan shall provide for establishing, within 2 years after the date of enactment of this section, and maintaining a capacity for the Reserve equal to 5 percent of the total United States daily demand for gasoline, home heating oil, and other refined petroleum products. If the Secretary finds that achieving such capacity within 2 years is not feasible, the Secretary shall explain in the plan the reasons therefor, and shall include provisions for achieving such capacity as soon as practicable. Such plan shall also provide for adequate delivery systems capable of providing Strategic Refinery Reserve product to the entities described in subsection (b)(2).

''(g) COMPLIANCE WITH FEDERAL ENVIRONMENTAL REQUIREMENTS.—Nothing in this section shall affect any requirement to comply with Federal or State environmental or other law.

"SEC. 192. REFINERY CLOSING REPORTS.

''(a) CLOSING REPORTS.—The owner or operator of a refinery in the United States shall notify the Secretary at least 6 months in advance of permanently closing the refinery, and shall include in such notice an explanation of the reasons for the proposed closing.

''(b) REPORTS TO CONGRESS.—The Secretary, in consultation with the Federal Trade Commission, shall promptly report to the Congress any report received under subsection (a), along with an analysis of the effects the proposed closing would have on petroleum product prices, competition in the refining industry, the national economy, regional economies and regional supplies of refined petroleum products, and United States energy security.''.

The SPEAKER pro tempore. Pursuant to House Resolution 481, the gentleman from Michigan (Mr. STUPAK) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. STUPAK).

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

Mr. Speaker, I urge every member to support this amendment which provides meaningful relief for our Nation that is facing record gas prices. This amendment has support of the Minority Leader PELOSI as well as the ranking member of the Energy and Commerce Committee, Congressman DINGELL. I would like to commend them for their support on this important initiative.

I would also like to thank the gentleman from Virginia (Mr. BOUCHER) for his hard work on the refinery portions of this amendment. The results of our efforts have produced a quality product that will benefit all Americans.

I would also like to recognize Congressmen BISHOP, BARROW and ETHERIDGE and Congresswomen HERSETH and SCHWARTZ for their valued input on this legislation.

Even before the devastation caused by Hurricane Katrina, skyrocketing oil and gasoline prices were taxing American families and burdening our Nation's economy, with notable exceptions of the oil and gas industry which continued to rack up record profits.

Following Katrina, gas prices in some States reached $6 per gallon, deepening suspicion of the oil industry profiteering. Our amendment would ensure that the President has the tools needed to adequately respond to any energy emergency and prohibits price gouging on all petroleum products with a priority on refineries and big oil.

Whether it is gasoline or natural gas, the problem lies right here at the refinery level, with a 255 percent increase in the last 12 months alone. Here is a 1995 memo from the American Petroleum Industry, and I quote. ''A senior analyst, at the recent American petroleum energy convention, warned that if the U.S. petroleum industry does not refine or reduce its refining capacity, it will never see any substantial increase in refining margins.''

So since 1995, since this memo, they have closed 30 refineries. This conclusion is also backed up by the GAO, Government Accountability Office, which said in 2004 that by closing refineries, they were able to drive up to those exorbitant prices we are paying today at the pump.

Currently, there are only 28 states that have laws on the books that define price gouging and have enforcement mechanisms to go after those ripping off consumers. At the Federal level, there is no oversight to protect consumers from this predatory pricing, gouging or market manipulation. We need to pass this amendment today. No American should have to pay too much for gas because the oil companies are rigging prices.

Our amendment will give the President authority to take immediate action in the face of energy crisis by declaring a national energy emergency.

It will provide the Federal Trade Commission with new authority to investigate and prosecute those that engage in predatory pricing, from oil companies on down to gas stations, with the emphasis on those who profit the most. This includes price gouging of gasoline and natural gas, home heating oil, propane.

H.R. 3893 does nothing to address natural gas and propane gas prices, even though gas prices are expected to rise by more than 90 percent as shown in today's USA Today. Staying warm is to cost up to 90 percent more. That is natural gas. And this bill does not even address it.

Our amendment also empowers the Federal Government to impose tough civil penalties of up to triple damage on all excess profits on companies that have cheated consumers. The base bill provides no additional penalties for those who engage in price gouging.

Our amendment will also provide for relief to consumers paying skyrocketing energy and transportation costs and increase funding for the low-income home energy assistance program through fines from price-gouging companies.

It would also put in place new consumer protections to prevent market manipulation and ensure greater transparency in the cost of a gallon of gas. The base bill provides no transparency. Why is it, we in America, no one can tell us what does it cost for a gallon of gas? What does it cost for a cubic foot of natural gas? Why do they not want us to know how they are manipulating the market, gouging the American consumer?

In the wake of Hurricane Katrina, Americans are pulling together, donating to relief organizations and giving their time to help the people of the Gulf Coast recover. That is how American people react when they see their fellow citizens in need.

Unfortunately, some people have looked at Hurricane Katrina not as a chance to give but as an opportunity to profit. Some have decided to take advantage of this terrible tragedy and line their own pockets by gouging the American people at the gas pump.

As eight governors wrote to us in Congress urging passage of our legislation, they stated, and I quote, ''to price gouge consumers under normal circumstances is dishonest enough. But to take money off from the severe misfortune of others is downright immoral.''

Skyrocketing oil and gas prices are hurting the American consumer as well as our economy. Sadly, the majority bill does nothing to crack down on those who are manipulating the market and price gouging. The Stupak-Boucher amendment provides the kind of relief from high gas and energy prices that consumers deserve.

Our amendment will protect all consumers from unfair energy and gas prices and punish those who think that a time of a national tragedy is the right time to rob the American people of their hard-earned money.

I urge a ''yes'' vote on our amendment.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Speaker, people are sick and tired of the two words, do nothing. And that is just no answer to folks who are startled when they go to gas their vehicle, 50 bucks, 60 bucks, $70 to fill it up. They are startled that we have airlines that are flying full and going broke because of the cost of energy, and we just cannot afford to do nothing.

Let me just list a few of the areas here of the Stupak substitute that do nothing. It will do nothing to limit boutique fuels that have propped up gasoline prices by artificially limiting supply. It will do nothing to encourage private industry to build new refineries that will increase daily supplies of gasoline. It will do nothing to help diversify our domestic refining capacity away from the gulf coast. It will do nothing to help site crude oil and petroleum product pipelines that transport gasoline to Americans. It will do nothing to help small refineries utilize their capacity to increase supply and encourage robust competition in the industry. It will do nothing to provide authority to the President to temporarily waive Federal, State and local fuel additive requirements in the event of an extreme and unusual supply circumstance caused by a natural disaster, which proved to be critical in the wake of Katrina and Rita. It will do nothing to encourage conservation like carpooling and van pooling. Do nothing to strengthen the Strategic Petroleum Reserve to ensure that critical crude oil supply is there when the Nation needs it. It will do nothing to ensure that the crude oil sold from the Strategic Petroleum Reserve is used for its intended purpose, to be refined for our domestic use. And finally, it will do nothing for the northeast to help develop the northeast home heating oil. We cannot afford to do nothing outlined in the Stupak amendment. I urge a vote against it.

Mr. STUPAK. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. BOUCHER), a member of the committee and my partner in drafting this amendment, the substitute amendment.

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

Mr. BOUCHER. Mr. Speaker, I am pleased to join with Mr. STUPAK in offering this substitute which would replace the underlying bill with two targeted provisions aimed at increasing our Nation's refinery capacity and giving the Federal Government the tools necessary to investigate, deter and punish price gouging. Together, these two provisions would be an effective response to problems in our gasoline market.

The gentleman from Michigan (Mr. STUPAK) has drafted the price-gouging provisions of our amendment. I fully support those provisions, and I commend the gentleman for his outstanding efforts.

I will direct my remarks today to the refinery specific provisions of our substitute. We would create a strategic refinery reserve. In doing so, we would build upon the success of the Strategic Petroleum Reserve by creating a natural extension of that successful program of refinery reserve. Under our amendment, the Secretary of Energy would establish refineries with capacity equal to 5 percent of the total United States demand for gasoline, home heating oil and other refined petroleum products. The location of these refineries would be out of harm's way at places to be designated by the Secretary of Energy.

During times of nonemergency, the refineries which make up the strategic reserve would produce refined gasoline for use by the Federal Government. In addition, State and local governments could choose to purchase refined products from the reserve. Keeping the refinery reserve operational in that fashion would ensure that there would be no lag time in it going on-line when needed to address a national emergency.

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Weakening the clean air laws and providing incentives to the refinery industry as proposed in the underlying bill is not the best way to ensure new refinery construction. There has been no evidence that environmental permitting is the problem that leads to no new refinery capacity.

The truth is that the refinery owners are benefiting enormously from the current limited capacity, with profits increasing 255 percent during the past year alone, 255 percent of profit increase in a single year. Simply put, the refiners are making more money by refining less gasoline.

The substitute which the gentleman from Michigan (Mr. STUPAK) and I are offering is a commonsense approach to our problems, establishing a Federal mechanism to investigate and punish price gouging and creating a strategic refinery reserve to assure adequate refining capacity during times of emergencies.

I support strongly the substitute, and I urge its approval by the House.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS), a distinguished member of the committee.

Mr. SHIMKUS. Mr. Speaker, I would like to address my friends and colleagues.

We have got a lot of good Members on the Committee on Energy and Commerce, and I have great respect for my friends, the gentleman from Michigan (Mr. STUPAK) and the gentleman from Virginia (Mr. BOUCHER), who come here with serious public policy concerns.

I want to speak on an issue they do not address, in fact, I think they roll back, which I think is critical to addressing the price spike, and that is boutique fuels. I will just give an example.

When I fly back home, I fill up in St. Louis. I fill up my vehicle in St. Louis, and then I drive across the river to my hometown in Collinsville, which is 30 minutes from the St. Louis airport, and then I drive up to Springfield, Illinois, which is the northern part of my district, probably 100, maybe 200 miles separation, I go through three different fuel markets. In other words, the unleaded gas I burn in St. Louis is not allowed to be purchased and bought in Illinois, and it is not allowed to be purchased and sold in Springfield, even though I am burning that fuel and driving back and forth. These environmental regulations on the boutique fuels really make sense.

What makes it more difficult is that when you have constrained refinery capacity and you have one refinery producing for one area of the country, when that refinery has a disruption or goes down, then there is no way you can get fuel in there unless you waive environmental regulations, which is what the bill allows us to do if there is a natural disaster or hurricane. It says we need to move fuel from St. Louis to Springfield, Illinois; Mr. President, you can waive those regulations.

So we should not discount the importance of addressing this boutique fuel. Boutique fuels, 48 to 58 different fuel brands around our country, will be pared down to six so that we can still meet the needs of the different regions of the country without holding us hostage.

I thank the chairman for the time.

Mr. STUPAK. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. GENE GREEN), a member of the committee.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague for yielding me time.

I have to admit, it is frustrating when you have someone from an energy producing State and when you hear speaker after speaker complain about high energy prices, and yet the only thing they bring to the table is an empty tank. What we need is supply solutions, but I am supporting the Stupak substitute only because of the additional consumer protections.

I applaud the gentleman from Texas' (Mr. BARTON) amendment to the version we passed out of committee for strengthening consumer protections and for removing the new source review, or the NSR, language that would have weakened clean air protections.

But the language in the gentleman from Michigan's (Mr. STUPAK) amendment is clearer, and the penalties are much stronger than those in the original bill. This is a critical issue that must be addressed to prevent price spikes like we saw in Atlanta after the hurricane that drove prices to nearly $6 a gallon.

I am disappointed the substitute does not include my amendment that was accepted by the committee to address energy needs after a disaster. The amendment would require the Department of Energy to review and approve and offer recommendations on fuel supply segments of State evacuation plans.

It would also specifically authorize critical energy facilities like refineries to request direct help from the Department of Energy during a federally declared emergency or disaster.

If refineries go down, they must get back up quickly. The amendment would have authorized the DOE to provide assistance with generation capacity, water service, critical employees and ensure raw materials could be accessed, and any other necessity.

Mr. Speaker, this amendment strengthens the consumer protections in the overall bill, and that is why I support it, and I urge my colleagues to do the same.

Mr. BARTON of Texas. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. STEARNS), one of my subcommittee chairmen.

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

Mr. STEARNS. Mr. Speaker, I thank the distinguished chairman for the time, and I come to the floor to speak against the Stupak substitute.

I would tell all my colleagues in the energy markup in the full committee, the gentleman from Michigan (Mr. STUPAK) did offer his amendment. It was defeated. I offered an amendment that was dealing with price gouging, and I won by only one vote.

The gentleman from Michigan (Mr. STUPAK) did an able job of pointing out some of the things in my amendment that he felt were weak. So the chairman and I and others on the committee went back, and we incorporated a lot of what the gentleman from Michigan (Mr. STUPAK) brought up in the debate. We included it in this manager's amendment.

So there is really no reason to vote for the Stupak substitute because much of what we have in the manager's amendment is already included. As a Member on this side of the aisle, I wanted to thank the gentleman from Michigan (Mr. STUPAK) for his help so that we are able to include in the manager's amendment some of his points, and I think we made a stronger bill.

I would say to those Members on both sides of the aisle, there is really no reason to support the Stupak amendment because lots of what he is talking about dealing with price gouging, as I mentioned earlier in my speech, we have included in the manager's amendment.

There are some other things I would like to point out dealing with the Stupak amendment. It does not provide consumer protection against price gouging in the crude oil or home heating oil market. The manager's amendment that I mentioned earlier offers these important consumer protections.

The Stupak amendment caps damages at $3 million per day, while the manager's amendment allows for $11,000 per violation with no cap on the amount of damages that can be assessed. I think that is an important difference, and I think we should realize that is why the manager's amendment is better.

The Stupak amendment has a market manipulation provision that is current law. The manager's amendment does not include this provision because the Federal Trade Commission has authority under current antitrust law to enforce against market manipulation.

The Stupak amendment includes petroleum distillates that are subject to price-gouging violations. Unfortunately, petroleum distillates, which are used in so many products that are sold to consumer product companies, such as cosmetics, could be subject to price gouging under this amendment. That is our interpretation. My colleagues might not agree with it, but that is an area we are concerned about. If we have price gouging, it could affect such things as cosmetics.

Overall, I think the point I am trying to make is, we incorporate a lot of the gentleman from Michigan's (Mr. STUPAK) concerns in our manager's amendment. It made our bill stronger. We thank him for what he did.

In the end, I think my colleagues should realize we should vote against the Stupak substitute.

I agree we should have legislation to prevent people from lining their own pockets by taking advantage of others in a time of crisis. However, I cannot support the manner in which Mr. STUPAK's amendment addresses the problem.

The Stupak amendment will create serious problems for consumers at a time of disaster. There is no mechanism to allow prices to reflect the changes in the market dynamic following a disaster other than cost.

The Stupak amendment defines price gouging violations with very subjective terms,

such as "unconscionable" and "grossly exceeds", that will prove unworkable for the FTC. Instead, the FTC possesses a history of determining what is unfair under the FTC Act and we should rely upon their expertise to define price gouging.

Because the amendment only accounts for price increases related to costs increases and does not include other factors—such as fear or panic—it will artificially restrain prices that lead to shortages in gasoline at the time consumers in a disaster area most need access to gasoline. This is because the amendment does not adequately allow for actual or anticipated changes in supply to be reflected in price.

The Stupak amendment includes "petroleum distillates" that are subject to price-gouging violations. Unfortunately, petroleum distillates are used in so many products that selling distillates to consumer products companies, such as cosmetics, could be subject to price gouging under this amendment.

While it does provide supply and demand considerations as a mitigating factor, it does so only for dollar costs actually incurred by the seller. It does not allow the FTC to consider countervailing benefits to consumers, namely that an increase in price can discourage hording by the first consumers to arrive at the gas station, leaving no gas for those who arrive later.

The amendment is not adequately tied to a time of disaster. It gives the President authority to declare an emergency for any disruption of gasoline distribution or any significant pricing anomalies in the market. If exercised, this would interfere with supply and demand and lead to shortages for extended periods of time.

The Stupak amendment caps damages at $3 million per day while the Manager's Amendment allows for $11,000 per violation, with no cap on the amount of damages that can be assessed.

The Stupak amendment has a market manipulation provision that is current law. The Manager's Amendment does not include this provision because the FTC has authority under current antitrust law to enforce against market manipulation.

The Stupak amendment does not provide consumer protection against price gouging in the crude oil or home heating oil markets. The Manager's Amendment offers these important consumer protections.

Mr. STUPAK. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ), one of the authors of this substitute, and we appreciate her.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I rise in strong support of the Stupak-Boucher-Bishop-Schwartz-Barrow substitute amendment, and I want to thank the gentleman from Michigan (Mr. STUPAK) for his leadership on this issue of national importance.

Mr. Speaker, Americans across the country are deeply concerned about the skyrocketing costs of gasoline, and rightly so. This year, the average American family will pay nearly $4,500 to meet their energy needs. This is 19 percent more than last year.

Contributing to these costs, as we all know, is the dramatic increase in the price of gasoline. In the midst of Hurricane Katrina, gas refiners were selling a barrel of gasoline for 434 percent more than a barrel was selling exactly 1 year ago.

These steep costs make it difficult for hardworking Americans to meet their financial obligations, and they underscore the reality that the President and the majority party in Congress have failed to enact policies to protect American consumers from price gouging and reduce the Nation's overall dependence on gasoline and oil.

The American public is concerned, and they are concerned that at the same time that oil refiners' profits are more than tripled over the last year, consumers are paying record high gas prices.

They are concerned because after a double-digit increase in home heating costs last year, prices are expected to increase at even higher rates this winter.

They are concerned that the cost of gasoline is rising faster than the actual price of crude oil.

Mr. Speaker, they are concerned that neither the White House nor the Republican Congress has put forward a plan to address this problem.

The bill before us is yet another giveaway, not a plan. Behind the rhetoric is an empty bill that favors the oil industry while failing to take meaningful action to reduce prices for consumers. In fact, it makes matters worse.

It ignores the harsh realities of price gouging at the pump by weakening our ability to crack down on those trying to manipulate the market for their own profit.

And it eliminates long-standing production and refining standards that safeguard the environment and the public's health.

My colleagues, we have the opportunity to answer the concerns of everyday Americans and to promote our nation's and our families' security and economic well-being. To meet this goal, we must make clear that price gouging and profiteering is unacceptable and will be met with stiff penalties. We must reduce our reliance on foreign oil. We must find better, more efficient ways to use traditional energy sources. And must help bring to market more affordable, reliable, and cleaner energy sources. And, the plan we are offering in the substitute amendment today will help to meet these goals.

It will provide relief at the pump by bolstering our ability to punish oil companies and refiners who wrongly ratchet up the cost of their product. Our plan will stop price gouging, not just for gasoline, but for natural gas, home hearing oil, and propane. And our plan will improve our nation's energy security through the establishment of a Strategic Refining Reserve so that we are never again are in the position of releasing crude oil from our emergency reserves, but unable to refine it and bring it to market.

Do not be fooled by the title of this bill, vote for this substitute. Enact a plan that will deliver real relief to the American people.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. PICKERING), the vice chairman of the committee.

Mr. PICKERING. Mr. Speaker, I rise in opposition to the Stupak substitute and in support of the underlying legislation.

I want to thank the gentleman from Texas (Mr. BARTON), the chairman of the committee, my friend, for his leadership. We have seen this year that we have passed comprehensive energy legislation, but that legislation did not address really the linchpin of the need in our country for greater refining capacity and greater pipeline security, redundancy and reliability. Katrina exposed that fundamental weakness in our Nation's energy security and in our Nation's economic security.

For 30 years, we have done nothing. We have not had a new refinery come into our Nation. No one has invested. And much of that reason is that the cost of doing business, a refinery investment in this country, is so much higher than offshore. If we can streamline the regulatory process, give new incentives so that companies will invest in our country and new pipeline security and redundancy and reliability, as well as a new refining capacity, then we can do something about high gas prices and the disruptions that occur in a natural disaster like Katrina.

We must act. We cannot fail to act. We have seen the fundamental flaw and weakness. It has been exposed with Katrina, and the other side reminds me of those who, when a barn is burning and the fire truck is wanting to come and put the fire out and do something about it, they stand in the way and block the road and then want to blame the fire department for failing to put the fire out.

Now is the time to act. The chairman of the committee has shown remarkable speed in getting this legislation to the floor. We need to act. It is what the American people want. They would agree with us. Give us a chance to do something to make it better.

Mr. STUPAK. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. BISHOP), who helped us with the substitute and had invaluable input.

Mr. BISHOP of New York. Mr. Speaker, I thank the gentleman from Michigan (Mr. STUPAK) and the gentleman from Virginia (Mr. BOUCHER) for their leadership in offering this substitute, and I am proud to join them.

I rise in strong support of this substitute for two reasons. Unlike the underlying legislation, it contains a meaningful deterrent to price gouging, and it provides an effective strategy to expand refinery capacity.

We can all agree there were some good provisions in the first energy bill, but Katrina exposed its shortcomings, as well as vulnerabilities that still exist in the energy market.

We can also agree that the hurricane made it harder to meet the challenge of delivering relief to families struggling to pay their energy bills and that a rash of price gouging compounded this problem.

Our substitute takes direct aim at these challenges by creating a strong

deterrent to price gouging that keeps gas prices stable. The underlying bill sets an $11,000 fine for price gouging. That may sound like a lot to the average middle class family, but it is not much to the Exxon-Mobils of this world who earn record profits.

In contrast, this substitute deters price gouging at every stage of production, not just the retail phase, but at all phases in the chain of supply, and this will strengthen those measures.

Mr. Speaker, now is the time that we must stand up to profiteers by assuring hardworking American families that Congress is standing up for their interests, not the oil companies'.

I urge my colleagues to support this substitute that protects American taxpayers and our national security.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY), another distinguished member of the committee.

Mr. MURPHY. Mr. Speaker, I thank the chairman for the time.

There are two points I would like to make here. First of all, with regard to the amendment, let us understand what is in there. If there is concern for giving large amounts of money to oil companies, what they propose we do is that the Federal Government gets in the business of, quote, designing and constructing refineries and then put that into use at times in their national emergencies or sell gas to States, which this bill actually allows States and governments to have some of this gasoline now, but for the government to own and operate refineries and invest all the money in there. In the alternative, if we can provide incentives for private industries to build, whether it is something small or large refineries, that makes a lot more sense.

□ 1245

And if we are concerned at all about the budget, let us do the more efficient thing, rather than have the government run these things, have them sit mothballed until times of emergency, and then suddenly act like there is a switch one can throw and start them up.

The second thing I want to point out is that I wish we could have included some important movement forward to make some changes on new source review. What happens now with a coal-fired power plant, for example, if they want to go in and do some routine maintenance, and while they are in there maybe improve the efficiency of the plant, the EPA comes by and says, no, you are going to do something different here. Even though you are going to improve efficiencies, we want you to do everything now. The energy company comes back and says we cannot afford those larger investments; we were going to make some smaller ones, so, therefore, we will do nothing.

What they have done, instead of using the abundant supply of coal, we have 300 years' worth of coal in this Nation, they will move to natural gas instead in order to meet some of those standards. Natural gas means we have more demand, the costs go up, it affects homeowners in the price of heating their homes, and it affects our chemical industry.

The Unions for Jobs and the Environment have sent a letter, and I will submit this letter as well for the RECORD, which states the efficiency and competitiveness of our facilities and the safety of our workers hang in the balance. This is a jobs and safety issue for millions of American workers. And they go on to say that delaying the new source review issue is costly to jobs. So I want to make sure that we address this the next time when we get on to more of these energy issues.

The letter referred to is as follows:

UNIONS FOR JOBS AND THE ENVIRONMENT,
Washington, DC, October 5, 2005.

Re: Support for Section 106 of H.R. 3893

Hon. JOE BARTON,
Chairman, House Committee on Energy and Commerce, Washington, DC.

Hon. JOHN DINGELL,
Ranking Member, House Committee on Energy and Commerce, Washington, DC.

DEAR CONGRESSMEN BARTON AND DINGELL: On behalf of the members of Unions for Jobs and the Environment and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, we write to express our support for Section 106 of H.R. 3893, the Gasoline for America's Security Act of 2005 (the Act) to provide much needed clarification of the New Source Review (NSR) program. We oppose any effort to amend this provision, and therefore, we urge you and your colleagues to vote against any amendment or rule that would complicate implementation of these important NSR reforms.

Our unions have had a long-time commitment to clear, effective and reasonable NSR policy. Like the Act does in Section 106(a), we have encouraged the Environmental Protection Agency (EPA) to clarify the program as soon as possible. The efficiency and competitiveness of our facilities and the safety of our workers hang in the balance. This is a jobs and safety issue for millions of American workers.

NSR, correctly interpreted as we hope EPA's new rules will do, forces new sources or those undergoing major modifications, to install new technology. We support NSR in that context. However, when NSR is applied in an unclear or inflexible manner to existing facilities, very different results occur. In those cases, facilities are discouraged from undertaking appropriate actions for fear of huge penalties, long delays, or both. By applying NSR in that way, our members will not have the opportunity to work on projects that we know are extremely important to energy efficiency. Further, by reducing the useful economic life of boilers or by inaccurately setting baselines, the existing NSR confusion undermines the competitiveness of American job sites. The result is that some of the almost 20 million manufacturing jobs at stake in heavy industry are placed at risk.

Finalizing new NSR rules is also important to maintain worker safety. As the Boilermakers testified earlier this year, ''the threat of litigation too often acts as a deterrent to capital investments that create work and maintain safe facilities for our members. Boilers operate under high temperatures and pressures—with superheater tubes exposed to flue gases at temperatures as high as 2,000 degrees and pressure around 3,000 lbs./square inch—and must be maintained in order to be safe for workers.'' Section 106(a) and (b) ensure the orderly and timely implementation of NSR clarification.

Therefore, we ask you and your colleagues not to accept any amendment that would complicate the implementation of the final NSR rules. Thank you for your consideration of our view on this important matter.

Sincerely,

BILL CUNNINGHAM,
President, Unions for Jobs and the Environment.

Mr. STUPAK. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. Mr. Speaker, I want to address a serious problem with the underlying bill, and that is that it relies exclusively on the Federal Trade Commission and its willingness and ability and resources to enforce the price gouging remedy in the bill.

I think we should all remember this is the same FTC that said, we do not have any authority to investigate price gouging in this area; we do not need any authority in this area. Everything is just fine, thank you very much; and then, when pressed further, said we do not want any authority in this area because we will just make a bad situation worse.

Well, Mr. Speaker, relying on a sorry bunch of people that do not know their job, do not care about their job, and do not believe in their job is like going hunting and having to tote the dog.

Our substitute corrects this problem by giving the States attorneys general the same authority to enforce the price gouging remedies that we give the FTC. The attorneys general of our States are elected by our constituents, they know the conditions in their States better than we do, they have the resources and the discretion under the substitute to decide whether or not it is in the best interest of their constituents, our constituents, for them to act when we do not. This is Federalism at its best.

I urge everybody to support the substitute for this reason, if none other. Any attorney general doing something is better than the FTC doing nothing.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Midland, Texas (Mr. CONAWAY), the former mayor of Midland.

Mr. CONAWAY. Mr. Speaker, I thank the gentleman for yielding me this time, but I do need to correct the record. I was not the mayor. I should have been, perhaps, but I thank my colleague.

Mr. Speaker, the issue is about refining capacity and the ability for us to convert crude oil into gasoline and other products. The record is pretty clear on both sides that we have not built a new refinery since 1976. In 1981, we had 324 refineries in production. Today, we have 148. We refine about 17 million barrels of gasoline a day, and we use about 21 million. We are importing gasoline; and, obviously, one of the choke points in the supply system is

the ability to convert crude oil into gasoline.

What this bill does, and I am speaking against the substitute and in favor of the underlying bill, is that it removes a regulatory burden that many folks who want to build a refinery have to submit themselves to. It takes about 3 years to build a refinery, exclusive of the permitting process. Major investments are needed in order to construct a refinery, and businesses simply are not willing to put those dollars at risk subject to a regulatory approval permitting scene that is disjointed at best.

Under the bill, we allow the Governor to designate a particular site subject to these provisions. We put the DOE in charge of shepherding the permitting process, not making the decisions on behalf of the State and the Federal regulators, but simply encouraging them to get it done on a timely basis.

Most businesses can deal with an answer, but a maybe or a give me more information or a delay is what is killing us. So I am standing in favor of the original bill, the manager's amendment and speaking against the Stupak substitute.

Mr. STUPAK. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I rise in strong support of the Stupak substitute and in strong opposition to the underlying bill. I would use this moment just to wake up the city councils and boards of supervisors and county folks around this country, particularly if you have had a closed military base. Because this underlying bill just opens that up and says if the President of the United States decides we need oil refining capacities, they can puts it in your back yard. They waive all the requirements.

They did make an amendment at midnight last night that is still vague, but says they have to following BRAC re-use law, but that does not affect Federal lands that may be in the closed base. So essentially they could parachute an oil refinery in the middle of a closed military base, and it waives all of the requirements that are local, zoning and all of that. That just would not have any effect.

I will tell you why this is crazy. Because one of the bases that would probably qualify with a deep port and a lot of land is Fort Ord. Fort Ord, California, is surrounded by the National Marine Sanctuary and is one of the most beautiful areas in the whole United States. The last thing we should ever do is have an oil refinery there. This is a crazy bill, and I urge its defeat.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume to enter into a colloquy with the gentleman from Michigan (Mr. STUPAK) and the gentleman from Virginia (Mr. BOUCHER) if they are on the floor. I know the gentleman from Michigan (Mr. STUPAK) is. I do not know if the gentleman from Virginia (Mr. BOUCHER) is or not.

First of all, I want to say that I think it is good that we have a Democrat substitute. I think it adds to the debate. It certainly adds to the fairness of the debate. But I do have some questions for my good friend from Michigan.

On page 2, title I, section 101, it basically says if a President has issued a declaration that there is an energy emergency, it begins to talk about a price that is unconscionably excessive. That is line 4. What is unconscionably excessive?

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

Mr. BARTON of Texas. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Speaker, when the oil refineries raise their rates 255 percent in the last 12 months, that is unconscionably excessive.

Mr. BARTON of Texas. So reclaiming my time, Mr. Speaker, if they were up 250 percent, that would not be unconscionably excessive?

Mr. STUPAK. Well, Mr. Speaker, if the gentleman will continue to yield, I guess we are going to have to look in the bill, because in the bill we also put in there factors to be considered excessively too much. If you go to the bottom of page 2, bottom of page 3, we put it in there. Our bill says that in 90 days the FTC has to define it for us.

Mr. BARTON of Texas. I am asking what if it was conscious? What if somebody set a price that was not unconscious, but said I am going to raise the price? Would that trigger it?

Look, I am asking legitimate questions.

Mr. STUPAK. I will give the gentleman examples. I think excessive is more than reasonable. When it is more than reasonable pricing.

Mr. BARTON of Texas. Then you need to put the example in the statute.

Mr. STUPAK. A great example is Georgia. Why did it go up $6 a gallon after Hurricane Katrina? Was that reasonable, when the rest of the Nation was about $3? That is excessive. That is unconscionable.

Mr. BARTON of Texas. Let me ask another question. It says ''in the area to which the declaration applies.'' What if the price gouging is outside of the declaration area? What does your amendment do then?

Mr. STUPAK. Then the President, much like the manager's bill, and much like excessive, and the gentleman's bill has the same language basically because you copied our bill, so you can go outside the area. The President has the authority to go outside the area, just like he does in the underlying area.

And getting back to the FTC and what is excessive, again just like your bill, you used different words, but you allow the FTC to define it. We gave more than you gave. We actually gave concrete factors to consider.

Mr. BARTON of Texas. We do not have in the manager's amendment the words ''unconscionably excessive.'' We do not have the words ''gross disparity.'' I am not disputing the intent. I understand that. I do question the advisability of putting that in statute when it is not defined. That is my question.

Can the gentleman answer questions about the strategic reserve?

Mr. STUPAK. In answer to the gentleman's last question, if you look at page 4, we have rulemaking in there, where the FTC shall promulgate the rules necessary and appropriate to enforce. Under the rulemaking process, you, myself, just about all of us have an opportunity to put in our two cents' worth on what we feel may be excessive, market manipulation, or price gouging. So, again, if you want to dwell on a word or two, I think all Americans know when they are being excessively gouged at the pump.

Mr. BARTON of Texas. Mr. Speaker, I know the gentleman's intent is honorable. I am not questioning that.

Can the gentleman answer questions about section 191, the Strategic Refinery Reserve? I know the gentleman from Virginia (Mr. BOUCHER) is the prime author.

Mr. STUPAK. Go ahead. I will try to answer it.

Mr. BARTON of Texas. First of all, it says the Secretary shall establish and operate. Does that mean that the Federal Government would actually build these refineries and operate them with Federal employees?

Mr. STUPAK. It is just like the Strategic Petroleum Reserve; it is up to the Secretary to approve it. Would the Federal Government and Federal employees operate it? No. Much like we did in the energy bill for nuclear. Let us put it up and build it, but let someone else operate it and manage it.

Mr. BARTON of Texas. Would these refineries operate continuously, around the clock, or would they only operate when the President has declared an energy emergency?

Mr. STUPAK. They would operate around the clock. Mr. Chairman, if you look on page 18 on how it would be implemented, it is starting on line 9, we have the implementation plan, and it must be established within 2 years and how they are going to do it. But we would operate it year-round. The refined product would go to, without an energy declaration by the President, refined product would go to the military to meet their military needs. At times of emergency, then we would shift to give relief at home at the pump for the American people.

Mr. BARTON of Texas. Well, on page 18, the implementation plan just says the Secretary shall transmit to the Congress a plan. But it is your understanding that if this were to become law, these refineries that would be built by the Department of Energy would actually be operated on a continual basis; is that correct?

Mr. STUPAK. ''Shall transmit the plan to Congress for establishment and operation of the strategic refinery reserve,'' lines 11 and 12.

Again, he will submit his plan, whoever the Secretary is. They may have a different idea, but they must submit it to the Congress so we can see. It is just like SPR, subject to appropriation, subject to congressional oversight.

Mr. BARTON of Texas. But the strategic petroleum reserve is a reserve that you take crude oil and store it so if we need it you bring it up and transmit it to refineries to be refined into refined products. A strategic refinery reserve, as I understand it in this bill, you actually go out and build the refineries, and it is unclear to me whether you would operate them around the clock or just in some sort of an emergency.

I do understand that you require the Secretary of Energy to transmit the plan. But if the Secretary of Energy did not want to operate them continuously, I guess he would have that authority in the plan to have them as a sort of ready reserve.

Mr. STUPAK. Mr. Speaker, I yield 3½ minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic floor leader.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time, and I would like to make an observation to the chairman at the outset.

Mr. Chairman, had we had hearings on this bill, perhaps your questions could have been answered. But your side decided not to have any hearings, not to explore the facts. Your side decided to go ahead, in my opinion, for political purposes. I do not question your motives, because my understanding is you were acting under instructions, and we all understand that.

Mr. Speaker, the American people are being pummeled at the pump by high gas prices, and they are being told to brace themselves for record heating costs this winter. And what is this House majority doing to reduce the consumers' pain? Nothing.

Let us be clear: this bill is not a panacea; it is not even a solution or a plan. But do not take my word for it, just listen to the Republican chairman of the House Committee on Science, the gentleman from New York (Mr. BOEHLERT). In a letter that he sent today, after the Committee on Rules reported the manager's amendment late last night, the gentleman from New York (Mr. BOEHLERT) wrote in a Dear Colleague: ''Please join me in voting no on H.R. 3893, which will increase the deficit, harm the environment, undermine the States, and give charity to the oil companies while doing virtually nothing to help consumers.'' Chairman BOEHLERT's remarks.

□ 1300

Mr. Speaker, it is clear that this Republican majority is exploiting the disruption to our Nation's refining capacity caused by Hurricane Katrina and Rita to push many of the same provisions that they could not pass in the Energy Policy Act we passed in July.

This Republican bill, for example, would create a fund that would pay oil companies if they are sued, even if they lose in court. It would enable cities with dirty air to delay meeting clean air requirements, and it would preempt State and local zoning regulations related to the siting of refineries.

What do these provisions have to do with reducing gas prices today? In sharp contrast, the Democratic substitute, sponsored by the gentleman from Michigan (Mr. STUPAK) and the gentleman from Virginia (Mr. BOUCHER) would put some bite in the Federal Trade Commission's bark. It would give the FTC explicit authority to stop price gouging, not just for gasoline and diesel fuels, but for natural gas home heating oil and propane as well. It provides for enhanced penalties for price gouging, explicitly outlaws market manipulation, substitute Enron activities, if you will, and empowers State attorneys general to enforce the Federal law.

Furthermore, Mr. Speaker, the substitute would establish a strategic refinery reserve. The fact is our national security and economic strength are susceptible to private industry decisions that are motivated primarily by profit, but not by national security issues. This Congress has a duty to address this vulnerability.

I urge my colleagues to vote for this substantive substitute, and I urge further, that if the substitute passes, maybe vote for the bill; but if it does not pass, to vote against this bad bill, which is bad for the consumers of our country.

Mr. STUPAK. Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI), our Democratic leader, who has been so supportive in our efforts to make sure that Americans get a fair shake at the gas pump and when they heat their homes this winter and go to work each and every day. She has been there fighting for the American people.

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman from Michigan for yielding. I commend the gentleman from Michigan for his great leadership, and I thank him for his great leadership on behalf of the American consumer and the American taxpayer.

The gentleman from Michigan and the gentleman from Virginia with their very wise substitute give a chance to help the consumer and declare energy independence. I also want to commend the gentleman from Michigan (Mr. DINGELL), the distinguished ranking member of the full committee, for his extraordinary leadership on this and so many issues. Also, I salute the gentleman from New York (Mr. BOEHLERT), chair of the Science Committee, for his recognition that this Democratic substitute is a better way to go.

Mr. Speaker, I rise in strong opposition to the Republican energy bill. It is anti-taxpayer. It is anti-consumer. And it is anti-environment. I encourage my colleagues to support the Stupak-Boucher substitute. This bill should be called, The Republican Gifts to Special Interests Bill. It is a perfect example of the Republican culture of cronyism and corruption. Using Hurricane Katrina as their excuse, the Republicans are once again pushing their special interest agenda at the expense of the American people.

Americans do not need legislation passed here today to enrich the oil industry. Americans need relief from high Georgia prices. This week, the average price at the pump was $2.92 a gallon. That is 99 cents more than a year ago and 30 cents higher than just pre-Katrina. It is also twice the cost per gallon than the first year when President Bush took office.

Winter is around the corner, and so are skyrocketing increases in home heating costs. Families who heat with natural gas could see their fuel costs increase more than 70 percent in some parts of the country. It is astounding. Families are expected to spend nearly three times as much for home heating oil again than they did 4 years ago, the first year President Bush took office. Let us get this straight. Price at the pump for the consumer, per gallon of gas, is twice as high as 4 years ago, the first year President Bush took office. For home heating oil, you are expected to pay three times as much as you did 4 years ago, the first year President Bush took office.

Yet for the second time in 1 month, the Republicans have brought a bill to the floor that fails to address price gouging, fails to bring down prices and fails to put us on the road to energy independence.

As with the energy bill passed this summer, this bill ignores the real need of the American people and rewards the greed of special interests. Need or greed, take your choice. The Republicans in this culture of corruption and cronyism came down on the side of greed. This bill includes all the special favors to the energy industry that were too extreme to be included in the energy bill passed by Congress less than 3 months ago.

Refinery companies have deliberately closed and consolidated their facilities to drive up profit margins. They are making enormous profits. Do the American people really believe the right response is to waive environmental laws, brush aside State and local authorities and open up Federal lands to new refineries? Of course not. But that is the Republican approach: Greed over need.

Republicans blame the Clean Air Act for our record energy costs. Even after removing its most extreme provisions, this bill still includes the so-called bump-up provision, which would expose millions of Americans to unhealthy levels of smog for years to come. Once again, greed over need.

Our Democratic substitute to this bill, introduced again by the gentleman from Michigan (Mr. STUPAK) and the

gentleman from Virginia (Mr. BOUCHER) creates a strategic refinery initiative which would be able to produce 5 percent of the daily demand for gasoline when needed, real solutions to America's energy crisis. That is what this substitute contains. If you are able to produce 5 percent, bump that up to the daily demand, you can reduce the price of gasoline at the pump drastically.

For weeks, Democrats have demanded a new Federal law to crack down on price gouging by the energy industry. In fact, the gentleman from Michigan (Mr. STUPAK) has that very bill. Consumers are being cheated every time they fill up their cars or turn up their thermostat by an industry making record profits. But this bill does not come close to addressing the severe gouging of consumers.

Our Democratic substitute provides real protection from price gouging for the first time. We have been asking for it over and over. Here we have a bill on the floor that will do just that. The Stupak-Boucher bill gives the Federal Trade Commission broad authority to crack down on price gouging for a wide range of fuels, for businesses all along the supply chain.

Our substitute provides for tough civil penalties and allows attorneys general to enforce the Federal law without interfering with State price gouging laws. Mr. Speaker, it is time for our Nation to make a declaration of energy independence. This is an urgent issue of national security. Together, America can do better. We have the resources. We have the technology. We have the innovative ideas, and more of them are springing forth all the time. We can do it right and create millions of new jobs at the same time.

We have an enormous untapped potential in the area of energy efficiency and renewable energy. By implementing existing technologies and developing new ones in every sector of the economy and American life, we can take a giant step toward energy independence. This is not just about turning down the thermostat or driving less. Many Americans have had to do that for a long time now, they have already taken those steps; as much as this is about using our ingenuity to make our lives better and more comfortable.

Let us make progress. Let us set aside this back-to-the-future energy bill and turn our faces into the 21st Century, toward our Nation's true needs. I urge my colleagues to again reject this special interest Republican giveaway act and support the Democratic substitute. Together, Americans can do better.

Mr. MARKEY. Mr. Speaker, I rise in support of the amendment offered by the gentleman from Michigan (Mr. STUPAK) and the gentleman from Virginia (Mr. BOUCHER).

The bill before us today proposes to gut the Clean Air Act in order to promote construction of more refineries. It is predicated upon the false premise that somehow our nation's environmental laws somehow stand in the way of the oil companies' attempts to build new refineries. Nothing could be further from the truth. The oil companies have shut down 30 refineries over the last decade. They've ordered 1 new refinery, and that one got its permit through the EPA in 9 months!

The Republican Energy bill that we passed just 8 weeks ago contained a refinery siting proposal that the Speaker of the House said "promotes greater refinery capacity so more gasoline will be on the market and it increases gasoline supply by putting an end to the proliferation of boutique fuels." The bill before us today repeals that provision. Why? Has the Majority lost confidence in its own new law?

The Republican Energy bill that we passed just 8 weeks ago contained boutique fuels language that you, Mr. Chairman, praised on the House floor, arguing that they would "make it more efficient to use our boutique fuels" by reducing the number of these fuels "so that we have greater transportability of our boutique fuels between those regions of the country that need those fuel sources." Now, the bill you have brought before us today has repealed that provision. Why? Has the Majority lost confidence that its earlier boutique fuels solution would work?

The Republican Energy bill that we passed just 8 weeks ago dropped provisions of the House bill that would have weakened the Clean Air Act. These provisions were dropped because there was bipartisan opposition to their adoption, and Chairman DOMENICI stated during the conference that the bill could not pass the Senate if they were included. The language that delays compliance with the Clean Air Act was resurrected. Why? Does the Majority really think that they've picked up any more votes for dirtying our Nation's air due to the terrible tragedies Katrina and Rita?

Why would we allow the EPA to extend deadlines for cleaning up ozone pollution, in some cases until 2015, without imposing any of the additional cleanup requirements mandated under current law? The proponents of this bad provision are trying to justify it by saying it is for the "protection" of downwind States.

However, just yesterday, 9 Attorneys General, including 6 from "downwind" States such as Massachusetts, sent a letter to the House leadership opposing this bill. Well if the States that are the supposed beneficiaries of these relaxed regulations don't want them, then who does? The polluters, that's who!

The bottom line is that these rollbacks of clean air requirements don't benefit the states that have to breathe dirty air for another 10 years, they benefit the corporations that don't want to clean up their power plants.

This bill before us today also proposes to preempt the ability of state or local officials to make decisions regarding the siting of a new refinery or an oil pipeline. Instead of allowing State and local officials to make land use decisions, to consider environmental impacts, impacts on local communities, on historic or cultural sites, or other factors, we are going to have the bureaucrats at the Department of Energy and the Federal Energy Regulatory Commission make these decisions. State and local officials, the cities, the Mayors, all oppose doing this.

The Democratic Substitute would replace the many objectionable provisions of the underlying bill with language that would give the Federal Trade Commission new authority to investigate and punish certain manipulative or abusive practices during any presidentially declared national or regional "energy emergency." It would bar any party from selling crude oil, gasoline, home heating oil or other petroleum products at a price that is unconscionably excessive or which takes unfair advantage of the circumstances to increase prices unreasonably.

At the same time, the Substitute creates a new Strategic Refinery Reserve that builds on the highly successful Strategic Petroleum Reserve. The Refinery Reserve would provide the Federal Government with the ability to produce gasoline, home heating oil, or other refined petroleum products during an energy emergency. It would be designed to be able to serve 5 percent of daily demand. During non-emergency periods, the Reserve would produce petroleum products to serve demand from the Federal government, including the Department of Defense. It would also serve demand from State and local governments that elected to opt-in to receiving fuel supplies from the Reserve.

The Substitute avoids the extreme overreaching of the underlying bill. It limits our response to the two issues that have been highlighted for us all as the result of Katrina and Rita—the need for a Federal price gouging law and the need for a Federal refinery reserve.

I urge adoption of the amendment.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 481, the previous question is ordered on the bill and on the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. STUPAK).

The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. STUPAK).

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

RECORDED VOTE

Mr. STUPAK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 222, not voting 12, as follows:

[Roll No. 517]

AYES—199

Abercrombie	Cardin	Dicks
Ackerman	Cardoza	Dingell
Allen	Carnahan	Doggett
Andrews	Carson	Doyle
Baca	Case	Edwards
Baird	Chandler	Emanuel
Baldwin	Clay	Emerson
Barrow	Cleaver	Engel
Bean	Clyburn	Eshoo
Becerra	Conyers	Etheridge
Berkley	Cooper	Evans
Berman	Costa	Farr
Berry	Costello	Fattah
Bishop (GA)	Cramer	Filner
Bishop (NY)	Crowley	Ford
Blumenauer	Cuellar	Frank (MA)
Boren	Cummings	Gonzalez
Boucher	Davis (AL)	Gordon
Boyd	Davis (CA)	Green, Al
Brady (PA)	Davis (FL)	Green, Gene
Brown (OH)	Davis (IL)	Grijalva
Brown, Corrine	Davis (TN)	Gutierrez
Butterfield	DeFazio	Harman
Capps	DeGette	Herseth
Capuano	DeLauro	Higgins

Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—222

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

NOT VOTING—12

Beauprez
Boswell
Deal (GA)
Delahunt
Hastings (FL)
Neal (MA)
Norwood
Olver
Payne
Poe
Royce
Schwarz (MI)

□ 1332

Messrs. GOODLATTE, MCCAUL of Texas and HALL and Ms. PRYCE of Ohio changed their vote from ''aye'' to ''no.''

Messrs. STARK, CARDOZA, CRAMER, AL GREEN of Texas, RUPPERSBERGER and SHAYS changed their vote from ''no'' to ''aye.''

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

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. POE. Mr. Speaker, I was not present for debate on rollcall vote No. 515, rule providing for consideration of Gasoline for America's Security Act (H.R. 3893); rollcall vote No. 516, on approving the journal; and rollcall vote No. 517, substitute amendment by STUPAK to H.R. 3893.

Had I been present, I would have voted ''yea'' for rollcall votes 515 and 516. I would have voted ''nay'' for rollcall vote No. 517.

The SPEAKER pro tempore (Mr. SIMPSON). 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.

MOTION TO RECOMMIT OFFERED BY MR. BISHOP OF NEW YORK

Mr. BISHOP of New York. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BISHOP of New York. In its present form, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bishop of New York moves to recommit the bill, H.R. 3893, to the Committee on Energy and Commerce with instructions to report the bill back to the House forthwith with the following amendment:

Strike section 402 of the bill and insert the following:

SEC. 402. PROTECTING CONSUMERS FROM ENERGY PRICE GOUGING.

(a) UNCONSCIONABLE PRICING OF GASOLINE, OIL, NATURAL GAS, AND PETROLEUM DISTILLATES DURING EMERGENCIES.—

(1) UNCONSCIONABLE PRICING.—

(A) IN GENERAL.—During any energy emergency declared by the President under subsection (b), it is unlawful for any person to sell crude oil, gasoline, natural gas, or petroleum distillates in, or for use in, the area to which that declaration applies at a price that—

(i) is unconscionably excessive; or

(ii) indicates the seller is taking unfair advantage of the circumstances to increase prices unreasonably.

(B) FACTORS CONSIDERED.—In determining whether a violation of subparagraph (A) has occurred, there shall be taken into account, among other factors, whether—

(i) the amount charged represents a gross disparity between the price of the crude oil, gasoline, natural gas, or petroleum distillate sold and the price at which it was offered for sale in the usual course of the seller's business immediately prior to the energy emergency; or

(ii) the amount charged grossly exceeds the price at which the same or similar crude oil, gasoline, natural gas, or petroleum distillate was readily obtainable by other purchasers in the area to which the declaration applies.

(C) MITIGATING FACTORS.—In determining whether a violation of subparagraph (A) has occurred, there also shall be taken into account, among other factors, whether the price at which the crude oil, gasoline, natural gas, or petroleum distillate was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

(2) FALSE PRICING INFORMATION.—It is unlawful for any person to report information related to the wholesale price of crude oil, gasoline, natural gas, or petroleum distillates to the Federal Trade Commission if—

(A) that person knew, or reasonably should have known, the information to be false or misleading;

(B) the information was required by law to be reported; and

(C) the person intended the false or misleading data to affect data compiled by that department or agency for statistical or analytical purposes with respect to the market for crude oil, gasoline, natural gas, or petroleum distillates.

(3) MARKET MANIPULATION.—It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil, gasoline, natural gas, or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Federal Trade Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

(4) RULEMAKING.—Not later than 180 days after the date of the enactment of this section, the Federal Trade Commission shall promulgate rules necessary and appropriate to enforce this section.

(b) DECLARATION OF ENERGY EMERGENCY.—

(1) IN GENERAL.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline, natural gas, or petroleum distillates due to a disruption of the national distribution system for crude oil, gasoline, natural gas, or petroleum distillates (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122))), or significant pricing anomalies in national or regional energy markets for crude oil, gasoline, natural gas, or petroleum distillates of a more than transient nature, the President

may declare that a Federal energy emergency exists.

(2) SCOPE AND DURATION.—The declaration shall apply to the Nation, a geographical region, or 1 or more States, as determined by the President, but may not be in effect for a period of more than 45 days.

(3) EXTENSIONS.—The President may—

(A) extend a declaration under paragraph (1) for a period of not more than 45 days; and

(B) extend such a declaration more than once.

(c) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—

(1) ENFORCEMENT BY FTC.—A violation of subsection (a) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this section. In enforcing subsection (a)(1), the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of $500,000,000 per year.

(2) CIVIL PENALTIES.—

(A) IN GENERAL.—Notwithstanding the penalties set forth under the Federal Trade Commission Act, any person who violates subsection (a) shall be subject to the following penalties:

(i) PRICE GOUGING; UNJUST PROFITS.—Any person who violates subsection (a)(1) shall be subject to—

(I) a fine of not more than 3 times the amount of profits gained by such person through such violation; or

(II) a fine of not more than $3,000,000.

(ii) FALSE INFORMATION; MARKET MANIPULATION.—Any person who violates paragraph (2) or (3) of subsection (a) shall be subject to a civil penalty of not more than $1,000,000.

(B) METHOD OF ASSESSMENT.—The penalties provided by subparagraph (A) shall be assessed in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(C) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by this paragraph—

(i) each day of a continuing violation shall be considered a separate violation; and

(ii) the Federal Trade Commission shall take into consideration the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(d) ENFORCEMENT AT RETAIL LEVEL BY STATE ATTORNEYS GENERAL.—

(1) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of subsection (a)(1) or to impose the civil penalties authorized by subsection (c)(2)(a)(ii), whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this section or a regulation under this section.

(2) NOTICE.—The State shall serve written notice to the Federal Trade Commission of any civil action under paragraph (1) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(3) AUTHORITY TO INTERVENE.—Upon receiving the notice required by paragraph (2), the Federal Trade Commission may intervene in such civil action and upon intervening—

(A) be heard on all matters arising in such civil action; and

(B) file petitions for appeal of a decision in such civil action.

(4) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(5) VENUE; SERVICE OF PROCESS.—In a civil action brought under paragraph (1)—

(A) the venue shall be a judicial district in which—

(i) the defendant operates;

(ii) the defendant was authorized to do business; or

(iii) where the defendant in the civil action is found;

(B) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(C) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(6) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Federal Trade Commission has instituted a civil action or an administrative action for violation of this section, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Federal Trade Commission or the other agency for any violation of this section alleged in the complaint.

(7) ENFORCEMENT OF STATE LAW.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of such State.

(e) LOW INCOME ENERGY ASSISTANCE.—Amounts collected in fines and penalties under subsection (c) shall be deposited in a separate fund in the treasury to be known as the Consumer Relief Trust Fund. To the extent provided for in advance in appropriations Acts, such fund shall be used to provide assistance under the Low Income Home Energy Assistance Program established under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.).

(f) EFFECT ON OTHER LAWS.—

(1) OTHER AUTHORITY OF FEDERAL TRADE COMMISSION.—Nothing in this section shall be construed to limit or affect in any way the Federal Trade Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(2) STATE LAW.—Nothing in this section preempts any State law.

(g) MARKET TRANSPARENCY FOR CRUDE OIL, GASOLINE, AND PETROLEUM DISTILLATES.—

(1) IN GENERAL.—The Federal Trade Commission shall facilitate price transparency in markets for the sale of crude oil and essential petroleum products at wholesale, having due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers.

(2) MARKETPLACE TRANSPARENCY.—

(A) DISSEMINATION OF INFORMATION.—In carrying out this subsection, the Federal Trade Commission shall provide by rule for the dissemination, on a timely basis, of information about the availability and prices of wholesale crude oil, gasoline, and petroleum distillates to the Federal Trade Commission, States, wholesale buyers and sellers, and the public.

(B) PROTECTION OF PUBLIC FROM ANTICOMPETITIVE ACTIVITY.—In determining the information to be made available under this subsection and time to make the information available, the Federal Trade Commission shall seek to ensure that consumers and competitive markets are protected from the adverse effects of potential collusion or other anticompetitive behaviors that can be facilitated by untimely public disclosure of transaction-specific information.

(C) PROTECTION OF MARKET MECHANISMS.—The Federal Trade Commission shall withhold from public disclosure under this subsection any information the Commission determines would, if disclosed, be detrimental to the operation of an effective market or jeopardize system security.

(3) INFORMATION SOURCES.—

(A) IN GENERAL.—In carrying out paragraph (2), the Federal Trade Commission may—

(i) obtain information from any market participant; and

(ii) rely on entities other than the Commission to receive and make public the information, subject to the disclosure rules in paragraph(2)(C).

(B) PUBLISHED DATA.—In carrying out this subsection, the Federal Trade Commission shall consider the degree of price transparency provided by existing price publishers and providers of trade processing services, and shall rely on such publishers and services to the maximum extent possible.

(C) ELECTRONIC INFORMATION SYSTEMS.—The Federal Trade Commission may establish an electronic information system if it determines that existing price publications are not adequately providing price discovery or market transparency. Nothing in this subsection, however, shall affect any electronic information filing requirements in effect under this section as of the date of enactment of this section.

(D) DE MINIMUS EXCEPTION.—The Federal Trade Commission may not require entities who have a de minimus market presence to comply with the reporting requirements of this subsection.

(4) COOPERATION WITH OTHER FEDERAL AGENCIES.—

(A) MEMORANDUM OF UNDERSTANDING.—Within 180 days after the date of enactment of this section, the Federal Trade Commission shall conclude a memorandum of understanding with the Commodity Futures Trading Commission and other appropriate agencies (if applicable) relating to information sharing, which shall include provisions—

(i) ensuring that information requests to markets within the respective jurisdiction of each agency are properly coordinated to minimize duplicative information requests; and

(ii) regarding the treatment of proprietary trading information.

(B) CFTC JURISDICTION.—Nothing in this subsection may be construed to limit or affect the exclusive jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.).

(5) RULEMAKING.—Within 180 days after the date of enactment of this subsection, the Federal Trade Commission shall initiate a rulemaking proceeding to establish such rules as the Commission determines to be

necessary and appropriate to carry out this subsection.

(h) REPORT ON UNITED STATES ENERGY EMERGENCY PREPAREDNESS.—

(1) POTENTIAL IMPACTS REPORT.—Within 30 days after the date of enactment of this section, the Federal Trade Commission shall transmit to the Congress a confidential report describing the potential impact on domestic prices of crude oil, residual fuel oil, and refined petroleum products that would result from the disruption for periods of 1 week, 1 year, and 5 years, respectively, of not less than—

(A) 30 percent of United States oil production;

(B) 20 percent of United States refinery capacity; and

(C) 5 percent of global oil supplies.

(2) PROJECTIONS AND POSSIBLE REMEDIES.—The President shall include in the report—

(A) projections of the impact any such disruptions would be likely to have on the United States economy; and

(B) detailed and prioritized recommendations for remedies under each scenario covered by the report.

Mr. BISHOP of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from New York (Mr. BISHOP) is recognized for 5 minutes in support of his motion.

Mr. BISHOP of New York. Mr. Speaker, 1 year ago, the price of a gallon of gasoline in America was $1.94. The day before Hurricane Katrina struck, it was $2.61. This difference shows that exorbitant increases began even before Katrina wreaked havoc on our economy. The day after Katrina, prices jumped to $3.07. Today, our constituents are looking toward their elected representatives to rein in gas prices once and for all.

Earlier this year, we passed up a golden opportunity to protect Americans from price gouging when we enacted the first energy bill. If we pass this energy bill in its current form, we pass up that opportunity a second time. Let us not make the same mistake twice.

In that spirit, we offer this motion to recommit, which attacks soaring gas prices head on. Our motion achieves this objective by investing new authority in the FTC to investigate, enforce and then punish price gouging and market manipulation.

Specifically, our motion prohibits the sale of crude oil, gasoline, natural gas or any other petroleum distillates at a price that is considered either unconscionably excessive or indicates the seller is taking unfair advantage of the circumstances to increase prices unreasonably.

Any violation will result in new civil penalties, and will be enforced with up to triple the damages of the profits gained by the violation. Unlike the underlying bill, this motion has teeth by reining in scrupulous practices of the oil and gas executives, interested more in padding their bottom line than helping middle-class families make ends meet.

I urge my colleagues to stand up to the oil companies and show hardworking Americans that we are in their corner. Now is the time we must act, to prove that their interests are paramount, not the oil companies'. Our price gouging provisions are superior to those of the underlying legislation, and our provisions are in effect at every stage of the oil and gas production, covering everyone in the supply chain.

Let us put an end to price gouging once and for all. Do not let another opportunity go by without giving middle-class families the relief that they so desperately need and deserve. If you want to do the right thing for America here and now, vote for the motion to recommit.

Mr. Speaker, I yield to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, there is no doubt that the entire Nation is paying a price for the astronomical costs of oil and gasoline, and, Mr. Speaker, Pennsylvanians are no exception. Just yesterday, Philadelphia residents were told that their home heating bills would increase by 19.4 percent. That comes on top of double-digit price increases that they had to absorb last year, and it means they will pay on average an additional $335 to heat their homes this winter.

Winter can be very cold in Pennsylvania, and if Congress fails to take immediate action, some of my constituents will simply not have enough money to pay these high prices and may be forced to choose between heating their homes and putting food on their table. That, Mr. Speaker, is a decision that no American should be forced to make.

And it is more than just home heating costs. In the last 60 days, it has gotten a whole lot more expensive to drive to and from work, with the price of gasoline going up. It rose about 55 cents in just the last 2 months. Higher home heating costs, higher gas prices, these are daily expenses for most Americans, and they have real consequences for families across this Nation and to our national economy.

The bill under consideration today is simply another giveaway for special interests, and it comes at the expense of hardworking Americans.

The gentleman from New York (Mr. BISHOP) and I stand here today offering a way to give the Federal Government the authority to investigate and punish those using anti-competitive practices. It ensures immediate action to address the concerns of our constituents suffering from the high price of energy.

Support the Bishop motion to recommit and report this bill back to committee so we can adequately address price gouging and reduce costs for everyday Americans.

Mr. BARTON of Texas. Mr. Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas (Mr. BARTON) is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Speaker, I want to engage in a short colloquy with the gentleman from New York (Mr. MCHUGH) concerning LIHEAP funding.

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

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

Mr. MCHUGH. Mr. Chairman, as you know, the high energy costs are having a very negative effect on the Low Income Home Energy Assistance Program, and many State LIHEAP programs are expecting a major increase in applications and need for additional funding immediately to help ensure low-income families and seniors can afford to heat their homes.

I recently joined with more than 100 of my colleagues in writing to the Committee on Appropriations Members requesting $1.276 billion in additional LIHEAP funding, and I hope, Mr. Chairman, that you would work with me and other Members who share those concerns to make sure this very important assistance program will be available to those who need it in the upcoming winter heating season.

Mr. BARTON of Texas. Mr. Speaker, reclaiming my time, I support increased LIHEAP funding and the Energy Policy Act of 2005 the for LIHEAP funding from $2 billion to $5.1 billion. I will work with the gentleman to help increase the amount of funds appropriated for LIHEAP, to help those Americans, including those Americans in your great State of New York, most vulnerable to the higher energy costs we are seeing today.

Mr. Speaker, I oppose the motion to recommit. I know we are tired and grumpy, and we want to go home and catch planes.

Let me simply say that it appears to be the Stupak language on price gouging that was in the Democratic substitute. If that is correct, we have already had the vote, and we have in the pending bill language that addresses price gouging. So I guess we just have a difference of opinion.

It reminds me of what Ginger Rogers said when she was asked to comment on what a great dancer Fred Astaire was. She said, ''Yes, but I do it, and I do it in high heels backwards.''

So we both agree on both sides of the aisle that we need to do something about price gouging. I would say the base bill before us does it a little bit more eloquently, and it does it so that we can actually get to the root cause without preempting the States.

Mr. Speaker, I urge a ''no'' vote on the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. BISHOP of New York. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 3893, if ordered, and on the motion to suspend the rules on H. Con. Res. 248.

The vote was taken by electronic device, and there were—ayes 200, noes 222, not voting 12, as follows:

[Roll No. 518]

AYES—200

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

NOES—222

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

NOT VOTING—12

Beauprez
Boswell
Deal (GA)
Delahunt
Hastings (FL)
Neal (MA)
Norwood
Olver
Payne
Royce
Schwarz (MI)
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1358

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. DELAY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 212, noes 210, not voting 12, as follows:

[Roll No. 519]

AYES—212

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

NOES—210

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren

Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Beauprez
Boswell
Deal (GA)
Delahunt
Hastings (FL)
Neal (MA)
Norwood
Olver
Paul
Payne
Royce
Schwarz (MI)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

PARLIAMENTARY INQUIRY

Mr. HOYER (during the vote). Mr. Speaker, Members have planes to catch, as you well know; and I am just wondering if you could advise us as to the time frame of this vote.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Mr. HOYER. The parliamentary inquiry would be how long, under parliamentary procedure, will this vote continue?

The SPEAKER pro tempore. The rules specify only a minimum time for the vote.

Mr. HOYER. We have passed that, is my understanding, Mr. Speaker.

The SPEAKER pro tempore. The Chair is exercising his discretion as to when the vote has been completed.

PARLIAMENTARY INQUIRY

Mr. SANDERS (during the vote). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. SANDERS. How long was this vote for?

The SPEAKER pro tempore. There is no maximum time for a vote.

Mr. SANDERS. My understanding is this was a 5-minute vote; is that correct?

The SPEAKER pro tempore. The rule specifies only a minimum time for voting, which on this vote is 5 minutes.

Mr. SANDERS. And how many minutes have elapsed? How many minutes have elapsed since the vote was called?

The SPEAKER pro tempore. Fourteen.

Mr. SANDERS. Fourteen for a 5-minute vote. I thank the Chair.

PARLIAMENTARY INQUIRIES

Mr. MARKEY (during the vote). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman may inquire.

Mr. MARKEY. Mr. Speaker, I observe that we are operating in a 5-minute vote, and we are now nearing 20 minutes for this vote to have been completed. Mr. Speaker, where does the point at which at the discretion of the Chair is no longer being used for the convenience of the Members but instead in order to abuse the discretion that the Chair has in keeping——

The SPEAKER pro tempore. The Chair will inform the gentleman that the rules do not set a maximum duration for the vote. The Chair intends to bring the vote to a close at such time as he believes Members have finished voting.

Mr. FRANK of Massachusetts. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. FRANK of Massachusetts. Mr. Speaker, my question is in the current uncertainty, do you know which Members the leadership from whom you are to take instruction to close the vote——

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

Mr. LEVIN. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. LEVIN. Mr. Speaker, the all-time world's record for a vote was 3 hours for the prescription drug Medicare bill. Do we anticipate beating that today?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

Mr. LEVIN. I am sorry, Mr. Speaker.

Mr. MENENDEZ. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. MENENDEZ. Mr. Speaker, is the discretion of the Chair or the abuse of the discretion of the Chair and the abuse of power subject to a vote of the House to continue this vote open? Because we have a history on this House floor of illegalities taking place to change people's vote. Is the discretion of the Chair and an abuse of the discretion of the Chair subject to a ruling and a vote by this House?

The SPEAKER pro tempore. The Chair has affirmed that the rules establish a minimum duration of the vote; the rules do not set a maximum duration; and the Chair intends to bring the vote to a close at such time as he believes that Members have finished voting.

The Chair feels that further parliamentary inquiry at this stage of the proceedings is not constructive.

PARLIAMENTARY INQUIRY

Mr. HOYER (during the vote). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman will state his inquiry.

Mr. HOYER. Mr. Speaker, I am informed by the tally clerk that every Member of Congress who is in town has voted. Has voted. Has voted.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Mr. HOYER. I do have a parliamentary inquiry. In that instance, is it not appropriate, once the people have spoken through their representatives in this House, to bring the vote to a close?

The SPEAKER pro tempore. That is a hypothetical question. The Chair will not answer a hypothetical question.

Mr. HOYER. I do not think that is hypothetical. That is the fact.

The SPEAKER pro tempore. As previously stated, the Chair intends to bring the vote to a close at such time as he believes that Members have finished voting. Have finished voting.

Mr. HOYER. I thank the Speaker. I am disappointed at the response, but I understand it.

PARLIAMENTARY INQUIRY

Mr. WAXMAN (during the vote). Parliamentary inquiry, Mr. Speaker. When a bill does not have a hearing——

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Mr. WAXMAN. I do have an inquiry.

The SPEAKER pro tempore. The gentleman may state a parliamentary inquiry.

Mr. WAXMAN. When there is a markup without Members having more than a day to review it; when the bill is rewritten and put on the House floor without Members having had a chance to review it; when the vote is held open a long period of time after the time has expired, does that not make the House a banana republic?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. DINGELL (during the vote). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. DINGELL. Mr. Speaker, I have a plane to catch in about 1 hour. Am I going to be able to make it?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. DINGELL. Will my colleagues be able to make it? Will the vote be ended by that time?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Ms. PELOSI (during the vote). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman may inquire.

Ms. PELOSI. Mr. Speaker, my parliamentary inquiry is: Is it not bringing dishonor to the House of Representatives for this body to act in the shameful way that it is? Is it not part of the culture of corruption of the Republican Party to dishonor the wishes of the American people?

The SPEAKER pro tempore. Does the gentlewoman have a parliamentary inquiry?

Ms. PELOSI. I have a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. THOMAS (during the vote). Parliamentary inquiry, Mr. Speaker. Based upon the statement of the gentleman from Maryland that everyone had voted and that therefore the vote should have been closed——

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

The Chair will recognize Members for appropriate parliamentary inquiries.

PARLIAMENTARY INQUIRY

Mr. WAXMAN (during the vote). Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. WAXMAN. After the votes have been cast, is it not appropriate to announce the votes?

The SPEAKER pro tempore. As previously stated, the Chair intends to bring the vote to a close at such time as he believes that all Members have finished voting.

□ 1442

Messrs. MOLLOHAN, CUELLAR, GENE GREEN of Texas, and BRADLEY of New Hampshire changed their vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE LIFE AND WORK OF SIMON WIESENTHAL

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 248, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 248, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 354, nays 0, not voting 79, as follows:

[Roll No. 520]

YEAS—354

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Tom
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Farr
Fattah
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Myrick
Nadler
Napolitano
Neugebauer
Northup
Nunes
Oberstar
Obey
Ortiz
Otter
Owens
Pallone
Pastor
Paul
Pearce
Pelosi
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—79

Ackerman
Bachus
Beauprez
Blackburn
Boswell
Boucher
Brady (TX)
Brown-Waite, Ginny
Capps
Carson
Cleaver
Clyburn
Coble
Davis (FL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
Delahunt
DeLauro
Dicks
Eshoo
Everett
Feeney
Filner
Foxx
Frelinghuysen
Gillmor
Goode
Granger
Graves
Green (WI)
Gutierrez
Harris
Hastings (FL)
Hinchey
Hooley
Israel
Jenkins
Johnson (IL)
King (NY)
LaHood
Larson (CT)
Lynch
Marchant
McCarthy
McDermott
Meehan
Mica
Moran (KS)
Murtha
Musgrave
Neal (MA)
Ney
Norwood
Nussle
Olver
Osborne
Oxley
Pascrell
Payne
Pence
Peterson (MN)
Peterson (PA)
Pombo
Royce
Sabo
Schwarz (MI)
Stark
Stupak
Taylor (NC)
Terry
Tiberi
Walsh
Wamp
Waters
Watson
Westmoreland
Wicker

□ 1453

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PENCE. Mr. Speaker, I was detained this afternoon. Had I been present, I would have voted in the following manner: Rollcall 520 (On Passage—H. Con. Res. 248)—''yea.''

Mr. GREEN of Wisconsin. Mr. Speaker, had I been present, I would have voted ''yea'' on rollcall 520.

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber for one rollcall vote today. I would like the RECORD to show that, had I been present, I would have voted ''yea'' on rollcall vote 520.

Mr. LARSON of Connecticut. Mr. Speaker, I was unable to vote on H. Con. Res. 248, honoring the life and work of Simon Wiesenthal

and reaffirming the commitment of Congress to the fight against anti-Semitism and intolerance in all forms, in all forums, and in all nations. Had I been present I would have voted "yea" on rollcall vote No. 520.

Mr. CLEAVER. Mr. Speaker, I was unavoidably detained from the Chamber today during rollcall vote 520. Had I been present, I would have voted "yea."

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall vote and would like the RECORD to reflect that I would have voted as follows: Rollcall No. 520—"yea."

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 520 I was inadvertently detained. Had I been present, I would have vote "yea."

Mr. MICA. Mr. Speaker, I was unavoidably detained and was unable to vote on rollcall 520. Had I been present, I would have voted "yea" on this measure.

Mr. FILNER. Mr. Speaker, on rollcall No. 520, on H. Con. Res. 248, I was in route to my Congressional District on official business. Had I been present, I would have vote "yea."

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. BAKER. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 263) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 263

Resolved by the House of Representatives (the Senate concurring),

That when the House adjourns on the legislative day of Friday, October 7, 2005, or Saturday, October 8, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, October 17, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Friday, October 7, 2005, or Saturday, October 8, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, October 17, 2005, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONDITIONAL ADJOURNMENT OF THE HOUSE

Mr. BAKER. Mr. Speaker, I ask unanimous consent that when the House adjourns on this legislative day, it adjourn to meet at noon on the third constitutional day thereafter, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 263, in which case the House shall stand adjourned pursuant to that concurrent resolution.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, OCTOBER 19, 2005

Mr. BAKER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, October 19, 2005.

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

There was no objection.

COMMUNITY DISASTER LOAN ACT OF 2005

Mr. BAKER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1858) to provide for community disaster loans, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, under my reservation, I ask the gentleman from Louisiana (Mr. BAKER) to explain the substance of the bill.

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

Mr. OBERSTAR. I yield to the gentleman from Louisiana.

Mr. BAKER. Mr. Speaker, there is within the construction of FEMA a loan program called the Community Disaster Loan Program. Currently as constructed, there is a $5 million limit per loan per community under the rules that govern distributions of these loans. There is also a funding limitation of some considerable concern in light of the community needs pursuant to Hurricanes Katrina and Rita.

The purpose of this legislation is to designate $700 million of previously appropriated funds for the purpose of making them available under the provisions of the current Community Disaster Loan Program.

Secondly, the bill would waive the $5 million arbitrary cap in light of the current need, but only as to the $700 million specified, and only as to the final disposition of the need for Hurricanes Katrina and Rita.

Pursuant to those modifications, the Senate has also adopted a provision which would not allow the waiver of repayment which has been historically the case over the course of the administration of the Community Disaster Loan Program. The bill as now constructed does not permit the waiver of repayment of these loan obligations. This will in effect create a $700 million loan program which must be repaid by the communities which have suffered the Katrina-Rita losses without a limit as to the $5 million cap on a per-loan consideration.

Mr. OBERSTAR. Further reserving the right to object, and I thank the gentleman for that explanation. Earlier this week, under the leadership of our chairman of the Subcommittee on Water Resources of the Committee on Transportation and Infrastructure, the gentleman from Tennessee (Mr. DUNCAN), 10 House Members traveled to the three principally affected Gulf States to see firsthand the effects of Hurricane Katrina.

We met with officials in Baton Rouge at the Joint Operation Center for New Orleans and then on through Mississippi and Alabama, during which session the gentleman from Louisiana (Mr. BAKER) made, I thought, a superb, a superlative presentation of the history of the storm and the disastrous affects of Katrina and the consequences on the people and the businesses and the need for reconstruction.

Citizens of the Gulf States are doing everything they can to pick up where the storm left off and rebuild their lives. As we saw, nearly a month after the storm, they are still hurting. After 5 weeks of debris removal, the debris remaining is overwhelming.

□ 1500

Local governments' tax base is gone. In our meeting with Mayor Nagin, the mayor of New Orleans, he pointed out that the city of New Orleans accounts for 35 percent of the total economy of the State of Louisiana.

Of course, we also know very well that New Orleans is the world's most important grain export facility. Yet grain is backed up all along the Mississippi, the soybean crop coming in that will not be able to move until New Orleans is able to operate.

In the course of our meeting, Mayor Nagin said, with a heavy heart, with candor, that he had to leave that meeting and go to another news conference to announce layoff of half of the municipal workforce of New Orleans because the city has no revenue coming in and no ability to pay its workforce.

But it was not just New Orleans. We heard that in Bay St. Louis, we heard it in Biloxi, we heard it in Mobile. We saw the pain. This legislation is desperately needed. I support the transfer of $750 million already appropriated in the emergency supplemental of September 8, transferring that money to FEMA, to the community disaster loan program.

I support waiver of the current $5 million cap, but I think it is hard to swallow the insistence by the Office of Management and Budget that the loan

forgiveness provision is discontinued. I look back over the major hurricanes of the last decade and a half: 1889, Hurricane Hugo, Virgin Islands, $50 million forgiven; 1992, Hurricane Andrew, Homestead, Florida, $10 million forgiven; Kauai in Hawaii, 1992, $50 million, Hurricane Iniki, forgiven; Virgin Islands, 1995, Hurricane Marilyn, $127 million, forgiven. Every penny, principal and interest, forgiven. They needed it. It was desperate for those communities. They needed the loan forgiveness.

The damage from Katrina as we have seen is unprecedented. It is heartbreaking, it is devastating. It has affected the gentleman from Louisiana personally, his family, his constituents. It has affected my own family. My wife's brothers still live in New Orleans. One completely lost his home and a second home in Pass Christian.

The situation in Slidell, Louisiana, they would be eligible for a loan of $5 million. But if they do not recover within 3 years, the loan and interest under current law must be forgiven. Under the bill pending, Slidell will have to repay. If they have not rebuilt their economy, if they have not reconstructed, how are they going to repay?

Now, I am sure that colleagues in the committee will say, welcome back, we will fix this at a later time. Now is the time to fix it. I understand, we are not going to stand in the way of the administration's policy priority here. I think we all accept that with great reluctance and heavy heart. We need to resolve to come back and address this at a later time.

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

Mr. OBERSTAR. Further reserving the right to object, I yield to the gentleman from Louisiana.

Mr. BAKER. Mr. Speaker, I certainly appreciate the gentleman from Minnesota yielding and just wish to express appreciation for those concerns he has noted. Certainly, the repayment obligation should be met at some point. The arbitrary deadline, in fact, may be problematic going forward.

I would suggest in consultation with the other members of the Louisiana delegation, we fully intend to examine this going forward and hope to have the opportunity to bring our concerns to the attention of this body and the Senate as well. The principal concern, as the gentleman has identified, is the Senate has passed this vehicle in its current construct. If we were to amend it as suggested, it would have to return to that body for their agreement.

We are very concerned with potential layoffs occurring next week in various municipalities. So this loan package is very much an emergency issue; and albeit with the nonwaiver of repayment provision, we fully support it in its current form, given the constraints we face.

Mr. OBERSTAR. Further reserving the right to object, I appreciate the gentleman's predicament and position, but I am also quite certain that within our committee, we will revisit this issue. I certainly intend to take the first opportunity to do so to correct what I think is an imbalance.

Mr. Speaker, I am happy to yield to the gentleman from Louisiana (Mr. MELANCON) under my reservation.

Mr. MELANCON. Mr. Speaker, I am new to the House, so maybe I should not be so shocked, so disappointed at what I have seen and heard this week. Maybe failing to address critical needs in a crisis is normal here. Maybe if I had been here a few terms, I would understand that is just part of the job to smile when you get nothing and then you say it is a good compromise.

Maybe with a little seniority, I would understand what it means to be a Member of the House of Representatives, to shake a lot of hands, make speeches on the floor, and deeply hope that your district ends up okay.

But I am new to this House. I do not understand. I do not understand why we cannot do what is so obviously the right thing. I do not understand how good people can have their hands so completely tied by leadership that refuses to let their Members voice their conscience. I have friends here and on the other side of the aisle. I do not understand why after asking me personally what they can do to help with this terrible tragedy, they are unable to explain to me why we have to compromise.

I am new here, Mr. Speaker. I heard the President make promises in Jackson Square, and I believed them. I believed the White House when they told me Wednesday that they would help local governments survive so that we can lay the ground work to rebuild. I believed the Louisiana Senators when they said they were committed to the same simple request.

Maybe it is because I am new, but what I am having trouble with today, Mr. Speaker, is the idea that this House would seek to put the people under south Louisiana under more debt and more pain. The loans that should be grants are about to become huge millstones around the necks of the people of south Louisiana when we act today.

When we leave this afternoon, we will have sent its local government along the gulf coast to hundreds of millions of dollars of debt. Why? That is what I ask. Why?

Senator VITTER tells us that it is the only way for this to pass the House. The only way he says that the leadership in this body will lift a finger to help the people in need in Louisiana, Mississippi, and Alabama is if we impose a crushing debt on them. All the signs point in the same direction, Mr. Speaker. The problem is here.

Senator VITTER worked in this House for 6 years and knows this leadership. He has placed the blame squarely at their feet, and I think they owe the entire gulf coast a explanation. Who is this compromise supposed to help, and why is it being done on the backs of those who need the help the most? Why have 90 percent of previous loans been forgiven, and why will loans for future disasters be forgiven but not these?

I will have to support this, Mr. Speaker. Then I am going to go back home, look my local leaders in the eye and tell them to take the money and run. Their Federal Government let them down again, just like we failed in the early days after this storm. They will be asked in 3 years to pay back the money, and that should have been a gift.

My advice to them, again, will be take the money and run. Spend it on your sheriffs' deputies, your firefighters, your public hospitals. Spend it and do not pay it back.

Mr. Speaker, I was sent here to do a job, to work for people that I represent, every day without exception, as hard as I know how. After Katrina and Rita, that focus has only sharpened. I now represent more homeless, broken and suffering people than almost anybody in this body. They have been drowned by the water, whipped by the wind, and now, Mr. Speaker, failed by the House.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from New York.

Mrs. MALONEY. Mr. Speaker, I am not going to object, even though this legislation is flawed in many ways, as my colleague pointed out, because we all understand the tremendous need for the people in the gulf region. I am not a Representative from the gulf coast, but I certainly understand the impact on tax revenues after a disaster. Repealing the $5 million cap on community disaster loans is something that I have been working on along with the New York delegation, ever since New York suffered at least $5 billion in lost tax revenues following 9/11 and the loss from the gulf region maybe more.

The bill before us lifts the $5 million cap, but it adds a provision that has never, ever been seen before with these loans. It prohibits, literally prohibits, the Federal Government from forgiving any part of these loans. This is incredibly important because there has been a long history of canceling these loans after they are given.

I have here with me, Mr. Speaker, a list of all the previous disaster loans that have been forgiven. So why are we now putting this terrible burden on the people in the gulf region?

CDL PROGRAM HISTORY—PRINCIPAL AND INTEREST CANCELLED

[As Sept. 30, 2001—* loan made under Credit Reform Act]

Loan No.	Local Government	Status	Approved amount	Inerest rate	Amount disbursed	Principal canceled	Interest canceled	P&L cancelled
505–1	Madison Co., ID	Repaid	375,000	7¼	$275,000			
505–2	Rexburd,ID	Cancel	260,000	7¼	260,000	260,000	260,000	$249,301
505–3	Fremont Co., ID	Repaid	321,409	7¼	300,000			$509,302
505–4	Bingham Co., ID	W/draw	854,000	7¼				
531–5	Williamson, WV	Repaid	127,000	7⅛	127,000		86,339	86,339
531–6	Matewan, WV	Cancel	12,000	7⅛	7,000	7,00	3,859	10,659
547–7	Hull, MA	Repaid	1,369,000	8¾	765,108	0		
537–9	Johnstown, PA	Cancel	1,680,000	8¾	1,680,000	1,880,000	699,782	2,379,782
537–10	Franklin Boro, PA	Cancel	50,000	9½	50,000	50,000	30,965	80,965
537–11	Dale Boro,PA	Cancel	47,000	11⅝	47,000	47,000	24,250	71,250
598–12A	Gulf Shores, AL	Repaid	239,000	9⅝	239,000			
598–12E	Gulf Shoers (Sew Bd)	Repaid	16,100	10⅜	16,100			
598–13	Prichard, AL	Debt Col	1,540,000	9⅝	1,540,000	1,540,000	1,983,789	3,523,789
598–14	Gulf Shores WWB, Al	Repaid	44,000	10⅜	44,000			
638–15	Hurtsboro, AL	Repaid	28,000	13¾	29,000			
691–16	Clifton, AZ	Repaid	344,639	11	344,639	112,979	69,928	182,805
737–17	Wheatland Boro, PA	Cancel	65,768	9¼	65,758	85,788	21,681	87,449
753–18	Marlington, WV	Repaid	84,438	7½	84,430			
753–19	Albright, WV	W/draw	16,232					
753–20	Pendleton City, WV	Repaid	113,581	7½	113,581			
737–21A	Albion Boro, PA	Repaid	48,242	6¾	48,242	19,146	4,146	23,292
737–21E	Albion (Muny Auth)	W/draw	79,996					
774–22	Vassar, MI	Repaid	124,115	6½	124,115	55,528	21,304	76,832
841–23	USVI (Mugo)	Repaymt	89,912,000	8¼	50,100,000	21,013,658	12,154,386	33,168,044
853–24	Port of Tillamook, OR	Repaymt	172,318	8⅜	172,318			
955–25	Homestead City, FL	Cancel	10,325,000	6.73*	10,325,000	10,325,000	3,223,100	13,548,100
955–26	Florida City, FL	Cancel	1,048,000	8.73*	1,046,000	1,046,000	377,823	1,423,823
955–27	City of Miami, FL	Cancel	5,000,000	5.68*	5,000,000	5,000,000	915,350	5,815,350
955–27A	City of Miami, FL	Cancel	5,000,000	5.47*	5,000,000	5,000,000	707,733	5,707,733
955–28	Key Biscayne, FL	Repaid	1,000,000	5.88*	1,000,000			
961–29	County of Kauai, HI	Cancel	15,000,000	5.47*	15,000,000	15,000,000	4,071,873	19,071,873
927–30	American Samoa	Open	10,680,000	5,47	10,179,083	8,638,009	3,332,779	11,955,788
997–31	Quincy, IL	Repaid	700,00	5.47*	1,000			
997–32	Brussels Comm Sch #4	Suspend	11,600	5,47*				
997–33	Calhoun Co., IL	Repaid	162,000	5.47*	71,000			
977–34	Calhoun Comm Sch #4	Suspend	543,000	5,47*				
997–35	Bluffdale Twp, Il	Repaid	10,000	5.47*	1,000			
997–36	Bluffdale Rd Dist	Repaid	10,700	5.47*	1,000			
997–37	Carrollton Sch Dist, IL	Suspend	762,000	5.47*				
997–38	Columbia Levee Dist, IL	Cancel	10,000	5.47*	10,000	10,000	2,646	12,646
997–38	Green Co., IL	Repaid	270,00	5,47*	1,000			
997–40	Hillview, IL	Repaymt	16,725	5.47*	13,500		4,844	4,844
997–41	Patterson Twp, IL	Repaid	11,600	5.47*	6,000			
997–42	Patterson Fld Dist	Repaid	15,500	5.47*	1,000			
997–43	Walkerville Twp, IL	Repaid	6,000	5.47*	6,000			
997–44	Walkerville Rd Dist	Repaid	8,300	5.47*	1,000			
997–45	Woodville, IL	Repaid	9,582	5.47*	1,000			
997–46	Woodville Rd Dist	Repaid	13,235	5,47*	1,000			
997–47	Grfton, IL	Repaid	92,000	5.47*	1,000			
997–48	Chouteau Twp, IL	Repaid	24,867	5.47*	500			
997–49	Chouteau Rd Dist	Repaid	48,283	5.47*	500			
997–50	Maeystown Fire Dist	Repaid	10,957	5.47*	1,000			
997–51	Monroe Co. Rd #8	Repaid	10,053	5.47*	1,000			
997–52	Monroe Co. Rd #9	Open	13,109	5.47*	13,109			
997–53	Monroe Co. Rd #10	Open	18,776	5,47*	10,000	3,947	1,088	5,035
997–54	Valmeyer, IL	Open	97,200	5.47*	97,200			
997–55	Valmeyer Sch #2	Suspend	652,295	5.47*				
997–56	Valmeyer Fire Dist	Open	7,500	5.47*	7,500			
997–57	Hull, IL	W/draw	15,694	5.47*				
997–58	Harrisoinville Levee	Repaid	67,308	5.47*	36,000	36,000	9,725	45,725
997–59	North Coast Railroad	Open	615,658	5.66*	615,538			
1067–60	USVI (Marilyn)	Open	127,224,000	8.35*	127,200,000			
1175–64	Ada, MN	Open	1,423,448	4.90*	1,423,448			
Total			$278,657,228		233,523,891	69,910,035	27,991,491	97,901,526

When you think about it, communities that have been devastated are not going to be in the position to be able to afford to pay back these loans. They cannot even afford their operating expenses. They are laying people off. How in the world is a city like New Orleans going to be able to afford to pay this back when it will be absolutely years before their tax base returns to normal?

Mr. Speaker, Congress is not requiring Iraq to pay back the money we are giving them. Why are we making the people of the gulf coast pay us back now? It is terribly unfair, and I would say unpatriotic. Why are we giving a priority to contractors in Iraq over the people in Louisiana, Mississippi, and Alabama? Again, we are not being required to pay back in Iraq, but now they are telling these devastated communities and people that they have to pay it back.

Mr. Speaker, this morning, along with the gentleman from Louisiana (Mr. JEFFERSON) and the gentleman from Louisiana (Mr. MELANCON) and others, we have introduced H.R. 4012. This bill would remove the $5 million cap, give assistance grants and allow for these loans to fully cover the expenses of the towns, counties, and parishes up and down the coast. We have already appropriated at least $84 billion in aid for Katrina. We have identified the need. Why in the world are we setting up in this legislation new restrictive qualifications for the people in the gulf coast?

So I join my colleague in his efforts and other efforts on both sides of the aisle to remove this in the future. But it is wrong, in my opinion, to place this burden now on the people of the gulf coast.

Mr. OBERSTAR. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY) for her observations.

I am happy to yield further to the gentleman should he wish.

Mr. BAKER. Mr. Speaker, I appreciate the courtesy. I shall be brief. I wish to express appreciation to those Members who brought to the House's attention that the waiver of repayment has been stricken from the bill, but I would also indicate that in discussions with people and in the loan construction packages they have great latitude as to terms and conditions of repayment. They have been quite assuring that they will work with communities in a manner which is responsible to assure relief is provided, but that the taxpayers of the United States have some assurance that, when possible, communities will give back that which was extended during times of hardship.

I would also want to point out that there literally have been billions of dollars made available to constituents in Louisiana of great scope and consequence from the FEMA checks to the provision of temporary housing. There has been a great deal of work conducted here.

□ 1515

I wish to express appreciation for the administration and all those who are engaged in this work and to the people of this great country, who have given

voluntarily huge charitable contributions to various organizations to be of assistance to us. We are indeed appreciative, and we do not wish to leave the House floor today with the impression that Louisianans have been ignored. Far from it.

We have a long way to go. There is much work to do. There is suffering still far too rampant in our communities. This act today will go another small step in helping those people get back to normality. But there is a lot happening as fast as can be conducted, I believe, in the State of Louisiana, and I am sure in other coastal States as well, and I would like the record to reflect some balance, that it is not as fast as everyone would like, but help is coming, and I appreciate the gentleman's allowing me to make that statement.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, I thank the gentleman for his observation. Again, I wish other Members had been present to hear his discussion and presentation of the State of affairs of the pre- and post-Katrina effects in Louisiana and throughout the gulf. The gentleman has certainly become a scholar of the issue.

Mr. Speaker, I include for the record at this point a compilation of the expenditures by FEMA and insured losses for fiscal year 1980 through 2000.

NATURAL DISASTERS IN THE UNITED STATES—FEMA EXPENDITURES AND INSURED LOSSES FISCAL YEARS 1980–2000

[dollars in millions]

FY	Major Disasters* (affected states, total FEMA cost to date)	FEMA Disaster Relief Fund Expenditures*	Insured Losses	Total Expenditures
1980		849.10	1,177.00	2,026.10
1981		228.96	714.00	942.96
1982		115.11	1,528.00	1,643.11
1983		245.23	2,254.00	2,499.23
1984		296.42	1,548.00	1,844.42
1985		319.17	2,816.00	3,135.17
1986		497.73	871.00	1,368.73
1987		246.03	905.00	1,151.03
1988		189.61	1,409.00	1,598.61
1989	Hurricane Hugo (NC, SC, PR, VI): $1.31 billion; Loma Prieta Earthquake (CA): $868.12 million	138.56	7,642.00	7,780.56
1990		2,026.26	2,825.00	4,851.26
1991		391.51	4,723.00	5,114.51
1992	Hurricane Andrew (FL, LA): $1.85 billion; Hurricane Iniki (HI): $257.5 million	1,725.57	22,907.00	24,632.57
1993	Midwest Floods (IL, IA, KS, MN, MO, NE, ND, SD, WI): $1.17 billion	2,553.90	5,705.00	8,258.90
1994	Northridge Earthquake (CA): $6.94 billion; Tropical Storm Alberta (AL, FL, GA): $524.44 million	4,357.35	17,010.00	21,367.35
1995	Hurricane Marilyn (PR, VI): $484.0 million; Hurricane Opal (AL, FL, GA): $201.4 million	2,685.03	8,310.00	10,995.03
1996	Hurricane Fran (MD, NC, PA, SC, VA, WV): $608.39 million; Hurricane Hortense (PR): $291.6 million	3,613.60	7,375.00	10,988.60
1997	Red River Valley Floods (MN, ND, SD): $730.43 million	4,344.92	2,600.00	6,944.92
1998	Hurricane Georges (AL, FL, LA, MS, PR, VI): $2.48 billion	4,067.09	10,070.00	14,137.09
1999	Hurricane Floyd (CT, DE, FL, ME, MD, NH, NJ, NY, NC, PA, SC, VT, VA): $880.4 million; Hurricane Irene (FL): $134.9 million	4,402.61	8,321.00	12,723.61
2000		2,375.01	4,300.00	6,675.01
Total (1980–2000).		$35,668.77	$115,010.00	$150,678.77
Total (1993–2000).		$28,399.51	$63,691.00	$92,090.51

*The amount listed after each major disaster represents obligations for specific events that may have affected more than one state and whose related obligations fall over a number of fiscal years. The amount includes funds obligated from the Disaster Relief Fund for Federal Emergency Management Agency assistance programs, hazard mitigation grants, federal mission assignments, contractual services and administrative costs. Figures do not include funding provided by other participating federal agencies, e.g., Small Business Administration and Agriculture Department Farm Service disaster loan programs.

*FEMA Disaster Relief Fund expenditures represent obligations by fiscal year for all disasters declared to that date that are not officially closed.

Sources: FEMA; Insurance Services Offices, Inc. Fact Books. Insured losses include catastrophes resulting in insured losses of $5 million or more.

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

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

Mr. OBEY. Mr. Speaker, reserving the right to object to the gentleman's request, it is my understanding that this bill allows $750 million of the $50 billion in disaster relief funding that we provided to be used for loans to assist local governments in providing essential local services. It is also my understanding, as has been discussed here, that there is a ''fig leaf'' attached to this bill, at least it has been called that by some, which would create the impression that these communities are going to be provided loans, rather than grants, and that these loans must be repaid.

I would simply make this observation: This country forgave debt to Eastern Europe, billions of dollars worth of debt. We forgave debt to the tune of billions of dollars for Third World debt. Yet we are being told today that somehow we are supposed to believe that the communities who are supposedly assisted by this legislation will in some way be able to pay back the debt which they would incur under this legislation.

I think we are fooling the American people if we pretend that those communities are going to have the capacity any time soon to repay those debts, and I suspect that this provision is here more to deceive the American people about the true cost than to in fact reflect reality.

I think that if we are going to be honest with the American people and if we are going to be fair to the recipient communities, we need to recognize that these communities are not likely to have any ability to repay that was any greater than the ability of Eastern Europe or the Third World to repay the debts that we forgave in those cases a long time ago. That is one concern I have with the bill.

The second concern I have with the bill is a conservative concern, if you will, because while it is assumed that this bill will provide loans for functions such as police protection, fire fighting and everyday emergency work, in fact there is no guarantee that that is the only purpose for which these funds will be used. Because of that, I want to ask the gentleman whether or not he would be amenable and whether the majority leadership would be amenable to adding the following section to the legislation that the gentleman seeks to have considered. That would read as follows:

''Section 3, reporting requirements. The Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Transportation and Infrastructure and the Senate Select Committee on Homeland Security and Government Affairs shall be notified no later than 15 days after a loan is made pursuant to this act. Such notification shall include the following: Number one, the amount of the loan; number two, an assessment of the borrower's financial position; number three, reasons for the necessity of the loan; and number four, a description of the essential services to be provided with the funding from the loan.''

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

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. BAKER. Mr. Speaker, I certainly understand the reason for the gentleman's inquiry and the illustrative list gentleman presents is very reasonable. In other circumstances, we found ourselves with the luxury of a little time with which to consider the matter. If we were to agree to that modification, I understand the matter would be referred to the Senate for further consideration and may well put in jeopardy the adoption ultimately of this loan program, which we are hoping to have in effect and available on Monday morning to affected communities.

I have, however, conversed with the gentleman from Alaska (Chairman YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) and others on the committee who have jurisdiction over FEMA matters in

which this loan program is domiciled, and have assurances from them that we will visit the gentleman's concerns and adopt a reporting regime, if not exactly, very similar to this.

I would be supportive of and I am sure all members of the Louisiana delegation who are here on the floor would also support the gentleman's request, but would respectfully ask, given the concerns of time and the issues at hand, that the gentleman would withdraw his objection. We would be happy to note formally in the record our agreement to proceed with the gentleman on our return to work absent the Columbus Day recess to achieve the gentleman's interest.

Mr. OBEY. Mr. Speaker, continuing my reservation, I have been told by several people that they do not want me to pursue this because ''the Senate is going out of session and it will be hard to get an amended version considered by the Senate.''

Heaven forbid that we should ask the Senate to come back and work on something of this urgency. This is the same Senate that did not hesitate to come back in order to tell one American family, the Schiavo family, how they should deal with an end-of-life issue for one of their family members, and yet we are told that we should not build in this protection for the taxpayer because it might inconvenience the other body.

I am very reluctant to agree to proceeding with this legislation without this reporting requirement because, as we have just discovered under the previous $50 billion that we provided to FEMA, they have given us a miserable explanation of the money that they have spent so far. They have given us meaningless spreadsheets and money defined in very broad, meaningless categories that tells the Congress nothing that will enable us to exercise our responsibilities as watchdogs of the public purse.

So, I guess my question is, if I withdraw my reservation, how soon can we expect to have this kind of reporting requirement brought to the House so that we know that in fact the money which is being provided will be used only for the purpose for which it is described today?

Mr. BAKER. Mr. Speaker, if the gentleman will yield further, I thank the gentleman for his question. I would point out, we would act forthwith, and perhaps there would be additional items that we would be interested in having reported to us on the matter of these loan dispositions. So we have some accountability to our constituencies and know what local governments are seeking in the way of assistance and how we may further provide aid.

So the gentleman's point is important to us in the delegation as well as to the gentleman for his own satisfaction that the funds are being used appropriately.

I would like to have the possibility of working with the gentleman's staff over the recess week we are about to enter into, in consultation with the staff from the offices of the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Chairman YOUNG), to try to perfect a reporting regime that the gentleman and I and the chairman would find acceptable to achieve his goals, and it would be obtained as soon as agreement can be obtained. I would commit our delegation to be fully supportive of that effort.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I have not communicated with the gentleman from Minnesota, because I support what the gentleman wants to do, but I would suggest that if the gentleman from Minnesota and I can reach this agreement, and I am sure we can, we can come out with a resolution out of our committee immediately and bring it to the floor under unanimous consent, because what I think what the gentleman is asking is very legitimate.

I will commit that to the gentleman as chairman of the committee, and I am sure the gentleman from Minnesota and I can work that out. So I give you that commitment.

Mr. OBEY. Mr. Speaker, continuing my reservation, I thank both gentlemen for their responses. Let me say that while I intend to withdraw my reservation, given those assurances, I would hope that that would happen as soon as possible, and I would also hope that sometime, somewhere, someone will explain to me why we can forgive billions of dollars of debt to the Third World, billions of dollars of debt to Eastern Europe, but not recognize that American citizens may need that same privilege.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1858

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Community Disaster Loan Act of 2005''.

SEC. 2. DISASTER LOANS.

(a) ESSENTIAL SERVICES.—Of the amounts provided in Public Law 109–62 for ''Disaster Relief'', up to $750,000,000 may be transferred to the Disaster Assistance Direct Loan Program for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) to be used to assist local governments in providing essential services: *Provided,* That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $1,000,000,000 under section 417 of the Stafford Act: *Provided further,* That notwithstanding section 417(b) of the Stafford Act, the amount of any such loan issued pursuant to this section may exceed $5,000,000: *Provided further,* That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled: *Provided further,* That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

(b) ADMINISTRATIVE EXPENSES.—Of the amounts provided in Public Law 109–62 for ''Disaster Relief'', up to $1,000,000 may be transferred to the Disaster Assistance Direct Loan Program for administrative expenses to carry out the direct loan program, as authorized by section 417 of the Stafford Act.

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

GENERAL LEAVE

Mr. BAKER. 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 S. 1858.

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

There was no objection.

A FURTHER MESSAGE FROM THE SENATE

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

H.R. 2863. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2863) ''An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes,'' and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. HUTCHISON, Mr. BURNS, Mr. INOUYE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mr. REID, Mrs. FEINSTEIN, and Ms. MIKULSKI, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3765. An act 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.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

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

The message also announced that the Senate has passed a concurrent resolution of the House of the following title:

H. Con. Res. 161. Concurrent resolution authorizing the use of the Capitol Grounds for an event to commemorate the 10th Anniversary of the Million Man March.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, Sept. 15, 2005.

Speaker DENNIS HASTERT,
House of Representatives, Room H–209, the Capital, Washington, DC.

DEAR SPEAKER HASTERT: This letter is to resign my seat on the Committee on Government Reform and all subcommittees under its jurisdiction as of September 30, 2005.

Sincerely,

GINNY BROWN-WAITE,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT OF HON. TOM DAVIS AND HON. ROSCOE G. BARTLETT TO ACT AS SPEAKER PRO TEMPORE, TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH OCTOBER 17, 2005

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

THE SPEAKER'S ROOM,
HOUSE OF REPRESENTATIVES,
Washington, DC, Oct. 7, 2005.

I hereby appoint the Honorable TOM DAVIS and the Honorable ROSCOE G. BARTLETT to act as Speaker pro tempore to sign enrolled bills and joint resolutions through October 17, 2005.

DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

TRIBUTE TO THREE JEFFERSON COUNTY, TEXAS, HEROES

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

Mr. POE. Mr. Speaker, when the second lady of the gulf, Rita, hit Jefferson County, Texas, first responders hunkered down to wait out the storm. They did not leave during this hurricane. After the storm, the first responders began working 12-hour shifts and slept in their cars. The county had and still has no power or water. The responders had no food. So three local heroes took control.

Port Arthur police officer Marcelo Molfino, Port Arthur fire fighter David Barclay and a lawyer by the name of Everett Sanderson of Nederland, Texas, took control. Molfino and Barclay worked 48 straight hours looking for meat and finding it before it got thawed. Sanderson opened up his beat up, old damaged restaurant and used a generator and set up a barbecue pit outside in a National Guard tent.

These three worked 7 days a week, 15 to 20 hours a day, cooking. Local grocery stores donated more meat during the weeks. One day last week, they fed 6,500 police officers, firefighters, Red Cross and FEMA workers, National Guard troops, Coast Guard and other responders from as far away as Maine, all eating Texas barbecue.

They did so without any government bureaucracy, no red tape forms, no permission and no committee meetings. These three heroes got her done.

FEDERAL RESPONSE TO NEW YORK TERRORIST THREAT LACKING

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

Mr. ENGEL. Mr. Speaker, yesterday the mayor of the City of New York announced that there was a credible threat of a terrorist bombing attack against New York City's trains.

□ 1530

The FBI concurred, and then we heard that the Department of Homeland Security disagreed and said that the threats were not credible.

Madam Speaker, what is going on? We are spending billions and billions of dollars on homeland security, and our Federal officials cannot seem to get it straight. First we had these ridiculous color-coded alerts. Now our FBI and Department of Homeland Security cannot agree on credible threats.

Today, part of Pennsylvania Station in New York City had to be evacuated.

President Bush should summon Secretary Chertoff and ask some very hard questions. This Congress ought to investigate why our Federal officials cannot seem to get their act together with regard to homeland security.

HOUSE REPUBLICANS LEAD FOR FISCAL RESPONSIBILITY

(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. Madam Speaker, all levels of government have recently learned the critical importance of saving and planning for a rainy day.

Hurricanes Katrina and Rita were a sudden wake-up call for our Nation. As the Federal Government begins to pay for the costs of these devastating disasters, Congress must adhere to a responsible plan and a strict budget. If we do not use this opportunity to reform the spending habits of the Federal Government, our children and grandchildren will inherit tax increases and unimaginable deficits. They do not deserve to suffer the harsh consequences of earlier generations' fiscal irresponsibility.

Yesterday, House Republican leaders introduced a 4-point plan that will increase mandatory savings, decrease discretionary spending, offset reconstruction costs, and will eliminate wasteful government programs. By using our resources to provide for our Nation's needs, this plan will protect the future of American citizens and strengthen our economy.

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

WILLIAM BENNETT

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

Ms. WATSON. Madam Speaker, during a recent radio broadcast, conservative critic William Bennett said the following: ''If you wanted to reduce crime, you could abort every black baby in this country and your crime rate would go down.''

But Mr. Bennett's hypothesis, as absurd and racist as it is, does not tell the real story.

According to the Department of Justice national crime statistics of men and women behind bars, approximately 43 percent are black, 38 percent are white, and 19 percent are Hispanic. Whites, however, make up 70 percent of all persons arrested, and 60 percent of those are arrested for violent crime.

So why the disparity between whites arrested and whites convicted? Could it have to do with the fact that poorer defendants, often people of color, are more likely to receive substandard legal representation and harsher sentences?

Madam Speaker, getting justice in America seems to have a lot more to do with the color of your skin and the color of the green in your pocket. Now, that is not virtuous.

HONORING THE MILLIONS OF AMERICANS OF GERMAN HERITAGE

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to honor the millions of Americans of German heritage and their ancestors who emigrated from their native lands to come to the shores of this country.

The first German American Day was declared by Ronald Reagan back in 1983 to commemorate the 300th anniversary of the first group of German-speaking settlers who arrived in the American colonies. German settlers and immigrants have played a vital role in our Nation's history since its very beginning. Great American icons, too, people like Babe Ruth, Lou Gehrig, and Casey

Stengel in sports, and John Steinbeck, Kurt Vonnegut, and the inimitable Doctor Seuss in literature claim German heritage.

Madam Speaker, I urge the House to pay tribute to this Great German American Heritage Month, to the many Americans of German descent who continue to contribute to the vitality of my State of New Jersey and to these United States of America.

REMEMBERING THE VICTIMS OF THE LAKE GEORGE BOATING ACCIDENT

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

Mr. McCOTTER. Madam Speaker, I rise today to offer my condolences to the loved ones of those who were lost in the Lake George, New York, boating accident and offer my heartfelt sympathy to those who survived.

Seven of the individuals who perished were from my hometown of Livonia: Caryl and William Gilson, Louise and Charles Greenwald, Margaret and William Nadvornik, and Marge Perry. Avid members of the Livonia Travel Club, these fine people had contributed to their community and their country as mothers, fathers, grandmothers, grandfathers, veterans, volunteers, and friends and neighbors. Truly, they will all be missed.

Madam Speaker, I ask my colleagues to join me in expressing our sorrow and offering our assistance to all involved in and affected by this tragedy.

CELEBRATING THE 45TH ANNIVERSARY OF ''IT'S ACADEMIC''

(Mr. TOM DAVIS of Virginia asked and was given permission to address the House for 1 minute.)

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to call attention to and honor the 45th anniversary of the Nation's leading and longest-running educational television program, the Emmy-winning show, ''It's Academic.''

''It's Academic'' is a nationwide, weekly high school competition that began in Washington, D.C. Since its inception 45 years ago, ''It's Academic'' shows have spread to other cities. During the current school year, 27 high schools in my congressional district will compete against the brightest students from public and private schools throughout the District of Columbia region. These students will be coached and encouraged by dedicated teachers and principals on a wide variety of academic subjects and the challenges of a competitive format under the television lights.

Every Saturday morning, viewers tune in to watch local high school students compete in their knowledge of math, literature, history, and current events. In many schools, students compete for the opportunity to be on the show. Not only do they enjoy the camaraderie with their peers in learning challenging information and developing team skills, but they get the added bonus of being on television and performing under pressure, something many students on the football team and the drama club can simply envy.

The goals of ''It's Academic'' are more than showcasing intelligent students. All the students, including members of the losing teams, receive scholarship money from the corporate sponsors, which in my area has been primarily Giant Food.

In a recent editorial, The Washington Post said of the show: ''Amid all the disturbing news about declining test scores and failing schools, this homegrown Saturday morning staple serves as a welcome reminder of what is right with education.''

Madam Speaker, I wholeheartedly agree and look forward to the partnership between ''It's Academic'' and our communities and schools for many more years to come.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. SCHMIDT). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. SCHIFF. Madam Speaker, I request unanimous consent to assume the time of my colleague from California.

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

There was no objection.

AVIAN FLU: WE MUST ACT NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Madam Speaker, in the midst of a press conference this past Tuesday, President Bush responded to a question relating to a possible outbreak of avian flu here in the United States by stating that he was considering the use of the American military to enforce quarantine measures in cases of a pandemic.

While a number of public health experts and civil liberties advocates quickly criticized the President for suggesting that the military be deployed to control a flu outbreak, his public musing about the need for such a drastic step was a strong and long overdue indication that the U.S. Government is beginning to take seriously the prospect of a flu pandemic.

For several years now, epidemiologists and public health officials have been warning of a possible global pandemic of bird flu that could rival or surpass the 1918 Spanish flu pandemic that killed as many as 50 million people worldwide. We have been fortunate that none of the existing strains of avian flu that have infected thousands of birds and some 65 people in 11 countries have mutated into a form that can spread from human to human; but that threat is real, and there is growing evidence that we do not have much time to prepare.

This week's issues of the journals Nature and Science have published the results of work done at the U.S. Armed Forces Institute of Pathology here in Maryland that shows that the 1918 Spanish flu was actually a type of bird flu and was similar to the flu now affecting Asia. The research also suggests that samples of today's avian flu have begun to develop genetic changes that may allow it to spread from person to person.

Irwin Redlener, director of the National Center For Disease Preparedness at Columbia University, recently told The New York Times that a flu epidemic was the ''next big catastrophe that we can reasonably expect, and the country is phenomenally not prepared for this.''

Yesterday, Health and Human Services Secretary Mike Leavitt acknowledged our lack of preparation, but seemingly tried to absolve the administration by saying that ''no one in the world is ready'' for a flu pandemic.

That may be true, but some countries have taken greater steps to prepare than the United States. At present we have only 2 million doses of Tamiflu, an antiviral medication that has been shown to be effective against the H5NI flu virus. The Australian Government, on the other hand, has stockpiled 3.5 million courses of treatment, white Britain has ordered enough of the drug to cover a quarter of its population.

Clearly, we are lagging behind other developed countries in preparing for an outbreak here. And as ABC's ''Primetime'' reported last month, the Roche Company, which produces Tamiflu, is filling orders on a first-come, first-served basis. The United States, I am sorry to say, is nowhere near the top of the list.

Quote: ''Do we wish we had ordered it sooner and more of it? I suspect one would say yes,'' admitted Secretary Leavitt. When asked why the U.S. did not place orders for Tamiflu sooner, the Secretary told ABC: ''I can't answer that. I don't know the answer to that.''

The American Government has finally begun to take action to prepare to confront a pandemic. The Department of State is hosting a meeting of

health officials from 80 countries today to map out a strategy for minimizing the deaths and destruction that an outbreak might wreak. At the same time, White House officials will meet today with representatives of the U.S. pharmaceutical industry to encourage them to get involved in the manufacture of a flu vaccine.

But, Madam Speaker, Congress needs to do more. My colleague, the gentlewoman from New York (Mrs. LOWEY), has been a leader in trying to push the Congress and the administration to do more to prepare. In late July, Mrs. LOWEY introduced H.R. 3369, the Attacking Viral Influenza Across Nations Act, the AVIAN Act, which provides for a comprehensive national effort to prepare for a flu outbreak. The AVIAN Act requires the Federal Government to create plans for and respond to a pandemic outbreak. It orders the procurement of antiviral treatments and vaccines for a Strategic National Stockpile.

The bill also promotes increased research in the pandemic flu, its vaccines and treatments, and expands efforts to prevent pandemic avian flu both domestically and internationally. I am a proud cosponsor of the AVIAN Act, and I strongly urge my colleagues to join us.

I was heartened to see last week that the Senate voted to add $4 billion to the U.S. fight against deadly avian flu by stocking up on antiviral drugs and increasing global surveillance of the disease. The gentlewoman from New York (Mrs. LOWEY) and I are circulating a letter to ask House conferees to support the Senate request, and I hope our colleagues will join in that effort.

Madam Speaker, I have spoken many times in this Chamber about the danger we face from nuclear terrorism, which I believe is a primary threat to our way of life. The only other threat that remotely approaches a nuclear attack is that posed by a global flu pandemic, one which could kill tens of millions of people. We failed to prepare for 9/11. We failed to prepare adequately for Hurricane Katrina. We must not fail to prepare for a flu pandemic.

COMING HOME MAKES SENSE, STAYING DOES NOT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Madam Speaker, coming home makes sense; staying does not.

Supporters of the war in Iraq, as well as some nonsupporters, warn of the dangers if we leave. But is it not quite possible that these dangers are simply a consequence of having gone into Iraq in the first place, rather than a consequence of leaving?

□ 1545

Isn't it possible that staying only makes the situation worse? If chaos results after our departure, it is because we occupied Iraq, not because we left. The original reasons for our preemptive strike are long forgotten, having been based on false assumptions. The justification given now is that we must persist in this war or else dishonor those who already have died or been wounded. We are also told civil strife likely will engulf all of Iraq.

But what is the logic of perpetuating a flawed policy where more Americans die just because others have suffered? More American deaths cannot possibly help those who have already been injured or killed.

Civil strive, if not civil war, already exists in Iraq. And despite the infighting, all factions oppose our occupation. The insistence on using our military to occupy and run Iraq provides convincing evidence to our detractors inside and outside of Iraq that we have no intention of leaving.

Building permanent military bases and a huge embassy confirms these fears.

We deny the importance of oil and Israel's influence on our policy, yet we fail to convince the Arab/Muslim world that our intentions are purely humanitarian.

In truth, our determined presence in Iraq actually increases the odds of regional chaos, inciting Iran and Syria, while aiding Osama Bin Laden in his recruiting efforts. Leaving Iraq would do the opposite, though not without some dangers that rightfully should be blamed on our unwise invasion rather than our exit.

Many experts believe Bin Laden welcomed our invasion and occupation of two Muslim countries. It bolsters his claim that the United States intended to occupy and control the Middle East all along. This has galvanized radical Muslim fundamentalists against us. Osama Bin Laden's campaign would surely suffer if we left.

We should remember that losing a war to China over the control of North Korea ultimately did not enhance communism in China, as she now has accepted many capitalist principles. In fact, China today outproduces us in many ways, as reflected by our negative trade balance with her.

We lost a war in Vietnam and the domino theory that communism would spread throughout Southeast Asia was proven wrong. Today, Vietnam accepts American investment dollars and technology. We maintain a trade relationship with Vietnam that the war never achieved.

We contained the USSR and her thousands of nuclear warheads without military confrontation, leading to the collapse and the disintegration of a powerful Soviet empire. Today, we trade with Russia and her neighbors as the market economy spreads throughout the world without the use of arms.

We should heed the words of Ronald Reagan about his experience with a needless and mistaken military occupation of Lebanon. Sending troops into Lebanon seemed like a good idea in 1983, but in 1990, President Reagan said in his memoirs, ''We did not appreciate fully enough the depth of the hatred and complexity of the problems that made the Middle East such a jungle. In the weeks immediately after the bombing, I believed the last thing we should do was turn tail and leave. Yet, the irrationality of Middle Eastern politics forced us to rethink our policy there.''

During the occupation of Lebanon by American, French and Israeli troops between 1982 and 1986 there were 41 suicide terrorist attacks in that country. One horrific attack killed 241 U.S. Marines. Yet, once these foreign troops were removed, the suicide attacks literally stopped. Today, we should once again rethink our policy in this region.

Madam Speaker, this is the point I want to make. It is amazing what ending military intervention in the internal affairs of others can achieve. Setting an example of how a free market economy works does wonders. We should have confidence in how freedom works, rather than relying on blind faith and the use of military force to spread our message. Setting an example and using persuasion is always superior to military force in showing how others might live. Force and war are tools of authoritarians. They are never tools of champions of liberty and justice. Force and war inevitably leads to dangerous unintended consequences.

The SPEAKER pro tempore (Mrs. SCHMIDT). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. LIPINSKI. Madam Speaker, I ask unanimous consent to assume the time of the gentleman from Oregon (Mr. DEFAZIO).

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

There was no objection.

THE OIL SANDS OF ALBERTA, CANADA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Madam Speaker, I rise today to raise an issue of great importance to our Nation that I fear is being overlooked, the future of the oil sands of Alberta, Canada. Aside from Saudi Arabia's oil fields, these sands contain the largest deposits of oil in the world, and thus, could be critical to our future energy security.

Just a few months ago the Chinese National Offshore Oil Company, CNOOC, attempted to purchase Unocal.

CNOOC is very different from most other companies because it is owned by the Chinese government. It could be directed to sell oil only to the Chinese, taking a large portion of its resources off of the international oil market. As a result of this possibility, the sale of Unocal raised great concerns in the American public. If it had occurred, the Chinese government would have gained control of a significant American player in the energy industry, just as we are struggling with sky-rocketing gas prices and concerns about a secure supply, especially from the volatile Middle East.

Although CNOOC withdrew its bid to buy Unocal, it did not stop looking for other sources of oil. The interest of Chinese companies in Canadian oil is especially troublesome. In May, CNOOC purchased almost 17 percent of MEG Energy Corporation, a Canadian-owned company that owns oil sand leases on almost 33,000 acres of Alberta land. Another Chinese company, SinoCanada Petroleum, has formed a joint venture with Canada's Synenco Energy to develop oil sands projects in Canada which are estimated to produce 5 tons of synthetic crude oil. These initial investments illustrate the worrisome growing Chinese interest in the estimated 178 billion barrels of recoverable oil in Alberta.

Canada is our highly respected neighbor, and our strong relationship has provided many benefits for both of our countries. Canada is our greatest trading partner with more than $1 billion a day in goods and services traded. Canada exports almost 99 percent of its oil to the U.S., and the U.S. imports more oil from Canada than from any other country, with 16 percent of our total imports coming from our northern neighbor. With the increasing development of Alberta's oil sands, this percentage could significantly increase.

If CNOOC had purchased Unocal, it would have owned an American company but few oil resources in North America. But now, China is interested in not just in North American companies, but in Canadian oil reserves as well, the most secure source of oil outside of our own borders.

As the Chinese become more involved, the U.S. needs to become more engaged with the Canadian government and the provincial government of Alberta in discussing the potential ramifications. Let me be clear on this: Neither Congress nor the Bush Administration can or should ever be seen to be telling Canada or Alberta what to do. However, our government should utilize our good relations and strong economic ties to learn more about the Chinese interests in Canadian oil and to discuss the potential shared security concerns.

The administration has shown an interest in this important issue. Treasury Secretary Snow visited Alberta in July and Vice President CHENEY was scheduled to tour the area in September before Hurricane Katrina forced him to cancel his visit. The Senate sent a delegation to Alberta in August. I strongly encourage the Vice President to reschedule his trip, as well as encourage other Members of Congress to travel and to learn more about this close energy source.

This is a critical time to be concerned about secure energy supplies for the future of the United States. We need to be more diligent about conservation and energy efficiency. We need to be working harder to develop alternative sources of energy. But no matter what we do and how successful we are in weaning ourselves from oil, gas and other conventional energy sources, our Nation will still be in need of foreign fossil fuels for many years to come. In the unpredictable world in which we live today, it would be best to rely on secure sources of energy close to home.

That is why I urge Congress and the administration to learn more about Alberta's oil sands and the potential to supply U.S. energy needs. We must continue to work closely with our neighbors on the north on this important security issue.

WEST GEORGIA BOYS AND GIRLS CLUB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Madam Speaker, I rise today to honor the West Georgia Boys and Girls Club, an exemplary community organization in the 11th District of Georgia.

The West Georgia Club serves the youth of Troup and Meriwether counties, and it does so with distinction. The four facilities operated by the Boys and Girls Club are always buzzing with students, volunteers, friends and events.

On an average day, you will find a host of activities that contribute to the Boys and Girls Club's goal of providing every child with the essential tools needed for success and a bright future.

After-school tutoring gives students the skills they need to achieve. Friday night movies and social events give teens an alternative to street life. Service projects, leadership and skill development, even National Kids Day are all part of what makes the West Georgia Boys and Girls Club a true leader in community involvement and service.

And do not just take my word for it. The West Georgia Club has been recognized and honored on a national level for their amazing work with the youth of Georgia. At the 2005 Boys and Girls Club National Conference in California this year, the West Georgia club won seven national awards. That is right, seven awards.

These included awards for public service announcements, special events, web page, newsletter and even their annual telethon, which I was proud to participate in this year. Most impressively, the West Georgia Boys and Girls Club was selected as the best overall program for clubs with a budget under $400,000.

Madam Speaker, an organization is only as successful as the men and women who commit their time to making it great. And the West Georgia Club has a first rate team. Chris Patton and Wally West oversee the club, and its board members, Judy Wilkerson, Linda Griffies, Emmitt Clark, Mel Jackson-Kendrick, Frank Walls, Rev. Dalton Hammock, Charlie Martin and the many other volunteers from Troup and Meriwether counties give their time to ensure this club is one of the best in the Nation.

It is the commitment and creativity of community organizations like the West Georgia Boys and Girls Club that make our neighborhoods more than simply a collection of homes and buildings. The American spirit is alive and well at the West Georgia Club, and the beneficiaries in our community have a brighter future because of the club's dedication.

Madam Speaker, I ask that you join me in thanking the West Georgia Boys and Girls Club for their creativity, their commitment and, above all, their willingness to help those in need.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FREEZING IN THE DARK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, when the ladies of the gulf, Katrina and Rita, came barreling through recently, we learned many lessons. Unfortunately, in the aftermath we learned that the gulf coast oil and natural gas production can be easily disrupted to the detriment of the Americans. Although there were around 2,900 platforms pelted in the path of the ladies of the gulf, very little environmental impact resulted. In the wake of these hurricanes, the need for American petroleum and natural gas and dependence on ourselves has become evident.

□ 1600

The United States must be more self-sufficient when it comes to energy.

The United States imports 60 percent of its crude oil from foreign countries. In doing so, we are subject to the illegal price fixing cartel known as OPEC. The Gulf of Mexico is responsible for one-third of the domestic oil production and 22 percent of the domestic natural gas production. We learned

from Katrina and Rita, oil and natural gas production can be disrupted to the detriment of consumers throughout the United States because production is too concentrated in the gulf coast region.

To correct these problems, I have introduced H.R. 3811. This legislation would allow for safe oil and natural gas exploration along the Outer Continental Shelf. This bill would do away with all appropriation moratoriums and executive orders that limit leasing activities, while maintaining environmental safeguards.

It is imperative that the United States begin drilling in other parts outside of the gulf. Madam Speaker, as my colleagues can see from this map, there is a wide range of areas where we can drill. Right now, the United States drills right here off my home State of Texas and Louisiana; yet, there is crude oil still in the Gulf of Mexico, on the east coast and, yes, Madam Speaker, even off the sacred coast of California. It is imperative that we think and consider drilling in these areas.

Since the 1980s, Congress has been placing appropriations moratoriums on drilling on all of these red areas that are outlined on this map. They are doing so by withholding leases. It started in California, and now about 90 percent of the Outer Continental Shelf is off limits to energy developments. All these people on these coastal States want cheap gasoline, they want natural gas, but they say do not drill in our neighborhood.

Madam Speaker, this is hypocritical. This does not make sense. It violates common sense. In this Outer Continental Shelf, there are about 300 cubic feet of natural gas and more than 50 billion barrels of oil yet to be discovered, enough to replace current imports from the Persian Gulf for 60 years and produce sufficient natural gas to heat 75 million homes for 60 years.

Madam Speaker, it would seem to me that opening up these areas would be the obvious choice. We are the only major industrial power in the world that has this silly rule about not drilling off our own shores. They drill in the North Sea, and around the world, and yet, they do so safely.

My bill would allow the Department of the Interior's Mineral and Mining Service to begin processing these leases. This would bring in additional lease revenue to Americans. Right now, Americans are receiving in this blue area $7.5 billion a year in lease revenue. Imagine what we could get from these red areas if we allowed drilling in these areas.

It is important that we use some common sense. Americans worry about skyrocketing energy prices and want solutions. The decision on where to drill is going to have to be made and made soon. This is a price issue, but it is also a national security issue.

Hurricane season is not over and it will be back next year. It is inevitable that more storms will come down hurricane alley right here in the gulf, and they are going to stop in Louisiana or Texas. With all the rigs in the same place, we are destined to repeat history. Although most of the rigs survived Hurricanes Rita and Katrina with minimal damage, there will be more storms, wind and disasters.

Those that say no to offshore drilling have no solutions to the energy problem. We can drill offshore safely, environmentally correct, when you get over the fear factor proposed by the anti-drilling people, and take control of our own energy needs. Otherwise, Madam Speaker, we will freeze in the dark. That is just the way it is.

The SPEAKER pro tempore (Mrs. SCHMIDT). Under a previous order of the House, the gentleman from Virginia (Mr. FORBES) is recognized for 5 minutes.

(Mr. FORBES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. DREIER. Madam Speaker, I ask unanimous consent to take the 5 minutes that the gentleman from Indiana (Mr. BURTON) would have had.

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

There was no objection.

THE GROWTH OF THE U.S. ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Madam Speaker, I rise this afternoon to talk about a very important issue which, frankly, has not gotten a great deal of attention and that is the growth of the U.S. economy and what it is we have been able to see over the past several weeks and months.

Virtually everyone has acknowledged the fact that Hurricane Katrina was, if not the worst, one of the worst natural disasters to hit the United States of America, and we all know that in the wake of that disaster where we saw the tragic loss of life and, of course, the devastation of property along the gulf coast, we assumed that there would be a very, very deleterious effect on the U.S. economy. Today, we received what is news that is not what you would call overwhelmingly positive, but certainly not news that was anything like what had been anticipated.

Today, we received the news that following the tragedy of Hurricane Katrina there has been a net job loss based on the payroll survey, which is the old survey structure that has been put into place to determine the jobless rate in the country, a payroll jobs rate reduction of 35,000 nationwide.

Madam Speaker, I think it is important to note that many economists had predicted that that job loss number was going to be in excess of 200,000 in the wake of the tragedy of Hurricane Katrina and Hurricane Rita. I think it is important to also recognize that as we focus attention from the United States Congress and the State and local officials, the President of the United States, focus on reconstruction, dealing with the tragic circumstances in the aftermath of Hurricane Katrina, one of the most important things we can do is to make sure that the entire U.S. economy continues to grow as boldly and as dynamically as possible.

Let us look at the policies that we have seen put into place that have led to tremendous economic growth. We saw throughout the year of 2004 gross domestic product growth of 4.4 percent, a very positive sign of growth. This year, the number has not been quite as high, about 3.3 percent on average of GDP growth. So we have gone through the 15th quarter of positive economic growth, a very, very good indicator of what we can do as a Nation to help address the needs of those who have been victimized by this natural disaster.

One of the things that has happened is we have seen many people from that region obviously find job opportunities in other parts of the Nation. I was in my original hometown of Kansas City, Missouri, just a few weeks ago, and I met a man who said he had worked at Brennan's Restaurant in New Orleans, and he is now working in a food service capacity in Kansas City. Obviously, economic growth in other parts of the country played a role in creating opportunities for people who were subjected to that horrible natural disaster.

So, Madam Speaker, one of the things that we have got to do is make sure that we continue to keep in place our very positive, pro-growth, pro-trade, pro-economic opportunity policies.

Now, what are those policies? Those policies obviously consist of tax reduction. Tax reduction has stimulated the economy and, in fact, as we all know, generated a level of revenues to the Federal Treasury that exceeded expectations. In fact, it exceeded expectations to the point where we have now received $94 billion in unanticipated revenues to the Federal Treasury, reducing the deficit projection from the February projection by, as I said, $94 billion.

Madam Speaker, that is a very positive sign. It is not a Republican number that I am offering. That is a number that has come from the nonpartisan Congressional Budget Office. Again, it is tax cuts that have brought

about this positive, positive economic growth.

Unfortunately, many of my colleagues on the other side of the aisle during 2001, 2002, 2003, said if we cut taxes we are going to send the U.S. economy right into the dumpster and we will send the deficit sky-high. Time and time again, many of my friends and I would appear on different programs, and that was what I heard, over and over and over again: Any kind of tax cut is going to exacerbate the deficit and ruin the U.S. economy. Madam Speaker, we have found the exact opposite to be the case.

Similarly, as we look at the trade issue, 94 percent of the world's consumers are outside of our U.S. borders. We need to do everything that we can to continue to open up new markets for U.S. goods and services.

We have put into place positive trade and growth policies, and those policies are, I am very happy to say, helping the United States of America and creating opportunity for even those victims of the tragedies on the gulf coast.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey addressed the House. His remarks will appear thereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

(Mr. MCCOTTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. TOM DAVIS) is recognized for 5 minutes.

(Mr. TOM DAVIS of Virginia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE DEFICIT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes as the designee of the minority leader.

Mrs. JONES of Ohio. Madam Speaker, I rise at a perfect opportunity to talk about the deficit.

The gentleman from California (Mr. DREIER), my colleague, would have the American public believe that we are in great shape. What he did not tell us was that the deficit currently is $8 trillion; that 20 percent of that deficit is owned by Japan, China and other foreign countries; that 40 percent of that deficit, in fact, is a trade-off between our various agencies in the Federal Government; and that our children and our grandchildren are going to be paying on that deficit. He then wants us to believe that, as a result of the tax cuts, the economy's in great shape, but give me a break. Stop trying to fool the American public.

The reality is, as a result of those tax cuts, this $8 trillion deficit currently exists, and as we continue to throw money after money over to Iraq and rebuild Iraq, give them education, give them health care, rebuild their infrastructure, we are failing to even want to spend time to rebuild the infrastructure of New Orleans, Mississippi and Alabama, and in fact, have not even contemplated how we are going to pay for the Katrina loss. But let me give my colleagues some other news.

It is, in fact, true that the Republicans are proposing to offset the cost of Katrina against people who can least afford to lose dollars, and they are going to use dollars that go to low-income folks, Medicare, Medicaid. They are going to use dollars that go to college education. They are going to use dollars that go towards the HUD department that provides for housing, and the list goes on.

So I do not know how he could stand on the floor of this House and make people of America think that we are doing well. We are really not, and in fact, the trade deficit continues to rise, and people in America are still out of work, while many of the companies are going across the border or across the seas and giving jobs to people in China and other countries.

The gentleman from California (Mr. DREIER) needs a wake-up call so we can begin to tell the people of America the truth.

ENERGY BILL VOTE

Mrs. JONES of Ohio. Madam Speaker, let me switch horses just for a moment and talk about what just happened on the floor of the House.

We just had a vote on the energy bill, and my colleagues will recall that the vote, when it began, was supposed to be a 5-minute vote. Ultimately, it ended up probably being a 45-minute vote, and again, the Republicans are twisting arms of their colleagues to get them to vote in support of a bill when, in reality, they would not have done that. In fact, there are many times on the floor of the House when the vote should have been called and it was not.

I am going to quote some of my colleagues specifically on this issue. The gentlewoman from New York (Ms. SLAUGHTER), my colleague says, Once again, on an issue of critical importance to the American people, the Republican majority has chosen to trample the democratic process and manipulate the outcome of a vote on the floor of the House of Representatives after the vote was completed. This is unethical subversion of our democracy, and the Republican leadership has brought shame on themselves in the House of Representatives. Unquote.

One would think that this was the first time that the Republican leadership had made a decision to trample on the rights of the people and to engage in shameless conduct by twisting arms on the floor of the House, but let me give my colleagues some background when this has happened previously.

On October 7, 2005, this is the bill we are talking about right now, the Gasoline for America's Security Act. The vote began at 1:57 p.m., a 5-minute vote. It was gaveled down at 2:43 p.m., some 46 minutes later.

On July 27 and 28, the legislative day of July 27, on the CAFTA, the vote started at 11:00 p.m. and went on till 1:20 a.m. Vote 442, it lasted 63 minutes. It originally was supposed to be a 15-minute vote.

In previous Congresses, on July 8, 2004, it was the Sanders amendment on the PATRIOT Act to the fiscal year 2005 Commerce Justice State appropriations bill. That was a 38-minute vote.

On March 30, 2004, on a motion to instruct conferees on PAYGO on the fiscal year 2005 budget resolution, it was a 28-minute vote when it should have been a 5-minute vote.

On November 22, 2003, the final passage of the conference report on H.R. 1, the prescription drug bill, imagine this, a 3-hour vote. During this time frame bribes allegedly offered.

On final passage of H.R. 1, the prescription drug bill, it was 50 minutes.

On March 20, 2003, final passage of the budget resolution, it was 26 minutes long.

On July 12, 2001, the campaign finance bill, this was a timeout to determine what was to occur next on the floor, 13 minutes.

On October 9, 1997, passage of fiscal year 1998 D.C. appropriations bill, 33 minutes.

The longest votes prior to the Republican majority in the House, October 3, 1994, a timeout to accommodate changes in the floor schedule was only 44 minutes.

□ 1615

And the list goes on.

Madam Speaker, this is a specific example of how the Republican leadership has used the floor because they are in the majority to push and shove and make people vote the way they want them to vote instead of the way in which the Member had chosen to vote previously. I call upon the American people to pay attention because as time goes along, it will be revealed what is happening on the floor of this House.

Let me switch veins one more time. Everybody has been talking about Hurricane Katrina and Hurricane Rita. Let

us talk about Hurricane Katrina 1 month later. It has been 1 month since Hurricane Katrina devastated the gulf coast region; yet as of September 27, less than one-tenth of the relief authorized by Congress has reached the 1.2 million households impacted by the storm and thousands of households have received no relief from FEMA at all.

Little wonder, since instead of providing relief to the survivors of the storms the Republicans continue to focus on special interests by appointing political cronies such as Michael Brown and David Safavian, who take jobs they are not qualified for and who unfairly award contracts to their supporters.

Here is a closer look at how the Republican failures are impacting the survivors of Katrina. Health care: Republican red tape leaves hurricane victims without care. Nearly one in four people living at the Houston shelters reported a time since the hurricane hit when they simply could not get the medical care they needed. This administration has failed simply to provide for basic health care needs of the Hurricane Katrina survivors.

Instead, they are pursuing a confusing and limited bureaucratic health care waiver approach that is making it difficult for Hurricane Katrina survivors to know what their health benefits are and which may leave many survivors, such as childless adults or poor parents, without any access to care at all and States without Federal funding to assist evacuees.

Democrats support a bipartisan simple and fair solution to ensure that all victims of the hurricane have temporary access to the basic care they need. They want to cut the red tape by allowing Medicaid to provide temporary health care coverage.

Now, with regard to housing, the Republicans have left thousands without a place to call home. A full 3 weeks after Katrina hit, fewer than 13,000 of the 200,000 families in need of housing assistance have received any help from the administration, even though there are more than one million low-cost rental units available in the South.

First, the administration proposed purchasing 300,000 travel trailers, recreational vehicles and manufactured housing, only to find that some of the orders may take a year to fill and only one-third of the proposed sites for the housing and the necessary infrastructure are in place. Then FEMA chartered cruise ships as temporary shelters, with little understanding that living on a ship at sea would make it difficult to find jobs and schooling. Then the President announced an urban homestead initiative which will provide little more than a lottery of properties held by the Federal Government that will help only a fraction of the affected families.

It was not until nearly 1 month after the disaster struck that the Bush administration finally announced it would begin to provide rent payments to families displaced by the storm.

Democrats have proposed using emergency housing vouchers to meet immediate needs and support funding for construction and repair of affordable housing in the disaster area. Let me take a note from this and say that also Democratic Members of the Congress have proposed various tax initiatives to encourage people to move back to the areas from which they left.

One of the pieces of legislation that I introduced provides specifically a tax credit or a tax incentive for families to go back and build where they lived. It would be like a first-time home buyer program that would allow them to build back in the community where they lived. Because basically it is possible, based on all that we can see, that many of the families who would want to move back to the various areas which have been affected would not be able to afford to move back to those communities.

I also have proposed in a piece of legislation that I have authored that the low-income housing tax credit be doubled in order to encourage developers to build in many of these areas. Currently, it is 1.78. Under the proposal that I have presented, it would be doubled to 3.50 to allow developers to be encouraged to build in those communities.

It is high time that we stop talking about assisting the victims of Katrina and Rita and give them what they need to be successful.

In addition, let us talk about economic security. As many as 400,000 individuals have lost their jobs as a result of Hurricane Katrina; yet the Republicans have proposed no changes to extend unemployment assistance. Unemployment benefits are the lowest in the country in the three impacted States, averaging less than $200 per week, or about 50 percent of the poverty level of a family of four.

Rather than acting to help working families, the Bush administration has cut the wages of workers working on Katrina reconstruction by suspending the Davis-Bacon rules in the gulf region which requires a payment of prevailing wage. Now, if we are going to talk about poor people in the United States of America, and then we are going to pay them below the prevailing wage, how do we expect they are going to be able to take care of their families and to afford health insurance, if that is the case?

It does not make sense at a time when the President says that poverty and racism are actually the outcome of what we see with Katrina and across this country that we would want to pay families at below prevailing wages. Also, in the process of putting in place these economic programs, the President has proposed that affirmative action policies not be put in place. Again, most of the people involved in the Katrina and Rita hurricanes were African Americans. Why would you not want to include in there some chances or opportunities to include affirmative action?

And the list goes on, as we talk about education and the opportunity for these young people to move into school systems or move into other colleges to be successful. We go on to talk about the process that the administration has instead chosen to advance the controversial agenda for education vouchers to private schools.

Some people may want to attend private schools, but many of the children may want to attend the kind of school they were attending before, a public school, where you have a diversity of students in the system. It is a shame that after all that we have gone through, after all the suffering that we have seen as a result of Katrina that we would not have in place a system, some 30-some days later, to support and encourage the people of the particular areas.

I also want to talk about the problem that we see with regard to first responders. They were supposed to, meaning the administration and this Congress, provide dollars to the various areas to support first responders. Instead, they have decided to not meet the needs of the first responders. Additionally, when Hurricane Katrina hit, emergency personnel were on at least five different channels, which was making communications difficult. Instead of fixing the problem for first responders in communicating with each other, the Republicans allowed it to fester.

We all recognized the problem we saw on 9/11, that the first responders had no way of communicating with one another. You would have thought, understanding that, that before another event occurred, such as Katrina or Rita, that we would have put in place a system and dollars for first responders to be able to communicate with one another. But we did not fix that.

One hopes that as the weeks and months go along that this Republican Congress, this majority Republican Congress, would attempt to address the issues that are important to the people of America, such as our first responders; that they will look at a real energy bill, instead of the one they placed on the floor and beat people into submission to vote for; and that they would also look at this culture of cronyism, wherein only their friends have an opportunity to bid on contracts.

Excuse me, they do not even have to bid on the contracts. Only their friends have access to contracts, wherein they have an opportunity to do the work that is created as a result of the disasters in our country.

As I close, Madam Speaker, this afternoon, I would say to the American public that there is a lot for you to take a look at and understand what is happening here on the floor of the House of Representatives, this pushing and arm twisting, the cronyism and the like.

Because, Madam Speaker, in the upcoming weeks we will be involved in a lot of issues that are going to come before this Congress that will be important to the American public, such as additional issues with regard to energy. And this happening at a time when the American public expects that we are going to be operating aboveboard and we are going to be operating in a way in that all of us can stand up and say that we are proud to be Americans; that we are proud to be a part of a Congress of the United States that acts appropriately; and that we are proud to support and help those who are most in need of our help.

CONGRATULATIONS TO CLEVELAND CITY COUNCIL PRESIDENT, FRANK JACKSON

Mrs. JONES of Ohio. Madam Speaker, if you would allow me, on a wholly different issue, I would like to take this opportunity at this time to congratulate the council president of the city of Cleveland, Frank Jackson. Frank Jackson just won the mayoral primary in the city of Cleveland, beating out the current mayor by some 4,000 votes. So this gives me a great opportunity to congratulate him for the work that he has done.

FURTHER MESSAGE FROM THE SENATE

A further 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:

H. Con. Res. 263. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

APPOINTMENT OF HON. JEAN SCHMIDT TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS ON TODAY

The SPEAKER pro tempore (Mrs. SCHMIDT) laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, Oct. 7, 2005.

I hereby appoint the Honorable JEAN SCHMIDT to act as Speaker pro temore to sign enrolled bills and joint resolutions on this day.

DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

TRIBUTE TO LINDA HOPKINS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Madam Speaker, I want to come and join with hundreds of people who yesterday had the exciting experience of being in Hollywood on the Walk of Fame for a famous jazz and blues singer, Linda Hopkins, who received her star on the Hollywood Walk of Fame.

Linda Hopkins was honored with the 2,292nd star on the world-famous Hollywood Walk of Fame yesterday, October 6, at 11:30 a.m. in front of the Pantages Theatre. Johnny Grant, Honorary Mayor of Hollywood and Chairman of the Walk of Fame Committee, presided over the event.

Hopkins made her singing debut at the age of 3 in her hometown church in New Orleans and grew up to become an internationally acclaimed vocalist and actress. Hopkins was inspired by blues legend Bessie Smith and began to sing her songs and conceived, wrote, and starred in the one-woman musical, ''Me and Bessie.'' The musical was the longest running show in the history of Broadway and the only one written by an African American woman. It also won the coveted Drama Desk Award.

In 1972, she won the Tony Award for best supporting actress for her performance in ''Inner City.'' Hopkins toured with such artists as Sammy Davis, Jr. and Bradford Marsalis. From 1985 through 1997, Hopkins co-starred in the play ''Black and Blue'' on Broadway and in Paris.

□ 1630

She also holds the record for the most guest performances on Johnny Carson's ''Tonight Show'' with more than 148 appearances. She recently returned from working on ''Wild Women Blues'' which she created and toured throughout Europe. She will return to the show in December. Hopkins continues her work in the community by helping the homeless, presenting and assisting new and young artists in the performing arts community, and doing outreach to local communities to promote economic development.

Mr. Speaker, I want to say congratulations to Linda once again, and we are so very pleased to be the ones to nominate Linda. It took us a few years, but she got that star on the Walk of Fame.

LINDA HOPKINS TO RECEIVE STAR ON HOLLYWOOD WALK OF FAME TODAY

Singer Linda Hopkins will be honored with the 2,292nd star on the world famous Hollywood Walk of Fame on Oct. 6, 11:30 a.m., in front of Pantages Theatre, 6233 Hollywood Blvd. Johnny Grant, Honorary Mayor of Hollywood and Chairman of the Walk of Fame Committee, will preside over the event.

Hopkins made her singing debut at the age of three in her hometown church in New Orleans and grew up to become an internationally acclaimed vocalist and actress. Hopkins was inspired by blues legend Bessie Smith and began to sing her songs and conceived, wrote and starred in the one-woman musical, ''Me and Bessie.'' The musical was the longest running show in the history of Broadway and the only one written by an African American woman. It also won the coveted Drama Desk Award.

In 1972, she won the Tony Award for Best Supporting Actress for her performance in ''Inner City.'' Hopkins toured with such artists as Sammy Davis Jr. and Branford Marsalis. From 1985 through 1997, Hopkins co-starred in the play ''Black and Blue'' on Broadway and in Paris. She also holds the record for most guest performances on Johnny Carson's ''Tonight Show,'' with more than 148 appearances. She recently returned from working on ''Wild Women Blues,'' which she created and toured with throughout Europe. She will return to the show in December.

Hopkins continues her work in the community by helping the homeless, presenting and assisting new and young artists in the performing arts community and doing outreach to local communities to promote economic development.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. POE (at the request of Mr. BLUNT) for today until 1:45 p.m. on account of official business in his district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LIPINSKI) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, today.

Mr. TOM DAVIS of Virginia, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. DREIER, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

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

ADJOURNMENT

Mrs. JONES of Ohio. Madam Speaker, pursuant to House Concurrent Resolution 263, 109th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mrs. SCHMIDT). Pursuant to House Concurrent Resolution 263, 109th Congress, the

House stands adjourned until 2 p.m. on Monday, October 17, 2005.

Thereupon (at 4 o'clock and 31 minutes p.m.), pursuant to House Concurrent Resolution 263, the House adjourned until Monday, October 17, 2005, at 2 p.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. S. 1339. An act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994 (Rept. 109–246). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mrs. MALONEY (for herself, Mr. JEFFERSON, Mr. MELANCON, Mr. GRIJALVA, Mr. SERRANO, Mr. CROWLEY, Mr. MEEKS of New York, and Ms. DELAURO):

H.R. 4012. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to modify the terms of the community disaster loan program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CANNON:

H.R. 4013. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for conjunctive use of surface and groundwater in Juab County, Utah; to the Committee on Resources.

By Mr. HYDE (for himself and Mr. LANTOS):

H.R. 4014. A bill to reauthorize the Millennium Challenge Act of 2003, and for other purposes; to the Committee on International Relations.

By Mr. NUNES (for himself, Mr. DOOLITTLE, Mr. POMBO, Mr. BOEHNER, Mr. RENZI, Mr. PORTER, Mr. FRANKS of Arizona, Mr. HERGER, Mr. GIBBONS, Mr. HAYWORTH, Mr. THOMAS, Mr. BACA, Mr. CARDOZA, Mr. COSTA, Mr. DANIEL E. LUNGREN of California, Mr. FILNER, Mr. FARR, Ms. WOOLSEY, Ms. ZOE LOFGREN of California, Ms. HARMAN, Mrs. NAPOLITANO, Mr. DUNCAN, Mr. HOLDEN, Mr. SESSIONS, Mr. THOMPSON of California, Ms. BERKLEY, Mr. PASTOR, and Ms. MATSUI):

H.R. 4015. A bill to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes; to the Committee on Agriculture.

By Mr. GEORGE MILLER of California (for himself, Ms. PELOSI, Mr. KILDEE, Mr. DAVIS of Alabama, Mr. OWENS, Mr. PAYNE, Mr. SCOTT of Virginia, Ms. WOOLSEY, Mr. HINOJOSA, Mrs. MCCARTHY, Mr. HOLT, Ms. MCCOLLUM of Minnesota, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. BISHOP of New York, Ms. LEE, Ms. WASSERMAN SCHULTZ, Mrs. MALONEY, Mr. CONYERS, Mr. BROWN of Ohio, Mr. STARK, Ms. WATSON, Mr. JEFFERSON, Mr. CUMMINGS, Mrs. NAPOLITANO, and Ms. BORDALLO):

H.R. 4016. A bill to provide assistance to revitalize institutions of higher education affected by the Gulf hurricane disasters; to the Committee on Education and the Workforce, and in addition to the Committee on the Budget, 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. SAM JOHNSON of Texas (for himself and Mr. MARCHANT):

H.R. 4017. A bill to provide assistance for the education of elementary and secondary students; to the Committee on Education and the Workforce.

By Mr. BOEHNER (for himself, Mr. DELAY, Mr. BLUNT, Mr. SAM JOHNSON of Texas, Mr. KLINE, Mr. MARCHANT, Ms. FOXX, Mr. CHOCOLA, Mr. DOOLITTLE, Mr. FLAKE, Mr. FRANKS of Arizona, Mr. MCHENRY, Mr. PENCE, Mr. SESSIONS, Mr. SHADEGG, and Mr. TIAHRT):

H.R. 4018. A bill to repeal certain education provisions; to the Committee on Education and the Workforce.

By Mr. CANNON:

H.R. 4019. A bill to amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts (for himself, Mr. SANDERS, Mr. JEFFERSON, and Mr. MELANCON):

H.R. 4020. A bill to authorize the Community Development Financial Institutions Fund to conduct a special round of funding in fiscal year 2006 for assistance in areas affected by Hurricane Katrina, and for other purposes; to the Committee on Financial Services.

By Ms. NORTON:

H.R. 4021. A bill to permit statues honoring citizens of the District of Columbia to be placed in Statuary Hall in the same manner as statues honoring citizens of the States are placed in Statuary Hall, and for other purposes; to the Committee on House Administration.

By Mr. ROSS:

H.R. 4022. A bill to require health insurance coverage for certain reconstructive surgery; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACHUS (for himself, Mr. MOORE of Kansas, Mr. WAXMAN, Mr. WELDON of Pennsylvania, Ms. WASSERMAN SCHULTZ, Mr. MCDERMOTT, Mr. BOSWELL, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Mr. UDALL of New Mexico, Mr. PRICE of North Carolina, Mrs. MCCARTHY, Mr. MELANCON, Mr. DOGGETT, Mr. BISHOP of New York, Mr. NADLER, Mr. LARSON of Connecticut, Ms. JACKSON-LEE of Texas, Mr. MEEHAN, Ms. SLAUGHTER, Mr. ACKERMAN, Mr. RAHALL, Mr. HOYER, Mr. LEWIS of Georgia, Ms. KAPTUR, Mr. CARDIN, Mr. KENNEDY of Rhode Island, Mr. HINCHEY, Mr. WEINER, Mr. MARKEY, Mrs. DAVIS of California, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. VAN HOLLEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BLUMENAUER, Mr. HOLT, Ms. CARSON, Ms. DELAURO, Ms. SOLIS, Mr. MORAN of Virginia, Mr. CLEAVER, Ms. SCHWARTZ of Pennsylvania, Mr. KILDEE, Mr. CARNAHAN, Mr. MATHESON, Mr. CARDOZA, Mr. WU, Mr. SPRATT, Mr. DAVIS of Tennessee, Mrs. NAPOLITANO, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. HOLDEN, Ms. BERKLEY, Mr. GILLMOR, Mr. SCHIFF, Mr. HONDA, Mr. EDWARDS, Mr. ISRAEL, Mr. CONYERS, Ms. ZOE LOFGREN of California, Mr. INSLEE, Mr. NEAL of Massachusetts, and Mr. TOM DAVIS of Virginia):

H.R. 4023. A bill to require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers; to the Committee on Energy and Commerce.

By Mr. BAKER (for himself and Mr. JEFFERSON):

H.R. 4024. A bill to make funds available for community disaster loans to assist local governments in providing essential services following Hurricane Katrina, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BARROW (for himself, Mr. FILNER, Mr. MICHAUD, Mr. JONES of North Carolina, Mr. EVANS, Ms. HERSETH, and Mr. BROWN of Ohio):

H.R. 4025. A bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CROWLEY (for himself, Mr. ISRAEL, Mr. GRIJALVA, Ms. WASSERMAN SCHULTZ, and Mr. DAVIS of Illinois):

H.R. 4026. A bill to amend the Internal Revenue Code of 1986 to allow nonrefundable credits against income tax for certain gasoline, diesel fuel, and home energy consumption expenses, and for other purposes; to the Committee on Ways and Means.

By Mr. CUMMINGS:

H.R. 4027. A bill to establish a short-term moratorium on the payment of principal or interest on certain mortgage loans secured by residential or commercial real estate located in any area declared to be a Federal disaster area due to Hurricane Katrina or Hurricane Rita, and for other purposes; to the Committee on Financial Services.

By Mr. DAVIS of Tennessee:

H.R. 4028. A bill to require employers of temporary H-2A workers to pay such workers at least the greater of the Federal or State minimum wage rate; to the Committee on the Judiciary.

By Ms. DELAURO:

H.R. 4029. A bill to ensure fairness in gasoline, diesel fuel, and home heating oil prices; to the Committee on Education and the Workforce.

By Ms. DELAURO (for herself, Mr. BROWN of Ohio, Ms. CARSON, Mr. POMEROY, Mr. GRIJALVA, Mr. PRICE of North Carolina, and Ms. SCHAKOWSKY):

H.R. 4030. A bill to amend the Internal Revenue Code of 1986 to repeal the inflation adjustment of the earned income threshold used in determining the refundable portion of the child tax credit and to restore the threshold to its original amount; to the Committee on Ways and Means.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. PUTNAM, Ms. HARRIS, Mr. FOLEY, Ms. WASSERMAN SCHULTZ, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MILLER of Florida, Mr. MEEK of Florida, and Ms. ROS-LEHTINEN):

H.R. 4031. A bill to provide assistance to nursery crop and tropical fruit producers whose agricultural operations were severely damaged by Hurricane Dennis, Hurricane Katrina, or Hurricane Rita in 2005; to the Committee on Agriculture, and in addition

to the Committee on the Budget, 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. DOOLITTLE:

H.R. 4032. A bill to amend the Immigration and Nationality Act to remove the discretion of the Secretary of Homeland Security with respect to expedited removal under section 235(b)(1)(A)(iii)(I) of such Act and to amend the Truth in Lending Act to prohibit issuance of residential mortgages to illegal aliens; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself, Mr. TERRY, Mr. SHIMKUS, Mr. WAXMAN, Mr. WHITFIELD, Mr. BROWN of Ohio, Ms. ESHOO, Mr. TOWNS, Mr. RUSH, Mrs. CAPPS, Mr. ALLEN, Mr. RANGEL, Mr. FOLEY, Mr. MCNULTY, Mr. MCHUGH, Ms. ROS-LEHTINEN, Mr. MCDERMOTT, Ms. DELAURO, Mr. SHAYS, Mr. JEFFERSON, Mr. GOODE, Mr. LANTOS, Ms. BERKLEY, Mr. CALVERT, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. MOORE of Kansas, Ms. JACKSON-LEE of Texas, Mr. ABERCROMBIE, Ms. CARSON, Mr. CROWLEY, Mr. FILNER, Mr. GRIJALVA, Mr. HIGGINS, Mr. HINCHEY, Mr. KUCINICH, Mr. LYNCH, Mr. RUPPERSBERGER, Mr. SANDERS, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. WEINER, Mr. WEXLER, Mr. CAPUANO, and Mr. OWENS):

H.R. 4033. A bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry; to the Committee on Energy and Commerce.

By Mr. GARRETT of New Jersey:

H.R. 4034. A bill to allow a deduction for 100 percent of medical expenses, not compensated for by insurance or otherwise, for taxpayers residing in the Hurricane Katrina disaster area; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 4035. A bill to amend the Internal Revenue Code of 1986 to eliminate capital gains taxes on investments in the Hurricane Katrina disaster area to reduce the estate tax for victims of Hurricane Katrina; to the Committee on Ways and Means.

By Mr. GILLMOR (for himself and Ms. DEGETTE):

H.R. 4036. A bill to amend the Public Health Service Act to allow qualifying children's hospitals to participate in the 340B drug discount program; to the Committee on Energy and Commerce.

By Mr. GONZALEZ:

H.R. 4037. A bill to prohibit offering homebuilding purchase contracts that contain in a single document both a mandatory arbitration agreement and other contract provisions, and to prohibit requiring purchasers to consent to a mandatory arbitration agreement as a condition precedent to entering into a homebuilding purchase contract; to the Committee on Financial Services.

By Mr. GONZALEZ (for himself and Mr. REYES):

H.R. 4038. A bill to amend the Immigration and Nationality Act to improve enforcement of restrictions on employment in the United States of unauthorized aliens; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, 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. GREEN of Wisconsin:

H.R. 4039. A bill to amend title XVIII of the Social Security Act to provide for an exception to the reduction in unused medical residency positions for small family practice residency programs under the Medicare Program; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 4040. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for certain attorney fees shall be fully allowable in computing both taxable income and alternative minimum taxable income; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 4041. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for certain flood-related attorney fees shall be fully allowable in computing both taxable income and alternative minimum taxable income; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 4042. A bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA (for himself, Mr. CONAWAY, Mr. RADANOVICH, Mrs. BONO, and Mr. DOOLITTLE):

H.R. 4043. A bill to provide for a report from the National Academy of Sciences on the feasibility and design of a national strategic gasoline reserve; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas:

H.R. 4044. A bill to provide for more efficient and effective protection of the borders of the United States; to the Committee on Homeland Security, and in addition to the Committees on Government Reform, and 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. MALONEY (for herself, Mr. LANTOS, and Mr. BILIRAKIS):

H.R. 4045. A bill to award a congressional gold medal to Rabbi Arthur Schneier in recognition of his pioneering role in promoting religious freedom and human rights throughout the world, for close to half a century; to the Committee on Financial Services.

By Mr. MICHAUD:

H.R. 4046. A bill to amend title 38, United States Code, to provide authority, in certain cases, for the Secretary of Veterans Affairs to provide care for the newborn children of veterans who have been provided maternity care by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. MILLER of Florida (for himself, Mr. PAUL, Mr. BARTLETT of Maryland, Mr. KIND, Mr. SHIMKUS, Mr. DAVIS of Tennessee, Mr. SIMMONS, Mr. COBLE, Mrs. EMERSON, Mr. MATHESON, Mr. GREEN of Wisconsin, Mr. HALL, Mr. FLAKE, Mr. BRADLEY of New Hampshire, Mr. BARRETT of South Carolina, Mr. GINGREY, Mr. KENNEDY of Minnesota, Mr. GIBBONS, and Mr. ENGLISH of Pennsylvania):

H.R. 4047. A bill to amend the Legislative Reorganization Act of 1946 to reduce the rate of pay, and to eliminate automatic pay adjustments, for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Ms. WOOLSEY, Mr. KILDEE, Mr. PAYNE, Mr. SCOTT of Virginia, Mr. HINOJOSA, Mrs. MCCARTHY, Mr. HOLT, Mr. DAVIS of Illinois, Ms. MCCOLLUM of Minnesota, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OWENS, and Mrs. DAVIS of California):

H.R. 4048. A bill to authorize the Secretary of Education to make grants to local educational agencies to restart school operations interrupted by Hurricane Katrina or Hurricane Rita, and for other purposes; to the Committee on Education and the Workforce.

By Mr. POMBO (for himself, Mr. COSTA, Mr. CARDOZA, Mr. CASE, Mr. NUNES, Mr. BACA, Mr. HERGER, Mr. FARR, Mr. RADANOVICH, Mr. BOYD, and Ms. ZOE LOFGREN of California):

H.R. 4049. A bill to authorize the Secretary of Agriculture to enter into cooperative agreements with State and local governments to augment their efforts to conduct early detection and surveillance to prevent the establishment or spread of plant pests that endanger agriculture, the environment, and the economy of the United States; to the Committee on Agriculture.

By Mr. RAMSTAD (for himself, Mr. PETERSON of Minnesota, Mr. OBERSTAR, Mr. UDALL of Colorado, Mr. BEAUPREZ, Ms. MCCOLLUM of Minnesota, Mr. HEFLEY, and Mr. TANCREDO):

H.R. 4050. A bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under Medicare; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REHBERG (for himself, Mrs. CUBIN, and Mr. BISHOP of Utah):

H.R. 4051. A bill to establish the policy of the United States on the size of the land-based intercontinental ballistic missile force; to the Committee on Armed Services.

By Mr. SANDERS (for himself, Mr. GUTKNECHT, Mr. GEORGE MILLER of California, Mr. HINCHEY, Mr. DAVIS of Illinois, Ms. LEE, Mr. BISHOP of New York, Ms. WOOLSEY, Mr. EMANUEL, Mr. MURTHA, Mr. TAYLOR of Mississippi, Ms. BORDALLO, Mr. OBERSTAR, Mr. BRADY of Pennsylvania, Mr. DEFAZIO, Mrs. MALONEY, Mr. BROWN of Ohio, Mr. HOLT, Mr. BERRY, Mr. MARKEY, Mr. GRIJALVA, Ms. KILPATRICK of Michigan, Mr. LANTOS, Mr. FILNER, Mr. UDALL of New Mexico, Mr. MCGOVERN, Mr. KENNEDY of Rhode Island, Mr. FRANK of Massachusetts, Mr. VAN HOLLEN, Mr. DOYLE, Mr. PAYNE, Ms. LINDA T. SÁNCHEZ of California, Ms. MILLENDER-MCDONALD, Mr. OLVER, Mr. PALLONE, Ms. NORTON, Ms. SCHAKOWSKY, Mr. DOGGETT, Mr. EVANS, Mr. VISCLOSKY, Mr. MEEK of Florida, Mr. WEXLER, Mr. BOEHLERT, Mr. MEEKS of New York, Mr. TIERNEY, Mr. ENGEL, Mr. CONYERS, Ms. ESHOO, Mr. ALLEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Mr. LYNCH, Mrs. NAPOLITANO, Ms. JACKSON-LEE of Texas, Mr. STRICKLAND, Mr. ROSS, Mr. SCHIFF, Ms. SLAUGHTER, Mr. MEEHAN, Mr. BLUMENAUER, Mr. MICHAUD, Mr. KILDEE, Mrs. CAPPS, Ms. KAPTUR, Mr.

CASE, Ms. MCCOLLUM of Minnesota, Mr. UDALL of Colorado, Mr. KUCINICH, Mr. CUMMINGS, Mr. SCOTT of Virginia, and Ms. DELAURO):

H.R. 4052. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS (for herself, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mrs. BONO, Mr. CALVERT, Mrs. CAPPS, Mr. CARDOZA, Mr. COSTA, Mr. CUNNINGHAM, Mrs. DAVIS of California, Mr. DOOLITTLE, Ms. ESHOO, Mr. FARR, Mr. FILNER, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Mr. ISSA, Mr. LANTOS, Ms. LEE, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Mr. MCKEON, Ms. MATSUI, Ms. MILLENDER-MCDONALD, Mr. GARY G. MILLER of California, Mrs. NAPOLITANO, Ms. PELOSI, Mr. POMBO, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Mr. ROYCE, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. GRIJALVA, Mr. BISHOP of Georgia, Ms. SCHAKOWSKY, Mr. CONYERS, Mrs. MALONEY, Mr. REYES, Mr. TOWNS, Mr. GONZALEZ, Mr. MORAN of Virginia, Mr. GEORGE MILLER of California, Mr. RADANOVICH, Mr. HUNTER, Mr. DREIER, Mr. NUNES, Mr. GALLEGLY, and Mr. THOMAS):

H.R. 4053. A bill to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the ''Lillian Kinkella Keil Post Office''; to the Committee on Government Reform.

By Mr. SULLIVAN:

H.R. 4054. A bill to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the ''Dewey F. Bartlett Post Office''; to the Committee on Government Reform.

By Mr. VISCLOSKY:

H.R. 4055. A bill to amend the Employee Retirement Income Security Act of 1974 and title 11, United State Code, to provide necessary reforms for employee pension benefit plans; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER:

H. Con. Res. 263. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. HALL, Mr. REGULA, Mr. HYDE, and Mr. DINGELL):

H. Con. Res. 264. Concurrent resolution recognizing veterans who served in the Armed Forces during World War II and supporting the goals and ideals of National World War II Veterans Recognition Week; to the Committee on Veterans' Affairs.

By Mr. KIRK (for himself, Mr. LARSEN of Washington, Mr. DAVIS of Kentucky, Mr. LEACH, Mr. SMITH of Washington, and Mr. DICKS):

H. Con. Res. 265. Concurrent resolution expressing appreciation for the contribution of Chinese art and culture and recognizing the Festival of China at the Kennedy Center; to the Committee on International Relations.

By Mr. TOWNS:

H. Con. Res. 266. Concurrent resolution expressing the sense of Congress that Cote d'Ivoire be encouraged and supported by the United States in its efforts to hold democratic elections in the very near future; to the Committee on International Relations.

By Mrs. JO ANN DAVIS of Virginia:

H. Res. 486. A resolution commending the Coast Guard for its extraordinary efforts in response to Hurricane Katrina and Hurricane Rita; to the Committee on Transportation and Infrastructure.

By Mr. TOM DAVIS of Virginia (for himself, Mr. RANGEL, Mr. CAPUANO, and Mr. ROYCE):

H. Res. 487. A resolution supporting the goals and ideals of Korean American Day; to the Committee on Government Reform.

By Mr. LATOURETTE (for himself, Mr. LOBIONDO, and Mr. MCCOTTER):

H. Res. 488. A resolution requesting that the President transmit to the House of Representatives information in his possession relating to contracts for services or construction related to Hurricane Katrina recovery; to the Committee on Transportation and Infrastructure.

By Mr. LEACH (for himself and Mr. BECERRA):

H. Res. 489. A resolution commemorating the 100th Anniversary of the National Audubon Society; to the Committee on Resources.

By Ms. MILLENDER-MCDONALD:

H. Res. 490. A resolution urging the United Nations to establish a commission on the prevention of slavery, human trafficking, and exploitation; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. HUNTERintroduced A bill (H.R. 4056) for the relief of Fouad Yousef Hakim Mansour and Saheir Gamil Shaker Mansour; 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. 23: Mr. WELDON of Pennsylvania and Mr. ETHERIDGE.

H.R. 34: Ms. SCHWARTZ of Pennsylvania.

H.R. 303: Mr. RADANOVICH.

H.R. 328: Mr. REYES.

H.R. 373: Mr. CLAY.

H.R. 375: Mr. FORBES, Mr. AKIN, and Mr. GOODLATTE.

H.R. 389: Mr. MEEHAN, Ms. HARRIS, Mr. MOLLOHAN, and Mr. HASTINGS of Florida.

H.R. 445: Mr. JONES of North Carolina, Mr. BROWN of South Carolina, and Mr. TAYLOR of North Carolina.

H.R. 457: Mr. GARRETT of New Jersey and Mr. WEXLER.

H.R. 543: Mr. FITZPATRICK of Pennsylvania.

H.R. 552: Mr. GOHMERT.

H.R. 583: Mr. CAMP.

H.R. 586: Mr. SMITH of Washington and Mr. MCCOTTER.

H.R. 594: Mr. WATT.

H.R. 616: Mr. BROWN of Ohio.

H.R. 633: Mr. CLAY.

H.R. 668: Mr. CONYERS.

H.R. 697: Mr. BRADLEY of New Hampshire.

H.R. 699: Ms. MOORE of Wisconsin and Mr. ALLEN.

H.R. 747: Mr. ALLEN and Mr. FRANK of Massachusetts.

H.R. 752: Ms. CARSON.

H.R. 769: Ms. ZOE LOFGREN of California.

H.R. 791: Mr. CONYERS and Mr. CAPUANO.

H.R. 844: Mr. BROWN of Ohio.

H.R. 864: Mr. JOHNSON of Illinois, Ms. ZOE LOFGREN of California, Mr. MATHESON, Mr. MCHUGH, and Mrs. JOHNSON of Connecticut.

H.R. 874: Ms. FOXX.

H.R. 896: Mr. HIGGINS.

H.R. 910: Mr. ABERCROMBIE, Mr. MILLER of North Carolina, and Ms. DEGETTE.

H.R. 923: Mr. HOEKSTRA.

H.R. 949: Mrs. CAPITO.

H.R. 986: Mr. CHANDLER, Mr. SAXTON, Mr. MCGOVERN, and Mr. ROTHMAN.

H.R. 999: Mr. JONES of North Carolina and Mr. ADERHOLT.

H.R. 1002: Mrs. MALONEY.

H.R. 1043: Ms. SCHAKOWSKY.

H.R. 864: Mr. FRANK of Massachusetts, Mr. OLVER, Mr. MARKEY, Mr. RANGEL, and Mr. CROWLEY, and Mr. NADLER.

H.R. 1120: Mr. MICHAUD and Mr. LEACH.

H.R. 1121: Mrs. BIGGERT and Mr. LEWIS of Kentucky.

H.R. 1131: Ms. SCHAKOWSKY, Mr. RUPPERSBERGER, and Mr. MENENDEZ.

H.R. 1176: Mr. AKIN.

H.R. 1102: Mr. RUSH.

H.R. 1190: Mr. CUNNINGHAM.

H.R. 1227: Mr. EHLERS, Mrs. NORTHUP, Ms. GINNY BROWN-WAITE of Florida, Mr. BAKER, Mr. SWEENEY, Mrs. BONO, Mr. FOLEY, Mr. WILSON of South Carolina, Mr. MICA, Mr. WELDON of Pennsylvania, Mr. LEWIS of Kentucky, and Mr. DUNCAN.

H.R. 1246: Mrs. BIGGERT.

H.R. 1264: Mr. ABERCROMBIE, Mrs. LOWEY, Mr. FRANK of Massachusetts, and Mr. ALLEN.

H.R. 1431: Mr. HOLDEN and Mr. CUNNINGHAM.

H.R. 1498: Mr. MOLLOHAN.

H.R. 1558: Mr. ANDREWS and Ms. MCCOLLUM of Minnesota.

H.R. 1577: Ms. ESHOO.

H.R. 1582: Ms. SCHAKOWSKY and Mr. GILLMOR.

H.R. 1590: Mr. BROWN of Ohio.

H.R. 1592: Mr. VAN HOLLEN.

H.R. 1594: Mr. JONES of North Carolina.

H.R. 1646: Mr. THOMPSON of California.

H.R. 1651: Mr. FEENEY.

H.R. 1664: Mr. MILLER of Florida.

H.R. 1671: Mrs. CUBIN and Mr. MCINTYRE.

H.R. 1689: Mr. GONZALEZ.

H.R. 1707: Mr. HASTINGS of Florida and Mr. KILDEE.

H.R. 1709: Mr. MENENDEZ and Mr. VAN HOLLEN.

H.R. 1714: Mr. ISRAEL.

H.R. 1814: Mrs. DAVIS of California.

H.R. 1898: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1940: Mr. ALLEN, Mr. BISHOP of Georgia, Mr. BOEHLERT, Mr. CLYBURN, Mr. ETHERIDGE, Mr. HYDE, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. LYNCH, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. OBERSTAR, and Mr. PASCRELL.

H.R. 1950: Mr. SIMMONS.

H.R. 1951: Mr. CARTER.

H.R. 1952: Mr. TANCREDO.

H.R. 1953: Miss MCMORRIS, Mr. ALEXANDER, Mr. SIMPSON, Mr. NORWOOD, Mr. BARRETT of South Carolina, Mr. SMITH of New Jersey, Mr. FRANKS of Arizona, Mr. PETERSON of Pennsylvania, Mr. BURTON of Indiana, Mr. WESTMORELAND, Mr. MARCHANT, Mr. BUYER, Mr. FOSSELLA, Mr. PITTS, and Mr. CHABOT.

H.R. 2017: Mr. STARK.
H.R. 2048: Mr. SHAW and Mr. MEEK of Florida.
H.R. 2177: Mr. BRADLEY of New Hampshire.
H.R. 2257: Mr. MCNULTY.
H.R. 2308: Mr. LEWIS of Georgia.
H.R. 2356: Ms. HARMAN, Mr. FORD, Mr. PASTOR, Mr. ENGEL, Mr. LATOURETTE, and Mr. GILLMOR.
H.R. 2470: Mrs. KELLY and Mr. CRENSHAW.
H.R. 2533: Mr. REYES, Ms. MOORE of Wisconsin, Mr. CHANDLER, Ms. ZOE LOFGREN of California, Mr. OWENS, Mr. PICKERING, and Miss MCMORRIS.
H.R. 2587: Mr. HUNTER.
H.R. 2662: Mrs. BIGGERT.
H.R. 2669: Mr. BROWN of South Carolina, Mr. EVANS, Mr. KUCINICH, Mr. ANDREWS, and Mr. BLUMENAUER.
H.R. 2671: Ms. BALDWIN, Mr. EMANUEL, and Mr. BOYD.
H.R. 2694: Mr. ROSS.
H.R. 2717: Mr. SHERWOOD, Mr. BROWN of Ohio, Mr. BOUCHER, Mr. NEAL of Massachusetts, and Mr. OWENS.
H.R. 2719: Mr. CONYERS.
H.R. 2793: Mrs. BIGGERT.
H.R. 2811: Ms. CARSON, Mr. PAYNE, Ms. MCCOLLUM of Minnesota, Mr. CUMMINGS, Mr. CONYERS, and Mr. MICHAUD.
H.R. 2869: Ms. BALDWIN.
H.R. 2872: Mrs. LOWEY, Mr. SMITH of New Jersey, Mr. PRICE of North Carolina, Mr. EMANUEL, Mr. KING of New York, Mr. BUTTERFIELD, Mr. LEWIS of Kentucky, Mr. BERRY, and Mr. MARKEY.
H.R. 2874: Mr. LAHOOD and Mr. MENENDEZ.
H.R. 2892: Mr. SERRANO.
H.R. 2962: Mr. FALEOMAVAEGA, Mr. STRICKLAND, and Mrs. CHRISTENSEN.
H.R. 2963: Mr. MARKEY.
H.R. 2989: Mr. SHERMAN.
H.R. 3046: Mrs. LOWEY.
H.R. 3082: Mr. CARTER.
H.R. 3128: Ms. SLAUGHTER.
H.R. 3142: Mr. FILNER and Ms. WOOLSEY.
H.R. 3146: Mr. FORTUÑO.
H.R. 3160: Mr. VAN HOLLEN and Mr. BRADY of Pennsylvania.
H.R. 3171: Mr. KUCINICH.
H.R. 3296: Mr. RUPPERSBERGER and Mr. JEFFERSON.
H.R. 3334: Mr. BECERRA, Mr. MILLER of North Carolina, and Mr. CUELLAR.
H.R. 3360: Mr. KING of Iowa.
H.R. 3380: Mrs. LOWEY.
H.R. 3417: Mr. MCGOVERN.
H.R. 3427: Mr. FARR, Mr. WOLF, Mr. ENGLISH of Pennsylvania, and Mr. MCNULTY.
H.R. 3437: Mr. MCCOTTER.
H.R. 3449: Mr. CLEAVER.
H.R. 3452: Ms. PRYCE of Ohio and Mr. REGULA.
H.R. 3478: Ms. GINNY BROWN-WAITE of Florida.
H.R. 3492: Mr. FILNER and Ms. DELAURO.
H.R. 3505: Mr. LEWIS of Kentucky.
H.R. 3547: Mr. CAPUANO.
H.R. 3548: Ms. VELÁZQUEZ and Mrs. KELLY.
H.R. 3561: Ms. WATSON.
H.R. 3579: Mr. MILLER of North Carolina.
H.R. 3601: Mr. JACKSON of Illinois and Ms. LINDA T. SÁNCHEZ of California.
H.R. 3604: Mrs. NAPOLITANO.
H.R. 3612: Mr. MCCOTTER.
H.R. 3616: Mr. MCCOTTER and Mr. MCHUGH.
H.R. 3622: Mr. CAMP.
H.R. 3628: Mr. GRIJALVA.
H.R. 3639: Ms. MOORE of Wisconsin and Mr. HIGGINS.
H.R. 3641: Mr. BROWN of Ohio.
H.R. 3662: Mrs. CHRISTENSEN and Mr. WYNN.
H.R. 3681: Mr. CARDOZA.
H.R. 3697: Mr. SCHIFF, Ms. SCHWARTZ of Pennsylvania, Mr. BISHOP of New York, and Ms. MOORE of Washington.
H.R. 3698: Mr. KILDEE, Mr. FARR, and Mrs. MCCARTHY.
H.R. 3711: Mr. SCHIFF, Mr. RUSH, Mr. SANDERS, and Mr. FATTAH.
H.R. 3715: Mr. PAUL.
H.R. 3637: Mr. WELLER, Mrs. MILLER of Michigan, Mr. GRAVES, Mr. FORBES, Mr. BEAUPREZ, Mr. CLAY, and Mr. DINGELL.
H.R. 3739: Mr. OSBORNE.
H.R. 3740: Ms. SCHWARTZ of Pennsylvania, Ms. CORRINE BROWN of Florida, and Mr. FATTAH.
H.R. 3774: Mr. RANGEL, Mr. WEXLER, Ms. MILLENDER-MCDONALD, Mr. SANDERS, Ms. SOLIS, Mrs. CHRISTENSEN, Ms. SCHAKOWSKY, and Mr. FATTAH.
H.R. 3776: Mrs. BLACKBURN, Mr. SESSIONS, Mr. GINGREY, and Mr. DEAL of Georgia.
H.R. 3781: Mr. RANGEL, Mr. JEFFERSON, Mr. MCGOVERN, Mr. PAYNE, Mr. DAVIS of Illinois, Mr. MCNULTY, Ms. LEE, and Mr. SHERMAN.
H.R. 3782: Mr. OBEY.
H.R. 3796: Mr. OWENS.
H.R. 3800: Mr. FATTAH.
H.R. 3854: Mr. FRANK of Massachusetts.
H.R. 3858: Mr. FILNER, Mr. TANNER, Ms. LEE, Mr. INSLEE, Mr. FARR, Mr. HINCHEY, Mr. CASE, Mr. KLINE, Mr. MCNULTY, Mr. SPRATT, Mr. NADLER, Ms. BERKLEY, Mr. WAXMAN, and Mr. SNYDER.
H.R. 3860: Mr. ALEXANDER, Mr. FLAKE, Mr. MARCHANT, Mr. WELDON of Florida, Mr. SAM JOHNSON of Texas, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. FEENEY, Mr. SODREL, Ms. FOXX, Mr. FORTUÑO, Mr. NEUGEBAUER, Mr. KLINE, Mr. HENSARLING, Mr. WAMP, Mr. LEWIS of Kentucky, Mr. BARRETT of South Carolina, Mr. BISHOP of Utah, Mr. BARTLETT of Maryland, Mr. CHABOT, and Mr. COLE of Oklahoma.
H.R. 3861: Mr. DEFAZIO, Mr. FATTAH, Ms. WOOLSEY, Mr. LEVIN, and Mr. CAPUANO.
H.R. 3883: Mr. BLUNT, Mr. SMITH of Texas, Mr. THOMPSON of California, Mr. SHAW, Mr. SESSIONS, Mr. JEFFERSON, Mr. GOODE, and Mr. GINGREY.
H.R. 3910: Mr. KLINE and Mr. KUHL of New York.
H.R. 3916: Mr. GRIJALVA.
H.R. 3917: Mr. CONYERS, Mr. HINCHEY, Mr. SANDERS, and Mr. OWENS.
H.R. 3922: Mr. PICKERING.
H.R. 3935: Mr. PETERSON of Pennsylvania, Mr. JENKINS, Mr. ROGERS of Michigan, and Mr. ALEXANDER.
H.R. 3936: Mr. MENENDEZ.
H.R. 3943: Mr. TERRY, Ms. HERSETH, Mr. OTTER, Mr. REHBERG, Mr. HOSTETTLER, Mr. WESTMORELAND, Mr. ROGERS of Alabama, Mr. BROWN of South Carolina, Mr. MICHAUD, Mr. BOYD, Mr. SHUSTER, Mr. BOOZMAN, Ms. GRANGER, Mr. GRAVES, Mr. JONES of North Carolina, Mr. PUTNAM, Mr. DAVIS of Kentucky, Mr. MCHENRY, Mr. GINGREY, Mr. GREEN of Wisconsin, Mr. WAMP, Mrs. CAPITO, Mr. REGULA, Mr. PASTOR, Mr. SENSENBRENNER, Mr. DUNCAN, and Mr. WHITFIELD.
H.R. 3948: Mr. FILNER.
H.R. 3957: Mr. HAYWORTH, Mr. WELLER, and Mr. BECERRA.
H.R. 3960: Mr. CANTOR, Mr. FEENEY, Mr. WELDON of Florida, Ms. FOXX, Mr. FORTUÑO, Mr. PENCE, Mr. FORBES, Mr. SODREL, and Mr. DOOLITTLE.
H.R. 3974: Mr. MCINTYRE, Mr. BUTTERFIELD, Ms. HERSETH, Mr. DAVIS of Tennessee, Mr. BOSWELL, Mr. STRICKLAND, Mr. CHANDLER, Mr. SANDERS, and Ms. KAPTUR.
H.R. 3979: Mr. COSTELLO and Mr. DELAY.
H.R. 3987: Mr. TIAHRT.
H.J. Res. 38: Mr. KENNEDY of Rhode Island and Mr. MORAN of Virginia.
H.J. Res. 55: Mr. OBERSTAR and Mr. DAVIS of Illinois.
H.J. Res. 56: Ms. MCCOLLUM of Minnesota.
H.J. Res. 57: Mrs. DRAKE.
H. Con. Res. 112: Mr. OWENS, Mr. ROSS, and Mr. MCGOVERN.
H. Con. Res. 190: Mr. SHIMKUS.
H. Con. Res. 197: Mr. NADLER.
H. Con. Res. 210: Ms. HARMAN, Ms. LINDA T. SÁNCHEZ of California, Mr. PRICE of Georgia, and Mr. PEARCE.
H. Con. Res. 213: Mr. SHERMAN.
H. Con. Res. 251: Mr. DUNCAN, Mr. DAVIS of Alabama, Ms. CARSON, Mr. GRAVES, Mr. JEFFERSON, Mr. RAHALL, Ms. LEE, Mr. WOLF, Mr. ROSS, Mr. AL GREEN of Texas, and Mr. PRICE of North Carolina.
H. Con. Res. 254: Mr. SANDERS, Mrs. MALONEY, and Mr. BAKER.
H. Con. Res. 260: Mr. HYDE, Mr. LINCOLN DIAZ-BALART of Florida, Ms. PELOSI, Mr. MCNULTY, Mr. PASCRELL, Mr. TANCREDO, Mr. DOGGETT, Mr. KILDEE, Mr. HASTINGS of Florida, Mr. BERMAN, Ms. ESHOO, and Mr. ACKERMAN.
H. Con. Res. 262: Mr. MCNULTY and Ms. SCHAKOWSKY.
H. Res. 97: Mr. NORWOOD, Mrs. DRAKE, and Mr. GOODE.
H. Res. 141: Mr. SOUDER.
H. Res. 166: Mr. CARDIN
H. Res. 286: Mr. NADLER.
H. Res. 323: Mr. SHERMAN and Mr. SERRANO.
H. Res. 363: Mr. JACKSON of Illinois.
H. Res. 411: Mr. BROWN of Ohio, Mr. SCHIFF, and Mr. ROTHMAN.
H. Res. 444: Mr. GENE GREEN of Texas, Mrs. MYRICK, Mr. TOWNS, Mr. PUTNAM, Mr. MATHESON, Mr. SMITH of Washington, and Mr. FITZPATRICK of Pennsylvania.
H. Res. 447: Mr. OWENS.
H. Res. 457: Ms. JACKSON-LEE of Texas and Mr. VAN HOLLEN.
H. Res. 466: Ms. LINDA T. SÁNCHEZ of California.
H. Res. 472: Mr. WEXLER, Mr. RAHALL, Mr. FORTENBERRY, and Ms. WATSON.
H. Res. 473: Ms. KILPATRICK of Michigan, Mr. JACKSON of Illinois, Mr. MEEK of Florida, Ms. KAPTUR, Mrs. DAVIS of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LYNCH, Mr. RANGEL, Mr. FATTAH, Mr. WYNN, Mr. MEEKS of New York, Mr. DAVIS of Illinois, and Ms. SCHAKOWSKY.
H. Res. 477: Ms. DEGETTE, Ms. SCHAKOWSKY, Mr. OBERSTAR, Mr. MARKEY, Mr. FARR, Mr. DINGELL, Ms. MILLENDER-MCDONALD, Mr. WYNN, Mr. DAVIS of Illinois, and Mr. CLAY.
H. Res. 485: Mr. HUNTER, Mr. OSBORNE, and Mr. COSTA.

United States of America

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PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, FRIDAY, OCTOBER 7, 2005 No. 130

Senate

(Legislative day of Thursday, October 6, 2005)

The Senate met at 8:15 a.m. and was called to order by the Honorable JIM DEMINT, a Senator from the State of South Carolina.

PRAYER

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

Let us pray.

Gracious God, sustainer of our lives, rescue us from the faults to which we are so prone. Keep us from saying one thing and doing another. Save us from criticizing in others what we condone in ourselves. Deliver us from demanding of others standards we make no effort to fulfill. Give us wisdom not to flirt with temptation but to avoid even the near occasion to sin. Protect us from an indecision that can't say yes or no and from a reluctance to break habits we know are wrong.

Bless our Senators today. Keep them from trying to please both others and You. Save us all from anything which would keep us from loving You with all our heart, soul, mind, and strength.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM DEMINT led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 7, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM DEMINT, a Senator from the State of South Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, the Senate will vote on the Defense appropriations bill. That vote will occur at 9:15 this morning. I thank and commend Senator STEVENS for his patience and perseverance in getting this bill to the President.

We must complete action on the Homeland Security appropriations conference report before we leave. Senators will be notified if further votes are scheduled.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2863, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Reed/Hagel amendment No. 1943, to transfer certain amounts from the supplemental authorizations of appropriations for Iraq, Afghanistan, and the Global War on Terrorism to amounts for Operation and Maintenance, Army, Operation and Maintenance, Marine Corps, Operation and Maintenance, Defense-wide activities, and Military Personnel in order to provide for increased personnel strengths for the Army and the Marine Corps for fiscal year 2006.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Louisiana, Ms. LANDRIEU, is recognized until the hour of 9:15.

Ms. LANDRIEU. Mr. President, as the majority leader stated a moment ago, I also thank Senators STEVENS and INOUYE, who worked here very late last night as we got to the end of the debate on the Defense bill. Of course, under the rules we have established, we could speak on that bill for up to 30 hours. Those 30 hours will be coming to an end at 9:15 under the rules of cloture.

Throughout the 30 hours as we debate this very important bill which funds our military men and women and continues their operations moving forward and helps to try to find a solution in Iraq and allocates resources to keep our military strong, we also have been talking a great deal about keeping strong right here at home, particularly keeping strong in the areas that need strength and support right now. That area, of course, is the gulf coast of our Nation, the great energy coast, the great trade coast, the great commerce coast. There are so many important parts of that coast, but the largest city, of course, in the middle of that coast is New Orleans, my hometown.

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

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We have spent a lot of time this week talking about how we can get the help we have promised to this region, to all the people of this region who have suffered. The poor have been crushed, the middle class are staggering, and even wealthy individuals with substantial businesses wake up every morning in Louisiana, Mississippi, Texas, and Alabama thinking, How are we going to get through this day to keep our business open, our employees employed, and take care of the community we have served so proudly for so long?

It is very hard to describe the magnitude of the destruction. Nothing anyone has seen on television captures it. I have watched a lot of television—not as much as I would like because we are busy doing other things, but I have seen a lot of what has come over on the television from CNN, from FOX, from MSNBC, I have listened to NPR, and I have tried to listen to the television. I have been there so many times and seen so much myself, I keep thinking I wish there were some way I could take a bigger camera or make a 4-hour movie to describe to this Nation the depth of the destruction along the gulf coast. Unfortunately, in situations such as this we cannot make a movie quickly. There will be many movies made and many books written. We cannot make one, though, in the next few days or weeks.

I was very fortunate to find the National Geographic special edition to describe our situation as my colleague, Senator VITTER, and I asked for help, more direct help, more immediate help, real help that we need to begin this long, complicated, difficult, and challenging rebuilding effort. I was very fortunate to find this National Geographic issue. We have sent copies to all of our colleagues. I thank the National Geographic again and mention that I just found out this morning that all of the proceeds from the sale of this special edition National Geographic entitled ''Katrina, Why It Became A Manmade Disaster, Where It Can Happen Next,'' all the proceeds are going to the victims of Katrina—and Rita because that storm came after Katrina hit—and will go to help the victims along the gulf coast from Texas, Louisiana, Mississippi, to Alabama. We so appreciate that effort.

In searching for ways I could describe the depth of the destruction, there are some pictures in National Geographic that give people some idea of what we are faced with. Again, these pictures cannot quite tell the story. While this looks like blocks and blocks along the gulf coast, this is probably the city of Waveland. It could be parts of Biloxi. It could be parts of Pass Christian. I am not exactly sure where, but it is somewhere along Mississippi. You can tell how pretty their beach is. We have a different kind of coastline in Louisiana.

The reason I have been spending so much time on this Defense bill talking about this issue is this is our war. This is our Baghdad. This is a picture of parts of New Orleans with water as far as the eye can see. There is another picture that shows the city in the background and the depths of flood around it. This picture is a graveyard in New Orleans. Of course, we bury our dead above ground because there is so much water we cannot even dig a few feet down to bury them. This picture is one of our graveyards.

Looking through the National Geographic, when you see the pictures of destruction, I don't know if the camera can see the depths of the destruction, the industrial canal, the Lower 9th Ward in New Orleans. These pictures could be shown from the western side of our State to the eastern side of our State, to New Orleans, to the gulf coast of Mississippi, into some parts of Alabama, and into some parts of Texas. Two million people have been displaced and are searching for high ground, for stability, for housing, for jobs. From the cities they fled, from communities they fled, in boats a lot like this. They are searching for housing, apartments, jobs, safety. Most important, what they need is help, real help—not promises, not photo-ops, but real, serious help.

Let me show some other pictures of people who need help. This is a gentleman in Lafitte. I would say he needs a little help. He may be interested in some tax breaks that people have offered around here. I don't know at this exact moment what tax breaks might help him, but a fireman would be good or someone who could help drain out some of the water—maybe one of his employees from Lafitte, which does not have a tax base, who is about ready to go out of business, maybe someone who works for the little town of Lafitte that was created by Mayor Tim Kerner's father, the father of Lafitte who helped create this town. I actually went to his funeral last week. He served with my father. When he was mayor of Lafitte, my father was mayor of New Orleans. We went to his funeral to pay respects to the family. His son now is mayor of Lafitte. I don't know how long he will be mayor because Lafitte does not have a tax base to stay in business. This man used to live in Lafitte. If this town folds because we cannot get a loan to them, that is all they have. I don't know where he goes, but he is looking for help.

This is a woman—I am sorry I don't know her name, but there is a picture and description of her in the magazine. This woman looks pretty self-reliant to me. She obviously looks troubled and anxious. She is doing what she can to carry her two children to safety. People all over the gulf coast did this, basically by themselves, with limited support. A lot has been said about people not helping people, but David Johnson, who was unable to work, is carried from his home in eastern New Orleans by Mickey Monceaux. The authorities say the water is leveling off as Lake Pontchartrain empties in the gulf. We have had people helping each other during this time, being as self-reliant as possible.

Here is another picture. National guardsman Jon Eric Miletello comforts his grandmother. This young man probably—because most of the National Guard in Louisiana have pulled triple and double duty in Iraq—probably just got back from Iraq. You can see how much he loves his grandmother, the way he is looking at her to help her get out of the floodwater.

I don't know what city she lives in, but I can promise you that National Guard specialist would appreciate it if this Congress could take a billion dollars of the $43 billion that is sitting in a bank account going nowhere, doing nothing, and lend it to the cities and the towns and communities on the gulf coast to help his grandmother figure out what she might do in the next few weeks and months and years. We are not certain about what his grandmother's future is, but we would like some time to figure it out.

I know a lot of people have died in Iraq. I have had 42 soldiers die in Iraq. Our elected officials have gone to as many funerals as we can possibly go to. We have written as many letters to their families, and called them. We have had about 942 people die from this disaster.

Our challenge right here at home—and not to underestimate in any way the lives that have been given to protect this country. We want to get our soldiers home and protect them. That is why we are passing this bill, and that is why I am not holding this bill. I can't hold this bill because we have 30 hours of debate, but I have taken time through this 30 hours to talk about the war right here at home.

''Here lies Vera. God help us.'' In New Orleans, as people were dying with no place to go, the neighbors built makeshift coffins. This one could still be there. It was there when a National Geographic photographer took it maybe a week or two ago. It could still be there in a neighborhood in New Orleans. Many of the bodies that are yet unidentified are in the prison at St. Gabriel. That awesome and gruesome situation is being worked out as I speak.

In the midst of all of this tragedy and destruction of cities and towns and high water and inadequate FEMA response, my colleague and I came to the floor and have been working through the week in meetings and letter exchanges and telephone calls, working with Senators, trying to work with the House, trying to work with the administration to say: OK, we know things aren't working as well as they could. What can we do to try to fix it?

We came up with a suggestion. Let's take a billion dollars from the $43 billion that FEMA has sitting there that has already been allocated and move it to an already established loan program to give the cities and counties and sheriffs and law enforcement the help they need for 3 months, just 3 months,

while we go on vacation again. Just give them 3 months. Lend them some money to keep their lights on, to keep their cities and their communities and the hospitals open until we can figure out a long-range plan.

We may have to refinance some debt. We may have to close areas down permanently. We hope not, but maybe we will have to. We are going to have to do a lot of things we never thought we would have to—such as build a good levee system. We will have to do that. So we came to ask for a loan under the program that has been established since 1972.

We have basically been told—even after working through the night, after offering a variety of different compromises—I am sorry, to the Louisiana delegation; I am sorry, to the Mississippi delegation; I am sorry, to the Alabama and Texas delegation, but the only way that we will lend you the money is if you pay it back under different terms than anyone has before and that anyone will be asked to do in the future.

With 45 minutes left in the debate, still the only way that we can get 3 months of operating expenses, under a program that already exists, with money that we have already allocated that is sitting in a bank account doing nothing, is to agree to tight-fisted lending policies that have never been applied to anyone else in America and, according to the draft that I saw last night at 2 o'clock in the morning, will not be applied to anyone in the future. But for Louisiana, Mississippi, Alabama, and Texas, the Gulf Coast States—and not all of Alabama but just the regions hit by the storm—for those counties, the only way you all on the gulf coast can get the money is under a new, tight-fisted, basically what one could describe as higher interest rate loans because there is no way under any circumstance, according to the draft I have seen, no matter how dire your situation, that you could ever be given any reprieve whatsoever to not have to pay the whole thing back.

Some people have classified this latest offer from the Republican leadership as a compromise. A compromise is an effort to do the best you can for people while preserving some important principle. This is no compromise; this is an agreement between the rightwing and the far rightwing, people who are holding the power and are not willing to use it on behalf of people who need help. The gulf coast of Louisiana has been hit by the worst hurricane in the history of our country. Then we were hit by a disastrous break in a levee system that was not supported, not built to standard, and not invested in by a nation, and in some measure by our own selves, but in large measure by a nation that refused to recognize the importance of this levee system, not just for the people of Louisiana and the southern part of Mississippi but a levee system to continue to bring trade and commerce and jobs and wealth to a nation that needs and was actually built on the banks of the mighty Mississippi River.

Despite decades of speeches from members of our delegation about the importance of investing in levees and even agreeing to take some of our own revenues generated off of our coast to invest in hurricane protection and levee protection, we were in large measure left to fend for ourselves in a way that while the Federal Government contributed money, those moneys kept getting less and less relative to other spending and other priorities in Congress, until we were left with a second-rate levee system. Now we have a major disaster on our hands.

It is extremely important that the people of our country know that there is a way that we can rebuild this region; that there is a way that we can pull together to do it. When we make suggestions as simple as getting $1 billion to go through a loan program that is already established with money that has already been appropriated, when we are told, that is too much to ask, we can't do that, we can't afford to do it because the people of the gulf coast just have to understand that you have to take this on terms and conditions that no one has been asked to before and no one will be asked to after, is a hard thing for this Senator to accept.

A historian once described New Orleans as an inevitable city in an impossible location. That pretty much captures where we are today. We are having an inevitable debate that places the people of Louisiana and the gulf coast in an impossible situation. We are asking for a 3-month loan to keep our cities and communities operating, for our sheriffs, for police, for firefighters, for critical city workers, for some of our hospitals that, despite the worst storm in the world, stayed open, kept their lights on, kept serving people, and are sustaining a region of this country that is vital for the future of the Nation. We ask for a loan, and we get nothing but empty promises and tight-fisted lending policies when we need help.

We have been stuck by the worst natural disaster. We now have a third-rate FEMA operating, a second-class levee system, and now, to pour salt on the wound, a tight-fisted lending policy applied only to us. I am asked, basically: Senator, take it or leave it. That is a hard question to ask any Senator—take it or leave it. That is why I have taken all of these 30 hours to consider what our options are, to try to bring our case to the American people, to ask the country: Is this fair? I don't believe it is, but life isn't fair.

Our job is to try to make it more fair. That is why I am here. I don't know, I hope that is why everybody else is here. But that is why I am here. I would hope that my colleagues would think, particularly in the Senate, Republicans and Democrats, that that is why we are here.

Talking about Senators, I thank the Senators who worked through the night trying to come up with a real compromise, a compromise with dignity, a compromise with some hope, a compromise that would give our cities some hope that somebody in Washington is listening. The junior Senator from Delaware, Mr. CARPER, who has no immediate interest other than he was a former Governor, a former House Member, he spent time on my and Senator VITTER's behalf on the House side trying to talk to the leaders of the Republican Appropriations Committee to say: Why are you asking for new terms for Louisiana, Mississippi, Alabama, and Texas when you have given these terms before to others?

We know we are asking for the cap to be raised. The cap has been raised before. There is a $5 million loan cap on a program where our cities, not only New Orleans, which is the largest, but the parishes of Jefferson and St. Tammany and St. Bernard and Plaqueman—their monthly operating budget in the city of New Orleans is $20 million. So ask me what borrowing $5 million would help? A week? That is what we would be able to borrow, 1 week?

So we have asked for the loan cap to be raised so the cities can borrow some money, and the parishes and the sheriffs, which are not included specifically in the language of the ''compromise'' that has been offered, they are not specifically included. It has been inferred that our sheriffs are included. But our sheriffs are elected. They are different from the rest of the country. They perform a tremendous service to our State and to our parishes. They were the ones who carried people on their backs to safety. They were the ones who helped keep law and order. They didn't do everything perfectly, but they did the best they could under a very difficult circumstance. They are not even specifically in the compromise. If we can't keep law enforcement operating, if we can't keep our lights on, if we can't keep some running water in what pipes we have left, if we can't keep the mayors and the parish councils at work having meetings, turning on city hall, trying to mop out their city halls, could anybody here tell me how we begin to rebuild a region without basic, essential community services? I don't know.

I know the private sector can do a great deal. But you know what the private sector people coming into my office tell me, whether they are big business or small: Senator, we need lights. We need water. And, Senator, please tell them to stop sending us bottled water; I need for the water to go on in my business because my employees want to come back to work, but I can't bring them back to work without water. If we lay off the sewage and water board and the people who work to turn on the water, how in the heck are we going to get water and electricity on? If you are trying to give a

tax credit to a small business or big business, I don't think it is going to work very well.

The Democratic leader, Senator REID, worked through the night. The junior Senator from New York, Mrs. CLINTON, worked through the night. Senator BARACK OBAMA came down here at 1:30 in the morning and asked if there was something he could do. Senator BLANCHE LINCOLN from Arkansas, who has been a great voice for us, although her State was not directly impacted, has come to the floor many times this week to say the 75,000 citizens who were evacuated to Arkansas would be well cared for and well taken care of but has asked for some help with their health care system as Arkansas struggles to provide health care services to these individuals, and they have been turned down time after time.

I have a word for the people of Louisiana. The men and women I mentioned are your true friends as Senator VITTER, my colleague from Louisiana, and I have worked together to try to forge the best possible arrangement we could make for the people of our State. Without a bit of self-interest, they have fought for you. They have searched throughout the night for a true compromise.

I am proud to serve with these colleagues of mine because they do not believe the people of Louisiana should have to trade their dignity for cash. But that is basically what we are being asked to do, in the opinion of this Senator. In other words, Senator, you can have the loan for the people of your State, but you are going to take it under a tightfisted policy that has never been applied before to anyone and, by the way, according to the script that we are going to give you, it won't be applied to anyone in the future, but only for you—for Louisiana, for Mississippi, for Alabama, for the poor, for the middle income, and for the rich. Only for you all in the South is this going to be applied. Take it or leave it.

I hope the people of Louisiana, whom I have proudly represented for so long, can understand why I spent the evening here and why I am going to continue to stay at this desk as often as I can in between trips home visiting with local elected leaders trying to help organize meetings, supporting all the local officials—Democrats and Republicans, Black and White, urban and suburban, rich and poor citizens to try to help us rebuild a State that is not only a State we love, but a region that the country needs, even though the country refuses to understand how valuable we are to them.

I think people can understand why the situation is as critical as some of us are trying to show. The devastation is enormous. It is unprecedented. Our options are limited. FEMA is not working. The Red Cross is getting very mixed reviews, and I say that with the greatest respect for a very great organization. But we are getting very mixed reviews about the Red Cross. We have 50,000 people in shelters with nowhere to go, no housing available even if you presented vouchers. I am not saying we do not need them, but it is not an option that is working well because our cities are so full of people who have left the south of our State to find shelter, to find jobs, to find stability, and to find their families because the old voucher program is not working very well.

We have people in hotels. That causes problems with the business community because when they have conferences or visitors, they cannot get their own executives into the hotels to do business in the city.

I have talked a lot about New Orleans. I have talked a lot about Lafitte, Grand Isle, Plackman, St. Tammany, and Calcasieu, but let me, for a minute, talk about Baton Rouge, our capital city, and Lafayette, the heart of the Cajun culture in our State, and Monroe, the home of my husband and our home for 6 years, and Shreveport. These are our other major cities that sit to the north in our State. These cities were struggling to pay their bills to make things work for their communities, some of them growing quite fast and doing quite well but, as we know, when counties and parishes grow, their school systems are strained and their transportation systems are strained.

They were managing just like we all manage and do the best we can. And then overnight, the city of Baton Rouge, under the great leadership of Kip Holden and a great council, ended up getting 150,000 new citizens in 1 week—150,000 new citizens in a city of 350,000. They might need to borrow a little money. When you try to move in Baton Rouge from one part of the city to the next, the traffic is back to back. Lafayette is the same way.

So I do not want the people of my State to think I am not aware that there are not impacts everywhere. Again, this is a program that has existed for the benefit of everybody in this country, and we have asked to take $1 billion from FEMA and move it—not new money, but money that is sitting in FEMA's bank account that they cannot spend, and give it in loans under the same terms and conditions as other States to which it has been given, and we are told ''no.''

From the authorization of this loan program in 1974 through December 31, the Federal Government disbursed nearly $100 million in 42 loans. Of that amount, millions have been repaid, some of it has been canceled, 7 were fully canceled, 3 were partially canceled, and 29 remain outstanding, of which one has been partially canceled.

This is a program that has worked for everybody in every disaster—earthquakes, hurricanes—but when the people of the gulf coast ask for it under the leadership of the tightfisted House of Representatives, the only way we can get the loans is under new terms at basically a higher interest rate. The higher interest rate is reflected in the fact that there will be no forgiveness, under any terms, whatsoever written into the law.

It is not available to sheriffs, and it is not available to hospitals—not explicitly available to law enforcement. You might interpret it, someone could make the argument, but we have read the proposed language, and it is not in the bill.

Some people have said this is a way to help law enforcement. They are not in the draft I have seen. We tried to put them in and that was rejected.

Mr. REID. Will the Senator yield for a question?

Ms. LANDRIEU. Not at this minute, but I will in just a second. I will be happy to yield in a moment.

So we have worked through the night, Mr. President, trying to come up with some available options for the people of Louisiana, Mississippi, Alabama, and Texas as they seek to work through a very complicated and difficult situation to try to pull efforts together to make loans available for 3 months.

I have shown this picture throughout the week. That is why, as I close over the next few minutes, I would like to show it again. You can find this picture in the National Geographic, ''A World Upside Down.'' This is Long Beach, MS, a week after Katrina hit. This is Mrs. Leona Watts. The National Geographic says that her home ''rests amid the bones of the home where she has lived for 61 years.''

The National Geographic goes on to say:

> Many Mississippians felt abandoned in the days after the storm as national attention—and relief efforts—seemed locked on New Orleans.

I have asked throughout the week if the city of Long Beach or the cities in Louisiana can get some infusion of cash to help them go through. I don't know what kind of tax credits and other possibilities could help here, at least not in the next few weeks or few months. I am confident that targeted strategic tax cuts can help to rebuild this city.

I am almost certain that in Mississippi—I am not completely certain—that the State could actually borrow money to help this situation. But I do know one thing because I was State treasurer of Louisiana for 8 years: Our State is prohibited from borrowing money for operating expenses because our constitution states that it is fiscally irresponsible because, under normal circumstances, it is irresponsible to borrow money for operating expenses if you are a State. You should borrow money to invest in ports, roads, and infrastructure, not to maintain a lifestyle. Every family knows that. So in Louisiana we have not allowed it for quite some time.

So if I have stood on the floor a little longer for some people and tempers have gotten a little short, I have to stand here to try to explain that while

our State might be in a position to borrow money, although they got a report last week that they are $1 billion short in their own revenue, but even if they were not $1 billion short, the Constitution of Louisiana does not allow the State to borrow money.

The State's largest city is laying off thousands of workers by the day. In the city that we keep saying we are going to stand up for, people are being laid off, the city that people still visit for photo ops to say, We are with you, we are not abandoning you, we are there.

My colleague and I come here to ask for $1 billion out of $43 billion to give a loan for 3 months for police, fire, law enforcement, to get the lights on and to get the water through the faucets. And we are told: Sorry, the only way that we will give you that money, the only way we will lend you that money is under new policies designed especially for you that no one in the past and no one in the future has to accept. But you, Louisiana, Mississippi, and Alabama, have to take it or leave it.

So through the night, we offered one compromise after another—a real compromise.

Again, the Senator from Michigan is in the Chamber. He helped through the night. Senator REID was particularly supportive, and I have said thank you to Senator STEVENS who is not now on the floor but will be here. He was quite patient through a difficult night. This is a difficult bill.

We have had to take some time, as we have gotten it at the end of the debate on defense, to talk about this. It was our only option. We said just lend us the $1 billion under the same old and good and steady and traditional programs. That was not accepted.

We have said if the Senate would come together and act, my colleague and I have made it clear that we want the money to be for sheriffs, for several of our hospitals that are in a desperate situation, to allow the cities and parishes to borrow money, and we would be willing, or I would be willing, to send two bills over to the House with Senator VITTER and Senator FRIST's name on both of those bills so the Senate could go on record saying we are ready to act. And if the House wants to pass either one of these, they can pass one and send it to the President's desk and then they can decide whether we should be treated the same or treated differently. And I would live with that. I have made my point clear, I believe, and I have made myself clear in representing the State. We should be treated the same way. But if the House of Representatives decides that we should be treated a different way, if the President of the United States wants to explain why we should be treated differently, I would be happy to send two bills over and let the House of Representatives, under the control of the Republican leadership, decide what they want to do. But that was not acceptable.

So I have stayed here through the night working on as many suggestions as Republicans and Democrats in the Senate, and my colleagues for whom I have a great deal of respect, suggested, and yet at this hour, a few minutes before the 9:15 vote, the only ''compromise'' we have is for the people of the gulf coast to take it or leave it—under different terms than have ever been asked by anybody before and will not be asked of anybody in the future.

Last night when I pressed this issue of whether we would be treated the same way, we were told that we could be and we would be. But when we read the bill, the text, it says in added language on page 2—it is a very short bill, so I want to read it for the RECORD. This is the new provision that has been offered to us:

> Provided further, notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled.
>
> . . . notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled.

That language has never been in any act, and before anybody tries to say, well, we are lifting the cap, the cap has been lifted before. Loans have been extended. Never has this language been put in. But this is the Republican leader's tight-fisted money policy that says ''such loans may not be canceled.''

So the people of my State are in a pretty tough situation—and the people of the gulf coast. We have had a category 5 storm, the breaking of a levy system, everything people have worked for, hoped for, dreamed of—destroyed.

The Federal Government sent us a third-rate FEMA, offered a second-rate levee system, and now a tight-fisted lending policy, and then criticized us for not being more self-reliant.

This woman lived in this house for 61 years. The reason I like to keep showing this picture is she looks a lot like my grandma. And because I know, because I know how self-reliant my grandmother was, I am just going to assume that she was a lot like my grandmother, Loretta Landrieu. My grandmother never graduated from eighth grade. She worked her whole life three jobs. She raised 2 boys and 19 grandchildren. She never asked the Government for any money. When she died, she had $19,000 in the bank. She gave each one of her grandchildren $1,000, and she bought us a little camp for $15,000 on Lake Pontchartrain. In 42 years, the 8 of us raised 37 children in that little camp, with no air-conditioning, and we had a great time. Then as we grew and the family grew and we got a little more prosperous, we put in air-conditioning and we expanded it.

But this is what my grandmother, if she were still alive, this is probably what she would be looking at right now. And I have to listen to people in Washington, the power in Washington, the Republican power from the White House, to this Senate, to the House, tell me that people in the gulf coast area need to be more self-reliant. This woman has lived in this house for 61 years. She has probably paid the mortgage. She has probably raised children, worked in her church, never been late for her taxes, just like my grandmother was—every Sunday morning of her life in church. The Catholic Church that she went to doesn't exist anymore. It was washed away in the 29 feet of water that came over Slidell, LA. And I have to listen to the Republican leadership tell me: Just rely on faith-based institutions and private sector involvement.

Our faith-based institutions have done great work. I am so grateful for the many missionaries and churches and synagogues that have come to help. The church in this neighborhood is gone. Maybe another church from Ohio will come down, or Michigan, but this lady's church is gone. Our churches are gone. Our synagogues are gone. And our businesses that are always there to help, that have been helping, that have been keeping people on their payrolls when they had no money coming in the front door, keeping their employees on the payroll, putting up trailers, putting up tents so their employees could come and sleep in the parking lots so they could work in the offices, we are not self-reliant enough.

So this Senator comes to ask for $1 billion to lend to the communities such as this, and I am told: Sorry, Senator, we can't loan you the money the way we have lent it to everyone for the last 30 years. And by the way, when we do it again in the future, we are going to lend it to everybody under the old program, but just for you we have a special deal. Just for you all we have a special deal.

Here is another man who needs help, and for him we have a special deal—the Republican leadership. We lent money to everybody in America since 1974 under certain terms, but for you, you get a special deal. For this lady walking out of the Superdome—I think this is the Hyatt in New Orleans; I think this is where this is—she is doing the best she can. Obviously, she only has two arms and she has two babies and she is carrying them both—with one blanket, a bottle, and a bottle of water for two babies. No store open, and she comes here to ask for help, and I am told by the Republican leadership in power: Sorry, we are going to lend you the money but under different circumstances.

How much time do I have remaining?

How much time do I have remaining, please?

The PRESIDING OFFICER (Mr. ALLARD). The Senator has 3½ minutes remaining.

Ms. LANDRIEU. I thank the Chair.

This is the National Guard, Jon Eric Miletello. He has probably pulled double duty in Iraq because our National Guard has been there, trying to stand up Iraq, standing up water systems in Iraq, putting down sewer systems in Iraq, so he comes home and this is what he finds: his grandmother in 5 feet of water. And when we come here to ask for a loan for this town to help

them out just for 3 months, we have to get a different deal.

So in the last 3 minutes I am going to ask the Senate, since they said that they would do this, they want to help, to send this over to the House. Let the House make the decision. Let the House leadership make the decision whether they want to lend us the money under the traditional program or give us yet a special deal for people of the gulf coast.

So I am prepared to ask unanimous consent that the Senate proceed to the immediate consideration of S. 1855, and for that bill to be read and passed. This bill would allow the Stafford Act money to be given under the same terms and conditions as it was to everyone else.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Objection.

The PRESIDING OFFICER. Objection is heard.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate would send the bill over to the House to say that such loans may only be canceled with the approval of the Office of Management and Budget, so that they could be canceled but only Management and Budget could make that decision.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. I object.

The PRESIDING OFFICER. Objection is heard by the Chair.

Ms. LANDRIEU. Mr. President, those are the best ideas we have had. They are obviously not enough. I thank my colleagues for their patience. I understand it has been a difficult time, but this is a difficult situation, and I know that we have held everybody here a day longer than they thought they would be here. We thought we would get out of here about 10 o'clock last night, or 11. I thank Senator STEVENS for his patience. He has been very patient, and Senator INOUYE, as they have managed this bill. I thank Senator FRIST for the hours of discussions that he has had, but I will say in closing that when you have power, Mr. President, I believe that we should use it in the wisest and best way. I don't think the work we are doing here is the wisest and the best. It may be the best we can do, but this Senator does not think it is what we should do.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Before the vote, let me quickly explain the two objections and then I will have a unanimous consent request of my own.

Basically, the language of both of the bills that have been put forward has not been reviewed by anybody except maybe two or three people on the floor of the Senate. Second, we do have legislation, the Vitter bill, that has been vetted with the administration. We talked to the Republican leadership in the House. I believe strongly we can pass this bill over the course of the day.

Having said that, I now ask unanimous consent the Senate now proceed to the Vitter bill which has been at the desk since yesterday. For the information of all Senators, this bill is the same language we have cleared and have been working on for the past 48 hours.

I further ask unanimous consent the bill be read a third time and passed and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object.

Mr. FRIST. Regular order, Mr. President.

Mr. LEVIN. Reserving the right to object. May I ask a question?

The PRESIDING OFFICER. Regular order has been called for. The Senator must——

Mr. LEVIN. I object.

The PRESIDING OFFICER. Objection is heard.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

Mr. STEVENS. Mr. President, in fiscal year 2002, Congress provided $5 million in the Department of Defense appropriations bill to transport and distribute wheelchairs to the victims of overseas conflicts, landmines, and crippling illnesses if matched by private funds. These funds were allocated from amounts provided to the Defense Security Cooperation Agency, DSCA. Since that time, the DSCA has worked with a nonprofit organization called the WheelChair Foundation to deliver over 120,000 wheelchairs to nearly 100 countries, including 5,810 to Afghanistan; 2,400 to Iraq; and over 3,900 to Jordan.

I believe it is vital that we plan and invest not only to win the wars we fight, but also to win the peace. In that regard, this program has been an unqualified success. The hope and chance for a new life that a wheelchair can provide to someone who could never afford one has value beyond measure. Additionally, this program gives us the opportunity to leverage Federal support with the efforts of the nonprofit sector to accomplish more than we could do alone.

The funding specifically earmarked for this initiative in fiscal year 2002 will likely be exhausted within the year. The legislation we are now considering would provide the full amount of the President's request for Overseas Humanitarian, Disaster, and Civic Aid of $61 million. It is our hope that funding will be available for this activity in the coming fiscal year if appropriate humanitarian needs are identified.

Mr. INOUYE. Mr. President, I appreciate the comments from the chairman, and commend his leadership on this issue. I am familiar with the successes that this program has enjoyed. Providing wheelchairs to the victims of overseas conflicts is an important program, and I encourage our Federal agencies to support this program.

WAR RELATED ILLNESSES

Mr. LEVIN. Mr. President, we have before the Senate the fiscal year 2006 Department of Defense appropriations bill, H.R. 2863. This legislation makes a valuable contribution to our Nation's efforts to enhance the quality of life for our soldiers, sailors, airmen and marines as well as their families, while continuing to transform our military forces to ensure that they are capable of meeting the threats to America's security now and in the future.

Mr. INOUYE. The committee bill seeks to improve pay and benefits for our military personnel and makes considerable improvements in medical care that our men and women in uniform and their families receive. In addition, funding has been included to fund a Peer Reviewed Medical Research Program that addresses a wide array of important medical programs.

Mr. HARKIN. I agree with the Senator from Hawaii about the significant efforts made by the committee bill to address the well-being of our soldiers, sailors, airmen and marines. Of particular interest to me is peer-reviewed medical research that examines gulf war illnesses and their relationship to chronic multisymptom illnesses. I believe this research could provide valuable insights into diagnosed post-deployment illnesses.

Mr. JOHNSON. My friend from Iowa is correct. For the past several years, the Center for Chronic Pain and Fatigue Research has conducted research on the internal mechanisms and most effective treatment of gulf war illnesses and other undiagnosed post-deployment illnesses. This research has been funded by Congress and overseen by the U.S. Army Medical Research and Materiel Command and its peer-review process. Continued funding for this program will enable the continuation of research into a variety of illnesses reported by personnel upon returning from the gulf war.

Ms. STABENOW. I would agree with my friend from South Dakota. The Center for Chronic Pain and Fatigue Research at the University of Michigan is the national leader in the research of chronic multisymptom illnesses. Their recent research has used advanced functional brain imaging technology to demonstrate the similarity in dysfunctional pain processing between a group of veterans suffering from gulf war illnesses and a group of civilians diagnosed with fibromyalgia. The center's work has taken on added importance because of our Nation's current military deployments and deserves the continued support of Congress and the Department of Defense.

Mr. LEVIN. As the Senators from Michigan and South Dakota have noted, many soldiers returned from the gulf war with a variety of symptoms that have no discernible cause. Although environmental exposure in the gulf war cannot be ruled out as a cause, many believe that stress is a factor that may have contributed to these illnesses. I hope that efforts will be made

to ensure that this bill provides adequate funding to ensure the continuation of this important research.

Mr. STEVENS. I understand the concerns that my colleagues have regarding poorly understood illnesses that have affected military personnel in nearly every conflict since the Civil War, and most recently in Iraq and Afghanistan. As chairman of the Defense Appropriations Subcommittee, I want to lend my support to this important research.

AM2 AND COATINGS REMOVAL TECHNOLOGY

Mr. BURNS. Mr. President, I would like to thank the chairman for his continued efforts to ensure a strong national defense. I am well aware of the tight budget structures the subcommittee faced when marking up the bill. I would like to draw attention to two important programs for future consideration that may have great benefit to our military.

The refurbishment of aircraft fuselages and engines, ships, and jet engine turbine blades requires the removal of paint and other coatings, but can be extremely costly if, while removing the coating, the underlying surface is damaged. I am told that laser technology is able to detect, in real time, when coatings have been removed, thus avoiding damage to the item being serviced. Further, I am told the Air Force Research Laboratory has expressed interest in spectroscopy-based technology as it may assist them in developing robotic systems for coatings removal of large off-aircraft components, as well as developing systems in the future for de-coating large on-aircraft components.

Providing for a lightweight replacement for Air Field Matting, AM2, is among the Top Ten mission critical technology needs of the Department of Defense. AM2 is an outdated 40-year old system currently used by the Air Force, Marine Corps and Army to establish temporary airport systems in the field. I have learned it may be too heavy to deploy easily and unsuitable for missions where mobility and speed are necessary. Lattice Block Structures may be an option to serve as a stronger, lighter and more portable replacement to the antiquated AM2 matting. Fiscal year 2006 funding for Lattice Block Structures could enable DOD to more rapidly establish temporary airfields in support of critical military missions.

Mr. STEVENS. I say to the distinguished Senator from Montana that I appreciate him bringing these important programs to my attention and to the attention of the Senate. I look forward to working with him on these and other important matters that affect our military and national defense in the days and weeks to come.

Mr. MCCAIN. Mr. President, the pending measure, H.R. 2863, the Defense Appropriations Act for Fiscal Year 2006, will provide our men and women in uniform with the equipment, benefits, and programs they need to carry out their critical missions at home and overseas. Having said that, I must again voice my dismay at the Senate's inability to authorize these appropriations. Critical programs and benefits have not been authorized. The authorizers layout the priorities, and the appropriators fund. Unfortunately, this time honored practice is not being upheld.

As I look over the bill, I see that, as reported in the Senate, it trims $7 billion from the administration request, leaving that amount available for nondefense appropriations. I am pleased that the cuts are reductions for programs that were underexecuted in the last fiscal year. Unfortunately, and not surprisingly, the bill also includes a large number of unauthorized and unrequested provisions. I hope that the sponsors will carefully reconsider these damaging provisions as the bill works its way through the legislative process. While I appreciate the hard work and the laudable intentions of the members of the Committee, we must all be alarmed at these appropriations earmarks. They limit the ability of our Defense Department to expend needed resources according to its funding priorities.

I have already spoken at length during debate on this bill, so I will not take up much more of the Senate's time again. I am pleased that the Senate recognizes the importance of America's greatest strength, the acknowledgment that we are different and better than our enemies. We are Americans, and we hold ourselves to humane standards of treatment of people no matter how evil or terrible they may be. To do otherwise would undermine both our security and our greatness as a Nation. The Senate spoke with a strong voice this week, and I urge the conferees to include the detention-related amendment in the conference report that will be sent to the President.

With Americans deployed across the globe fighting terror, deployed at home in recovery of Hurricane Katrina, and with looming budget deficits, the Senate faces some tough choices. We must maintain our fiscal responsibility while providing for our military needs. The cost of the conflicts in Afghanistan and Iraq demand a new fiscal sanity in our appropriations bills. A half-a-trillion dollar budget deficit means we simply cannot afford business as usual. We simply cannot continue the binge of pork barrel spending that consumes an ever growing proportion of our federal budget. While the cost of an individual project may get lost in the fine print of lengthy bills, together, they all do real damage. Collectively, these earmarks represent a significant burden to American taxpayers.

Some of the more egregious examples of earmarks, either in the bill or in the accompanying report, include:

The bill includes language to provide $10 million for the Joint Interagency Training Center-East and the affiliated Center for National Response at the Memorial Tunnel in West Virginia.

The bill includes language to provide $3.5 million above the President's budget request to procure aircraft and aviation equipment for the Civil Air Patrol.

The bill includes language to provide $19,000 above the President's budget request to procure vehicles for the Civil Air Patrol.

The bill includes language to provide $3 million to support the National Museum of the United States Army at Fort Belvoir, VA.

The bill includes language to provide $2 million for the installation, repair, and maintenance of an on-base and adjacent off-base wastewater/treatment facility at Naval Computer Telecommunications Area Master Station, NCTAMS, in Hawaii.

The bill includes language to prohibit the procurement of foreign ball and roller bearings. This ''Buy America'' restriction with regard to the procurement of ball and roller bearings may cost the taxpayers more than purchasing ball and roller bearings from a foreign source.

The bill includes language to direct the Secretary of the Army to fully plan, budget, program finance the Non-Line of Sight Future Force cannon and re-supply vehicle program, NLOS–C, in order to field this system in fiscal year 2010. Furthermore, the bill language directs that if the plan to field the Future Combat System, FCS, in fiscal year 2010 is delayed then it directs the Secretary of the Army to develop the NLOS–C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. Moreover, the bill directs the Army to deliver 8 combat operational pre-production NLOS–C systems by the end of calendar year 2008, in addition to those systems necessary for developmental and operational testing. Section 8103 to H.R. 2853 Separating the Non-line-of-sight cannon, NLOS–C, program from the Future Combat System, FCS, will increase costs and program risk because it invalidates one of the key underpinnings of the FCS program which is to have a family of systems based on equipment commonality. The original concept for the development of the manned ground vehicle was to design and produce a common chassis for all manned ground vehicles. Separating NLOS–C from FCS fundamentally changes this principle and further complicates the development of this already complex and yet critical Army weapons system. Furthermore, bisecting FCS will increase development and sustainment costs and negatively impact systems interoperability. The AirLand Subcommittee on the Senate Armed Services Committee is the appropriate subcommittee of jurisdiction in this matter. Although we had hearings on FCS in the subcommittee this year, we did not hear expert testimony in support of this specific provision. As a result, I intend to offer legislation to repeal this provision in the Defense Authorization bill at the appropriate time.

The bill includes language that authorizes the Secretary of the Air Force to spend $32 million to make upgrades, repairs, and build additions to buildings and other types of infrastructure associated with military ranges in Alaska.

The bill includes language to provide $12.9 million in grant money and directs the Secretary of Defense to spend the money for the following: $850,000 to the Fort Des Moines Memorial Park and Education Center; $2 million to the American Civil War Center at Historic Tredegar; $3 million to the Museum of Flight, American Heroes Collection; $1 million to the National Guard Youth Foundation; $3 million to the United Services Organization; $2 million to the Dwight D. Eisenhower Memorial Commission; and $1 million to the Iraq Cultural Heritage Assistance Project.

Section 8062 of the General Provisions. The text states that, ''each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills.'' I am not making this text up. Let's call a spade a spade. This provision directly protects the jobs of only Hawaiians and Alaskans.

And 2.2 million for the Lewis and Clark Bicentennial celebration. You don't need to have the exploration skills of Lewis and Clark to see that this is a path to higher deficits.

And $65 million for the Additional Procurement of F–15s. The Air Force has decided to procure the F–22 to replace the F–15. Yet this earmark keeps the F–15 production line open, so I question the necessity of the F–22 procurement in the numbers of aircraft and at the funding levels requested by the Air Force. Apparently we just decided to pay for both.

And $2 million for the Air Battle Captain Program at the University of North Dakota. This provision sends students from West Point to North Dakota for their flight lessons. Instead of letting flight schools compete for the ability to train these cadets, we have earmarked their training to North Dakota. We are putting parochial interests over the necessity to provide the best training possible for the best price to our Army cadets.

And $8 million for repairs to a specific building at Rock Island Arsenal. I can think of 8 million reasons why the military, not the Senate should allocate funds to fix their priorities.

And $10 million for repairs to utility tunnels at Fort Wainright. The tunnels aren't broken, mind you, but the owners would like new doors put on them. This appropriation looks to me like an open door to fiscal irresponsibility.

The damage these earmarks do is deadly serious. They pull money away from legitimate funding priorities and they waste taxpayer dollars. Each year, many of the same earmarks appear in appropriations legislation, and each year I come to the floor and point them out to my colleagues. Some of the appropriators' favorite projects include:

The $25 million for the Hawaii Federal Health Care Network. I remember only 2 years ago when this particular project was given $23 million dollars. Some things never change.

And $2 million for the brown tree snakes. Once again, the brown tree snake has slithered its way into our defense appropriation bill. This funding does not belong in the Defense Appropriations Act.

There are many earmarks that funnel dollars to worthy medical research programs, such as breast cancer research, but there is no compelling national defense reason for these items to be in this piece of legislation. This type of critical research should be funded through the Labor/HHS Appropriations bill. Our soldiers and sailors need to be provided with the best equipment, housing, and support possible. Scarce defense dollars should be used for these defense purposes, not others.

I could go on and on—and on and on and on—listing all of the examples of pork in this legislation. We simply need to reassess our priorities.

This year's bill also includes a number of ''Buy America'' provisions. For example, it prevents the foreign purchase of welded shipboard anchor and mooring chain four inches in diameter and under. Another provision ensures that all carbon, alloy or steel plates are produced in the United States. Whew. I know we'll sleep better at night knowing that all of our carbon plates are manufactured in the U.S. Yet another section prohibits the Department of Defense from purchasing supercomputers from a foreign source.

I continue to be very concerned about the potential impact on readiness of our restrictive trade policies with our allies. Every year, Buy America restrictions cost the Department of Defense and the American taxpayers $5.5 billion. From a philosophical point of view, I oppose these types of protectionist policies, and from an economic point of view they are ludicrous. Free trade is both an important element in improving relations among nations and essential to economic growth. From a practical standpoint, ''Buy America'' restrictions could seriously impair our ability to compete freely in international markets and also could result in the loss of existing business from long-standing trade partners.

Some legislative enactments over the past several years have had the effect of establishing a monopoly for a domestic supplier in certain product lines. This not only adds to the pressure for our allies to ''Buy European'' but it also raises the costs of procurement for DOD, and cuts off access to potential state-of-the-art technologies. In order to maintain our troop strength and force readiness, the DOD must be able to be equipped with the best technologies available, regardless of country of origin. This would ensure both price and product competition.

Defense exports improve interoperability with friendly forces—increasingly necessary as we operate in coalition warfare and peacekeeping missions. Exports lower the unit costs of systems to the U.S. military, and provide the same economic benefits to the U.S. as all other exports—well paying jobs, improved balance of trade, and increased tax revenue. These are really issues of acquisition policy, not appropriations matters. There is no justification for including these provisions in the Appropriations Act.

This bill spends money on Lewis and Clark and funnels cash into military museums. It protects the mooring chain industry and ensures that we only buy American ball bearings. There is enough pork in this bill to feed an army—if only that we used our defense appropriations to do that. I suppose it is more important to appease local constituencies and special interests.

I wish it were not necessary for me to come to the Senate with every appropriations bill to criticize the amount of unrequested spending in the legislation. I do so because I believe it is critical for American taxpayers to understand where the money in their pockets is really going. I urge my colleagues to stop ''porking up'' our appropriations bills. In a time of huge spending deficits and scarce dollars, it is long past time to stop feeding at the trough.

Mrs. FEINSTEIN. Mr. President, I was pleased to join with the distinguished Chairman of the Defense Appropriations Subcommittee, Senator STEVENS, in offering an amendment that has been accepted as part of the managers' package in the Fiscal Year 2006 Defense appropriations bill.

Specifically, this amendment would require the Office of Management and Budget, along with the Department of Defense and Department of Homeland Security, to conduct a study on ''improving the response of the Federal Government to disasters.''

I believe this study is essential as it is clear to me that there were breakdowns at every level in our response to Hurricane Katrina.

Moreover, it is critical that the Federal Government improve its response to future disasters.

The study required by this amendment would: review the Federal Government's ability to coordinate and expedite its response efforts; evaluate the role of our military in responding to disasters; consider establishing criteria for ''automatically triggering'' the

military's participation in emergency response efforts; and look at increasing the role of the U.S. Geological Survey in preparing and responding to future disasters.

In addition, the amendment requires that the Office of Management and Budget prepare a report based on the study that includes: recommendations for improving the Federal Government's response in future disasters with a focus on the military; and proposals for legislation or regulations to implement these recommendations.

Lastly, I would like to express my disappointment that the amendment does not direct the study to analyze the role of the National Guard in responding to disasters.

While I wholly join those colleagues of mine who have commended the untiring and dedicated work of the National Guard in responding to the recent hurricanes, I believe that including an assessment of the National Guard's capabilities is critical to understanding the broader implications of our government's emergency response mechanisms.

As the principal resource available to States to assist in disaster response efforts, it would seem vital to consider the Guard's capabilities under both State and Federal control, and the mechanisms currently established for mobilizing out-of-State Guard units to assist in any response.

Part of such a review would certainly have included a proper evaluation of whether the National Guard currently has the necessary resources and equipment to respond adequately to disasters.

The study required by this amendment is not about placing blame or pointing fingers; there is plenty of fault to go around. Rather, it is about assessing our capabilities to respond to future disasters, and addressing our weaknesses.

As I have said in the past, we need to ensure that we have a system in place that allows the Federal Government to come in immediately with the full force of its resources and assume primary responsibility for response and relief.

Now is the time to prepare for future disasters.

The study and report required by this amendment will provide us a roadmap for enacting the necessary reforms within our Government to make sure we never again have to observe the failures like we experienced during Hurricane Katrina.

Mr. FEINGOLD. Mr. President, although I support passage of this year's Department of Defense appropriations bill, I am deeply disappointed that the Senate has not been allowed a full debate on the Defense authorization bill. It is unconscionable that the Defense authorization bill that is so critical to our men and women in uniform has been allowed to languish for over 5 months. The appropriations bill includes funds for many important items I strongly support, including vital equipment for those in uniform facing daily dangers in Iraq and Afghanistan. However, vital defense policies are contained in the authorization bill, including policies with a direct impact on military families, such as pay and benefits. The Senate's strong bipartisan efforts to make TRICARE available for the Guard Reserve are also a part of the Defense authorization bill. I therefore urge the majority leader to bring the Defense authorization bill back to the floor so that the Senate can fulfill its obligation to our troops and to the American people.

I am also frustrated that the administration continues to rely on emergency supplemental funding for ongoing operations in Iraq and Afghanistan and continues to delay even those funding requests. The administration did not even request the $50 billion ''bridge fund'' included in this bill by the Appropriations Committee even though the Pentagon will soon run out of money for the war effort. This week, Senator BYRD eloquently explained, once again, why the administration should include the costs of the wars in Iraq and Afghanistan in the regular budget. Congress cannot budget responsibly or perform its oversight duties adequately if we continue to rely on supplemental spending bills, which essentially put the costs of war on our national tab. The Senate has insisted on three separate occasions that the administration include war costs in its budget submissions and the administration has ignored the Senate three times. I was proud to cosponsor Senator BYRD's amendment demanding accountability for the fourth time and was gratified that the Senate adopted it.

I am proud that the Senate sent such a strong message to the administration about the treatment of detainees. The lack of a clear policy regarding the treatment of detainees has been confusing and counterproductive. It has left our men and women in uniform in the lurch with no clear direction about what is and is not permissible. This failure on the part of the administration has sullied our reputation as a nation, and hurt our efforts to promote democracy and human rights in the Arab and Muslim world. I was proud to vote for Senator MCCAIN's amendment on interrogation policy because it should help to bring back some accountability to the process and restore our great Nation's reputation as the world's leading advocate for human rights.

I am also pleased that the bill coins a modified version of Senator GRAHAM's amendment, requiring that the administration report to Congress about the procedures used by the tribunals at Guantanamo Bay to determine whether individuals held there are enemy combatants. The modified amendment also makes a very important clarification, ensuring that the tribunals may not consider statements obtained with undue coercion.

This bill also contains a provision I authored establishing the Civilian Linguist Reserve Corps, CLRC, pilot project. It became abundantly clear after the attacks of September 11, 2001, that the U.S. Government had a dearth of critical language skills. The 9/11 Commission report documented the disastrous consequences of this deficiency that, unfortunately, we still have not made enough progress in addressing 4 years after the 9/11 tragedy.

CLRC is designed to address the Government's critical language shortfall by creating a pool of people with advanced language skills that the Federal Government could call on to assist when needed. The National Security Education Program completed a feasibility study of CLRC and concluded that the concept was sound and ''an important step in addressing both short- and long-term shortfalls related to language assets in the national security community.'' It also recommended that a 3-year pilot project be conducted to work out any potential problems. My amendment establishes this pilot project. I want to thank the managers of the bill for working with me to include this important measure and thank Senator COLEMAN for cosponsoring my amendment.

I also want to thank the chairman of the Defense Appropriations Subcommittee for continuing to work with me in assisting the families of injured service members. I was pleased that Congress included my amendment on travel benefits for the family of injured service members in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief of 2005, P.L. 109–13. My amendment corrected a flaw in the law that unintentionally restricted the number of families of injured service members that qualify for travel assistance. Too many families were being denied help in visiting their injured loved ones because the Army had not officially listed them as ''seriously injured,'' even though these men and women have been evacuated out of the combat zone to the United State for treatment. The change in the law now ensures that families of injured service members evacuated to a U.S. hospital get at least one trip paid for so the families can quickly reunite and begin recovering from the trauma they have experienced.

The family travel provision in P.L. 109–13 was sunset at the end of the 2005 fiscal year, H.J. Res. 68 continues to make this travel provision available until November 18 of this year. I was concerned that Congress may not pass the necessary legislation to make this travel benefit permanent before November 18. However, the distinguished Chairman assured me that he would continue working to extend this benefit in fiscal year 2006 until it becomes permanent through the Defense authorization process.

There are provisions in this bill with which I disagree, and the Senate rejected a number of amendments that

would have made this bill better. We continue to waste billions on Cold-War-era weapons systems designed to counter the Soviet Union while not fully funding the needs of the military personnel fighting our current wars. However, on balance, this legislation contains many good provisions for our men and women in uniform and their families, and that is why I support it.

Mr. FRIST. I ask for the yeas and nays on the Defense Appropriations Committee bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING) and the Senator from New Hampshire (Mr. GREGG).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) is necessarily absent.

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—97

Akaka	Dole	McConnell
Alexander	Domenici	Mikulski
Allard	Dorgan	Murkowski
Allen	Durbin	Murray
Baucus	Ensign	Nelson (FL)
Bayh	Enzi	Nelson (NE)
Bennett	Feingold	Obama
Biden	Feinstein	Pryor
Bingaman	Frist	Reed
Bond	Graham	Reid
Boxer	Grassley	Roberts
Brownback	Hagel	Rockefeller
Burns	Harkin	Salazar
Burr	Hatch	Santorum
Byrd	Hutchison	Sarbanes
Cantwell	Inhofe	Schumer
Carper	Inouye	Sessions
Chafee	Isakson	Shelby
Chambliss	Jeffords	Smith
Clinton	Johnson	Snowe
Coburn	Kennedy	Specter
Cochran	Kerry	Stabenow
Coleman	Kohl	Stevens
Collins	Kyl	Sununu
Conrad	Landrieu	Talent
Cornyn	Lautenberg	Thomas
Corzine	Levin	Thune
Craig	Lieberman	Vitter
Crapo	Lincoln	Voinovich
Dayton	Lott	Warner
DeMint	Lugar	Wyden
DeWine	Martinez	
Dodd	McCain	

NOT VOTING—3

Bunning	Gregg	Leahy

The bill (H.R. 2863), as amended, was passed as follows:

H.R. 2863

Resolved, That the bill from the House of Representatives (H.R. 2863) entitled ''An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I—MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officer's Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $28,099,587,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officer's Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $22,671,875,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $8,894,984,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officer's Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $22,908,750,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,052,269,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,617,299,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $491,601,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,263,046,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,555,794,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,125,632,000.

TITLE II—OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the

Army, as authorized by law; and not to exceed $11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $24,573,795,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $6,003,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $30,317,964,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $3,780,926,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $30,891,386,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $18,517,218,000: Provided, That not more than $25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code, and of which not to exceed $32,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That of the funds provided under this heading not less than $27,009,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,956,482,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,239,295,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $197,734,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,474,286,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $4,428,119,000: Provided, That $10,000,000 shall be available for the operations and development of training and technology for the Joint Interagency Training Center-East and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other federal agency, and state and local first responder personnel at the Joint Interagency Training Center-East.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $4,681,291,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $11,236,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $407,865,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $305,275,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $406,461,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $28,167,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes

provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $271,921,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2557, and 2561 of title 10, United States Code), $61,546,000, to remain available until September 30, 2007.

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $415,549,000, to remain available until September 30, 2008: Provided, That of the amounts provided under this heading, $15,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East.

TITLE III—PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,562,480,000, to remain available for obligation until September 30, 2008.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,214,919,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,359,465,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,708,680,000, to remain available for obligation until September 30, 2008.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of 14 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,426,531,000, to remain available for obligation until September 30, 2008.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $9,880,492,000, to remain available for obligation until September 30, 2008.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $2,593,341,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $832,791,000, to remain available for obligation until September 30, 2008.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), $651,613,000;

NSSN, $1,637,698,000;

NSSN (AP), $763,786,000;

SSGN, $286,516,000;

CVN Refuelings, $1,493,563,000;

CVN Refuelings (AP), $20,000,000;

SSBN Submarine Refuelings, $230,193,000;

SSBN Submarine Refuelings (AP), $62,248,000;

DD(X) (AP), $765,992,000;

DDG–51 Destroyer, $29,773,000;

LHD–8, $197,769,000;

LPD–17, $1,344,741,000;

LHA–R, $150,447,000;

LCAC Landing Craft Air Cushion, $110,583,000;

Prior year shipbuilding costs, $517,523,000;

Service Craft, $46,055,000; and

For outfitting, post delivery, conversions, and first destination transportation, $369,387,000;

in all: $8,677,887,000, to remain available for obligation until September 30, 2010: Provided, That additional obligations may be incurred after September 30, 2010, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not

otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of 9 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,293,157,000, to remain available for obligation until September 30, 2008.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,361,605,000, to remain available for obligation until September 30, 2008.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $12,729,492,000, to remain available for obligation until September 30, 2008.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $5,068,974,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $996,111,000, to remain available for obligation until September 30, 2008.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $14,048,439,000, to remain available for obligation until September 30, 2008.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 5 vehicles required for physical security of personnel, notwithstanding prior limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $2,572,250,000, to remain available for obligation until September 30, 2008.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $422,000,000, to remain available for obligation until September 30, 2008: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $68,573,000, to remain available until expended.

TITLE IV—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,520,592,000, to remain available for obligation until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,557,904,000, to remain available for obligation until September 30, 2007: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $21,859,010,000, to remain available for obligation until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $19,301,618,000, to remain available for obligation until September 30, 2007.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $168,458,000, to remain available for obligation until September 30, 2007.

TITLE V—REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,154,940,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $579,954,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI—OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law,

$20,237,962,000, of which $19,345,087,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2007, and of which up to $10,157,427,000 may be available for contracts entered into under the TRICARE program; of which $377,319,000, to remain available for obligation until September 30, 2008, shall be for Procurement; and of which $515,556,000, to remain available for obligation until September 30, 2007, shall be for Research, development, test and evaluation.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,430,727,000, of which $1,241,514,000 shall be for Operation and maintenance; $116,527,000 shall be for Procurement to remain available until September 30, 2008; $72,686,000 shall be for Research, development, test and evaluation, of which $57,926,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program, to remain available until September 30, 2007; and no less than $119,300,000 may be for the Chemical Stockpile Emergency Preparedness Program, of which $36,800,000 shall be for activities on military installations and $82,500,000 shall be to assist State and local governments.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $926,821,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $209,687,000, of which $208,687,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2008, shall be for Procurement.

TITLE VII—RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $244,600,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $413,344,000, of which $27,454,000 for the Advanced Research and Development Committee shall remain available until September 30, 2007: Provided, That of the funds appropriated under this heading, $17,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities.

TITLE VIII—GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $3,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2006: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: Provided further, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

UH–60/MH–60 Helicopters; and

C–17 Globemaster.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2006, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2007 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2007 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2006.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. None of the funds appropriated in this or any other Act may be used to initiate a new installation overseas without 30-day advance notification to the Committees on Appropriations.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this subsection applies only to active components of the Army.

SEC. 8014. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b) EXCEPTIONS.—

(1) The Department of Defense, without regard to subsection (a) of this section or subsections (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) TREATMENT OF CONVERSION.—The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Of the funds appropriated or otherwise made available in this Act, a reduction of $591,100,000 is hereby taken from title III, Procurement, from the ''Other Procurement, Army'' account: Provided, That within 30 days of enactment of this Act, the Secretary of the Army shall provide a report to the House Committee on Appropriations and the Senate Committee on Appropriations which describes the application of these reductions to programs, projects or activities within this account.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8020. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code or a small business owned and controlled by an individual or individuals defined

under section 4221(9) of title 25, United States Code shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code: Provided further, That, during the current fiscal year and hereafter, businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85–536, as amended, shall have the same status as other program participants under section 602 of Public Law 100–656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.

SEC. 8022. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8023. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8024. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8025. The Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' to make grants and supplement other Federal funds in accordance with the guidance provided in the report of the Committee on Appropriations of the Senate accompanying this Act, and the projects specified in such guidance shall be considered to be authorized by law.

SEC. 8026. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8027. (a) Of the funds made available in this Act, not less than $31,109,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $24,288,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $6,000,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $821,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8028. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2006 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2006, not more than 5,500 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,050 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2007 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $51,600,000.

SEC. 8029. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8030. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8031. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8032. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2006. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8033. Appropriations contained in this Act that remain available at the end of the current fiscal year, and at the end of each fiscal year hereafter, as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8034. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8035. None of the funds appropriated in this Act shall be used to study, demonstrate, or implement any plans privatizing, divesting or transferring of any Civil Works missions, functions, or responsibilities for the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 8036. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, and hereafter, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8037. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for ''Drug Interdiction and Counter-Drug Activities, Defense'' may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8039. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8040. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8041. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2007 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2007 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2007 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8042. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2007: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2007.

SEC. 8043. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8044. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8045. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8046. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than $25,000,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8047. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8048. Up to $3,000,000 of the funds appropriated in Title II of this Act under the heading, ''Operation and Maintenance, Army'', may be made available to contract with the Army Historical Foundation, a non profit organization, for services required to solicit non-Federal donations to support construction and operation of the National Museum of the United States Army at Fort Belvoir, Virginia: Provided, That notwithstanding any other provision of law, the Army is authorized to receive future payments in this or the subsequent fiscal year from any non-profit organization chartered to support the National Museum of the United States Army to reimburse amounts expended by the Army pursuant to this section: Provided further, That any reimbursements received pursuant to this section shall be merged with ''Operation and Maintenance, Army'' and shall be made available for the same purposes and for the same time period as that appropriation account.

(RESCISSIONS)

SEC. 8049. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Other Procurement, Army, 2005/2007'', $68,500,000;

''Aircraft Procurement, Navy, 2005/2007'', $104,800,000;

''Shipbuilding and Conversion, Navy, 2005/2009'', $67,300,000;

''Other Procurement, Navy, 2005/2007'', $43,000,000;

''Aircraft Procurement, Air Force, 2004/2006'', $4,000,000;

''Aircraft Procurement, Air Force, 2005/2007'', $20,000,000;

''Missile Procurement, Air Force, 2005/2007'', $29,000,000;

''Research, Development, Test and Evaluation, Army, 2005/2006'', $25,900,000;

''Research, Development, Test and Evaluation, Navy, 2005/2006'', $70,900,000; and

''Research, Development, Test and Evaluation, Air Force, 2005/2006'', $63,400,000.

SEC. 8050. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8051. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8052. During the current fiscal year and hereafter, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: Provided, That during the performance of such duty, the members of the National Guard shall be under State command and control: Provided further, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8053. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program (NIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8054. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003 level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8055. Up to $2,000,000 of the funds appropriated under the heading, ''Operation and Maintenance, Navy'' may be made available to contract for the installation, repair, and maintenance of an on-base and adjacent off-base wastewater/treatment facility and infrastructure critical to base operations and the public health and safety of community residents in the vicinity of the NCTAMS.

SEC. 8056. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8057. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8058. Appropriations available under the heading ''Operation and Maintenance, Defense-Wide'' for the current fiscal year and hereafter for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8059. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8060. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8061. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8062. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8063. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8064. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8065. (a) The total amount appropriated or otherwise made available in title II of this Act is hereby reduced by $92,000,000 to limit excessive growth in the travel and transportation of persons.

(b) The Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account.

SEC. 8066. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8067. None of the funds provided in this Act may be obligated to realign or relocate forces or operational assets from bases to be converted to enclave status until the Secretary of Defense certifies that he has sought new missions for these bases as mandated by the 2005 Defense Base Closure and Realignment Commission: Provided, That the Secretary of Defense shall report his findings to the congressional defense committees not later than October 1, 2006.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8068. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8069. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8070. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of Title 32 may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8071. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8072. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8073. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8074. None of the funds made available in this Act may be used to approve or license the sale of the F–22 advanced tactical fighter to any foreign government.

SEC. 8075. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8076. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8077. (a) The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(b) In carrying out this provision, the Secretary of Defense shall give the Indian Health Service a property disposal priority equal to the priority given to the Department of Defense and its twelve special screening programs in distribution of surplus dental and medical supplies and equipment.

SEC. 8078. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8079. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8080. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8081. The Secretary of Defense shall provide a classified quarterly report, beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8082. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance, and research, development, test and evaluation accounts of the Department of Defense which are current when the refunds are received.

SEC. 8083. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—

(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

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

(1) The term ''Chief Information Officer'' means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term ''information technology system'' has the meaning given the term ''information technology'' in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8084. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8085. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8086. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8087. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8088. Up to $2,500,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

SEC. 8089. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8090. Of the amounts appropriated in this Act under the heading, ''Operation and Maintenance, Army'', $147,900,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects described in further detail in the Classified Annex accompanying the Department of Defense Appropriations Act, 2006, consistent with the terms and conditions set forth therein: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8091. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2006.

SEC. 8092. Amounts appropriated in title II of this Act are hereby reduced by $265,890,000 to reflect savings attributable to efficiencies and management improvements in the funding of miscellaneous or other contracts in the military departments, as follows:

(1) From ''Operation and Maintenance, Army'', $36,890,000.

(2) From ''Operation and Maintenance, Navy'', $79,000,000.

(3) From ''Operation and Maintenance, Air Force'', $150,000,000.

SEC. 8093. The total amount appropriated or otherwise made available in this Act is hereby reduced by $100,000,000 to limit excessive growth in the procurement of advisory and assistance services, to be distributed as follows:

''Operation and Maintenance, Army'', $37,000,000;

''Operation and Maintenance, Air Force'', $6,000,000;

''Operation and Maintenance, Defense-Wide'', $45,000,000; and

''Operation and Maintenance, Army Reserve'', $12,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8094. Of the amounts appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $143,600,000 shall be made available for the Arrow missile defense program: Provided, That of this amount, $70,000,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures, and $10,000,000 shall be available for the purpose of the initiation of a joint feasibility study and risk reduction activities designated the Short Range Ballistic Missile Defense (SRBMD) initiative: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8095. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $517,523,000 shall be available until September 30, 2006, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2006'':

New SSN, $28,000,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 1999/2006'':

LPD–17 Amphibious Transport Dock Ship Program, $95,000,000;

New SSN, $72,000,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 2000/2006'':

LPD–17 Amphibious Transport Dock Ship Program, $94,800,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 2001/2006'':

Carrier Replacement Program, $145,023,000;

New SSN, $82,700,000.

SEC. 8096. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under section 7622 of title 10, United States Code arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: Provided, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8097. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: Provided, That the command

and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8098. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code for occupations listed in section 7403(a)(2) of title 38, United States Code as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code shall not apply.

SEC. 8099. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for fiscal year 2006.

SEC. 8100. In addition to funds made available elsewhere in this Act, $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as, but not limited to, the provision of funds for repairs, maintenance, construction, and/or for the purchase of information technology, text books, teaching resources), to public schools that have unusually high concentrations of special needs military dependents enrolled: Provided, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments, and all schools within these school systems shall be eligible for assistance: Provided further, That up to 2 percent of the total appropriated funds under this section shall be available to support the administration and execution of the funds or program and/or events that promote the purpose of this appropriation (e.g. payment of travel and per diem of school teachers attending conferences or a meeting that promotes the purpose of this appropriation and/or consultant fees for on-site training of teachers, staff, or Joint Venture Education Forum (JVEF) Committee members): Provided further, That up to $2,000,000 shall be available for the Department of Defense to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments: Provided further, That to the extent a Federal agency provides this assistance, by contract, grant, or otherwise, it may accept and expend non-Federal funds in combination with these Federal funds to provide assistance for the authorized purpose, if the non-Federal entity requests such assistance and the non-Federal funds are provided on a reimbursable basis.

SEC. 8101. None of the funds in this Act may be used to initiate a new start program without prior written notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8102. The amounts appropriated in title II of this Act are hereby reduced by $350,000,000 to reflect cash balance and rate stabilization adjustments in Department of Defense Working Capital Funds, as follows:

(1) From ''Operation and Maintenance, Army'', $100,000,000.

(2) From ''Operation and Maintenance, Navy'', $150,000,000.

(3) From ''Operation and Maintenance, Air Force'', $100,000,000.

SEC. 8103. FINANCING AND FIELDING OF KEY ARMY CAPABILITIES.—The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon and resupply vehicle program (NLOS–C) in order to field this system in fiscal year 2010, consistent with the broader plan to field the Future Combat System (FCS) in fiscal year 2010: Provided, That if the Army is precluded from fielding the FCS program by fiscal year 2010, then the Army shall develop the NLOS–C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight (8) combat operational pre-production NLOS–C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: Provided further, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer than seven (7) Stryker Brigade Combat Teams.

SEC. 8104. Of the funds made available in this Act, not less than $76,100,000 shall be available to maintain an attrition reserve force of 18 B–52 aircraft, of which $3,900,000 shall be available from ''Military Personnel, Air Force'', $44,300,000 shall be available from ''Operation and Maintenance, Air Force'', and $27,900,000 shall be available from ''Aircraft Procurement, Air Force'': Provided, That the Secretary of the Air Force shall maintain a total force of 94 B–52 aircraft, including 18 attrition reserve aircraft, during fiscal year 2006: Provided further, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2007 amounts sufficient to maintain a B–52 force totaling 94 aircraft.

SEC. 8105. The Secretary of the Air Force is authorized, using funds available under the heading ''Operation and Maintenance, Air Force'', to complete a phased repair project, which repairs may include upgrades and additions, to the infrastructure of the operational ranges managed by the Air Force in Alaska: Provided, That the total cost of such phased projects shall not exceed $32,000,000.

SEC. 8106. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $12,850,000 is hereby appropriated to the Department of Defense, to remain available until September 30, 2006: Provided, That the Secretary of Defense shall make grants in the amounts specified as follows: $850,000 to the Fort Des Moines Memorial Park and Education Center; $2,000,000 to the American Civil War Center at Historic Tredegar; $3,000,000 to the Museum of Flight, American Heroes Collection; $1,000,000 to the National Guard Youth Foundation; $3,000,000 to the United Services Organization; $2,000,000 to the Dwight D. Eisenhower Memorial Commission; and $1,000,000 to the Iraq Cultural Heritage Assistance Project.

(TRANSFER OF FUNDS)

SEC. 8107. The Secretary of Defense may transfer funds from any currently available Department of the Navy appropriation to any available Navy shipbuilding and conversion appropriation for the purpose of funding shipbuilding cost increases for any ship construction program, to be merged with and to be available for the same purposes and for the same time period as the appropriation to which transferred: Provided, That all transfers under this section shall be subject to the notification requirements applicable to transfers under section 8005 of this Act.

SEC. 8108. The budget of the President for fiscal year 2007 submitted to the Congress pursuant to section 1105 of title 31, United States Code shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8109. Of the amounts provided in title II of this Act under the heading, ''Operation and Maintenance, Defense-Wide'', $20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8110. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8111. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8112. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading ''Shipbuilding and Conversion, Navy'' that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in the current fiscal year or any prior fiscal year.

(TRANSFER OF FUNDS)

SEC. 8113. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: Provided, That funds so transferred shall be merged with and shall be available for the same purpose and for the same time period as the appropriation to which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 2003/2007'':

For outfitting, post delivery, conversions, and first destination transportation, $3,300,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 2004/2008'':

For outfitting, post delivery, conversions, and first destination transportation, $6,100,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 2003/2007'':

SSGN, $3,300,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 2004/2008'':

SSGN, $6,100,000.

SEC. 8114. None of the funds in this Act may be obligated for a classified program as described on page 18 of the compartmented annex

to Volume IV of the Fiscal Year 2006 National Intelligence Program justification book unless specifically authorized in the Intelligence Authorization Act for Fiscal Year 2006.

SEC. 8115. (a) The Director of the Office of Management and Budget shall, in coordination with the Secretary of Defense and the Secretary of Homeland Security, conduct a study on improving the response of the Federal Government to disasters.

(b) The study under subsection (a) shall—

(1) consider mechanisms for coordinating and expediting disaster response efforts;

(2) examine the role of the Department of Defense in participating in disaster response efforts, including by providing planning, logistics, and relief and reconstruction assistance;

(3) consider the establishment of criteria for automatically triggering the participation of the Department of Defense in disaster response efforts; and

(4) assess the role of the United States Geological Survey in enhancing disaster preparation measures.

(c) Not later than May 1, 2006, the Director of the Office of Management and Budget shall submit to Congress a report on the study conducted under subsection (a), including—

(1) recommendations for improving the response of the Federal Government to disasters, including by providing for greater participation by the Department of Defense in response efforts; and

(2) proposals for any legislation or regulations that the Director determines necessary to implement such recommendations.

SEC. 8116. (a) From the money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Centers for Disease Control and Prevention $3,913,000,000 for activities relating to the avian flu epidemic during the fiscal year ending September 30, 2006, which shall be available until expended.

(b) Of the amount appropriated under subsection (a)—

(1) $3,080,000,000 shall be for the stockpiling of antivirals and necessary medical supplies;

(2) $33,000,000 shall be for global surveillance relating to avian flu;

(3) $125,000,000 shall be to increase the national investment in domestic vaccine infrastructure including development and research;

(4) $600,000,000 shall be for additional grants to state and local public health agencies for emergency preparedness, to increase funding for emergency preparedness centers, and to expand hospital surge capacity;

(5) $75,000,000 shall be for risk communication and outreach to providers, businesses, and to the American public;

(c) The amount appropriated under subsection (a)—

(1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress); and

(2) shall remain available until expended.

(d) This section shall take effect on the date of enactment of this Act.

SEC. 8117. Nonreduction in pay while Federal employee is performing active service in the uniformed services or National Guard. (a) SHORT TITLE.—This section may be cited as the ''Reservists Pay Security Act of 2005''.

(b) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

''§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard

''(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

''(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

''(2) the amount of pay and allowances which (as determined under subsection (d))—

''(A) is payable to such employee for that service; and

''(B) is allocable to such pay period.

''(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

''(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

''(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

''(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

''(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

''(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).

''(c) Any amount payable under this section to an employee shall be paid—

''(1) by such employee's employing agency;

''(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

''(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

''(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

''(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

''(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

''(f) For purposes of this section—

''(1) the terms 'employee', 'Federal Government', and 'uniformed services' have the same respective meanings as given them in section 4303 of title 38;

''(2) the term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

''(3) the term 'basic pay' includes any amount payable under section 5304.''.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

''5538. Nonreduction in pay while serving in the uniformed services or National Guard.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act.

SEC. 8118. Notwithstanding Section 101 of H.J. Res. 68, the Community Services Block Grant program shall be funded at the same rate of operation as in Division F of Public Law 108–447, through November 18, 2005.

SEC. 8119. APPLICATIONS FOR IMPACT AID PAYMENT.—Notwithstanding paragraphs (2) and (3) of section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)(2) and (3)), the Secretary of Education shall treat as timely filed, and shall process for payment, an application under section 8002 or section 8003 of such Act (20 U.S.C. 7702, 7703) for fiscal year 2005 from a local educational agency—

(1) that, for each of the fiscal years 2000 through 2004, submitted an application by the date specified by the Secretary of Education under section 8005(c) of such Act for the fiscal year;

(2) for which a reduction of more than $1,000,000 was made under section 8005(d)(2) of such Act by the Secretary of Education as a result of the agency's failure to file a timely application under section 8002 or 8003 of such Act for fiscal year 2005; and

(3) that submits an application for fiscal year 2005 during the period beginning on February 2, 2004, and ending on the date of enactment of this Act.

SEC. 8120. Of the amount appropriated by title III under the heading ''OTHER PROCUREMENT, NAVY'', up to $3,000,000 may be made available for the Joint Aviation Technical Data Integration Program.

SEC. 8121. (a) RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking ''have a death gratuity paid'' and inserting ''have fallen hero compensation paid''.

(2) In section 1476(a)—

(A) in paragraph (1), by striking ''a death gratuity'' and inserting ''fallen hero compensation''; and

(B) in paragraph (2), by striking ''A death gratuity'' and inserting ''Fallen hero compensation''.

(3) In section 1477(a), by striking ''A death gratuity'' and inserting ''Fallen hero compensation''.

(4) In section 1478(a), by striking ''The death gratuity'' and inserting ''The amount of fallen hero compensation''.

(5) In section 1479(1), by striking ''the death gratuity'' and inserting ''fallen hero compensation''.

(6) In section 1489—

(A) in subsection (a), by striking ''a gratuity'' in the matter preceding paragraph (1) and inserting ''fallen hero compensation''; and

(B) in subsection (b)(2), by inserting ''or other assistance'' after ''lesser death gratuity''.

(b) CLERICAL AMENDMENTS.—

*(1) Such subchapter is further amended by striking ''**Death gratuity:**'' each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting ''**Fallen hero compensation:**''.*

(2) The table of sections at the beginning of such subchapter is amended by striking ''Death gratuity:'' in the items relating to sections 1474 through 1480 and 1489 and inserting ''Fallen hero compensation:''.

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

SEC. 8122. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $3,000,000 may be used for research and development on the reliability of field programmable gate arrays for space applications.

SEC. 8123. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $1,000,000 may be used for Chemical Biological Defense Material Test and Evaluation Initiative.

SEC. 8124. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $1,000,000 may be made available for an environmental management and compliance information system.

SEC. 8125. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $2,000,000 may be made available for medical advanced technology for applied emergency hypothermia for advanced combat casualty life support.

SEC. 8126. (a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Defense Appropriations Act, 2004 (Public Law 108–87), the Department of Defense Appropriations Act, 2005 (Public Law 108–287), and the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13) each contain a sense of the Senate provision urging the President to provide in the annual budget requests of the President for a fiscal year under section 1105(a) of title 31, United States Code, an estimate of the cost of ongoing military operations in Iraq and Afghanistan in such fiscal year.

(2) The budget for fiscal year 2006 submitted to Congress by the President on February 7, 2005, requests no funds for fiscal year 2006 for ongoing military operations in Iraq or Afghanistan.

(3) According to the Congressional Research Service, there exists historical precedent for including the cost of ongoing military operations in the annual budget requests of the President following initial funding for such operations by emergency or supplemental appropriations Acts, including—

(A) funds for Operation Noble Eagle, beginning in the budget request of President George W. Bush for fiscal year 2005;

(B) funds for operations in Kosovo, beginning in the budget request of President George W. Bush for fiscal year 2001;

(C) funds for operations in Bosnia, beginning in budget request of President Clinton for fiscal year 1997;

(D) funds for operations in Southwest Asia, beginning in the budget request of President Clinton for fiscal year 1997;

(E) funds for operations in Vietnam, beginning in the budget request of President Johnson for fiscal year 1966; and

(F) funds for World War II, beginning in the budget request of President Roosevelt for fiscal year 1943.

(4) In section 1024(b) of Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (119 Stat. 252), the Senate requested that the President submit to Congress, not later than September 1, 2005, an amendment to the budget of the President for fiscal year 2006 setting forth detailed cost estimates for ongoing military operations overseas during such fiscal year.

(5) The President has yet to submit such an amendment.

(6) The Department of Defense Appropriations Act, 2006, as reported to the Senate by the Committee on Appropriations of the Senate on September 28, 2005, contains a bridge fund of $50,000,000,000 for overseas contingency operations, but the determination of that amount could not take into account any Administration estimate on the projected cost of such operations in fiscal year 2006.

(7) In February 2005, the Congressional Budget Office estimated that fiscal year 2006 cost of ongoing military operations in Iraq and Afghanistan could total $85,000,000,000.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) any request for funds for a fiscal year after fiscal year 2006 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code;

(2) the amendment to the budget of the President for fiscal year 2006, requested by the Senate to be submitted to Congress not later than September 1, 2005, by section 1024(b) of Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, is necessary to describe the anticipated use of the $50,000,000,000 bridge fund appropriated in this Act and set forth all additional appropriations that will be required for the fiscal year; and

(3) any funds provided for a fiscal year for ongoing military operations overseas should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such appropriations Acts.

SEC. 8127. (a) REIMBURSEMENT FOR CERTAIN PROTECTIVE, SAFETY, OR HEALTH EQUIPMENT PURCHASED BY OR FOR MEMBERS OF THE ARMED FORCES FOR DEPLOYMENT IN OPERATIONS IN IRAQ AND CENTRAL ASIA.—

(1) IN GENERAL.—Subject to subsections (d) and (e), the Secretary of Defense shall reimburse a member of the Armed Forces, or a person or entity referred to in paragraph (2), for the cost (including shipping cost) of any protective, safety, or health equipment that was purchased by such member, or such person or entity on behalf of such member, before or during the deployment of such member in Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom for the use of such member in connection with such operation if the unit commander of such member certifies that such equipment was critical to the protection, safety, or health of such member.

(2) COVERED PERSONS AND ENTITIES.—A person or entity referred to in this paragraph is a family member or relative of a member of the Armed Forces, a non-profit organization, or a community group.

(3) REGULATIONS NOT REQUIRED FOR REIMBURSEMENT.—Reimbursements may be made under this subsection in advance of the promulgation by the Secretary of Defense of regulations, if any, relating to the administration of this section.

(b) PROTECTIVE EQUIPMENT REIMBURSEMENT FUND.—

(1) ESTABLISHMENT.—There is hereby established an account to be known as the ''Protective Equipment Reimbursement Fund'' (in this subsection referred to as the ''Fund'').

(2) ELEMENTS.—The Fund shall consist of amounts deposited in the Fund from amounts available for the Fund under subsection (f).

(3) AVAILABILITY.—Amounts in the Fund shall be available directly to the unit commanders of members of the Armed Forces for the making of reimbursements for protective, safety, and health equipment under subsection (a).

(4) DOCUMENTATION.—Each person seeking reimbursement under subsection (a) for protective, safety, or health equipment purchased by or on behalf of a member of the Armed Forces shall submit to the unit commander of such member such documentation as is necessary to establish each of the following:

(A) The nature of such equipment, including whether or not such equipment qualifies as protective, safety, or health equipment under subsection (c).

(B) The cost of such equipment.

(c) COVERED PROTECTIVE, SAFETY, AND HEALTH EQUIPMENT.—Protective, safety, and health equipment for which reimbursement shall be made under subsection (a) shall include personal body armor, collective armor or protective equipment (including armor or protective equipment for high mobility multi-purpose wheeled vehicles), and items provided through the Rapid Fielding Initiative of the Army, or equivalent programs of the other Armed Forces, such as the advanced (on-the-move) hydration system, the advanced combat helmet, the close combat optics system, a Global Positioning System (GPS) receiver, a gun scope and a soldier intercommunication device.

(d) LIMITATION REGARDING AMOUNT OF REIMBURSEMENT.—The amount of reimbursement provided under subsection (a) per item of protective, safety, and health equipment purchased by or on behalf of any given member of the Armed Forces may not exceed the lesser of—

(1) the cost of such equipment (including shipping cost); or

(2) $1,100.

(e) OWNERSHIP OF EQUIPMENT.—The Secretary shall identify the circumstances, if any, under which the United States shall assume title or ownership of protective, safety, or health equipment for which reimbursement is provided under subsection (a).

(f) FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts for reimbursements under subsection (a) shall be derived from any amounts authorized to be appropriated by this Act.

(2) EXCEPTION.—Amounts authorized to be appropriated by this Act and available for the procurement of equipment for members of the Armed Forces deployed, or to be deployed, to Iraq or Afghanistan may not be utilized for reimbursements under subsection (a).

(g) REPEAL OF SUPERSEDED AUTHORITY.—Section 351 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118. Stat. 1857) is repealed.

SEC. 8128. ENSURING TRANSPARENCY IN FEDERAL CONTRACTING.—(a) PUBLICATION OF INFORMATION ON FEDERAL CONTRACTOR MISCONDUCT.—The Secretary of Defense shall maintain a publicly-available website that provides information on instances of improper conduct by contractors entering into or carrying out Federal contracts, including instances in which contractors have been fined, paid penalties or restitution, settled, plead guilty to, or had judgments entered against them in connection with allegations of improper conduct.

(b) REPORTS ON FEDERAL NO-BID CONTRACTS RELATED TO IRAQ RECONSTRUCTION.—

(1) REPORTS REQUIRED.—Not later than 7 days after entering into a no-bid contract to procure property or services in connection with Iraq reconstruction, the head of an executive agency shall submit to the Secretary of Defense a report on the contract.

(2) CONTENT.—Each report submitted under paragraph (1) shall include the following information:

(A) The date the contract was awarded.

(B) The contract number.

(C) The name of the contractor.

(D) The amounts awarded and obligated under the contract.

(E) The scope of work under the contract.

(3) PUBLICATION.—The Secretary of Defense shall maintain a publicly-available website that lists the information provided in reports submitted under paragraph (1).

(4) EXECUTIVE AGENCY DEFINED.—In this subsection, the term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SEC. 8129. (a) PROHIBITION ON TRANSFER OF AUTHORITY ON TACTICAL UNMANNED AERIAL VEHICLES.—None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) EXTENDED RANGE MULTI-PURPOSE UNMANNED AERIAL VEHICLES.—The Army shall retain responsibility for and operational control of

the Extended Range Multi-Purpose (ERMP) Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8130. Of the amount appropriated in title III under the heading ''OTHER PROCUREMENT, NAVY'', up to $2,000,000 may be made available for the Surface Sonar Dome Window Program.

SEC. 8131. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $700,000 may be used for Medical Countermeasures to Nerve Agents.

SEC. 8132. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $5,000,000 may be used for High Performance Defense Manufacturing Technology Research and Development.

SEC. 8133. Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, ARMY'', up to $600,000 may be made available for removal of unexploded ordnance at Camp Wheeler, Georgia.

SEC. 8134. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $4,000,000 may be used for the development of light-weight rigid-rod polyphenylene ammunition.

SEC. 8135. Of the amounts appropriated by title VII under the heading ''INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT'', up to $2,000,000 may be used for the Pat Roberts Intelligence Scholars Program.

SEC. 8136. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $1,000,000 may be used for Combat Vehicle and Automotive Technology (PE#0602601A) for the Multipurpose Utility Vehicle.

SEC. 8137. Of the amount appropriated by this title under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $3,000,000 may be available for land attack technology for the Millennium Gun System.

SEC. 8138. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $2,000,000 may be used for Moldable Armor.

SEC. 8139. PILOT PROJECT FOR CIVILIAN LINGUIST RESERVE CORPS.—(a) IN GENERAL.—The Secretary of Defense, acting through the Chairman of the National Security Education Board, shall, during the 3-year period beginning on the date of enactment of this Act, carry out a pilot program to establish a civilian linguist reserve corps, comprised of United States citizens with advanced levels of proficiency in foreign languages, who would be available, upon request from the President, to perform translation and other services or duties with respect foreign languages for the Federal Government.

(b) IMPLEMENTATION.—In establishing the Civilian Linguist Reserve Corps, the Secretary, after reviewing the findings and recommendations contained in the report required under section 325 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2393), shall—

(1) identify several foreign languages in which proficiency by United States citizens is critical for the national security interests of the United States and the relative importance of such proficiency in each such language;

(2) identify United States citizens with advanced levels of proficiency in each foreign language identified under paragraph (1) who would be available to perform the services and duties referred to in subsection (a);

(3) cooperate with other Federal agencies with national security responsibilities to implement a procedure for securing the performance of the services and duties referred to in subsection (a) by the citizens identified under paragraph (2); and

(4) invite individuals identified under paragraph (2) to participate in the civilian linguist reserve corps.

(c) CONTRACT AUTHORITY.—In establishing the civilian linguist reserve corps, the Secretary may enter into contracts with appropriate agencies or entities.

(d) FEASIBILITY STUDY.—During the course of the pilot program established under this section, the Secretary shall conduct a study of the best practices to be utilized in establishing the civilian linguist reserve corps, including practices regarding—

(1) administrative structure;

(2) languages that will be available;

(3) the number of language specialists needed for each language;

(4) the Federal agencies that may need language services;

(5) compensation and other operating costs;

(6) certification standards and procedures;

(7) security clearances;

(8) skill maintenance and training; and

(9) the use of private contractors to supply language specialists.

(e) REPORTS.—

(1) EVALUATION REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for the next 2 years, the Secretary shall submit to Congress an evaluation report on the pilot project conducted under this section.

(B) CONTENTS.—Each report under subparagraph (A) shall contain information on the operation of the pilot project, the success of the pilot project in carrying out the objectives of the establishment of a civilian linguist reserve corps, and recommendations for the continuation or expansion of the pilot project.

(2) FINAL REPORT.—Not later than 6 months after the completion of the pilot project, the Secretary shall submit to Congress a final report summarizing the lessons learned, best practices, and recommendations for full implementation of a civilian linguist reserve corps.

(f) FUNDING.—Of the amount appropriated under the heading ''Operation and Maintenance, Defense-Wide'' in title II, up to $1,500,000 may be available to carry out the pilot program under this section.

SEC. 8140. (a) FUNDING FOR PARTICIPATION OF VET CENTERS IN TRANSITION ASSISTANCE PROGRAMS.—Of the amounts appropriated or otherwise made available by this Act, up to $5,000,000 may be used for the participation of Vet centers in the transition assistance programs of the Department of Defense for members of the Armed Forces.

(b) VET CENTERS DEFINED.—In this section, the term ''Vet centers'' means centers for the provision of readjustment counseling and related mental health services under section 1712A of title 38, United States Code.

SEC. 8141. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'', up to $2,500,000 may be available for advanced technology for IRCM component improvement.

SEC. 8142. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' and available for demonstration and validation, up to $5,000,000 may be available for the Plasma Energy Pyrolysis System (PEPS), Operational Gasification unit.

SEC. 8143. Of the amount appropriated by this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $5,000,000 may be available for the rapid mobilization of the New England Manufacturing Supply Chain Initiative to meet Department of Defense supply shortages and surge demands for parts and equipment.

SEC. 8144. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $1,000,000 may be made available for Marine Corps assault vehicles for development of carbon fabric-based friction materials to optimize the cross-drive transmission brake system of the Expeditionary Fighting Vehicle.

SEC. 8145. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY, up to $2,000,000 may be used for Program Element #0603235N for the Shipboard Automated Reconstruction Capability.

SEC. 8146. (a) BLAST INJURY PREVENTION, MITIGATION, AND TREATMENT INITIATIVE OF THE ARMY.—Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $1,000,000 may be available for Program Element #63002A for far forward use of recombinant activated factor VII.

SEC. 8147. Beginning with the fiscal year 2006 program year, the Secretary of the Air Force is strongly encouraged to exercise the option on the existing multiyear procurement contract for C–17 aircraft in order to enter into a multiyear contract for the procurement of 42 additional C–17 aircraft.

SEC. 8148. DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH.—(a) REQUIREMENT TO ESTABLISH.—The Secretary of Defense shall establish within the Department of Defense a task force to examine matters relating to mental health and the Armed Forces.

(b) COMPOSITION.—

(1) MEMBERS.—The task force shall consist of not more than 14 members appointed by the Secretary of Defense from among individuals described in paragraph (2) who have demonstrated expertise in the area of mental health.

(2) RANGE OF MEMBERS.—The individuals appointed to the task force shall include—

(A) at least one member of each of the Army, Navy, Air Force, and Marine Corps; and

(B) a number of persons from outside the Department of Defense equal to the total number of personnel from within the Department of Defense (whether members of the Armed Forces or civilian personnel) who are appointed to the task force.

(3) INDIVIDUALS APPOINTED WITHIN DEPARTMENT OF DEFENSE.—At least one of the individuals appointed to the task force from within the Department of Defense shall be the surgeon general of an Armed Force or a designee of such surgeon general.

(4) INDIVIDUALS APPOINTED OUTSIDE DEPARTMENT OF DEFENSE.—(A) Individuals appointed to the task force from outside the Department of Defense may include officers or employees of other departments or agencies of the Federal Government, officers or employees of State and governments, or individuals from the private sector.

(B) The individuals appointed to the task force from outside the Department of Defense shall include—

(i) an officer or employee of the Department of Veterans Affairs appointed by the Secretary of Defense in consultation with the Secretary of Veterans Affairs;

(ii) an officer or employee of the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services appointed by the Secretary of Defense in consultation with the Secretary of Health and Human Services; and

(iii) at least two individuals who are representatives of—

(I) a mental health policy and advocacy organization; and

(II) a national veterans service organization.

(5) DEADLINE FOR APPOINTMENT.—All appointments of individuals to the task force shall be made not later than 120 days after the date of the enactment of this Act.

(6) CO-CHAIRS OF TASK FORCE.—There shall be two co-chairs of the task force. One of the co-chairs shall be designated by the Secretary of the Defense at the time of appointment from among the Department of Defense personnel appointed to the task force. The other co-chair shall be selected from among the members appointed from outside the Department of Defense by members so appointed.

(c) LONG-TERM PLAN ON MENTAL HEALTH SERVICES.—

(1) IN GENERAL.—Not later than 12 months after the date on which all members of the task force have been appointed, the task force shall submit to the Secretary a long-term plan (referred to as a strategic plan) on means by which the Department of Defense shall improve the efficacy of mental health services provided to members of Armed Forces by the Department of Defense.

(2) UTILIZATION OF OTHER EFFORTS.—In preparing the report, the task force shall take into consideration completed and ongoing efforts by the Department of Defense to improve the efficacy of mental health care provided to members of the Armed Forces by the Department.

(3) ELEMENTS.—The long-term plan shall include an assessment of and recommendations (including recommendations for legislative or administrative action) for measures to improve the following:

(A) The awareness of the prevalence of mental health conditions among members of the Armed Forces.

(B) The efficacy of existing programs to prevent, identify, and treat mental health conditions among members of the Armed Forces, including programs for and with respect to forward-deployed troops.

(C) The reduction or elimination of barriers to care, including the stigma associated with seeking help for mental health related conditions, and the enhancement of confidentiality for members of the Armed Forces seeking care for such conditions.

(D) The adequacy of outreach, education, and support programs on mental health matters for families of members of the Armed Forces.

(E) The efficacy of programs and mechanisms for ensuring a seamless transition from care of members of the Armed Forces on active duty for mental health conditions through the Department of Defense to care for such conditions through the Department of Veterans Affairs after such members are discharged or released from military, naval, or air service.

(F) The availability of long-term follow-up and access to care for mental health conditions for members of the Individual Ready Reserve, and the Selective Reserve and for discharged, separated, or retired members of the Armed Forces.

(G) Collaboration among organizations in the Department of Defense with responsibility for or jurisdiction over the provision of mental health services.

(H) Coordination between the Department of Defense and civilian communities, including local support organizations, with respect to mental health services.

(I) The scope and efficacy of curricula and training on mental health matters for commanders in the Armed Forces.

(J) Such other matters as the task force considers appropriate.

(d) ADMINISTRATIVE MATTERS.—

(1) COMPENSATION.—Each member of the task force who is a member of the Armed Forces or a civilian officer or employee of the United States shall serve without compensation (other than compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the task force shall be treated for purposes of section 3161 of title 5, United States Code, as having been appointed under subsection (b) of such section.

(2) OVERSIGHT.—The Under Secretary of Defense for Personnel and Readiness shall oversee the activities of the task force.

(3) ADMINISTRATIVE SUPPORT.—The Washington Headquarters Services of the Department of Defense shall provide the task force with personnel, facilities, and other administrative support as necessary for the performance of the duties of the task force.

(4) ACCESS TO FACILITIES.—The Under Secretary of Defense for Personnel and Readiness shall, in coordination with the Secretaries of the military departments, ensure appropriate access by the task force to military installations and facilities for purposes of the discharge of the duties of the task force.

(e) REPORT.—

(1) IN GENERAL.—The task force shall submit to the Secretary of Defense a report on its activities under this section. The report shall include—

(A) a description of the activities of the task force;

(B) the plan required by subsection (c); and

(C) such other mattes relating to the activities of the task force that the task force considers appropriate.

(2) TRANSMITTAL TO CONGRESS.—Not later than 90 days after receipt of the report under paragraph (1), the Secretary shall transmit the report to the Committees on Armed Services and Veterans' Affairs of the Senate and the House of Representatives. The Secretary may include in the transmittal such comments on the report as the Secretary considers appropriate.

(f) TERMINATION.—The task force shall terminate 90 days after the date on which the report of the task force is submitted to Congress under subsection (e)(2).

SEC. 8149. (a) ARMY PROGRAMS.—Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to an additional $10,000,000 may be used for Program Element 0601103A for University Research Initiatives.

(b) NAVY PROGRAMS.—Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to an additional $5,000,000 may be used for Program Element 0601103N for University Research Initiatives.

(c) AIR FORCE PROGRAMS.—Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to an additional $10,000,000 may be used for Program Element 0601103F for University Research Initiatives.

(d) DEFENSE-WIDE ACTIVITIES.—Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE''—

(A) up to an additional $10,000,000 may be used for Program Element 0601120D8Z for the SMART National Defense Education Program; and

(B) up to an additional $5,000,000 may be used for Program Element 0601101E for the Defense Advanced Research Projects Agency University Research Program in Cybersecurity.

(e) SENSE OF SENATE.—It is the sense of the Senate that it should be a goal of the Department of Defense to allocate to basic research programs each fiscal year an amount equal to 15 percent of the funds available to the Department of Defense for science and technology in such fiscal year.

SEC. 8150. REPORT ON REVIEW AND IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS ON TRANSITION ASSISTANCE FOR MEMBERS OF THE NATIONAL GUARD AND RESERVES.—(a) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the review of, and actions taken to implement, the recommendations of the Comptroller General of the United States in the report of the Comptroller General entitled ''Military and Veterans Benefits: Enhanced Services Could Improve Transition Assistance for Reserves and National Guard'' (GAO 05–544).

(b) PARTICULAR INFORMATION.—If the Secretary has determined in the course of the review described in subsection (a) not to implement any recommendation of the Comptroller General described in that subsection, the report under that subsection shall include a justification of such determination.

SEC. 8151. Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 2863 shall also be included in the conference report or joint statement accompanying H.R. 2863 in order to be considered as having been approved by both Houses of Congress.

SEC. 8152. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the use of ground source heat pumps at Department of Defense facilities.

(b) The report required under subsection (a) shall include—

(1) a description of the types of Department of Defense facilities that use ground source heat pumps;

(2) an assessment of the applicability and cost-effectiveness of the use of ground source heat pumps at Department of Defense facilities in different geographic regions of the United States; and

(3) a description of the relative applicability of ground source heat pumps for purposes of new construction at, and retrofitting of, Department of Defense facilities.

SEC. 8153. (a) Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'' up to $1,500,000 may be available for research within the High-Brightness Electron Source program.

SEC. 8154. UNIFORM STANDARDS FOR THE INTERROGATION OF PERSONS UNDER THE DETENTION OF THE DEPARTMENT OF DEFENSE.—(a) IN GENERAL.—No person in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility shall be subject to any treatment or technique of interrogation not authorized by and listed in the United States Army Field Manual on Intelligence Interrogation.

(b) APPLICABILITY.—Subsection (a) shall not apply to with respect to any person in the custody or under the effective control of the Department of Defense pursuant to a criminal law or immigration law of the United States.

(c) CONSTRUCTION.—Nothing in this section shall be construed to affect the rights under the United States Constitution of any person in the custody or under the physical jurisdiction of the United States.

SEC. 8155. PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT OF PERSONS UNDER CUSTODY OR CONTROL OF THE UNITED STATES GOVERNMENT.—(a) IN GENERAL.—No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(b) CONSTRUCTION.—Nothing in this section shall be construed to impose any geographical limitation on the applicability of the prohibition against cruel, inhuman, or degrading treatment or punishment under this section.

(c) LIMITATION ON SUPERSEDURE.—The provisions of this section shall not be superseded, except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this section.

(d) CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT DEFINED.—In this section, the term ''cruel, inhuman, or degrading treatment or punishment'' means the cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.

SEC. 8156. None of the funds appropriated or otherwise made available in this Act may be obligated or expended during fiscal year 2006 for paying salaries and expenses or other costs associated with reimbursing or otherwise financially

compensating the Government of Uzbekistan for services rendered to the United States at Karshi-Khanabad airbase in Uzbekistan.

SEC. 8157. SENSE OF THE SENATE REGARDING DEPOT MAINTENANCE.—(a) FINDINGS.—The Senate finds that—

(1) the Depot Maintenance Strategy and Master Plan of the Air Force reflects the essential requirements for the Air Force to maintain a ready and controlled source of organic technical competence, thereby ensuring an effective and timely response to national defense contingencies and emergency requirements;

(2) since the publication of the Depot Maintenance Strategy and Master Plan of the Air Force in 2002, the service has made great progress toward modernizing all 3 of its Depots, in order to maintain their status as ''world class'' maintenance repair and overhaul operations;

(3) 1 of the indispensable components of the Depot Maintenance Strategy and Master Plan of the Air Force is the commitment of the Air Force to allocate $150,000,000 a year over 6 years, beginning in fiscal year 2004, for recapitalization and investment, including the procurement of technologically advanced facilities and equipment, of our Nation's 3 Air Force depots; and

(4) the funds expended to date have ensured that transformation projects, such as the initial implementation of ''Lean'' and ''Six Sigma'' production techniques, have achieved great success in dramatically reducing the time necessary to perform depot maintenance on aircraft.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Air Force should be commended for the implementation of its Depot Maintenance Strategy and Master Plan and, in particular, meeting its commitment to invest $150,000,000 a year over 6 years, since fiscal year 2004, in the Nation's 3 Air Force Depots; and

(2) the Air Force should continue to fully fund its commitment of $150,000,000 a year through fiscal year 2009 in investments and recapitalization projects pursuant to the Depot Maintenance Strategy and Master Plan.

SEC. 8158. Of the amount appropriated by title III under the heading ''PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY'', up to $5,000,000 may be used for the Arsenal Support Program Initiative for Watervliet Arsenal, New York.

SEC. 8159. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $4,000,000 may be used for Oral Anthrax/Plague Vaccine Development.

SEC. 8160. (a) The Secretary of the Navy may, subject to the terms and conditions of the Secretary, donate the World War II-era marine railway located at the United States Naval Academy, Annapolis, Maryland, to the Richardson Maritime Heritage Center, Cambridge, Maryland.

(b) The marine railway donated under subsection (a) may not be used for commercial purposes.

SEC. 8161. The Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary's jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom, along with other recognition items in conjunction with any weeklong national observation and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations.

SEC. 8162. (a) IMPLEMENTATION OF LONG-RANGE WIRELESS CAPABILITIES.—Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'', up to $10,000,000 may be used by the United States Northern Command for the purposes of implementing Long-Range Wireless telecommunications capabilities for the Gulf States and key entities within the Northern Command Area of Responsibility (AOR).

(b) IMPLEMENTATION OF LONG-RANGE WIRELESS CAPABILITIES.—Of the amount appropriated or otherwise made available by title III under the heading ''OTHER PROCUREMENT, AIR FORCE'', up to $20,000,000 may be used by the United States Northern Command for the purposes of implementing IMT–2000 3G Standards Based Communications Information Extension capabilities for the Gulf States and key entities within the Northern Command Area of Responsibility (AOR).

SEC. 8163. (a) SUBMISSION OF PROCEDURES FOR COMBATANT STATUS REVIEW TRIBUNALS AND ADMINISTRATIVE REVIEW BOARDS TO DETERMINE STATUS OF DETAINEES AT GUANTANAMO BAY, CUBA.—Not later than 180 days after the date of enactment of this Act the President shall submit to the Congressional Defense Committees and committees on Judiciary in the House and Senate the procedures for the Combatant Status Review Tribunals and a noticed administrative review boards in operation at Guantanamo Bay, Cuba, for determining the status of the detainees held at Guantanamo Bay, including whether any such detainee is a lawful enemy combatant or an unlawful enemy combatant.

(b) PROCEDURES.—The procedures submitted to Congress pursuant to subsection (a) shall ensure that—

(A) In making a determination of status under such procedures, the Combatant Status Review Tribunal and annual review boards may not consider statements derived from persons that, as determined by the Tribunals or boards, by the preponderance of the evidence, were obtained with undue coercion.

(B) The Designated Civilian Official shall be an officer of the United States Government whose appointment to office was made by the President, by and with the advise and consent of the Senate.

(C) MODIFICATION OF PROCEDURES.—The President shall submit to Congress any modification to the procedures submitted under subsection (a) no less than 30 days before the date on which such modifications go into effect.

SEC. 8164. (a) ADDITIONAL AMOUNT FOR AIRCRAFT PROCUREMENT, AIR FORCE.—The amount appropriated under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'' is hereby increased by $130,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'', as increased by subsection (a), $130,000,000 shall be available for purposes as follows:

(1) Procurement of Predator air vehicles, initial spares, and RSP kits.

(2) Procurement of Containerized Dual Control Station Launch and Recovery Elements.

(3) Procurement of a Fixed Ground Control Station.

(4) Procurement of other upgrades to Predator Ground Control Stations, spares, and signals intelligence packages.

(c) OFFSET.—(1) The amount appropriated by title II for Operation and maintenance, Air Force is hereby reduced by $130,000,000.

SEC. 8165. SENSE OF SENATE ON TRANSFER OF FUNDS FOR INCREASED PERSONNEL STRENGTHS FOR THE ARMY AND MARINE CORPS.—(a) FINDINGS.—The Senate makes the following findings:

(1) A long-term increase in the personnel end strengths for active duty personnel of the Army and the Marine Corps is necessary in order to carry out the current missions of the Army and the Marine Corps and to relieve current strains on Army and Marine Corps forces.

(2) The cost of the increase in such end strengths is foreseeable and should be included in the annual budget of the President for each fiscal year, as submitted to Congress pursuant to section 1105 of title 31, United States Code, in order to provide a full and honest accounting to the American people of the personnel costs of the Army and the Marine Corps.

(3) The inclusion in the annual budget of the President for each fiscal year of the costs of an increase in such end strengths will permit the Army and Marine Corps to plan for and accommodate the additional troops contemplated by such increased end strengths without reducing other important programs.

(b) SENSE OF SENATE.—It is the sense of the Senate that the additional amounts to be required for increases in the personnel end strengths for active duty personnel of the Army and the Marine Corps for fiscal year 2006 should be transferred from amounts appropriated by title IX for the Military Personnel, Army, Military Personnel, Marine Corps, Operation and Maintenance, Army, and Operation and Maintenance, Marine Corps, and Operation and Maintenance, Defense-Wide, accounts to the amounts appropriated for the applicable accounts in titles I and II.

SEC. 8166. Of the amount appropriated by title III under the heading ''OTHER PROCUREMENT, AIR FORCE'', up to $3,000,000 may be made available for the Laser Marksmanship Training System.

SEC. 8167. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $5,000,000 may be used for Medium Tactical Vehicle Modifications.

SEC. 8168. Section 8013 of the Department of Defense Appropriations Act, 1994 (Public Law 103–139; 107 Stat. 1440) is amended by striking ''the report to the President from the Defense Base Closure and Realignment Commission, July 1991'' and inserting ''the reports to the President from the Defense Base Closure and Realignment Commission, July 1991 and July 1993''.

SEC. 8169. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $1,000,000 may be used for Integrated Starter/Alternator for Up-Armored High Mobility Multi-Wheeled Vehicles.

SEC. 8170. AVAILABILITY OF AMOUNT.—Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $60,000,000 may be made available as follows:

(A) Up to $50,000,000 may be made available for childcare services for families of members of the Armed Forces.

(B) Up to $10,000,000 may be made available for family assistance centers that primarily serve members of the Armed Forces and their families.

(b) NATIONAL GUARD COUNTERDRUG SUPPORT ACTIVITIES.—

(1) AVAILABILITY OF AMOUNT.—Of the amount appropriated by title VI under the heading ''DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES'', up to $40,000,000 may be available for the purpose of National Guard counterdrug support activities.

(2) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (2) for the purpose specified in that paragraph is in addition to any other amounts available under title VI for that purpose.

SEC. 8171. Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $2,000,000 may be available for the establishment, in consultation with the Reach Out and Read National Center, of a pilot project on pediatric early literacy on military installations.

SEC. 8172. INCREASE IN RATE OF BASIC PAY OF THE ENLISTED MEMBER SERVING AS THE SENIOR ENLISTED ADVISOR FOR THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—(a) INCREASE.—Footnote 2 to the table on Enlisted Members in section 601(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 37 U.S.C. 1009 note) is amended by striking ''or Master Chief Petty Officer of the Coast

Guard'' and inserting ''Master Chief Petty Officer of the Coast Guard, or Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff''.

(b) PERSONAL MONEY ALLOWANCE.—

(1) ENTITLEMENT.—Section 414(c) of title 37, United States Code, is amended by striking ''or the Master Chief Petty Officer of the Coast Guard'' and inserting ''the Master Chief Petty Officer of the Coast Guard, or the Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on April 1, 2005.

SEC. 8173. SUPPORT FOR YOUTH ORGANIZATIONS.—(a) SHORT TITLE.—This Act may be cited as the ''Support Our Scouts Act of 2005''.

(b) SUPPORT FOR YOUTH ORGANIZATIONS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Federal agency'' means each department, agency, instrumentality, or other entity of the United States Government; and

(B) the term ''youth organization''—

(i) means any organization that is designated by the President as an organization that is primarily intended to—

(I) serve individuals under the age of 21 years;

(II) provide training in citizenship, leadership, physical fitness, service to community, and teamwork; and

(III) promote the development of character and ethical and moral values; and

(ii) shall include—

(I) the Boy Scouts of America;

(II) the Girl Scouts of the United States of America;

(III) the Boys Clubs of America;

(IV) the Girls Clubs of America;

(V) the Young Men's Christian Association;

(VI) the Young Women's Christian Association;

(VII) the Civil Air Patrol;

(VIII) the United States Olympic Committee;

(IX) the Special Olympics;

(X) Campfire USA;

(XI) the Young Marines;

(XII) the Naval Sea Cadets Corps;

(XIII) 4–H Clubs;

(XIV) the Police Athletic League;

(XV) Big Brothers—Big Sisters of America; and

(XVI) National Guard Youth Challenge.

(2) IN GENERAL.—

(A) SUPPORT FOR YOUTH ORGANIZATIONS.—

(i) SUPPORT.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit any Federal agency from providing any form of support for a youth organization (including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America) that would result in that Federal agency providing less support to that youth organization (or any similar organization chartered under the chapter of title 36, United States Code, relating to that youth organization) than was provided during the preceding fiscal year. This clause shall be subject to the availability of appropriations.

(ii) YOUTH ORGANIZATIONS THAT CEASE TO EXIST.—Clause (i) shall not apply to any youth organization that ceases to exist.

(iii) WAIVERS.—The head of a Federal agency may waive the application of clause (i) to any youth organization with respect to each conviction or investigation described under subclause (I) or (II) for a period of not more than 2 fiscal years if—

(I) any senior officer (including any member of the board of directors) of the youth organization is convicted of a criminal offense relating to the official duties of that officer or the youth organization is convicted of a criminal offense; or

(II) the youth organization is the subject of a criminal investigation relating to fraudulent use or waste of Federal funds.

(B) TYPES OF SUPPORT.—Support described under this paragraph shall include—

(i) holding meetings, camping events, or other activities on Federal property;

(ii) hosting any official event of such organization;

(iii) loaning equipment; and

(iv) providing personnel services and logistical support.

(c) SUPPORT FOR SCOUT JAMBOREES.—

(1) FINDINGS.—Congress makes the following findings:

(A) Section 8 of article I of the Constitution of the United States commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

(B) Under those powers conferred by section 8 of article I of the Constitution of the United States to provide, support, and maintain the Armed Forces, it lies within the discretion of Congress to provide opportunities to train the Armed Forces.

(C) The primary purpose of the Armed Forces is to defend our national security and prepare for combat should the need arise.

(D) One of the most critical elements in defending the Nation and preparing for combat is training in conditions that simulate the preparation, logistics, and leadership required for defense and combat.

(E) Support for youth organization events simulates the preparation, logistics, and leadership required for defending our national security and preparing for combat.

(F) For example, Boy Scouts of America's National Scout Jamboree is a unique training event for the Armed Forces, as it requires the construction, maintenance, and disassembly of a ''tent city'' capable of supporting tens of thousands of people for a week or longer. Camporees at the United States Military Academy for Girl Scouts and Boy Scouts provide similar training opportunities on a smaller scale.

(2) SUPPORT.—Section 2554 of title 10, United States Code, is amended by adding at the end the following:

''(i)(1) The Secretary of Defense shall provide at least the same level of support under this section for a national or world Boy Scout Jamboree as was provided under this section for the preceding national or world Boy Scout Jamboree.

''(2) The Secretary of Defense may waive paragraph (1), if the Secretary—

''(A) determines that providing the support subject to paragraph (1) would be detrimental to the national security of the United States; and

''(B) reports such a determination to the Congress in a timely manner, and before such support is not provided.''.

(d) EQUAL ACCESS FOR YOUTH ORGANIZATIONS.—Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309) is amended—

(1) in the first sentence of subsection (b) by inserting ''or (e)'' after ''subsection (a)''; and

(2) by adding at the end the following:

''(e) EQUAL ACCESS.—

''(1) DEFINITION.—In this subsection, the term 'youth organization' means any organization described under part B of subtitle II of title 36, United States Code, that is intended to serve individuals under the age of 21 years.

''(2) IN GENERAL.—No State or unit of general local government that has a designated open forum, limited public forum, or nonpublic forum and that is a recipient of assistance under this chapter shall deny equal access or a fair opportunity to meet to, or discriminate against, any youth organization, including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America, that wishes to conduct a meeting or otherwise participate in that designated open forum, limited public forum, or nonpublic forum.''.

SEC. 8174. (a) There are appropriated out of the Employment Security Administration account of the Unemployment Trust Fund, $14,000,000 for authorized administrative expenses.

(b) From the money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Office of the Inspector General of the Department of Health and Human Services $5,000,000 for oversight activities related to Hurricane Katrina.

(c) The amounts appropriated under subsection (a) and (b)—

(1) are designated as an emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress); and

(2) shall remain available until expended.

TITLE IX—ADDITIONAL WAR-RELATED APPROPRIATIONS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $5,009,420,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $180,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $455,420,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $372,480,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $121,500,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $10,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $232,300,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $5,300,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $21,915,547,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $1,806,400,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $1,275,800,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $2,014,900,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $980,000,000, of which up to $195,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $53,700,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $9,400,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $27,950,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $7,000,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $201,300,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $13,400,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $4,100,000,000, to remain available for transfer until September 30, 2006, only to support operations in Iraq or Afghanistan and classified activities: Provided, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; the Defense Health Program; and working capital funds: Provided further, That of the amounts provided under this heading, $2,850,000,000 shall only be for classified programs, described in further detail in the classified annex accompanying this Act: Provided further, That $750,000,000 shall be available for the Joint IED Defeat Task Force: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $348,100,000, to remain available until September 30, 2008.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $80,000,000, to remain available until September 30, 2008.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $910,700,000, to remain available until September 30, 2008.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $335,780,000, to remain available until September 30, 2008.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $3,916,000,000, to remain available until September 30, 2008.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $151,537,000, to remain available until September 30, 2008.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $56,700,000, to remain available until September 30, 2008.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $48,485,000, to remain available until September 30, 2008.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $116,048,000, to remain available until September 30, 2008.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $2,303,700,000, to remain available until September 30, 2008.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $118,058,000, to remain available until September 30, 2008.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $17,000,000, to remain available until September 30, 2008.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $17,500,000, to remain available until September 30, 2008.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $132,075,000, to remain available until September 30, 2008.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for ''NATIONAL GUARD AND RESERVE EQUIPMENT'', $1,300,000,000, to remain available until expended: Provided, That the amount available under this heading shall be available for homeland security and homeland security response equipment; Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (109th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $72,000,000, to remain available until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $17,800,000, to remain available until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $2,500,000, to remain available until September 30, 2007.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $2,716,400,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-drug Activities, Defense'', $27,620,000.

GENERAL PROVISIONS, TITLE IX

SEC. 9001. Appropriations provided in this title are available for obligation until September 30, 2006, unless otherwise so provided in this title.

SEC. 9002. Notwithstanding any other provision of law or of this Act, funds made available in this title are in addition to amounts provided elsewhere in this Act.

(TRANSFER OF FUNDS)

SEC. 9003. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

SEC. 9004. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 9005. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 9006. Notwithstanding any other provision of law, from funds made available in this title to the Department of Defense for operation and maintenance, not to exceed $500,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to train, equip and provide related assistance only to the New Iraqi Army and the Afghan National Army to enhance their capability to combat terrorism and to support U.S. military operations in Iraq and Afghanistan: Provided, That such assistance may include the provision of equipment, supplies, services, training and funding: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense shall notify the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate not less than 15 days before providing assistance under the authority of this section.

SEC. 9007. (a) From funds made available in this title to the Department of Defense, not to exceed $500,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to fund a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter (beginning with the first quarter of fiscal year 2006), the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were

made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 9008. Amounts provided in this title for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in this Act, or any other provision of law: Provided, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including the cost, purposes, and quantities of vehicles purchased.

SEC. 9009. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9010. (a) Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter through the end of fiscal year 2006, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, and trends relating to numbers and types of ethnic and religious-based hostile encounters.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are—

(i) capable of conducting counterinsurgency operations independently;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(E) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(F) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction; and

(v) attrition rates and measures of absenteeism and infiltration by insurgents.

(G) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(H) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(I) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(J) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2006.

SEC. 9011. Congress, consistent with international and United States law, reaffirms that torture of prisoners of war and detainees is illegal and does not reflect the policies of the United States Government or the values of the people of the United States.

SEC. 9012. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government cost.

SEC. 9013. Amounts appropriated or otherwise made available in this title are designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

This Act may be cited as the ''Department of Defense Appropriations Act, 2006''.

Mr. STEVENS. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. If I may have a moment, I thank our staff for their dedication and hard work putting this bill together. I point out to the Senate the people I am going to name are our staff. They work with both Senator INOUYE and me. We work as a seamless team in the subcommittee: Sid Ashworth, Charlie Houy, Lesley Kalan, Brian Wilson, Brian Potts, Kate Kaufer, Mark Hoaland, Alycia Farrell, Katy Hagan, Betsy Schmid, Nicole DiResta, Mazie Mattson, Janelle Treon, Kate Fitzgerald, Jennifer Chartrand.

Let me recognize a very dedicated, wonderful staff person of our subcommittee, Mazie Mattson, who is now going to retire after 25 years of working for Congress. This is Mazie's final Defense bill. We are extremely grateful to her for her sincere loyalty and tireless efforts and very gracious support she provided to each and every one of us on both sides of the aisle on our subcommittee. She will be greatly missed. We wish her family and her husband, Bill, all the best. We thank you very much, Mazie. Thank you very much.

The PRESIDING OFFICER (Mr. ISAKSON). The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection it is so ordered.

The PRESIDING OFFICER appointed Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. BURNS, Mr. INOUYE, Mr. BYRD, MR. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mr. REID, Mrs. FEINSTEIN, and Ms. MIKULSKI conferees on the part of the Senate.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006—CONFERENCE REPORT

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of the conference report to accompany H.R. 2360, the Homeland Security appropriations bill. I further ask consent that there be 30 minutes of debate equally divided, and following the use or yielding back of time, the Senate proceed to a vote on adoption of the conference report, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2360) ''making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes,'' having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of conferees on the part of both Houses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to

the consideration of the conference report.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 20, 2005.)

Mr. FRIST. Mr. President, for the information of colleagues, we expect this vote to be a voice vote. There will be no more rollcall votes today.

I yield the floor.

Mr. GREGG. Mr. President, in the Senate this year, we have considered this homeland security bill during two very different times of crisis. When the bill was on the floor of the Senate in July, the reprehensible train bombings in London had just occurred and there was a desire to increase funding for rail security. Now, we consider this conference report during the immediate aftershock of two damaging hurricanes in the gulf coast, which demolished entire cities and towns. And there has been a call and an urgency to provide Federal financial help. We have met that call through significant—very significant—supplemental emergency funds. While these funds need to be monitored to make sure they are spent wisely and prudently, it is appropriate to help get the people in these areas back on their feet. And it is important to remember that this is an emergency, and emergency needs are being addressed through tens of billions of dollars that have been approved.

The conference report we are considering today addresses the Department of Homeland Security as a whole. It is an amalgamation of 22 Federal agencies and it encompasses the broad spectrum of homeland security needs. But first and foremost, the Department must be focused on the national security of our country.

The conference report before us builds on that. It is threat-based and provides total appropriations of $31.9 billion for the Department of Homeland Security, directly focusing on two of the most vulnerable areas of our homeland security: weapons of mass destruction and border security.

As a country, we pride ourselves on being an open and democratic society that affords tremendous freedoms to its citizens. Unfortunately, there are terrorists who wish to prey on that trust and openness and to harm and kill massive numbers of innocent civilians to attack our way of life. There is absolutely no question that if a terrorist gets control of a weapon of mass destruction, be it biological, nuclear, or radiological, it will be used against us and against the fundamentals of Western civilization. This conference report provides over $2.4 billion for WMD and terrorism prevention and preparedness, including funds to assist State and local jurisdictions.

Similarly, because we seek to participate in an open and vibrant world, our borders are incredibly porous and access into this country is easy. Regrettably, that openness is now a threat to us. We do not have a handle on who and what crosses into our country everyday. This conference report provides $9 billion, which funds 1,000 new border patrol agents, 250 new investigators, 460 new detention personnel, and the necessary infrastructure and training capacity to support a vast improvement in our border security.

I want to particularly single out the coast guard for the outstanding job they have done in the gulf coast States. They exemplify a working agency—one that does its job without fanfare and complaint, and which produces tremendous results in the number of lives that were saved rescuing over 33,520 people—as many as they have over the past 8 years—stranded by Hurricane Katrina. Their superior work day in and day out is well recognized. This conference report provides a total of $7.86 billion for the Coast Guard for fiscal year 2006.

As clearly as we saw the top performance of the Coast Guard during Katrina, the problems in FEMA continue to be highlighted. And this Committee intends to conduct an in depth analysis of the Department and this agency. At this time, putting more money in this bill, on top of the $60 billion in emergency funds already provided and the funds that will soon be coming in the next supplemental, is not the solution.

I continue to also be concerned about the vast amount of unspent funds in the Department, particularly the $6.2 billion in unspent funds for State and local grants. For that reason, this bill limits funding in those areas. As a part of the National Preparedness Goal, State and local jurisdictions are undertaking a review of their essential capabilities, to determine what has been accomplished with the funds provided so far. The results of this analysis will be used to inform future funding decisions.

Interoperable communications remains a significant priority. One of the hurdles facing communities attempting to achieve this goal is that not all of the technical standards, known as Project 25, are finished. Some standards continue under development.

Overall, this conference report represents a responsible and targeted approach to homeland security funding. Were we able to fully meet every need? No, given fiscal constraints, we focused our limited resources on eliminating the most serious and detrimental vulnerabilities of our homeland security. And we have made a significant accomplishment in beginning to address the major threats facing our national security as a whole. This conference report demonstrates our strong commitment to shoring up our national security, making the Department of Homeland Security a better agency with a more coordinated and cohesive approach, and ensuring we are focused on the emerging threats of today rather than on yesterday's problems.

The PRESIDING OFFICER. Who yields time on the conference report?

The Senator from West Virginia.

Mr. BYRD. Mr. President, I yield myself such time as I may consume.

Mr. President, I thank Chairman JUDD GREGG, the House Chairman HAROLD ROGERS, Representatives MARTIN SABO, Representative DAVE OBEY, and all of the House and Senate conferees for their hard work on the Homeland Security appropriations conference report.

I also commend the thousands of men and women who are on the front lines of Homeland Security. God bless them. I thank them. While I remain very concerned that we are not giving these men and women the tools they need to do their job, that in no way detracts from their commitment to serve the Nation.

The conference agreement that is before the Senate sends a strong signal to the Department that it needs to move in a new direction. The Department needs to be nimble and responsive, not bureaucratic and slow. It needs to target limited resources on future threats, not simply the threats posed by the attacks of September 11.

The conference agreement includes numerous improvements to the President's budget, particularly with regard to border security, air cargo security, improved screening of airline passengers for explosives, funds to hire firefighters, as well as funding to protect the all-hazards Emergency Management Performance Grant Program.

The conference agreement builds on the bipartisan border security initiatives I offered along with the very able Senator, Mr. CRAIG, with Chairman GREGG's support to the 2005 emergency supplemental bill. Between the supplemental enacted in May and this bill, Congress will have increased the number of Border Patrol agents by 1,500; Congress will have increased the number of immigration investigators, agents, and detention officers by over 750; and Congress will have increased the number of detention beds by at least 1,800.

I commend all of the conferees and in particular the inimitable chairman, JUDD GREGG, for that action. The inimitable chairman. Do you hear that? The inimitable chairman, Judd Gregg. He is not here, but he will hear about it.

In addition, the agreement contains an important protection for the privacy rights of Americans. The agreement would prohibit the use of commercial databases in the implementation of Secure Flight, the Department's proposed new airline passenger profiling system. Such commercial databases are unreliable and potentially could be used to invade people's privacy.

The conference agreement provides $30.8 billion for discretionary programs, an increase of just 4.6 percent. This is a very lean bill. The committee was put into a difficult position as a result of the administration's proposal to

have the Appropriations Committee increase the fees paid by airline passengers by $1.68 billion. How about that?

The Appropriations Committee does not have jurisdiction—what is the matter with the White House?—the Appropriations Committee does not have jurisdiction over airline fees. The White House knows that. The Budget Office knows that. So as a result of what the White House did, the committee was forced to reduce spending on critical homeland security programs—your programs, your people's programs, your constituents' programs.

This ill-considered administration proposal—hear it—this ill-considered White House proposal resulted in real cuts—real cuts—in firefighter grants, first responder grants, Coast Guard operations, and in the number of airport screeners.

Now listen. Listen. It is regrettable that the administration's apparent lack of understanding of the legislative process—when will they learn?—their apparent lack of understanding of the legislative process will have such a direct impact on programs that are important elements of our homeland security strategy. How about that? Time and time again—time and time again—this administration has talked a good game on homeland security, but it has not followed through with a sustained commitment of resources and ideas. I fear that the administration believes that it fulfilled its commitment to securing the homeland by creating the Department of Homeland Security, which I voted against. And I am glad I voted against it. Well, America is not made safer by simply reorganizing boxes on an organizational chart.

Repeatedly, the energy, the initiative, the resources, and the leadership for homeland security have come from the Congress—the Congress. From border security to transit, rail, and port security, to air cargo security and explosives detection, the initiative—hear me—the initiative to fund these efforts came from—where?—the Congress, you, this body, the other body, the people's branch, the Congress. This conference agreement continues in that tradition, and I commend Chairman GREGG and former Chairman COCHRAN. I commend them for their excellent leadership.

However, following the terrorist attacks on 9/11, the Madrid and London train bombings, many other bombings such as those in Bali just a few days ago, and Hurricane Katrina, Congress should be approving a more robust homeland security bill. If there is one lesson we should all learn from Hurricane Katrina, it is that when you starve our Nation's infrastructure and allow our emergency response capacity to wither on the vine, there are consequences. There are consequences. There will be consequences.

In conference, I joined with Representatives OBEY and SABO in offering an amendment to provide $1.7 billion of targeted investments for emergency disaster planning, predisaster mitigation, grants to hire, equip, and train firefighters, and grants for transit, port, and chemical security. The amendment would also have helped the Coast Guard maintain the ships, the planes, the helicopters that they have used so effectively in evacuating over 33,000 people following Hurricane Katrina and Hurricane Rita.

The entire bill that is before us, the budget for the entire Department, is only $30.8 billion. Now, I understand the need to live within limits, but sometimes those limits simply do not correspond to the reality that confronts us. Why not limit somewhere else? Why not limit somewhere else? How much are we giving to Iraq? How many questions do we ask, then, when we give there? We build infrastructure in Iraq. How about building it here in our country? Charity begins at home.

In the past month, we appropriated $60 billion as an emergency for one agency that is funded by this bill, FEMA. One agency received a supplemental that is double the annual budget of the entire Department, and yet in this bill we fail to make the investments to help us avoid future $60 billion supplemental bills.

We should be increasing predisaster mitigation efforts. What if something happens here in Washington? What if something hits Washington? There will be millions of people from Washington, Virginia, and Maryland heading—where?—heading westward, heading toward West Virginia, heading toward parts of Maryland, Pennsylvania, and Virginia. Then what? Yes, what about that? We have seen the problems created by Katrina. What if the terrorists were to hit here, and then we have this massive, massive flow of people Westward? That is what we are talking about when we talk about predisaster mitigation efforts.

My Governor, the Governor of West Virginia, the most handsome Governor in the country, Governor Joe Manchin, has proposed that there be more money—more money, that we need to prepare ahead of time, that we need to pre-position medical supplies, pre-position gasoline, pre-position other items that will be needed when and if that disaster hits here. That is what we should be increasing: predisaster mitigation efforts—not cutting them.

We should be doing the disaster planning now so that if there is a terrorist attack in a major city such as Washington, DC, that produces a mass evacuation, there will be pre-positioned food, water, fuel, and communications equipment to help the millions of affected citizens evacuate safely.

When less than 25 percent of eligible applications for firefighting grants were approved last year, should we be cutting firefighting funds by $105 million? Why, that is sheer madness—madness. That is sheer madness. May I say to one of my favorite Senators of all time, the Senator from Vermont, JIM JEFFORDS—one of my favorite Senators—that is sheer madness.

When the Madrid and London train bombings proved that there is a real threat to our transit systems—hear me, New York City—when there is a real threat to our transit systems, should Congress be providing just $150 million, when the estimated need is $6 billion—$6 billion.

When two Russian airplanes were simultaneously blown out of the sky by terrorists 1 year ago, should we be satisfied that only 18—only 18—out of the 448 commercial airports in the United States have received new checkpoint technologies to screen passengers for explosives?

Hear me. We better act in time.

I believe Chairman GREGG—the inimitable chairman, I say; he is a Republican, but he is a great chairman; I am proud of him—has put together a bill that makes significant improvements to the President's budget. I commend Chairman GREGG for those choices. However, as we move forward on a Katrina supplemental bill, I hope we will reconsider the investments contained in the amendment that was defeated—hear me—defeated in conference.

Sometimes I say, yes, sometimes you have to spend money to save money and to save lives. Let me say that again. Sometimes—sometimes, Senators; sometimes, Mr. President; sometimes, I say to the White House—you have to spend money to save money and to save lives. And you do have to spend it here in America, in this country, to save American lives.

I commend the staff—our wonderful staff, our great staff, our dedicated staff—for their contributions to this important legislation. In particular, I thank Chairman GREGG's staff: Rebecca Davies, James Hayes, Carol Cribbs, Kimberly Nelson, Shannon O'Keefe, and Avery Forbes.

And do you think I would forget my own staff? No. My own staff, I commend them: Charles Kieffer—man, he is it, he is the man, Charles Kieffer—Chip Walgren, Scott Nance, Drenan Dudley, and our Coast Guard detailee, Sean MacKenzie. What a staff.

Finally, on a personal note, I mark the recent passing of Robert M. Sempsey this past Saturday. Bob Sempsey worked for the Congressional Budget Office for nearly 25 years. He was the principal analyst for the Homeland Security and Labor-HHS-Education appropriations bills. He was a good friend. He was a fine teacher for many of our Senate staff. To his wife and three children, I extend my hand in your time of grief. Bob was a fine public servant. He will be sorely missed.

With regard to the Homeland Security conference report, I again compliment the inimitable Chairman JUDD GREGG.

I urge its adoption, and I yield the floor.

Mr. LIEBERMAN. Mr. President, it is with regret that I oppose this conference report.

I am a strong advocate of the need for the Department of Homeland Security and its work. And as the ranking

member of the Department's lead authorizing committee, I do not lightly oppose this appropriations bill for the Department's vital work. But I feel I have no choice but to protest what I consider to be dangerous and misguided cuts in the vital programs that help America's first responders.

Just weeks ago, we watched with horror as our fellow citizens in Louisiana and Mississippi suffered the ravages of Hurricane Katrina. It was inevitable that a hurricane of that size and intensity would cause hardship. But we know that the pain was far greater and the recovery far more daunting than it needed to have been if our Government had done all it could to prepare for and respond to the catastrophe. We know that preparedness planning was inadequate; that first responders lacked the equipment and communications they needed to respond; and that first responders and officials did not have the training and command structures they needed to work effectively together to help the many victims depending on them. And this for a catastrophic hurricane that had been predicted in advance. We can only speculate what preparedness and response to an unforeseen catastrophic terror attack might look like.

We know, in short, that we have very far to go before we are as ready as we must be for the threats ahead. So why are we now are asked to approve dramatic cuts in the very programs that could help strengthen these essential capabilities?

This conference report would cut the three core first responder programs—the State Homeland Security Grant Program, SHSGP, the Urban Area Security Initiative, UASI, and the Law Enforcement Terrorism Prevention Program, LETPP—by 28 percent—nearly a third. The State homeland grants, which make up the backbone of most prevention and preparedness efforts, would be cut in half from fiscal year 2005 levels. And this comes on top of several years of cuts to these accounts. I know these cuts will leave unacceptable gaps in homeland security efforts in my own state of Connecticut, and I assume other States will also be unable to achieve their preparedness and response goals without more help from the Federal Government.

By contrast, the Senate voted in support of S. 21, a bill sponsored by Senator COLLINS and me, to authorize a significant increase in funding for these core first responder programs. The Homeland Security and Governmental Affairs Committee has also endorsed legislation to create a new dedicated grant program to help first responders obtain interoperable communications equipment. This vital need—so painfully apparent on 9/11 and again during Katrina and its aftermath—alone is estimated to cost billions of dollars. Currently, first responders must purchase interoperable communications systems with these general homeland security grants, making the pending cuts all the more distressing.

I recognize that appropriators struggled with constraints imposed by the administration's budget and had to make difficult choices between many important homeland security needs. I appreciate that conferees fought to include dedicated money for rail, transit and port security grants, as well as for the Coast Guard's Deepwater program. But I reject the premise that we must accept this as the best we can do for our first responders. It is not the best we can do. It must not be the best we can do. We know that the threats—natural or manmade—are real, and that we are not yet ready to meet them. Katrina has just underscored that lesson. Two years ago, a distinguished task force chaired by our former colleague Warren Rudman told us that our first responders were ''drastically underfunded, dangerously unprepared'' and that we would need close to $100 billion over 5 years to meet critical preparedness and response needs. Yet in the time since, we have only whittled away at these critical programs rather than strengthening them. As I have said before, we have the best military in the world because we are willing to pay for it. We should not do less for our defenses here at home.

I wish to go on record opposing this conference report because I believe we must find a way to do more for our first responders and the communities they serve.

Ms. COLLINS. Mr. President, I rise today in opposition to the fiscal year 2006 Homeland Security appropriations bill. I oppose this conference report for three main reasons. First, the funding levels for first responder grants has been slashed to the lowest levels in the post-9/11 era despite the evident need for resources. Second, the bill adopts a formula for the distribution of first responder grants that is unpredictable, lacking in basic fiscal safeguards and will leave many parts of this country vulnerable. Third, this conference report underfunds mass transit security.

This conference report cuts the funding allocation for State and local first responder grants from $1.1 billion enacted in fiscal year 2005 to only $550 million for fiscal year 2006, an unacceptable and unwise reduction. Moreover, the level contained in the conference report is a full $270 million less than the amount requested in the administration's budget request. Unfortunately, these reductions continue a downward trend. The overall amount of homeland security funding for first responders and state and local needs has declined by $1.2 billion in just the past 2 years.

This is not the time to slash funding levels of these critical preparedness grants. These Draconian cuts are particularly remarkable given the recent failures in the response to Hurricane Katrina. That disaster clearly indicated that this Nation is not as prepared as it must be and that Federal, State, and local first responders and emergency managers are lacking critical equipment, especially communications gear and training resources. This is not the time to be cutting the resources available for these vital preparedness programs.

The second reason I voted against the conference report was because it adopts a formula to distribute these funds that is unbalanced, unpredictable and lacks accountability measures that are needed to ensure funds are spent wisely. Indeed, this conference report underscores the need for the bill Senator LIEBERMAN and I have developed, and the Senate overwhelmingly endorsed, to ensure a stable level of funding for all States. The approach taken in our bill would establish a formula that provides a predictable level of funding—scaled to reflect the different needs of states—that will allow all States to achieve essential preparedness and prevention capabilities.

We don't know where the next terrorist attack will take place. There is no way to predict where the next hurricane, tornado, or outbreak of pandemic influenza will occur. Therefore, we must raise the preparedness of all States to a minimum level of preparedness.

Unfortunately, the approach taken by the conference report does not provide an adequate base level to help States and localities establish minimum levels of preparedness. Nor does it recognize, as our bill does, that some States, because of larger or more dense populations, need more funding than others to establish essential preparedness capabilities.

Additionally, under the ad hoc approach taken in this conference report, States cannot count on a predictable stream of funding, which makes it impossible to implement the long-range plans the DHS requires of them. We need a fair formula, in statute, that does not jump from year to year as is currently the case.

Additionally, accountability measures—like independent audits, robust reporting requirements, and tying spending to standards—are simply not in place. We need to adopt authorizing legislation to ensure this funding is being properly spent.

It is disappointing that the appropriators largely adopted the House position on how to distribute this funding. This is particularly the case given that the bill Senator LIEBERMAN and I put together received the support of more than 70 Senators just this past July.

Finally, this conference report is flawed because it shortchanges vulnerable areas, in particular, transit security. The Committee on Homeland Security and Governmental Affairs recently held hearings on this important topic which revealed vulnerabilities in our transit systems. The attacks in Madrid and London demonstrate that terrorists are willing and able to attack transit systems; it is unconscionable that we are not doing more to secure our domestic transit systems.

Our Nation must make more progress in improving its ability to respond to

catastrophic disasters, whether natural or from a terrorist attack. Congress owes it to our constituents and to our first responders to be more thoughtful in how we provide the resources necessary to improve our ability to deter, detect, and respond to threats facing our Nation.

Mr. REED. Mr. President, today the Senate passed the Department of Homeland Security appropriations bill conference report. The bill provides $30.8 billion in discretionary spending for the Department of Homeland Security. While it is important that the Senate acted to pass this legislation, I am concerned about the funding levels provided for critical programs in this conference report. Specifically, the bill cuts funding for vital first-responders grants, and fails to improve our Nation's transit and aviation security.

I fear that we have failed to learn from the terrorist attacks in Madrid and London about the vulnerability of our transit system. Yesterday's terrorist threat against the New York City transit system further illustrates the need to increase our efforts in this area. Yet the conference report that we passed today includes only $150 million for transit security grants. In June, Senators SHELBY and SARBANES and I sponsored an amendment to raise funding for transit security to more than $1 billion. Unfortunately, the amendment failed. But it is this level of funding, not $150 million, that is necessary to keep the Nation safe.

Every workday, 14 million Americans take a train or a bus. We know that transit systems and their riders are by their very nature prime terrorist targets. Subways, light rail, buses, and ferries are designed for easy access and to move large numbers of people efficiently.

These are the facts: Numerous attacks on transit; 6,000 transit systems in the U.S.; and 14 million riders every workday. I don't think anyone can say transit is not a target for terrorists and should not be among our highest homeland security priorities. Yet the Federal Government's response to these facts has been underwhelming. Indeed, the Federal Government has invested $9 in aviation security improvements per passenger, but only $0.006 in public transportation security per passenger. Now, are aviation and transit the same and can we achieve the same level of security in the open access environment of transit? No, but I doubt that the 14 million Americans who use transit every workday think that less than one cent is the appropriate amount to invest in transit security

Second, I am concerned about the cuts that the bill provides to aviation screening. The bill would cut funding for the aviation security screener workforce by $125 million from the budget request. This cut will result in 2,000 fewer airport screeners nationwide, including cuts in the number of screeners in Rhode Island. Rather than cutting the number of screeners, we need to increase the nationwide number to 53,000 screeners in order to keep wait times at the current average of about 10 minutes. Yesterday, President Bush in an attempt to rally public support for the war in Iraq stated that the Government disrupted 10 serious terrorist plots since September 11, 2001. Three of these plots involved hijacking airplanes for suicide attacks. Yet, today, the Republican Congress cut the number of screeners serving our airports.

Finally, the bill cuts funding for first-responder grants for States and local governments by about 17 percent, $680 billion less than last year, and failed to include a formula to help ensure all states would receive adequate funding and protection.

This conference report does not do enough to protect Americans from terrorism threats or natural disasters. This is a continuation of the administration's, and the leadership of this Congress, pattern of failure to learn from past lessons and invest in the essential infrastructure necessary to make our country safe. Is this the type of belt-tightening the administration is willing to accept in order to continue to pay for irresponsible tax cuts?

Mr. PRYOR. Mr. President. I rise today to express my displeasure with the Homeland Security appropriations conference report. More specifically, the conferees' neglect of formula based funding for State's first responders could produce dire results for small rural States such as Arkansas.

The conferees' decision to cut this funding, by more than half, will make it harder for smaller States to prevent, and more importantly, respond to emergency situations either manmade or natural. The events of the last 2 months alone go to show that first responders need to be prepared regardless of where they are located geographically.

The conferees' decision to cut first responder funding is even more frustrating seeing that the U.S. Senate a few months ago overwhelmingly passed a Homeland Security appropriations bill that went to great lengths to maintain a minimum base of first responder funding for all States. The formula which was created by Senators SUSAN COLLINS and JOSEPH LIEBERMAN was fair and would have provided stability to our Homeland Security appropriations process. I commend these Senators for their hard work and regret that their formula was ignored by conferees.

The conferees' actions will not only do great disservice to small States' first responders this year, but they have guaranteed that we will yet again spend precious time next year working out a funding formula to allocate Homeland Security grant money. There are many other issues that we must tackle but an inability to reach an understanding on this important issue will keep us stuck in the mud and that, Mr. President, is a disservice to all States.

The PRESIDING OFFICER. Does any other Member seek recognition?

The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield back time on our side.

The PRESIDING OFFICER. All time having been yielded, the question is on agreeing to the conference report.

The conference report was agreed to.

The PRESIDING OFFICER. The Senator from Wyoming.

MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that there be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF FOR THE GULF COAST

Mrs. CLINTON. Mr. President, there has been a lot of activity on the floor over the last 24 hours. It has been focused on how best to help the people along the gulf coast who have been devastated by twin natural disasters, Katrina and Rita. There has been an ongoing debate that took up the night here in trying to determine how best to provide the funding that the cities and parishes in Louisiana and in Mississippi and Alabama and Texas need in order to begin to deal with their pressing, urgent needs.

I rise because I well remember the feelings that I had on this floor in the aftermath of the attacks we suffered on September 11, 2001. It was an uncertain and tragic time in our country. We were attacked and we lost nearly 3,000 people. Eighteen acres were destroyed in the heart of the financial capital of the world. Hundreds of thousands of people lost their jobs. Businesses were shuttered, and there was great doubt as to how we were going to obtain the resources to begin the recovery process.

I am grateful that in New York's hour of need, we had strong support in this Chamber. I am looking at my dear friend, the senior Senator from West Virginia, who came to our aid immediately. In fact, he said he would be the third Senator from New York.

Mr. BYRD. Yes.

Mrs. CLINTON. I have never forgotten that. I am so grateful because he helped to shepherd through the Congress the money that New York needed immediately to meet its needs.

I am someone who believes that in a time of natural or manmade disaster, Americans rally around each other. We

take care of each other. We provided funds from all over the country to help New York rebuild, just as we did after the Northridge earthquake in California, just as we did after hurricanes in Florida, just as we did after forest fires in the West, just as we did after the great floods in the Middle West.

There has never been a disaster of the dimension of what we are facing along the gulf coast. I believe I have a small bit of understanding and empathy because of what we went through in New York for what my colleagues, Senator VITTER and Senator LANDRIEU, are facing. But what is becoming clear to me is that there is an effort underway to make the recovery along the gulf coast much more difficult than it needs to be.

I have been stunned at some of the demands that I hear coming from some of those in the Congress about what is expected from the people along the gulf coast and what kinds of funds can be made available to them. Like many people, I have been touched, moved, and impressed by the passion and eloquence of my friend and colleague, the senior Senator from Louisiana, Ms. LANDRIEU. She has valiantly fought for the people who placed their trust in her to come to this Capitol and represent them in good times and bad. We are in a bad time. The people in Louisiana and along the gulf coast need champions. But no matter how eloquent a single Senator is or two Senators might be from a single State, they need support on both sides of the aisle and on both ends of the Capitol.

We are about to be presented with legislation that for the life of me I cannot understand. This legislation in law discriminates against the gulf coast. It says, for the first time ever, we will put conditions on the Federal money that goes through FEMA to the people and businesses of the gulf coast.

Mr. BYRD. Shame. Shame.

Mrs. CLINTON. We will require that the money be repaid. As Senator LANDRIEU has said in this Chamber: It is a little bit of a catch-22, isn't it? You say to hard-pressed sheriffs offices in parishes, to municipal governments in towns and in New Orleans and along the gulf coast, you say to them: You must repay this money. So before you borrow it to keep your police and your fire departments up and going, before you borrow it to have your public utility departments begin to do the work they need to to get the reimbursement they require, you must have a plan in place to repay it.

Mr. BYRD. Shame.

Mrs. CLINTON. I am bewildered. I don't understand why we are turning the people of the gulf coast into second-class citizens.

After 9/11, in addition to the normal disaster relief funds provided in the wake of that tragedy, the Federal Government designated $20 billion to assist the New York City area. This was the first time FEMA received authority of this type to reimburse the city and the State for associated costs that could not otherwise have received money under the Stafford Act. This was an unusual action taken at an unusual time. We had the strong support of then-chairman of the Environment and Public Works Committee, Senator JEFFORDS, because 9/11 happened in that window when the Democrats were in the majority in the Senate. Chairman Jeffords stood with us to make sure we got what we needed without discriminating against New York City, without telling New Yorkers: You are just going to have to figure out how you are going to repay it, when you are not even sure there is another attack coming or what is going to be occurring in the future.

Mr. President, we are again facing an unusual time. Hurricane Katrina, and then, of course, Hurricane Rita, devastated New Orleans and the surrounding areas. The people of this region deserve our full support. Instead of providing that support and helping these communities meet their needs, the proposal before us actually restricts their access to funds by preventing them from using principal forgiveness authorities that are part of current law.

I know this has been presented apparently by the leadership in the House as a take-it-or-leave-it deal. I know what a difficult position that puts our two Senators from Louisiana in because they are basically being told you can leave here with $750 million with discriminatory conditions on it that make your people second-class citizens compared to everybody else, or you can leave with nothing. Well, that is a Hobson's choice if there ever was one.

Mr. BYRD. Right.

Mrs. CLINTON. Bring nothing home or bring something that is not going to help your hospitals, is not available to many communities because they are not going to be able to borrow it in the first place because they cannot repay it.

Mr. BYRD. Shame.

Mrs. CLINTON. I came from a meeting where a number of business executives along the gulf coast are desperately trying to figure out what they are going to do. Entergy in New Orleans has just taken bankruptcy. They said if they have to put the costs they are accruing into the rate base—which they have to do under these circumstances—rates are going to rise 200 percent.

What are people with no jobs and no businesses—and we will not even give them an unemployment compensation extension, we will not pass the Medicaid emergency application process which we used in New York—going to do? We had a one-page Medicaid eligibility program that got people back into a position where they could get their health needs met. We are not doing any of that for people along the gulf.

Mr. BYRD. Right.

Mrs. CLINTON. Mr. President, I have the deepest sympathy for my colleagues from Louisiana. They are between a rock and a hard place.

Mr. BYRD. Right.

Mrs. CLINTON. Go home with nothing or go home with a bad deal.

Mr. BYRD. Shame.

Mrs. CLINTON. And a deal that has never been inflicted on any other city, State, or region in our country.

Mr. BYRD. What a shame.

Mrs. CLINTON. Finally, Mr. President, this is all being done in the name of the deficit. I know, I read the papers. We have a lot of people who have discovered the deficit up here.

Mr. BYRD. Cut the funds for Iraq.

Mrs. CLINTON. There are a lot of other alternatives than imposing discriminatory conditions on the American people—the American people along the gulf coast.

Mr. BYRD. Shame.

Mrs. CLINTON. Mr. President, together we can do better than this. A strong America begins at home.

Mr. BYRD. Right.

Mrs. CLINTON. And we should owe our highest allegiance to the people who are in this country. And before we extend 100 billion more dollars in tax cuts, and before we continue to run up this deficit by funding the war and all of the other associated expenses, let's get some responsibility back here and let's treat the people of the gulf coast with the respect and dignity they deserve.

I yield the floor.

Mr. BYRD. Hear hear.

Ms. LANDRIEU. Hear hear.

The PRESIDING OFFICER. The majority leader.

COMMUNITY DISASTER LOAN ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1858, the Vitter bill, which is at the desk, that the bill be read three times, passed, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, let the Record be spread with my admiration for the senior Senator from the State of Louisiana for her tireless work on behalf of the people of Louisiana. I think most all of us would agree that this bill is imperfect, and that is an understatement. But I so appreciate the enthusiasm, the diligence, the hard work of my friend from the State of Louisiana, Senator LANDRIEU.

Also, once this bill passes—and it will pass—I think the focus then moves to the other side of the Capitol. I hope those people who are listening to this who have connections with the administration would assist us in getting the House to do the right thing: not only pass what we have done here, but hopefully take out this provision which I

think is different than the people of the State of Louisiana thought they would get.

I hope that by the time the House closes business today, we have a better product than what we have here. I also think it is important for me, having expressed my appreciation to the Senator from Louisiana—I acknowledged the senior Senator, but I acknowledge the work of the junior Senator from Louisiana. They have worked together. I understand that. It is a difficult situation in which we find ourselves based on that storm none of us anticipated, at least I did not.

We are going to have to continue to work our way through this. Even though the devastation of the storm has left the mind's eye of most people momentarily—and it is only momentarily—it is so easy to conjure up in our minds the images we saw—we simply need to help those people who have been forced to leave their homes and take their children to other places.

It is a terrible situation, and we need to help. This is a first step in helping, even though, as the Senator from New York so clearly opined, this is not the best solution. It is a solution.

I again want the RECORD to be spread with the fact that I appreciate the work of the Senators from Louisiana, especially my friend, Ms. LANDRIEU.

Mr. LEVIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I ask unanimous consent that I be allowed to explain an amendment which I am going to ask the majority leader to accept as part of this unanimous consent request, and that I be allowed to proceed for 4 minutes to explain what this amendment does.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, we have all gotten up on this floor and talked about the urgent necessity of helping the people of Louisiana, Alabama, Mississippi, and Texas. We have all been on this floor talking about the uniqueness of the disaster which is called Katrina. Every one of us goes back home. We received into our homes, our churches, our synagogues people who have been displaced by Katrina. Our people have responded magnificently to this disaster, to this catastrophe back home.

Now the question is whether we in the Congress are going to be helpful to the victims in a way which we have been helpful in so many other disasters of a smaller magnitude by providing a loan so that operations can continue, or whether we are going to incorporate a provision in this loan which has never been incorporated before in any loan ever made to a community that obtained a loan under this law.

We have never imposed this restriction that is in this bill on any community in this country. We have lent money to Ricksburg, ID; we have lent money to Johnstown, PA; we have lent money to Clifton, AZ; we have lent money to Albian Borough, PA; we have lent money to Vassar, MI, in my home State.

There are occasions when those loans have been forgiven, and in the ones I just listed—and I want the majority leader to understand the depth of the feeling on this issue because it can happen to any of us—the loans I just listed, including one to my home State, have been forgiven when they met the conditions of the Stafford Act for forgiving loans.

But now we are telling the victims of the worst disaster we have had in this country that the Stafford Act provisions, which, under certain circumstances, could permit the forgiveness of a loan, will not be available to them. My amendment does not turn this loan into a grant.

If my amendment is accepted, it would provide that the same terms and conditions under which this loan is made will be the terms and conditions that have been applied to other loans.

To discriminate against these people who have been so victimized, to me, is unthinkable—that we would single them out for discriminatory language. I don't believe we can operate this way, and I don't believe the House would reject our language if my amendment is accepted.

The Senator from Delaware and I went over to the House last night. We talked with the chairman of the Appropriations Committee, and he indicated that the language which I am going to suggest would be acceptable to him. He didn't speak for the whole House, obviously, and if the Senator from Delaware chooses to comment on this, I think he will restate what I just stated as being accurate.

My request, my plea, is that we adopt language which strikes the discriminatory provision which allows the Stafford Act forgiveness to be considered with these loans the way it has been considered with all other loans. That is my plea. And my plea is incorporated in an amendment.

My amendment, which I ask the majority leader to consider, would strike the word ''not'' in the bill where it says:

. . . that loans may not be canceled.

Strike the word ''not'' and substitute the words ''may be canceled pursuant to the Stafford Act,'' and with an additional requirement, ''with the approval of the Congress.''

I suggest we add an additional safeguard, the safeguard of the Stafford Act, which has been applied to all other loans, but in addition to that, add a requirement that if there is forgiveness, it could only happen with the approval of the Congress. That is a double safeguard. That still would single them out as no others have been singled out, but at least it would keep the possibility explicit in the bill that under the circumstances that are provided for every other loan, that these loans might be forgiven should Congress so choose.

I have been told we can always do that; we always have that power, and we do. It is implicit. But I think we should make it explicit to give people the assurance that in addition—it is bad enough to be victims of this hurricane; it is doubly bad to be victims of discriminatory language. And we are not going to walk down that road. We are going to hold our hand out to you and not insult or offend at the same time.

I ask the leader whether he would amend his unanimous consent proposal to strike the word ''not'' on page 2, line 10, and substitute the words ''only with the approval of the Congress''?

The PRESIDING OFFICER. Does the majority leader so modify his request?

Mr. FRIST. Mr. President, I object to the request.

The PRESIDING OFFICER. Is there objection to the majority leader's original consent request?

Mr. CARPER. Reserving the right to object.

Mr. FRIST. Mr. President, regular order.

The PRESIDING OFFICER. Regular order being called for, the Senator from Delaware must object or not object.

Mr. LEVIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Does the Senator from Delaware or any other Senator not have the right to reserve the right to object?

The PRESIDING OFFICER. It is not a right to reserve the right to object; it is an indulgence of the Chair.

Mr. FRIST. Mr. President, regular order.

The PRESIDING OFFICER. Is there objection to the unanimous consent request by the majority leader?

Without objection, it is so ordered.

The bill (S. 1858) was read three times and passed, as follows:

S. 1858

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Community Disaster Loan Act of 2005''.

SEC. 2. DISASTER LOANS.

(a) ESSENTIAL SERVICES.—Of the amounts provided in Public Law 109–62 for ''Disaster Relief'', up to $750,000,000 may be transferred to the Disaster Assistance Direct Loan Program for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) to be used to assist local governments in providing essential services: *Provided,* That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $1,000,000,000 under section 417 of the Stafford Act: *Provided further,* That notwithstanding section 417(b) of the Stafford Act, the amount of any such loan issued pursuant to this section may exceed $5,000,000: *Provided further,* That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled: *Provided further,* That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

(b) ADMINISTRATIVE EXPENSES.—Of the amounts provided in Public Law 109–62 for ''Disaster Relief'', up to $1,000,000 may be transferred to the Disaster Assistance Direct Loan Program for administrative expenses to carry out the direct loan program, as authorized by section 417 of the Stafford Act.

Mr. CARPER. Mr. President, I ask unanimous consent to address the Senate for 5 minutes.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, for the last 24 hours, we have dealt with an issue that centers around the Vitter bill and the proposal to appropriately be able to modify, increase the amounts of loans and loan programs. We have struggled to come to the point we have today, which maximizes our likelihood, having just passed the Vitter bill, to get language to the House of Representatives before they leave today so that we can respond to the very real needs of the local communities in New Orleans.

We have been working actually for about 10 days on the specific issue of being able to support local government, law enforcement, and hospitals. The step we just took in passing the Vitter bill maximizes our chance today of getting a bill to the House, which we will do, of having the House address it in the next few hours, and having this relief being made available to the people of New Orleans.

There have been a lot of suggestions in terms of language and changes in words, all of which is fine, and some of the language is even very reasonable in terms of the language itself, but after discussions with Republican leadership, the administration having fully vetted the language that is in the Vitter bill, I strongly believe that this gives us the best chance to respond to the very real needs of the people of New Orleans.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, the last 24 hours has been a frustrating and disappointing time for me, quite frankly—frustrating because as we face an unprecedented crisis along the gulf coast, some elements of the Senate have acted as they often do by giving speeches and filibustering.

When I ran for the Senate last year, that is what I heard the most from real people in real life in real towns and cities across Louisiana. They did not get that disconnect. There were real issues on the ground they had dealt with every day in their lives, and yet so often the response of some in the Senate was to give speeches, to obstruct, and to filibuster. So I have to say particularly in these circumstances, when my State and the gulf coast face unprecedented obstacles and hurdles, it has been frustrating to get that response from the other side in the Senate. But we have moved through that, and I am glad.

Just a few minutes ago, we sent over to the House a significant measure to try to get some immediate relief to local governmental entities so that they can sustain essential services, police and fire and hospitals and the like. That is vitally important.

When others have been filibustering, making speeches, and delaying, particularly in the last 24 hours, I tried to do something constructive. What I did is what I have done for the last 10 days—working on this vital issue, trying to get something meaningful, important, and positive done. When others gave speeches about what the perfect language would be, I actually talked to other folks who were clearly going to be involved in the process at the White House, at OMB, and in the House of Representatives to understand what the best language would be that we could hopefully pass this week. I continued that work last night, again as others were giving speeches and holding up action. I continued that work talking to dozens of people to try to get something important and significant done. Across the board, that included Members here, members of the administration, and Members of the House.

Senator LEVIN, the distinguished Senator from Michigan, mentioned one conversation with the chairman of the House Appropriations Committee. I followed up with the chairman of the House Appropriations Committee. I talked to him after that conversation, and it was crystal clear to me from my conversation with him that significant elements of the House of Representatives needed to see that at least at the front end, this was a loan program. We can talk later about what we will do at the back end, how things proceed, what the financial picture looks like in the future, but at least in the front end, it is very clear that they want to frame it as a loan program. That is the only reason I accepted that language, because I actually want to do something. I actually want to get needed help today, not in 2 weeks when it will be too late for so many of those communities and local jurisdictions of government that need to preserve their police, fire, and hospital services. That is the only reason I have focused on this particular version of the bill and that particular language.

Several speakers on the other side called it discriminatory. Let me explain a few other ways in which it is discriminatory because it is discriminatory in at least three other ways, and I am pretty darn proud of being able to negotiate those three other discriminatory provisions. No. 1, for the first time ever that I am aware of, ever in history, we are moving emergency Stafford Act funds that have already been appropriated by the Congress into this community disaster loan program under homeland security so it can be used for ongoing expenses, ongoing salaries, and other expenses of local government. That has never happened before. That is discriminatory, and I am proud of that discriminatory provision.

Secondly, we are lifting the cap on this program that ordinarily limits these funds to $5 million per entity of local government. We are blowing well past that, and there are significant numbers of local government entities, such as the city of New Orleans, that will be able to get loans way in excess of that, perhaps 10, 11, 12 times in excess of that in the case of the city of New Orleans. That is discriminatory because it has never happened before. It is discriminatory in our favor because we needed it.

So there are many provisions in this version of the bill that were discriminatory in our favor because these are unusual circumstances and call for absolutely dramatic action. So I am proud of being able to negotiate those. I accept this other provision because, again, what is important to real people in the real world in the real devastated area is that we get real help to them today—not give a speech, not filibuster, but get real help to them today and not simply pass it off for 2 weeks or a month. I am hopeful that is what this bill which we have just passed through the Senate will do.

It has not yet cleared the House, and immediately from this floor, I will go to the House and continue my discussions which were begun over a week ago with House leaders, House Members, to try to ensure that this type of strong, effective action actually happens today.

I thank the Chair for his indulgence. It certainly was not my plan or my actions which caused this 24 hours of obstruction, filibuster, and frustration. I share that frustration, and I thank everyone who has worked constructively on trying to get something done, everyone here, everyone in the U.S. House, everyone in the administration, and OMB, whose help put that together.

I yield back my time.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I rise today first to pay tribute to the senior Senator from Louisiana for her courage, her strength, and her resolve. I have been so amazed and impressed at the way she has been willing to continue to be on this floor, regardless of how tired she became, in order to fight for the people of Louisiana. I hope everyone in Louisiana understands what she is doing on their behalf and on behalf of all of those in the entire gulf region.

What is so disappointing for me is to see that this has not been a bipartisan effort. It seemed reasonable to me. I represent Michigan, and fortunately we have not been in a situation like my colleagues from New York or the gulf or California. So far—knock on wood—we have not had to face that kind of a catastrophe. But I found what the Senator from Louisiana was asking for very reasonable.

On a bipartisan basis, we have appropriated $61 billion to be used through FEMA. We assumed it would be already being used for the things the Senator

talked about. I was shocked to learn that those funds had not been released to help local communities, as we have been told, and that the process was not moving as it should when people are so desperately in need of support, whether it be the small businesses, the families, the seniors, the cities.

When the Senator from Louisiana asked us for a very modest request of allowing $1 billion of $61 billion to be used directly and immediately to help those who have been so devastated, we do not have bipartisan support for that. I was very disappointed that both Senators from Louisiana were not standing together for that, very surprised that instead what we see is an alternative that comes back that is not only less than what is needed but has restrictions that have not been put on other States and other communities. The caps being talked about being raised in terms of loans have been done before, but it is my understanding that no community has been asked before to guarantee a repayment on those loans. I do not know why anyone would support that kind of an effort for their State or their communities to be treated differently than other States or other communities.

If I were in that position, I would not want to say to my folks: I trust you less than I trust the folks in New York; I voted for a different set of rules for what happened in New York, what happened in relation to Washington, DC, and the Pentagon. I certainly would not want to be in a situation of saying that I would vote for rules that were penalizing my own people or saying we do not trust you as much as we trust people in other places. So I am surprised and disappointed, and I know the senior Senator from Louisiana, Ms. LANDRIEU, is as concerned, surprised, and deeply disappointed, certainly, as I am and more than I am because she is working on this every single day.

I just want to indicate that we could have done better, and I believe working together America can do better. I believe we can do better for the people of Louisiana and the gulf coast than what has been offered and passed here today. I know the senior Senator from Louisiana has worked very hard in order to put forward proposals that are better and that would do better than what has been achieved today.

I commend her once again and thank her on behalf of all of us who at any moment could find ourselves in the same situation, could find ourselves fighting for our people because of a devastating attack or natural disaster. I hope I would have the courage of conviction, the compassion, and the strength that the Senator from Louisiana has shown and I know will continue to show.

I yield back.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, folks who might be watching this debate across the country may be wondering what this is all about. Let me try to simplify it as best I can.

Over the last month or so, the Congress has appropriated some $61 billion to be used to assist in the reconstruction, the aid, and the housing of a lot of people whose lives have been disrupted and in some cases destroyed. There are a number of cities, towns, and jurisdictions within that region where their revenue base—the ability to raise taxes and to provide essential services—is gone. Of that $61 billion, FEMA is not authorized to extend or lend that money to those cities or towns or jurisdictions without our authorization.

The legislation that is before us today would authorize the movement of about $750 million from FEMA to be able to lend that money to some of these cities, towns, parishes, and jurisdictions so that hospitals can be helped and police, fire services, and other services can be extended even though the revenue base has dried up under all of this water.

Historically, when FEMA has been given the authority to extend this money, to lend money to other communities, other cities, other States, the loans have in some cases been forgiven. It did not require an act of Congress to do that. It did not require any particular action by OMB or certification by OMB to do that. It occurred under the law. The loans were forgiven.

Senator LEVIN mentioned earlier that a number of jurisdictions, a number of local government borrowers borrowed money extended through FEMA to help these communities in their most tough times, in Idaho, in West Virginia, Pennsylvania, Alabama, Arizona, and others. They did not have to come and ask for an act of Congress to get that forgiveness. They didn't have to go to OMB and say please forgive this loan. The loans were forgiven.

Senator CLINTON spoke a bit earlier as well and talked about the generous assistance that the taxpayers of this country provided to New York City on the heels of 9/11. Mr. President, $20 billion was the amount of money, almost a direct infusion. I thought it was loan. For all these years I thought it was a loan that was forgiven. I was wrong. It was a grant—just a gift to the people of New York as they struggled to recover from their tragedy.

The tragedy that has fallen on the folks along the gulf coast is every bit as bad for a lot of them as what happened in New York on 9/11. Yet we are not prepared to provide a grant to those communities, those cities, so they can provide essential services. Frankly, none of us are calling for doing that.

FEMA has all this money we provided them. Absent some legislation today, they are not able to extend any of that money to help these communities and cities. The legislation is designed to say we are going to allow FEMA to extend those loans.

But unlike the way we treated New York, which got a grant, not a loan, and unlike the loans that were extended to all the communities listed on this sheet of paper whose loans were forgiven and did not even require our action or OMB's forgiveness, we say with respect to the folks on the gulf coast: We are not going to forgive your loan.

CARL LEVIN—Senator LEVIN—and I spent a good deal of time last night trying to put together a compromise. I appreciate very much the cooperation of Senator LANDRIEU to help find that compromise and Senator VITTER and certainly Senator FRIST. Senator LEVIN and I, at the midnight hour last night, were down in the House and found Congressman LEWIS, the chairman of the Appropriations Committee, and said to him: What if we provide a change in language in this bill so, in order to forgive a loan that FEMA would make under the authorization of this bill, it would require an act of Congress? The Senate and House and President would have to concur in that forgiveness.

He said he thought that was a reasonable idea and thought even the House might go along with that.

I am disappointed to hear this morning that is not going to happen. Senator FRIST, last night in conversation after midnight with Senator LEVIN and me, said he thought that was a reasonable idea. He couldn't commit himself to make it happen, but he thought that was a reasonable approach, and, frankly, I do, too. For the life of me, I do not see why that is not acceptable.

If we were to include language—and we are not going to get the chance do this because Senator LEVIN's amendment is not going to be made in order, but if we were to include language that said an act of Congress was required in order to forgive loans made by FEMA to these jurisdictions in their hour of need, that is a very high standard. It is a standard we never set for these communities. It is a standard we never set for New York.

The greatest irony to me is, going back, we didn't require an act of Congress or intervention of OMB to enable the forgiveness of these loans. Going forward, as I read the legislation—going forward, if you are from Delaware or from Michigan or if you are from Georgia and your communities seek a loan from FEMA in a similar situation, an emergency, moneys that have been authorized and appropriated, you don't have to get an act of Congress to have that loan forgiven. You don't have to get any special approval from OMB so the loan can be forgiven. It can be forgiven.

Yet in this case, with respect to the Gulf Coast States, we do not allow that to happen. Going back in time and going forward in time it looks to me as if we protect the rest of us. We allow for the loans to be forgiven for the other 49 States or 48 States. But not in this case. That does not make sense. That does not make sense.

As we move to pass the legislation, I echo what some of my other colleagues

have said. We can do better. When we have an opportunity to return, in a week or so, my earnest hope is that we will do better.

In closing, I say to my friend and colleague, Senator LANDRIEU, it has been an honor to stand by her side in this struggle. The people of Louisiana are fortunate to have Senators with that kind of passion and care for them. I hope, as we go forward working with Senator VITTER, we can get to an outcome that is fair to the people you represent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank, so much, the Senator from Delaware who, before he was a Senator—because he wasn't born one either—was a Governor of Delaware. Before he was Governor, he was a husband and a father, which he still is. I know he does a magnificent job at family and in the Senate because I have seen him here at late hours.

Last night this Senator from Delaware, who does not, obviously, have a dog in this hunt, stood through the night and negotiated with myself and with my colleague from Louisiana, with Senator FRIST, with Senator REID, and we negotiated and offered one compromise after another in meetings, on the telephone, on the floor, when we could speak—because speech was limited last night. Despite the notion that is out there that Senators can speak any time they want, the rules of the Senate actually prevent Senators from speaking. So I was not able to speak as much as I would have liked through the night last night. When I was not able to speak on the floor, we were in meetings, in phone calls, speaking with the White House and the House leadership and Republican colleagues and Democratic colleagues, trying to work through this situation.

We put our best efforts forward. We are now down to this time, which is basically the end of this debate, having passed a bill by Senator VITTER and Senator FRIST that will basically allow us to have the loans we seek, loans that are so necessary, but a bill that forces us to take it in a discriminatory fashion.

I believe this Senator has shown, on many occasions, a willingness to compromise and to work through difficult situations. I helped negotiate No Child Left Behind on this floor, one of the premier centerpieces of the current President's administration, of his agenda, even when half of my caucus was opposed—not sort of opposed but very opposed. But I knew what was best for Louisiana was to move forward because we had already gone down the road of accountability. It was showing some results. The children in my State were learning. The gap between the rich and the poor was closing, not because the rich were coming down but because the poor were coming up.

White children and Black children, who had been by law separated for over 150 years in schools, were then thrust together in the 1960s and 1970s. I believed that law, and I still believe this law, could help lift those who had limited opportunities. I have worked with Senators on both sides of the aisle, for the 8 years that I have been here, to try to craft and negotiate some of the toughest legislation the Senate has seen—compromise on missile defense, compromise on Corps of Engineers to move a WRDA bill. I worked for 10 years to compromise the Conservation and Reinvestment Act where 4,500 organizations in this country, from the most liberal to the most conservative, came together one time on one bill to provide coastal money for all the communities in the Nation: 10 years of meetings, 10 years of phone calls, 10 years of speeches, 10 years of pleas, 10 years of press conferences, 10 years of alliance building, only to get down to the last minute some years ago to be told, with 72 signatures on that bill at the last minute, 5 years ago: Senator, we cannot bring your bill up, there is an election around the corner and it may have repercussions for one or two people here. We can't do it.

You could have taken a knife and stabbed it in my heart, but I stood there and took it, not because it was me but because the people I represent I knew were getting a bad deal. But in my heart I knew that I and our delegation had literally done everything we could possibly do. When it came to the end, the death was quick.

When I got back in the next session, after my State had been stabbed in the heart and left for dead—which we have died, through this hurricane—I started putting yet another bill together because there is nothing wrong with me that I don't know how to work through difficult situations. My family has been doing it a very long time.

I thank Senator CLINTON for her remarks. She obviously understands what the people of New York went through. I also thank Senator SCHUMER. Although he was not here in person, he was here in spirit. He and Senator CLINTON stood by the Republican mayor at the time, Rudy Giuliani, lifted him up and helped him. No second-guessing; they helped him and they lifted the city up.

I thank Senator JEFFORDS, who has been a champion. He stood at the Leeville Bridge with me. I have been on so many trips down to Louisiana I lose count, but one of them I remember very well. Senator JEFFORDS came down with me, so far to the bottom of Louisiana if he had taken one more step he would have been in the Gulf of Mexico. There is not much down there—no big cities, no big money, no big press conferences. There is hardly a camera at the end of LA–1, at Port Fourchon, but Senator JEFFORDS went. He stood there, and while I was explaining to him the difficulty of getting people out in an evacuation for a hurricane on a highway that goes underwater when there is rain, let alone when a category 5 hurricane comes bearing down on you—he stood there on the bridge with me and at the moment—if I could have scripted it myself I could not have done it any better, and people who were not there are not going to believe what I am going to say but I have a lot of witnesses—at the very moment I was pointing to the Leeville Bridge, a shrimp trawler came in, lifted their nets up as they do—they look like butterflies out on the gulf—they lifted their nets up and ran into the bridge, with Senator JEFFORDS on it, and shook the bridge and shut it down like that.

The words had just come out of my mouth: Senator JEFFORDS, not only is the road a problem but when the hurricane comes, if this bridge shuts down, there is no way out. And the shrimp trawler hit the bridge.

He said to me, laughing with his good sense of humor: Senator, don't you think you went a little too far to make your point?

And we had a big laugh about it, not that I laughed about the shrimp trawler, but we literally cannot believe that and have talked about it for 3 years.

Our strength is found at home in our neighborhoods, in our churches, on corners, in our workplaces, and in our places of worship. Right here is where our strength is found—not in anyplace overseas, right here at home.

I am going to wrap up by showing you pictures of the homes to make my point. This is our home on the gulf coast. After the photographer took this picture, the commentary in the National Geographic magazine was something like: It looks like a weapon of mass destruction went off on the gulf coast. This is exactly what would happen if a weapon of mass destruction would go off, except you wouldn't have the trees and maybe the beach would be a little disheveled. That is what it looks like. It was a storm of massive destruction.

Our strength begins at home.

The underlying bill is sending $415 billion overseas. We ask for a loan program of $1 billion already allocated under the same terms and conditions that everyone in America has received. And we are told no. It was too much to do.

I am going to close with this.

This is a picture of New Orleans. It doesn't look like this today because all the water has gone down. But when people say, Why can't you be a little bit more self-reliant, I am not sure any city in America could stand itself up by itself with no loans, no grants, with the police force being laid off, a fire department being laid off, city workers being laid off, an electric company taking bankruptcy, no water in the pipes. And when we come to ask for a loan, we are told: Sorry, there is no money in the Treasury. We have made other arrangements for the taxes that you have paid over the last 300 years.

Let me submit for the RECORD a letter from the U.S. Conference of Mayors

which they sent to this Senate. They said:

We greatly appreciate Congress' attention to America's cities devastated by Hurricane Katrina, and now Hurricane Rita, and to those cities home to hundreds of thousands of evacuees. The leadership of the U.S. Conference of Mayors, convened in Long Beach on September 22–24, resolved that Congress must pass legislation to provide direct fiscal assistance to cities devastated by Hurricanes Katrina and Rita—

All cities, cities that are Republican cities and cities that are Democratic cities, communities that do not vote for Democrats and communities that do not vote for Republicans—all cities.

Most importantly, we urge the Senate to reject language that would for the first time in history remove the possibility that communities' disaster loans be forgivable, if needed, due to the dire situation many of the impacted cities will continue to face in the months and years ahead.

It goes on to say they are going to keep a vigil. I hope somebody keeps the candle burning.

I ask unanimous that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC, October 7, 2005.

Hon. BILL FRIST,
Majority Leader, U.S. Senate.
Hon. HARRY REID,
Democratic Leader, U.S. Senate.

DEAR SENATE LEADERS:

FISCAL AID NEEDED NOW FOR HURRICANE CITIES, WITHOUT NEW STRINGS ATTACHED

We greatly appreciate Congress's attention to America's cities devastated by Hurricane Katrina, and now Hurricane Rita, and to those cities home to hundred of thousands of evacuees. The Leadership of The U.S. Conference of Mayors, convened in Long Beach on September 22–24, resolved that Congress must pass legislation to provide direct fiscal assistance to cities devastated by Hurricanes Katrina and Rita, as we stated to you in our letter of September 29.

Most importantly, we urge the Senate to reject language that would—for the first time in history—remove the possibility that community disaster loans be forgivable, if needed, due to the dire situation many of the impacted cities will continue to face in the months and years ahead.

As we learned during our recent fact-finding mission to Louisiana, Mississippi and Alabama, the mayors of these cities have lost most of their tax base and will soon be without the funds needed to pay first responders, public works employees, and other key local personnel that are leading the recovery effort. These local personnel are truly national assets in the recovery from Hurricanes Katrina and Rita, and these cities must not be allowed to go bankrupt. Without a functioning local government, the private sector will be stymied in efforts to invest in the reconstruction effort, and it will be impossible for volunteer relief efforts to be coordinated and to function.

If you would like to discuss this further, please contact our Chief of Staff Ed Somers at (202) 861–6706 or *esomers@usmayors.org*.

We look forward to working with you in the coming days, as together we strengthen the intergovernmental partnership needed to make sure our cities are safe and our nation prospers.

Sincerely,

BEVERLY O'NEILL,
Mayor of Long Beach, President.
TOM COCHRAN,
Executive Director.

Ms. LANDRIEU. Mr. President, I have shown all the pictures I can show for the week. I have done all the talking I can do for today. But I can promise you this. This talking will continue and these meetings will continue and this debate will continue. It is not going away.

The leadership of the House of Representatives needs to be put on notice that this debate is going to go on for a very long time, until we get relief, recovery, respect, and the dignity that we deserve as American citizens from Louisiana to Texas to Alabama to Mississippi and the people whom we represent, Black and White, rich and poor, young and old, small and large businesses alike, and our faith-based community, get the respect it deserves from the floor of this Senate and the Congress of the United States, and gets the help it needs to get through and rebuild.

I assure you that we will rebuild this coast. We will rebuild the gulf coast. It was paid for by a great President, President Jefferson, at 3 cents an acre in 1803 where he borrowed money. He knew what he was borrowing money for. He had a good reason to borrow it, and he bought the Louisiana Purchase. Andrew Jackson came and defended it. His statue never went underwater.

We will rebuild this region all through the gulf coast and into Louisiana—the ports, the energy infrastructure, turn our lights on again, and keep the lights on all over America, to try to keep people's bills as low as we can and keep their heat on this winter, which is approaching. Even if you do not give us one penny, even if you do not lend us money, we have been self-reliant for over 300 or more years. The people here are pretty tough and it takes a lot more than this to beat our spirit.

The bill is gone. It is the best we could do. It is not the best we could have done, but it is what we have. We will live with it, but we will not stop this debate.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATURAL GAS CRISIS

Mr. DOMENICI. Mr. President, this week, Senator BINGAMAN, Senator AKAKA and I returned from Baton Rogue.

We went down to see and learn firsthand about Hurricanes Katrina and Rita damage to the energy infrastructure. There is a great deal of work to be done, and there is a great deal of courage and confidence that it can be done. We need to find ways to make that recovery go right.

Yesterday, my committee held a hearing where we heard from energy industry witnesses who have been impacted by the hurricanes. The main message of that hearing was we are in troubled energy times, particularly on the natural gas front. The CEO of DOW Chemical Company painted a very bleak picture for American industry.

Our industries that rely on natural gas both as a fuel and a feedstock have hard choices before them about how and where they will base their operations. In the U.S., natural gas prices are close to $14. In China, it is less than $5. In Saudi Arabia, it is about $1. If we translated gasoline prices to the level of increases faced by natural gas—we would be seeing $7-a-gallon gasoline at the pump right now.

At DOW's St. Charles petrochemical complex that I saw in Baton Rogue, I learned that every $1 increase in the cost of natural gas means an additional $35 million a year in fuel costs for that single facility. Our manufacturers have to compete in global markets. At those prices, they can't.

The energy bill we just passed took some good steps forward to address these challenges but did not secure more natural gas supply that we have available right here at home.

In the area on the Outer Continental Shelf known as the nonleased portions of Lease Sale 181 which is not under moratorium, but which we are not allowing leasing, there is approximately 7.2 trillion cubic feet of gas. In the areas more than 100 miles from any state coastline, 2 resources are estimated to be approximately 6 trillion cubic feet of gas.

This area can be leased administratively, without any legislative action. At our committee hearing and during yesterday's press conference I urged the administration to reconsider this policy in light of our Nation's natural gas crisis, which has seen a 121-percent price increase in just 1 year.

I will continue to work to cure more domestic energy supplies, but in the short term all the witnesses the committee heard from yesterday said conservation is the most effective tool we can use to deal with the present crisis.

If every American turns down their thermostat just 2 degrees this winter, it could free up 3 billion cubic feet of gas per day.

According to the DOW witness yesterday, that kind of conservation would be equal to having 3 LNG terminals. In addition, we need to focus our efforts on organizing the recovery on the energy infrastructure, our witnesses all stressed the need to give priority to restoration of natural gas processing plants.

The Congress and the administration must provide the leadership to make this recovery move quickly and smartly.

Our witnesses all emphasized that we are in an energy crisis.

Mr. President and fellow Senators, the country is facing an enormous problem. I might even say, without reluctance, that it is a crisis. People might say: Well, Senator, you are talking about Katrina, Rita. No. Katrina and Rita have pointed out to us a crisis well beyond those two hurricanes, and that is that we have a very significant shortfall in the natural gas that is needed to run our businesses and to use for our people during this ensuing winter. If something is not done, it might be for a very long period of time.

Now, it sounds almost impossible, if not incredible, that I would be here on the floor saying this when just 4 or 5 years ago, those who were in the business of producing natural gas and those who knew about America's energy situation were saying: There is plenty of natural gas. Don't worry about that marvelous product.

So what we have done in the last 15 years is to say, since we don't know how to clean up coal sufficient to meet our standards and because we worry about global warming, we will not build any new coal-burning powerplants.

We have not built a nuclear powerplant in over 20 years. So for the last 15 years, at least 13 years, every new powerplant—that is these big monster powerplants that generate electricity, 500 megawatts, 1,000 megawatts—is fueled by natural gas. Then the people of our country have found this is a marvelous fuel for our kitchens, for houses, so more and more people are using natural gas for our way of life, our great standard of living. But what isn't understood is that natural gas is such a great product that when you change its chemical makeup, you use it for a lot of things. The entire fertilizer industry of America is based upon natural gas as one of the components. People don't know the entire chemical and plastic industry is built around and predicated and dependent upon natural gas. That means not only is it imperative that we have it, but I am here today to suggest it is also imperative that it not be so high priced that it puts our businesses out of business.

I had the luxury, as a Senator, to go down and see the aftermath of Katrina and Rita with my colleagues Senator BINGAMAN and Senator AKAKA of Hawaii. We looked at the damage and the energy infrastructure of all types that were destroyed or put out of business. They are going to have an immediate impact because supply has been interrupted, both in the generation of electricity and in putting natural gas into pipelines to deliver it to the United States and to deliver it to our numerous petrochemical plants, plastics plants, and other things. Also the feedstock, you convert things from natural gas, you convert it into the basic things that are used as feedstock for these industries. We are going to be in short supply in the short term because supply has been interrupted and the capacity to deliver has been interrupted. Those are going to get fixed in due course, but in the meantime, we have dramatically used down our reserves, because they are there to pick up when we don't have natural supply coming. The offshore wells aren't producing, so you have reserves to take their place. But the reserves are being depleted, so we are going to have much less reserve capacity which means we may have interim difficulties.

But what has happened is, all of this has pushed the price of natural gas up. Believe it or not, at the beginning of this week, the bid price was $14, where just a few years ago it was $2, and 10 days ago it was $7. Understand that it doesn't sound like much if you are talking about 2 cents or 7 cents. There isn't much difference between that 14 cents. That is just a little change.

Here is the problem: We had a hearing in the Energy and Natural Resources Committee. I must say, as chairman of that committee, it lasted 2½ hours. It was probably as informative a hearing as I have ever presided over. Eight Senators participated. They stayed there and listened to five people talk about the crisis America has with reference to natural gas, not only because of the aftermath of Katrina and Rita, but because we are using so much natural gas and we don't have enough production to meet the need.

We can't sit around and listen to people who say: We don't need any more supply. That is these old industry companies that want to scare us, and they don't need more supply.

We need more supply. It is imperative that we find more natural gas some way. I will quickly tell you the little bit we can do in that regard. I will acknowledge this hearing was attended by witnesses representing the entire industry of oil and gas, a leading environmentalist, three other people who know the problems of Katrina very well, and they were in harmony that we must conserve. So I don't want anybody to think conservation isn't a very important part of this problem I am telling you about, this pending crisis of the rising cost of natural gas and the shortages that might occur. Every chance I get and by every means available, I am going to try to remind the Senate and anybody who will listen that we must understand this fantastic commodity called natural gas is not abundant in the United States. The price is going to go through the roof if something isn't done.

I don't have an answer right now. I am working at it, but I don't have an answer. I want everybody to know, so they are not surprised, that we understand anything that can be done should be done because the crisis is imminent. If the price stays at $14, the crisis is imminent.

Let me tell you how important it is. One of the largest employers in America of high-paying, skilled, professionally trained jobs is the petrochemical industry, the chemical industry, Dow Chemical, a huge plant down there in the middle of Katrina. We went to see it. I won't talk today about the heroics of trying to bring it back and save it and save their people. That is another story. But yesterday the president and chief operating officer of that great company came to our committee. He is reported in the morning's Washington Post in the business section with a detailed story about this crisis I am talking about. This gentleman, Andrew Liveris, is a terrific executive. He gave us a very simple example which I want everybody to listen to. At this plant are 3,500 professionally trained, skilled Americans with terrific jobs. How good? The average is $70,000 plus great benefits for each and every person there. They produce huge things. They gave us a little box of them. They produce all kinds of plastics, things you could never imagine that they produce and sell. The principal ingredient in making their product is natural gas.

Without natural gas, all those workers can go home. They can go home and say goodbye because they can't operate, not only without natural gas, but if natural gas gets too high, petrochemical plants can be located anywhere. They are not inherent to a piece of geography in the United States. They are being sought after by everyone in the world. That CEO told us on the record: When I leave you, tomorrow I am going to China. You can't tell him: Don't go to China. China wants to build a petrochemical industry. They think the greatest in the world is this one. Do you think he is going over there to have a birthday party? He is going over there to talk business.

This is not a question of cheap labor. It is a question of natural gas prices. You understand, there may be natural gas in China for $1. He is now going to have to pay, if this price stays where it was bid Monday, $14. Do you think he will stay here? He can't stay here, not only because he wants to go somewhere, he will go out of business here. These are the numbers. Already 100,000 American jobs are gone, because 100,000 jobs were for their export business. They can't export because they are totally out of competition. The price is too high because of natural gas. So that part of American employment is gone. But now there are almost 800,000 additional Americans. How many jobs can we lose and say it doesn't matter?

It was suggested by this gentleman, who had a terrific analytical ability—he told us how all this works—if the price of natural gas continues as we are talking about, 800,000-plus jobs will go. They will not be able to stay open.

Add to that the fact that everybody must understand you don't see natural gas on a gasoline pump. You don't see day by day the price going up. When

you see gasoline go from $2 to $2.50, $2.80, $3, you say: Something is going wrong. The increase in natural gas price from where it was a year ago to where it was Monday of this week, if you transfer that into gasoline prices, gasoline would be priced at $7 a gallon. Think of what would happen to the American economy and to everyday people if gasoline were $7. Everybody who uses natural gas, in particular the industries that use it, are suffering from that kind of an increase. Two years ago gasoline was at $1.69. What if it went to 7? That is what has happened to natural gas.

I am going to include in the RECORD a statement that gives further details about this problem. But I suggest that we must come to grips with the conservation. We are going to put some ideas together.

Let me say, if the American people this winter were to reduce their thermostats by 2 degrees, do you think it would be hard on everybody? I mean just imagine, unless somebody is sick and the doctor prescribes it, it would be an enormous savings of natural gas for the United States and for this pipeline to deliver natural gas. Do you know the pipelines that come out of Louisiana down there in that gulf, these two giant pipelines go all the way from Louisiana up into the United States, with legs off in Ohio, all the way to New York, delivering natural gas from that area so loaded with hydrocarbons? They put them in these pipes and have generating pusher stations all the way up into America and deliver it.

If we conserve the way I have described and other ways, which we are coming to grips with, it will make a big impact on how much those pipelines have to deliver to meet the demand. We have to find a way to do the best we can by American industry or they are going to close. And while we have some natural gas to heat our houses, we will be without jobs for the people who live in those houses.

The one thing they all suggested, when they were sitting around that table talking to us, was: There is one major source of natural gas that is American that we ought to get. I must say to those States who are coastal States, they must understand they are Americans first and coastal States second. The largest supply of American natural gas is off the coasts of our country. No doubt about it. The United States cannot sit by with the technology we have developed—we can go way offshore so that you cannot even see them. So those States that are worried about their visibility, if they are worried about oil spills, there are no oil spills from those platforms that drill.

Do you know that during the time we had this crisis not one major oilspill occurred. Those giant platforms with 20 wells drilled underground, with drilling that goes parallel and with one that was turned upside down, the oil did not come out. So nobody has to worry about that. We can handle that. That is where the natural gas is.

I close by saying that we have been told by the experts that the best way to reduce this crisis would be to have an immediate supply of natural gas. That is not possible. We are going to have to open a substantial number of liquefied natural gas platforms or ports around our country. And where they are being delayed, we have tried to solve that in our Energy bill. We are going to push those local governments to quit the delay for delay sake and get on with letting us put some of those in so natural gas can come from foreign countries, which I hate to say, but at least we can look at it and expect it.

In the meantime, it is said that if we were to say to those who pay for natural gas that we are opening parts of the Outer Continental Shelf, just the section 181 off the coast of Florida and Alabama, which I say now to the President of the United States, Mr. President, you ought to sit down and figure out a way through your Executive order, through your pen, to open section 181, or portions of it, off the coast of Alabama and Florida. Do it, Mr. President. It might take a couple years to produce. It is ready, so it will be very quick.

We are told that the mere fact that the market understands that is ready, that huge entrance of natural gas into the areas for delivery, the pipeline system, that it will reduce the pressure on the cost of natural gas. I think the occupant of the Chair can understand that. The marketplace will say: Oh, it is not going to continue in this crisis state because here comes this huge natural gas that is now released and is ready to come. We must do that. Until it is done, at least this Senator—I have to worry about my State, but I am also a Senator for America, and I am not going to let up until that is done.

Secondly, the States in this country that refuse to recognize that we can drill off their shores on land that is owned by the Federal Government—it is not their land; they only have a few miles, and then it belongs to Americans—you can drill way out there, do no harm, and bring gas into this country to get us through the next 10 or 12 years while other sources of energy that are clean, such as nuclear and very clean coal, come on to keep America alive.

The next thing we are going to do is to find out how we can pass legislation to get those other coastal States in the position where they are either willing to accommodate this in exchange for us giving them substantially more royalties, or we are just going to have to bite the bullet.

It is going to come down here, and the people are going to have to say no, or filibuster, but they are going to have to know what they are doing. They are adding to the crisis status of our country and job market and to one of the few major industries that is left in this country that we are great at. We are not going to be there very long. China is going to catch up, and then it is not going to be cheap labor. It is going to be high technology and national gas. India is doing the same.

I was at an event last night. We used to say how powerful we were. We know where it is; it is in India. Reliance Energy has the largest refinery of crude oil to refine into gasoline-related products. We sit here thinking we are the leaders of the world in everything. We have been sitting somewhere for a long time. I hate to say on what. But we surely have not been doing anything. If anything, we have been going backwards. There have been no new refineries in the United States for more than two decades. That is almost incredible.

I thank the Senate for listening. I will say again, this is probably the most significant event confronting us. I regret to say there are no easy answers. If there were, we would have done it, but we finally have come to the understanding that it is major, it is big, it is serious.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. DODD. I thank the Chair.

HOMELAND SECURITY APPROPRIATIONS CONFERENCE REPORT

Mr. DODD. Mr. President, I rise this afternoon to discuss the fiscal year 2006 Homeland Security appropriations conference report. The Senate passed this measure earlier today by a voice vote. Frankly, I would have liked to have had a recorded vote on this measure. If a recorded vote had been ordered, I would have expressed my opposition to this conference report.

Nevertheless, I would like to begin by recognizing that the authors of this conference report, Senator GREGG and Senator BYRD, do a tremendous job each year. I have served in the Senate long enough to know how hard it is to pull these types of appropriations bills together. I also acknowledge the chairman of the Appropriations Committee, Senator COCHRAN. It is no easy task to write and manage a bill that provides for our domestic security needs. I further commend all of our colleagues and their staffs on the Homeland Security Appropriations Subcommittee for the hard work they have put into this legislation.

However, I feel compelled, notwithstanding these efforts, to express my disappointment over the adoption of this conference report. I have very deep

concerns about how this measure funds our country's vital homeland security activities.

In many crucial respects, I believe this conference report continues a pattern of failure on the part of the administration and the leadership of our Congress to address the acute and ongoing needs of our Nation's homeland security infrastructure.

Allow me to read a letter I received 3 days ago from the Republican Governor of my State, a good friend and someone with whom I work all the time. I think it is important to hear—even after we adopted this measure—from a Governor of a State that is grappling with providing the necessary security to protect its citizens.

I ask unanimous consent that this letter be printed in the RECORD at the conclusion of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. The Governor says:

> . . . [I]n a time when the threat of terrorism remains elevated and natural disasters such as the recent hurricanes have reminded us all of the staggering power of nature, [the cuts in this bill] simply [defy] rational explanation.
>
> The conference report inexplicably contains cuts that exceed those in the original House or Senate bills or the President's proposed budget. Funding for the State Homeland Security Grant program is halved, from $1.1 billion to $550 million, while funding for the Urban Area Security Initiative is reduced from $885 million to $765 million. Those programs, along with the Law Enforcement Terrorism Prevention Program, have accounted for the bulk of [homeland security] funding that our state has received.
>
> Of the money available for the State Homeland Security Grant program, states will receive a mere 0.75 percent in guaranteed funding. The balance is to be distributed by the Department of Homeland Security based on risk, though how—or when—that assessment is to be made is not clear.
>
> Under the conference report, guaranteed funding for Connecticut in fiscal year 2006 would amount to barely $7.13 million. This is down by two-thirds from the $21 million in fiscal year 2005—itself a reduction from the $46 million in 2004.

My Governor concludes her letter by saying:

> The funding contained within the conference report is utterly insufficient to support the actions needed to protect the people of our State, to say nothing of the millions of travelers and tons of truck, train and barge cargo that pass through Connecticut every year.

In an age when terrorism continues to be a threat to our country, one would think that the Congress of the United States would be doing everything it could to shore up our domestic security, to make it as impregnable as possible against those who would do us harm. Yet when we look at this conference report, I do not believe it does enough to protect our people from terrorism. We are simply not investing in the resources required to make this Nation as safe as possible.

Instead of filling in the cracks that continue to exist within our homeland security foundation, we are letting those cracks grow.

I was particularly disturbed to see that the FIRE and SAFER grant programs—vital firefighting assistance initiatives that I was pleased to author with Senators DEWINE, WARNER, and LEVIN—was cut by $60 million over fiscal year 2005 levels. As the Governor of my State says, funding cuts of this nature defy rationality when one considers the devastation recently wrought by Hurricanes Katrina and Rita, and the unprecedented burdens placed on emergency first responders who are on the domestic frontlines in the fight against terrorism.

For the past 3 years, I have come to the floor and offered legislation that would implement the recommendations made by the Rudman Commission.

As we all know, our former colleague Warren Rudman, a former Republican Senator from New Hampshire, chaired a blue ribbon commission sponsored by the Council on Foreign Relations that included George Schultz, William Webster, Harold Varmus and other distinguished Americans.

The Rudman Commission concluded that our country's homeland security infrastructure was ''drastically underfunded'' and that our Nation was ''dangerously unprepared'' to respond effectively to a terrorist attack.

The Commission recommended that our Nation invest no less than $20 billion a year for 5 years to take the minimum steps necessary to protect all Americans from natural and manmade threats. Regrettably, this conference report neglected to implement the recommendations of the Rudman Commission, providing only $3.4 billion of the $20 billion that the Commission identified as essential each and every year for 5 years.

I would point out that in the last 3 years I have offered an amendment on the Rudman Commission report, it has been regrettably defeated.

In March of 2004, we watched the train system in Madrid, Spain, attacked by terrorists with nearly 200 dead. Earlier this year, we watched the London Underground and the double-decker buses attacked by terrorists, with dozens who were killed. Yesterday, the New York City subway system was placed on high alert. Yet in response to this clear and present danger to our Nation's largest transit system, the administration today and the leadership of both the House and the Senate have, in effect, cut funding for transit security in this bill, providing funding levels that do not keep pace with expected inflation.

There is an added irony to all of this. At a time when we are dealing with record high gas prices and the administration is encouraging Americans to conserve energy by taking public transportation when and where they can, it is actually doing less than it did last year to ensure that our public transit systems are as safe as possible.

What more is it going to take before the administration and the leadership of this body realize that we are not investing nearly enough in our homeland security infrastructure and our emergency first responders?

When it comes to meeting the security needs of our country, this administration and leadership in Congress are pursuing a policy that, at best, in my view, can be called benign neglect. That has become painfully apparent in light of the inadequate response to meeting the needs and mitigating the suffering of hundreds of thousands of people along the Gulf Coast. And it has been reinforced by this conference report's failure to make essential investments to keep all Americans safe from the risk of terrorism.

EXHIBIT 1

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
Hartford, CT, October 4, 2005.

HON. CHRISTOPHER J. DODD, JOSEPH I. LIEBERMAN, JOHN B. LARSON, ROBERT R. SIMMONS, ROSA DELAURO, CHRISTOPHER SHAYS, NANCY L. JOHNSON

DEAR CONNECTICUT CONGRESSIONAL DELEGATION: I have reviewed the Conference Report on H.R. 2360, the Department of Homeland Security Appropriations Act of 2006, and I am deeply disturbed by the woefully inadequate funding the bill would provide to Connecticut.

Under the Conference Report, guaranteed funding for Connecticut in Fiscal Year 2006 would amount to barely $7.13 million. This is down by two-thirds from some $21 million in FY2005—itself a reduction from nearly $46 million in FY2004.

This is incredibly unfair to Connecticut and, in a time when the threat of terrorism remains elevated and natural disasters such as the recent hurricanes have reminded us all of the staggering power of nature, simply defies rational explanation.

The threats have not abated. Nature has not gone away. The need for equitable and sensible funding has not ended.

The Conference Report inexplicably contains cuts that exceed those in the original House or Senate bills or the President's proposed budget. Funding for the State Homeland Security Grant (SHSG) program is halved, from $1.1 billion to $550 million, while funding for the Urban Areas Security Initiative (UASI) was reduced from $885 million to $765 million. Those programs, along with the Law Enforcement Terrorism Prevention Program (LETPP), have accounted for the bulk of funding our state has received.

Of the money available for the SHSG program, states will receive a mere 0.75 percent in guaranteed funding. The balance is to be distributed by the Department of Homeland Security based on risk, though how—or when—that assessment is to be made is not clear.

In essence, the Conference Report reduces the vast majority of homeland security funding to a lobbying contest. States that are most successful in making their case before the Department of Homeland Security will get the bulk of the funding. Those that are not—will not.

This is unfortunate, to say the least. In previous years, after guaranteed SHSG and LETPP funding was distributed the remainder was apportioned on the basis of population. None of the UASI funding is guaranteed to states, and you will recall that despite the obvious need—the FY2004 grant for New Haven Harbor was not renewed in FY2005.

On September 11, 2001, America was awakened to the need for vigilance against security threats as well as natural disasters.

Connecticut, as you know, contains a number of major highways, a nuclear power facility, ports that are home to a regional depot for the U.S. Strategic Petroleum Reserve, shipyards, cargo operations and passenger and auto ferries.

The funding contained within the Conference Report is utterly insufficient to support the actions needed to protect the people of our state, to say nothing of the millions of travelers and tons of truck, train and barge cargo that pass through Connecticut every year.

I am urging you to seek an increase in the funding for Connecticut. We cannot sustain a two-thirds reduction in federal homeland security funding. It is unfair and unwise.

I will be contacting you shortly to discuss this matter further.

Sincerely,

M. JODI RELL,
Governor.

RELIEF FOR GULF COAST STATES

Mr. DODD. Mr. President, I will not take as much time as others have, but I would like to commend my colleague from Louisiana, Senator LANDRIEU, for her Herculean efforts over the last couple of days to try and convince this body to do everything it can to provide the needed relief for thousands of displaced individuals along the Gulf Coast, including, obviously, Louisiana, Mississippi, Alabama, and parts of Texas.

I am really stunned, in a sense, by the response we are providing to this situation so far.

On average we provide $5 billion a week to fund our ongoing efforts in Iraq and Afghanistan. Obviously, this funding is critical to protect our troops and the work they continue to undertake overseas. When the President has been asked how he plans to pay for these ongoing efforts, he says that he plans to pay for them using additional Federal resources that are not taken out of other Federal spending priorities.

And yet when it comes to providing the necessary relief to our own citizens in Louisiana, Mississippi, Alabama, and Texas, we are being told by the President that we absolutely have to use existing Federal resources to pay for recovery and relief efforts. We are being told that Federal resources cannot be provided unless we reduce other Federal spending priorities.

I can understand the frustration of the Senator from Louisiana. She goes every week to community after community in her State and still sees the horrible circumstances under which thousands of people are living. Meanwhile, the Senate is about to take another week off. As literally hundreds of thousands of our fellow citizens are suffering, we are leaving town instead of working together to provide adequate long-term disaster assistance in areas such as public health, education, housing, transportation and homeland security.

The Senator from Louisiana took the floor over an extended period of time to talk about the importance of providing this relief: to care for the thousands of displaced children, to assist people who lost their homes, their businesses, their very livelihoods. Nevertheless, we are told by this administration and the leadership in Congress that no adequate assistance can be provided unless we cut vital spending elsewhere.

If we do not have to find offsets for rebuilding Iraq and Afghanistan, then why do we have to find offsets to rebuild the Gulf Coast—our own soil? If this catastrophe were to happen in my State of Connecticut or anywhere else, we would all appreciate what our colleague from Louisiana has gone through and express our frustrations in the same way she has.

So I join with Senator LANDRIEU and others who have already spoken. I am also waiting to hear about what offsets we are going to be forced to come up with to pay for the recovery and relief efforts along the Gulf Coast. They will most certainly come from domestic investments such as Medicaid that aid the poor, not from repealing the estate tax or other tax cuts that have aided only the wealthiest of Americans.

I imagine that we will cut spending to services provided under Medicare and Medicaid—services that provide basic health care coverage to the poorest of our citizens who are the most dependent for their health care needs. There is a very sad irony to this. We are going to force the poor to bear the greatest burden on funding recovery and relief efforts along the Gulf Coast. In essence we are going to charge them to pay for this. What kind of logic is that? It is irrational, it is wrong, and we ought to be doing better by the people of our own country.

I am disappointed that this body had to rush out of town and could not spend the additional time necessary to get this right for the people of the Gulf Coast.

So I, again, applaud the Senator from Louisiana. I admire her courage. I certainly admire her tenacity in fighting as hard as she has been for the people of her State.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ ELECTIONS

Mr. FRIST. Mr. President, on October 15, one week from tomorrow, the Iraqi people will cast their votes on a new, permanent Iraqi constitution, a social compact, which if ratified, will be unique in the history of the Arab Middle East.

Since the stunning January 30 elections, Iraqi leaders have worked tirelessly to draft this historic document. Next Saturday, the Iraqi people will have the chance to formally express their support for this historic document.

Throughout the summer, we witnessed the complex and painstaking nature of the constitution drafting process. These negotiations included leaders from all of Iraq's ethnic and religious groups. The product is a result of patience, flexibility, and compromise.

As the President said yesterday in his televised speech, ''By any standard or precedent of history, Iraq has made incredible political progress—from tyranny, to liberation, to national elections, to the writing of a constitution, in the space of 2½ years.''

Indeed.

And they have made this progress under a hail of constant threats and violence from terrorist enemies within and without their borders.

American service men and women have sacrificed greatly to advance America's interests in Iraq, but many more Iraqis have been killed and injured in the pursuit of a free and democratic Iraq.

The draft permanent constitution lays a solid foundation for a stable and democratic Iraq in the heart of the Middle East. It establishes a true democratic system. The voice of all Iraqis will be heard. Human rights will be protected. The rule of law will be respected. And women will be full and equal participants.

It is critical that Iraqis from all walks of life and all segments of Iraq's diverse population participate in next week's referendum.

It is also important for Iraq's Sunni population to support this document and the democratic system of government that it establishes.

Sunni leaders have expressed strong reservations about several aspects of the constitution in recent weeks. Many will vote no; that is their right.

However, I believe that they also recognize the importance of participating in the referendum. Only through participation and integration into Iraq's new democratic system can Iraq's ethnic and religious groups ensure that their rights are secured and their interests are protected. They learned this hard lesson after avoiding the January vote. They will not make the same mistake again.

When several of my Senate colleagues and I met with Interim President Jalal Talabani last month, I was convinced that the Iraqi people recognize the magnitude of this moment.

And I am confident that when the time comes next week, they will once again show their courage and determination.

The enemy will try to intimidate and threaten them. But the Iraqi people are strong.

Eight and one-half million voters defied the killers last January, and Iraqis continue to volunteer for the Iraqi security forces, ready and willing to defend their new democracy. They do so

despite the fact that security forces are being targeted. They do so because they believe in the vision of a free and democratic Iraq.

I am confident that the Iraqi people will demonstrate this same fortitude in the referendum next Saturday.

And for those who vote against the constitution, they will have the chance to express themselves again in December when the Iraqis go to the polls to elect a permanent government.

In the meantime, the Iraqis also must undertake another momentous task.

On October 19, the Iraqi Special Tribunal will begin the trial of Saddam Hussein and some of his closest associates. The opening portion of the trial will focus on the 1982 killings of 143 Shiites in the village north of Baghdad. Saddam will also face charges of human rights abuses, crimes against humanity, and genocide.

In particular, Saddam Hussein will be required to finally answer for his use of chemical weapons against the civilian Kurdish population of Hallabja in 1988, and the violent suppression of mass uprisings following the Gulf War in 1991.

It will be a riveting sight to see the justice system in the hands of the Iraqi people. And to watch as they face down the man and his minions responsible for so many hideous and barbaric crimes.

I am confident that the Iraqi people will give their former oppressors a fair trial and that the guilty will be brought to justice.

Step by step, the Iraqi people are on the path to democracy. And with each step, the terrorists are dealt a devastating blow, and freedom shows once again its power to inspire and prevail.

The Senate stands shoulder-to-shoulder with the Iraqi people as they fulfill their democratic destiny. They deserve our deepest and most sincere support.

I look forward to watching with hope and admiration as they take to the polling booths once again to secure their future as a free and prosperous nation in the heart of the Middle East.

RETIREMENT OF TIM WINEMAN

Mr. FRIST. Mr. President, I would like to take a few minutes today to recognize Tim Wineman for his dedicated and invaluable service to the United States Senate as he prepares to go into retirement.

Tim has served the Senate with great distinction. During his 35 years here, he has worked in various positions within the Senate disbursing office. Tim began as a payroll clerk in 1970 and because of his hard work won numerous promotions. He works today as a financial clerk, one of the best the Secretary's office has been privileged to have. Tim is one of those individuals who come here to serve in the Secretary's office not to debate policy or make political statements, but out of a respect and love for the institution, serving each and every Member with the utmost professionalism.

Our Senate community is privileged to have individuals with the talent and dedication that Tim Wineman has shown. He is the soul of discretion, always available to answer a question and provide wise counsel, and he loves the Senate with all his heart. This is no surprise, since Tim has been familiar with our Nation's capital and the work of the people that goes on here from his earliest days.

Tim was born and raised in this area. His father worked for DC Transit and his mother, Carolyn, worked for Sears and Roebuck. Tim attended Bethesda Chevy Chase High School, where he met his life-long partner and friend, his wife, Pat. They just celebrated their 36th anniversary in August. They are blessed with two children, Matthew and Lory.

Now that Tim is retiring from the Senate, the inevitable question arises: what will he do with his spare time? I have it on good authority that Tim is planning to get straight down to business. He mentioned that he plans to work on his golf game and spend time traveling with Pat. I have heard that Alaska is one of the top destinations on their list of places to visit. The first 6 months, however, he just wants to spend stress free.

In the Senate, we get so involved in the issues of the day, and as Members our days are long and busy. We often forget to pause for a moment and thank those who keep the trains running on time, and for 35 years Tim Wineman has been one of those loyal conductors.

We thank Timothy S. Wineman for his service, and we wish Tim and his wife, Pat, a happy and content retirement.

Mr. DODD. Mr. President, I rise today to speak on behalf of Timothy Wineman, who is retiring after 35 years of dedicated service to the Senate.

There are thousands of employees who work behind the scenes here in the Senate, who make it possible for the Members of this body to discharge the duties of their office. It is rare that these employees get the recognition they deserve.

One of the greatest and longest serving of those unsung heroes has been Tim Wineman, with whom I have had the honor of sharing these halls for the last 25 years. Over that period of time, both my wife Jackie and I have come to rely on his experience and counsel. We are both sad to see him go, but we know as well as anyone that he has certainly earned his retirement.

Tim was hired as a payroll clerk in the disbursing office on October 19, 1970, while my father still served in this Chamber. Six years later, Tim was promoted to payroll supervisor. Four years after that, he became the assistant financial clerk. And, in 1998, he was appointed the Financial Clerk of the United States Senate.

He has fulfilled his duties in all of those roles with efficiency, integrity, and vision. When Tim began over 30 years ago, the Senate's financial services were still performed manually and recorded in pen and ink, without the aid of computers. Over the last three decades, through various leadership positions, Tim has overseen the technological renovation of the Disbursing Office, as it almost flawlessly shifted to cover a marked increase in staff and services.

The Senate Disbursing Office handles not only the payroll of Senators and staff, but also their retirement funds and life and health insurance. The workload is tremendous. Last year, the Disbursing Office also approved nearly 50,000 expense reimbursement vouchers, administered the oath to over 3,200 new Senate employees, and provided 36 training sessions to new office managers, among countless other responsibilities requiring attentiveness and precision.

Under Tim's leadership, these tasks have been carried out with the utmost professionalism. He has adeptly kept the Senate's financial house in order.

I thank Tim for his years of dedicated service to the Senate. He will be sorely missed. I also want to extend to him and Pat, his wife for as long as he has served the Senate, my best wishes as they begin this new phase in their lives.

Mr. STEVENS. Mr. President, I ask unanimous consent that the attached letters from various foreign officials be printed in the RECORD. They have all sent their condolences for the Hurricane Katrina tragedy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SENATE OF CANADA,
SPEAKER OF THE SENATE,
Ottawa, Canada, September 2, 2005.

Senator TED STEVENS,
President Pro Tempore of the Senate,
U.S. Senate, Washington, DC.

SENATOR STEVENS: On behalf of The Senate of Canada, I join all Canadians in expressing to you, your Senate colleagues, and fellow citizens our sympathy and condolences on your country's great loss.

As we learn more about the wide-spread devastation arising from Hurricane Katrina, it becomes increasingly difficult to fully comprehend the extent of the tragedy. Even so, we extend our thoughts and prayers to all the victims, their families and others hit by this terrible disaster. The numerous telephone calls I have been receiving from Canadians, urging us to be of whatever assistance we can to our American friends, shows how much this tragedy has touched Canadians personally. I assure you we will be supportive in every way we can, and are determined to work together to help both immediately and over the long term.

I wish you great strength both now and in the days ahead.

Sincerely,

DAN HAYS.

EMBASSY OF HUNGARY, SPEAKER OF THE HUNGARIAN NATIONAL ASSEMBLY,

Budapest, September 5, 2005.

Hon. TED STEVENS,
President pro tempore of the Senate, Washington, DC.

EXCELLENCY: I was shocked to hear the news about the disaster caused by the hurricane Katrina. We are very well aware of the situation in which hundreds of thousands of people are in New Orleans. The human tribulation in such a huge mass makes us wordless and silent, and awake deep sorrow. The Hungarian public has been turning in these days with deep sympathy to the people in New Orleans.

From my part, Your Excellency, please accept my deepest sympathy in your bereavement. On behalf of the National Assembly of Hungary I would also like to offer my condolences to the relatives and families of the victims. In the meantime I would like to let you know that you can count on our support, the Hungarian team of rescue is already on the venue to give aid and assistance to the people in need, and to fight shoulder to shoulder with your authorities.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Yours sincerely,

DR. KATALIN SZILI.

PRIME MINISTER,

Jerusalem, Israel, September 1, 2005.

Mr. GEORGE W. BUSH,
President, The United States of America, Washington, DC.

DEAR MR. PRESIDENT: On behalf of my Government and the people of Israel, I wish to express my sincerest condolences on the horrible tragedy that has befallen the United States, especially the people of Louisiana, Mississippi and Alabama, in the wake of Hurricane Katrina.

I would like to offer Israel's assistance in volunteering our medical teams which include hundreds of doctors, nurses, technicians and other experts that specialize in trauma, natural disasters and public health. We also offer field hospitals, medical kits and equipment for temporary housing, re-enforcement for hospitals, or any other assistance that you may require. I was informed by my security establishment that these teams and equipment can be ready in 24 hours.

During these difficult times, we, the people of Israel, stand firmly by your side in a show of solidarity and friendship.

Sincerely,

ARIEL SHARON.

AUGUST 30, 2005.

Hon. Secretary CONDOLEEZZA RICE,
Secretary of State, Department of State, Washington, DC.

DEAR SECRETARY RICE: Please allow me to express my condolences to you and to the people of the United States of America, on the loss of life and the terrible pain and destruction caused by Hurricane Katerina.

May the families of the victims find peace and comfort.

As we all stand in awe at the great force of nature unleashed on the shores of the United States, please rest assured that the people of Israel share your sorrow and extend our hand in comfort and friendship. We also stand ready to assist in any way possible.

Yours sincerely,

SILVAN SHALOM.

A PRAYER FOR THE VICTIMS OF HURRICANE KATRINA

(By Chief Israeli Rabbi, Yona Metzger)

''Our Heavenly Father, Founder of the world and Creator of the universe, compassionate and merciful God, please spare and show compassion to Your creatures and the world You have created, and especially the inhabitants of the states among the Gulf of Mexico in the United States. Save them from every calamity, from the winds of storm and hurricane, from the waters of the sea, and from every sorrow and evil, and send deliverance and redemption to all those who call upon Thy Name. Save them from the floodwaters and rescue them from the abyss, lead them to a place of safety, and do not abandon them, and in Your abundant mercy send them redemption in the measure of their loss, and complete healing to the sick and those in pain, and comfort to their souls and spirit. May all the inhabitants of the Earth know and recognize that You are the Supreme King, who rules the powers of the universe and shows mercy to His creatures, who praise Your great Name, amen.''

INTER-PARLIAMENTARY UNION,

Geneva, Switzerland.

Hon. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

Hon. TED STEVENS,
Senate President Pro Tempore, U.S. Congress, Washington, DC.

DEAR MR. SPEAKER, DEAR MR. PRESIDENT: In the wake of Hurricane Katrina which has lashed the gulf states of the United States, leaving a trail of destruction and causing the loss of so many lives, we wish to express to the United States Congress and the people of the United States of America the solidarity and heartfelt sympathy of the Inter-Parliamentary Union. Our deepest condolences go to the relatives of those who have lost their lives in one of the most devastating storms in your country's history.

High Consideration,

SERGIO PAEZ VERDUGO,
President of the Inter-Parliamentary Union

ANDERS B. JOHNSON,
Secretary General of the Inter-Parliamentary Union.

NATIONAL ASSEMBLY,

State of Kuwait.

Hon. TED STEVENS (pro tempore),
Speaker of the Senate, Washington, DC.

DEAR MR. SPEAKER: We have been devastated by the news of the natural disaster (Hurricane Katrina) which hit a number of states in the Mexican Gulf south of the U.S.A and resulted in the death of several innocent people and the loss of others, in addition to the destruction of properties.

On behalf of my colleagues members of the National Assembly of Kuwait and myself, I would like to express my deepest condolences to your Excellency and the friendly people of the U.S.A. and the families of the victims.

I wish your country peace, stability, security, and prosperity.

Please accept the assurances of my highest considerations.

Best regards,

JASSIM MOHAMMAD AL-KHARAFI.

BUDGET SCOREKEEPING REPORT

Mr. GREGG. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the 2005 budget through September 30, 2005. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2006 concurrent resolution on the budget, H. Con. Res. 95.

The estimates show that current level spending is over the budget resolution by $3.145 billion in budget authority and over the budget resolution by $101 million in outlays in 2005. Current level for revenues is $447 million above the budget resolution in 2005.

Since my last report for fiscal year 2005 dated September 29, 2005, the Congress has taken no action that has changed budget authority, outlays, or revenues. This is my final report for fiscal year 2005.

I ask unanimous consent that the accompanying letter and material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,

Washington, DC, October 6, 2005.

Hon. JUDD GREGG,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR SENATOR GREGG: The enclosed tables show the effects of Congressional action on the 2005 budget and are current through September 30, 2005. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2005 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 on Table 2).

Since my last letter, dated September 26, 2005, the Congress has taken no action that has changed budget authority, outlays, or revenues. This is my final report for fiscal year 2005.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2005, AS OF SEPTEMBER 30, 2005

[In billions of dollars]

	Budget resolution [1]	Current level [2]	Current level over/under (−) resolution
On-budget:			
Budget Authority	1,996.6	1,999.7	3.1
Outlays	2,023.9	2,024.0	0.1
Revenues	1,483.7	1,484.1	0.4
Off-budget:			
Social Security Outlays	398.1	398.1	0
Social Security Revenues	573.5	573.5	0

Note: * = less than $50 million.

[1] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2005, in the amount of $81.8 billion in budget authority and $32.1 billion in outlays, which would be exempt from the enforcement of the budget resolution. Since current level excludes the emergency appropriations in P.L. 109–13 (see footnote 2 of Table 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2005, AS OF SEPTEMBER 30, 2005

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions: [1]			
Revenues	n.a.	n.a.	1,484,024
Permanents and other spending legislation	1,109,476	1,070,500	n.a.
Appropriation legislation	1,298,963	1,369,221	n.a.
Offsetting receipts	−415,912	−415,912	n.a.
Total, enacted in previous sessions	1,992,527	2,023,809	1,484,024
Enacted This Session:			
Authorizing Legislation:			
Surface Transportation Extension Act of 2005 (P.L. 109–14)	16	0	0
TANF Extension Act of 2005 (P.L. 109–19)	81	45	0
Surface Transportation Extension Act of 2005, Part II (P.L. 109–20)	15	0	0
Surface Transportation Extension Act of 2005, Part III (P.L. 109–35)	3	0	0
Surface Transportation Extension Act of 2005, Part IV (P.L. 109–37)	5	0	0
Surface Transportation Extension Act of 2005, Part V (P.L. 109–40)	2	0	0
Energy Policy Act of 2005 (P.L. 109–58)	0	0	40
Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (P.L. 109–59)	1,562	8	0
TANF Emergency Response and Recovery Act of 2005 (P.L. 109–68)	5,067	0	0
Appropriation Acts:			
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13) [2]	−1,058	4	41
Interior Appropriations Act, 2006 (P.L. 109–54)	1,500	120	0
Total, enacted this session	7,193	177	81
Total Current Level [2 3]	1,999,720	2,023,986	1,484,105
Total Budget Resolution	2,078,456	2,056,006	1,483,658
Adjustment to budget resolution for emergency requirements [4]	−81,881	−32,121	n.a.
Adjusted Budget Resolution	1,996,575	2,023,885	1,483,658
Current Level Over Adjusted Budget Resolution	3,145	101	447
Current Level Under Adjusted Budget Resolution	n.a.	n.a.	n.a.

Notes: n.a. = not applicable; P.L. = Public Law.

[1] The effects of an act to provide for the proper tax treatment of certain disaster mitigation payments (P.L. 109–7) and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109–8) are included in this section of the table, consistent with the budget resolution assumptions.

[2] Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes: $83,140 million in budget authority and $33,034 million in outlays from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13); $10,500 million in budget authority and $1,150 million in outlays from the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (P.L. 109–61); $51,800 million in budget authority and $125 million in outlays from the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (P.L. 109–62); and $94 million in budget authority from the TANF Emergency Response and Recovery Act of 2005 (P.L. 109–68).

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[4] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2005, in the amount of $81,811 million in budget authority and $32,121 million in outlays, which would be exempt from the enforcement of the budget resolution. Since current level excludes the emergency appropriations in P.L. 109–13 (see footnote 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Source: Congressional Budget Office.

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, today I rise to pay tribute to 23 young Americans who have been killed in Iraq since July 29. This brings to 457 the number of soldiers who were either from California or based in California that have been killed while serving our country in Iraq. This represents 24 percent of all U.S. deaths in Iraq.

SGT Milton M. Monzon, Jr., age 21, died on July 24 in Baghdad where an improvised explosive device detonated near his Bradley fighting vehicle. He was assigned to the 3rd Squadron, 3rd Armored Cavalry Regiment, Fort Carson, CO. He was from Los Angeles, CA.

PFC Ramon A. Villatoro, Jr., age 19 died on July 24 in Baghdad where an improvised explosive device detonated near his Bradley fighting vehicle. He was assigned to the 3rd Squadron, 3rd Armored Cavalry Regiment, Fort Carson, CO. He was from Bakersfield, CA.

PVT Ernesto R. Guerra, age 20, died on July 29 in Baghdad of injuries sustained on July 28 when his humvee was involved in an accident. He was assigned to the Army's 4–3rd Brigade Troops Battalion, 3rd Infantry Division, Fort Stewart, GA. He was from Long Beach, CA.

Petty Officer 1st Class Thomas C. Hull, age 41, died August 2 on board the aircraft carrier USS Nimitz in the Arabian Gulf after being medically evacuated to the carrier for a noncombat related incident. He was an operations specialist assigned to the USS Princeton, homeported in San Diego, CA.

LCpl Adam J. Strain, age 20, died August 2 as a result of enemy small-arms fire while conducting combat operations in Ar Ramadi. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division. He was from Smartsville, CA.

SSG Ramon E. Gonzales Cordova, age 30, died August 8 as a result of enemy small-arms fire while conducting combat operations in Ar Ramadi. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl Evenor C. Herrera, age 22, died August 10 from wounds received from the detonation of an improvised explosive device while conducting combat operations near Ar Ramadi. He was assigned to the 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. As part of Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

SPC Brian K. Derks, age 21, died on August 13 in Baghdad when an improvised explosive device detonated while he was on mounted patrol. He was assigned to the 2nd Squadron, 11th Armored Cavalry Regiment, Fort Irwin, CA.

SGT Nathan K. Bouchard, age 24, died on August 18 in Samarra, Iraq when an improvised explosive device detonated near his Humvee following a

mine assessing mission. He was assigned to the 3rd Battalion, 69th Armor Regiment, 1st Brigade Combat Team, 3rd Infantry Division, Fort Stewart, GA. He was from Wildomar, CA.

SPC Ray M. Fuhrmann, II, age 28, died on August 18 in Samarra, Iraq, when an improvised explosive device detonated near his Humvee following a mine assessing mission. He was assigned to the 3rd Battalion, 69th Armor Regiment, 1st Brigade Combat Team, 3rd Infantry Division, Fort Stewart, GA. He was from Novato, CA.

SGT Joseph C. Nurre, age 22, died on August 21 near Samarra, Iraq when an improvised explosive device detonated near his M916 tractor during convoy operations. He was assigned to the Reserve's 463rd Engineer Battalion, Weirton, WV. He was from Wilton, CA.

PFC Ramon Romero, age 19, died August 22 when the vehicle he was in was struck by an improvised explosive device while conducting combat operations near Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. As part of Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division. He was from Huntington Park, CA.

Cpl Timothy M. Shea, age 22, died August 25 in Husaybah, Iraq of injuries sustained when an improvised explosive device detonated near his position. He was assigned to the Army's 3rd Battalion, 75th Ranger Regiment, Fort Benning, GA. He was from Sonoma, CA.

Seaman Apprentice Robert D. Macrum, age 22, was reported missing on September 13 after failing to report to muster formation. It was concluded that he fell overboard and search and rescue attempts were unsuccessful. He was assigned to the USS Princeton, currently deployed to the Arabian Gulf conducting maritime security operations as part of the Nimitz Carrier Strike Group. The USS Princeton is homeported in San Diego, CA.

LCpl Shane C. Swanberg, age 24, died September 15 from an explosion resulting from indirect fire at Forward Operation Base, Camp Ramadi, Iraq. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. As Part of Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

SGT Alfredo B. Silva, age 35, died on September 15 in Baghdad when an improvised explosive device detonated near his Humvee during patrol operations. He was assigned to the Army National Guard's 1st Battalion, 184th Infantry Regiment, 40th Infantry Division, Modesto, CA. He was from Calexico, CA.

SPC Mike T. Sonoda, Jr., age 34, died on September 22 in Baghdad of injuries sustained on September 21 when an improvised explosive device detonated near his military vehicle. He was assigned to D Company, 1st Battalion, 184th Infantry Regiment, 29th Infantry Brigade, Army National Guard, Oakdale CA. He was from Fallbrook, CA.

SGT Paul C. Neubauer, age 40, died on September 23 of injuries sustained in Baghdad when an improvised explosive device detonated and his patrol came under small-arms fire. He was assigned to the Army National Guard's 1st Battalion, 184th Infantry Regiment, 3rd Infantry Division, Oakdale, CA. He was from Oceanside, CA.

SSG Daniel R. Scheile, age 37, died on September 24 of injuries sustained in Baghdad on September 23 when an improvised explosive device detonated and his patrol came under small-arms fire. He was assigned to the Army National Guard's 1st Battalion, 184th Infantry Regiment, 3rd Infantry Division, Oakdale, CA. He was from Antioch, CA.

SGT Brian E. Dunlap, age 34, died September 24 from an improvised explosive device while conducting combat operations against enemy forces in Taqaddum, Iraq. He was assigned to the Marine Forces Reserve's 2nd Battalion, 23rd Marine Regiment, 4th Marine Division, Los Alamitos, CA. As part of Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division. He was from Vista, CA.

PVT Elijah M. Ortega, age 19, died September 26 as the result of a nonhostile gunshot wound at Camp Baharia, Iraq. He was assigned to the 2nd Combat Engineer Battalion, 2nd Marine Division, Camp Lejeune, NC. He was from Oxnard, CA.

SPC Joshua J. Kynoch, age 23, died on October 1 in Bayji, Iraq when an improvised explosive device detonated near his Bradley Fighting Vehicle during convoy operations. He was assigned to the 2nd Battalion, 7th Infantry Regiment, 3rd Infantry Division, Fort Stewart, GA. He was from Santa Rosa, CA.

PFC Andrew D. Bedard, age 19, died October 4 from an improvised explosive device while conducting combat operations against enemy forces in Ar Ramadi. He was assigned to the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

Mr. President, 457 soldiers who were either from California or based in California have been killed while serving our country in Iraq. I pray for these young Americans and their families.

I would also like to pay tribute to the two soldiers from or based in California who have died while serving our country in Operation Enduring Freedom since July 29.

GySgt Theodore Clark, Jr., age 31, died August 4 when the vehicle he was in was struck by an improvised explosive device while conducting combat operations near Gardez, Afghanistan. He was assigned to the 1st Combat Engineer Battalion, 1st Marine Division, Camp Pendleton, CA.

PVT Christopher L. Palmer, age 22, died on August 21 near Baylough, Afghanistan when an improvised explosive device detonated near his Humvee during patrol operations. He was assigned to the 2nd Battalion, 503rd Infantry Regiment, 173rd Airborne Brigade, Vicenza, Italy. He was from Sacramento, CA.

Mr. President, 32 soldiers who were either from California or based in California have been killed while serving our country in Operation Enduring Freedom. I pray for these Americans and their families.

MONTANA'S PATRIOTS

Mr. BURNS. Mr. President, this week, I learned of another young person from Montana who had been killed in Iraq. PFC Andrew Bedard was only 19 and died Monday when the Humvee he was driving hit a roadside bomb.

Andrew Bedard was from Missoula and a 2004 graduate of Hellgate High School. He joined the Marine Corps shortly after graduation and had only finished basic training earlier this year in San Diego. He had been in Iraq for close to only one month, when his life ended because of another improvised explosive device, or ''IED'' while conducting combat operations against enemy forces in the Al Anbar province. The military had recently launched a new offensive against insurgents in western Iraq.

Those who knew him best describe Andrew as a personable, positive guy who was friends with most people he ran into and cared a great deal about his family and friends. I actually met Andrew a few years ago when he and I were involved in a fender bender in Missoula. He was courteous and respectful, and I can say that he was a fine young man.

Like me, Andrew was in the U.S. Marine Corps. If they can find solace in anything, his loved ones must know that his country is proud of his honorable service in upholding the freedoms and ideals which make this country great.

My heart and prayers go out to the Bedard family, as well as the loved ones of all others lost in this War on Terror. Private First Class Bedard, unfortunately, was the 13th man with Montana ties to die in Iraq or Afghanistan since 2001. Other Montanans who have been killed in combat in Operation Enduring Freedom/Iraqi Freedom are:

SPC Travis Arndt of Great Falls was the 12th man with Montana ties to lose his life in Iraq or Afghanistan.

Marine LCpl Nicholas Bloem of Bozeman was killed in Iraq on Aug. 3, the day after his 20th birthday, when a roadside bomb was exploded under his amphibious assault vehicle. He was one of 14 Marines killed from the Ohio-based 3rd Battalion, 25th Marine Division.

Marine Cpl Raleigh Smith, 21, of Troy was killed two days before Christmas 2004 by enemy fire in Fallujah, Iraq.

Marine LCpl Nathan R. Wood, 19, a Great Falls native who has moved to

Kirkland, WA. He was killed Nov. 19, 2004, as a result of enemy action in Al Anbar Province, Iraq.

Army SSG Aaron N. Holleyman, 26, of Glasgow was killed Aug. 30, 2004, in Khutayiah, Iraq, when his military vehicle hit an improvised explosive device.

Marine LCpl Kane M. Funke, 20, who attended high school in Kalispell before moving to Vancouver, WA. He was killed Aug. 13, 2004, as a result of enemy action in Al Anbar Province, Iraq.

Marine Cpl Dean P. Pratt, 22, of Stevensville, who died Aug. 2, 2004, also as a result of enemy action in Al Anbar Province.

Army PFC Owen D. Witt, 20, of Sand Springs was killed May 24, 2004, in Ad Dawr, Iraq, when his armored high-mobility-multipurpose-wheeled vehicle rolled over.

Army Reserve 1 LT Edward M. Saltz, 27, of Bigfork was killed Dec. 22, 2003, in Baghdad when the convoy in which he was riding was hit by an improvised explosive device.

Army Ranger PFC Kristofer T. Stonesifer, 28, of Missoula was killed Oct. 21, 2001, in a Blackhawk helicopter crash in Pakistan as a part of Operation Enduring Freedom.

Army 1 LT Josh Hyland, a Missoula soldier who enlisted in ROTC at the University of Montana on Sept. 12, 2001, was one of four Americans killed in Afghanistan when a bomb detonated underneath a wooden bridge they were passing over.

This old Marine was lucky to come home from service in Korea. These brave souls for whatever reason were not. I thank them for what they did to protect my family and others across this country and around the world. They did not die in vain and will not be forgotten. We, as a nation, mourn the loss of every soldier, sailor, airman, and marine.

HONORING OUR ARMED FORCES

TRIBUTE TO WARRANT OFFICER ADRIAN B. STUMP AND SERGEANT TANE TRAVIS BAUM

Mr. SMITH. Mr. President, the Bible tells us that ''Greater love than this has no man than to lay down his life for his friends.'' I rise this morning to pay tribute to two American heroes from my home town of Pendleton, OR, who made the ultimate sacrifice by laying down their lives for their friends, their country, and the cause of freedom.

WO Adrian B. Stump and SGT Tane Travis Baum were two of five soldiers who were lost in the crash of a CH–47 Chinook helicopter as it was returning from an ongoing operation in southern Afghanistan.

Warrant Officer Stump was 22 years of age. He was the son of Jerry and Anne Stump, who instilled in Adrian the values of hard work, honesty, and integrity. He was a graduate of Pendleton High School, and he was well known in my community for being an outstanding young man, who always had a smile on his face. Like many east Oregonians, he loved the outdoors and could often be found hiking, fishing, and camping.

Adrian always dreamed of flying helicopters. And after he graduated from high school, there was no question of what he wanted to do. He wanted to serve his country. Indeed, he recently expressed to a friend of mine how great it was to be able to wake up in the morning and do what one loves to do.

SGT Tane Travis Baum was 30 years old. He was married to his high school sweetheart, Tina, and they were the parents of two beautiful children, Caelan and Dyllon. Sergeant Baum also loved the outdoors and flying helicopters. While it was difficult for Sergeant Baum to leave his family behind to serve his country, he carried out his duty like the true hero he was.

The author Herman Wouk once wrote:

> Heroes are not supermen. They are good men, and embodied by the cast of destiny, the virtue of a whole people in a great hour . . . . If America is still the great beacon in dense gloom, the promise to hundreds of millions of the oppressed that liberty exists, that it is the shining future, that they can throw off their tyrants, and learn freedom and cease learning war, then we still need heroes to stand guard in the night.

As of today, Warrant Officer Stump, Sergeant Baum and more than 50 Oregonians have lost their lives keeping the promise of liberty to millions, the promise our forefathers first made and the charge that is ours to keep. They stood guard in the night and have earned the gratitude of our Nation.

LIEUTENANT COMMANDER THOMAS E. BLAKE

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Navy Pilot LCDR Thomas E. Blake of Spencer, NE.

Lieutenant Commander Blake was a selfless and honorable man whose commitment and service to his country were exemplary. As a 1990 graduate of Spencer-Naper High School, Blake went on to earn a bachelor's degree from the University of Nebraska-Lincoln in 1994. Blake was an 11-year veteran of the Navy, and had been stationed at Sea Control Squadron 32, based at Jacksonville, Florida for the past 6 months.

On September 21, 2005, LCDR Thomas Blake died at the age of 33 when an S–3B Viking jet crashed near Jacksonville Naval Air Station, killing Blake and LCDR Scoot Bracher of Malverne, NY. Blake was the naval flight officer and mission commander on the flight.

Lieutenant Commander Blake is survived by his wife Jessica, a native of Gretna, NE. Thomas and Jessica are the parents of a 2-year-old son, and Jessica is expecting their second child soon. I would like to offer my sincere condolences and prayers to the family and friends of Lieutenant Commander Blake. His noble service to the United States of America is to be respected and remembered by all. Every American and all Nebraskans should be proud of the service of brave military personnel such as LCDR Thomas E. Blake.

STATEMENT ON BURMA

Mr. MCCONNELL. Mr. President, many of us who closely follow the struggle for freedom in Burma have, over the years, repeatedly called upon the U.N. Security Council to discuss and debate the dire situation in that country that poses an immediate danger to the Burmese people and the entire region.

Our collective efforts may finally be gaining steam thanks to a report commissioned by former Czech President Vaclav Havel and retired South African Archbishop Desmond Tutu that in painstaking detail makes the case that the situation in Burma has the same factors that triggered Security Council consideration of tragedies in Rwanda, Haiti, Sierra Leone, Afghanistan, Cambodia, Liberia, and Yemen.

I encourge my colleagues to read last Friday's Washington Post editorial entitled ''A Plan to Free Burma,'' which highlights the Havel-Tutu report and the need for U.N. action on Burma. While I agree that the administration can and should do more to support a Burma initiative at the United Nations, I am confident that as a stalwart friend of freedom, Ambassador Bolton will make this a priority for himself and his staff. I encourage Secretary Rice to continue to make this effort a priority, as well.

Let me close with a brief word urging the United Kingdom to find its voice on Burma at the United Nations. Given Britain's history with that Southeast Asian country, Prime Minister Blair and senior officials at the Foreign Office should keep in mind that Burma's myriad problems—including humanitarian crises—are political in nature and require a political solution that involves the active participation of the National League for Democracy and ethnic minorities. Let us not forget that this is a country where the Global Fund to Fight AIDS, Tuberculosis and Malaria had to terminate its grants because of the obstructionist policies of the SDPC.

I am reminded that this year marks the 60th anniversary of the Burma Campaign of World War II, the longest British battle of that war. I hope our allies across the Atlantic will continue to show the same grit and determination in supporting freedom in Burma today as they did last century.

RESPECTING GUN LAWS IN DC

Mr. LEVIN. Mr. President, we owe it not only to the people who live and work in Washington, DC and the millions who visit, but to all Americans to do what we can to prevent gun violence in our nation's capital. It is important that we also respect the wishes of DC residents as they work to address the

problems of gun violence in their own communities. Unfortunately, legislation introduced earlier this year would undermine both of these objectives.

Among other things, the misnamed District of Columbia Personal Protection Act would repeal local laws in Washington, DC that ban the sale and possession of unregistered firearms, require firearm registration, impose common sense safe storage requirements, and ban semiautomatic weapons.

Elected officials and community leaders throughout Washington, DC, have made clear their opposition to this bill and any other attempt to roll back Washington's local gun safety laws. In recent months, many groups around the country working to end gun violence have also expressed strong opposition to the proposed repeal of local gun safety laws in Washington, DC. In July, 44 national, state, and local organizations issued an open letter to Congress opposing the so called District of Columbia Personal Protection Act. Among the groups who signed the letter were the United States Conference of Mayors, the National Association for the Advancement of Colored People, the National Black Police Association, Physicians for Social Responsibility, the Brady Campaign to Prevent Gun Violence, and the Coalition to Stop Gun Violence. Their letter said:

> The citizens of the District of Columbia should have the power to decide by democratic means whether and how firearms are regulated in the city where they live. DC's current gun laws were passed almost 30 years ago by an elected city council, and these laws continue to enjoy broad support among business executives, law enforcement officials, health care professionals, civic organizations, and ordinary citizens. When legislation to repeal DC's gun laws was introduced last year, it generated widespread opposition—and attracted virtually no support—among DC residents.

While this bill has not yet been considered in the Senate, the citizens of Washington, DC, continue to face attempts to roll back their local gun safety laws. During consideration of the fiscal year 2006 District of Columbia appropriations bill, the House of Representatives adopted an amendment strongly supported by the National Rifle Association which would prohibit funds in the bill from being used to enforce a local requirement that District residents keep their firearms unloaded and disassembled or bound by a trigger lock in their homes. Fortunately, the current Senate version of the bill does not include a similar provision and I am hopeful the House-passed language will not become law.

The Senate should respect the will of the people of Washington, DC, with regard to local gun safety laws. I hope the Senate will focus its efforts on legislation that will help make communities across our Nation safer, not on steps which would make our Nation's Capital less safe.

I ask unanimous consent that the above-mentioned letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 15, 2005.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: We are writing to express our strong opposition to S. 1082, a bill that would strip the District of Columbia's voters and elected officials of the power to pass gun laws.

The citizens of the District of Columbia should have the power to decide by democratic means whether and how firearms are regulated in the city where they live. DC's current gun laws were passed almost 30 years ago by an elected city council, and these laws continue to enjoy broad support among business executives, law enforcement officials, health care professionals, civic organizations, and ordinary citizens. When legislation to repeal DC's gun laws was introduced last year, it generated widespread opposition—and attracted virtually no support—among DC residents.

DC has made great strides in recent years, both in reducing violent crime and in encouraging people to establish businesses, buy homes, and build their lives in the city. The city's finances are in order (it has an ''A'' rating from bond analysts), the homicide rate is down (by 55 percent over the past ten years), and commercial as well as residential real estate markets are booming.

The city has many challenges ahead, but its citizens and political leaders are working to build consensus and solve problems like any other municipality in the country through vigorous debate, hard work, and participation in democratic political institutions. While some members of Congress might have different ideas about what's good for the city, we believe the choices made by DC citizens and their elected representatives in local government should be entitled to respect.

The debate over S. 1082 is about democracy, not the Second Amendment. By denying the citizens of DC—who have no representation in Congress—the right to decide how best to protect public safety and reduce violent crime, this bill would violate basic American values, and we urge you to reject it.

Sincerely,

Alliance for Justice, Americans for Democratic Action, American Jewish Committee, Anti-Defamation League, Brady Campaign to Prevent Gun Violence, Break the Cycle Washington, DC, CeaseFire Maryland, Ceasefire NJ, Ceasefire PA, and Children's Defense Fund;

Coalition to Stop Gun Violence, Common Cause, Consumer Federation of America, DC Action for Children, DC Democracy Fund, DC Vote, The Episcopal Church, USA, Episcopal Diocese of Washington, Florida Coalition to Stop Gun Violence, and Florida Consumer Action Network;

Hoosiers Concerned About Gun Violence, Illinois Council Against Handgun Violence, Iowans for the Prevention of Gun Violence, Jewish Women International, The League of Women Voters of the United States, Legal Community Against Violence, and Maine Citizens Against Handgun Violence;

Michigan Partnership to Prevent Gun Violence, National Association for the Advancement of Colored People (NAACP), National Black Police Association, National Council of Jewish Women (NCJW), New Yorkers Against Gun Violence, and North Carolinians Against Gun Violence Education Fund;

Ohio Coalition Against Gun Violence, Oregon Consumer League, Physicians for Social Responsibility, Saferworld, States United to Prevent Gun Violence, and United Church of Christ, Justice and Witness Ministries;

Unitarian Universalist Association of Congregations, United States Conference of Mayors, Virginians Against Handgun Violence, Wisconsin Anti-Violence Effort, and Women Against Gun Violence (California).

VOTE EXPLANATION

Mr. HATCH. Mr. President, I rise today to inform my colleagues as to why I missed voting on the motion to table Senator COBURN's amendment No. 2005 to the Department of Defense Appropriations Act, 2006. At the time the vote occurred, I was attending the funeral of a longtime employee and friend, Shawn Bentley.

Should I have been present, I would have voted in favor of tabling the amendment, which would not have changed the outcome of the vote.

GI EDUCATIONAL BENEFITS

Mr. KERRY. Mr. President, the original G.I. bill in 1944 made a sacred bargain: honor our troops for their sacrifice, and keep faith with our veterans by helping them readjust to civilian life. Historically, G.I. bill educational benefits have risen and fallen—at times covering over 100 percent of the cost of tuition, books, supplies and other educational costs. And we know how valuable its benefits have become in recruiting the world's finest military.

But each year, the G.I. bill covers a little bit less of the cost of education in this country. It's a cruel mathematical calculation—the cost of a university education is growing faster than the benefits provided by the G.I. bill. Our troops in Iraq, Afghanistan and around the world fight just as hard and sacrifice just as much as any in American history. Yet the G.I. bill—this great act of gratitude that transformed America 60 years ago—has not kept pace. Today, our troops return home to a G.I. bill that covers only 63 percent of the average price of a 4-year public secondary education. The result is veterans struggling to afford the education they were promised and have earned.

The U.S. Congress should never break promises to our veterans—like 28-year-old Jeff Memmer. As a member of the U.S. Navy, Jeff served two deployments in the Persian Gulf between 1996 and 2002. When he came home, he had to take out tens of thousands of dollars in emergency loans and work part time as a bartender to get through school because costs kept outpacing benefits. He said, ''When I started putting a plan together in 1999, the benefit would have covered two-thirds of my tuition and costs. By the time I got to college, the tuition had increased so much it only covered half, and by the time I graduated it was only covering a third of my expenses.'' We are not proposing that veterans live in luxury while they earn their degrees. But clearly, it shouldn't be this hard.

Take the case of Eric VonEuw, a veteran of 4 years with the airborne infantry. Even with G.I. bill benefits, he is working part time to make ends meet and cover the cost of his community college. If he is able to finish at UC Davis, his benefits won't cover half his bills.

Today's military looks a lot different from the military I served in during the Vietnam war. Today, almost 60 percent of enlisted men and women are married. These veterans are faced with a choice: to borrow for their education or to take care of their families now.

The amendment I offered on the Defense appropriations bill, cosponsored by Senator ENSIGN, would have required a report on G.I. bill educational benefits—who uses them, how they are used, and how they can be improved. The report would have included cost estimates to help us assess various options for increasing the value of the education benefits so they cover more, if not all, of the costs of a 4-year public education.

In the course of preparing this amendment, Senator ENSIGN and I were invited to work with the Veterans' Affairs Committee to accomplish the same thing. We hope this approach will be successful and will therefore not bring our amendment to a vote.

This is the start of an effort to improve G.I. bill educational benefits. It is not just the right thing to do; it is critical to our national security. We all know that this is the most challenging recruiting environment in the history of the All-Volunteer military. In a 2004 survey, servicemembers reported that the G.I. bill is the number one reason they choose to enlist in the military. We must make sure that we understand how those benefits are being used and what the alternatives are to improve them.

I ask unanimous consent that the text of the letter I sent with Senator ENSIGN to the Veterans' Affairs Committee, which was mentioned above, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 5, 2005.

Senator LARRY CRAIG,
Chairman,
Senator DANIEL AKAKA,
Ranking Member, Senate Committee on Veterans' Affairs, Russell Senate Office Building, Washington, DC.
Representative STEVEN BUYER,
Chairman,
Representative LANE EVANS,
Ranking Member, House Committee on Veterans' Affairs, Cannon House Office Building, Washington, DC.

DEAR SENATOR CRAIG, SENATOR AKAKA, CONGRESSMAN BUYER, AND CONGRESSMAN EVANS: As you continue negotiations on The Veterans' Benefits Improvement Act of 2005, S1235, and its companion bills in the House, we write to draw your attention to 38 USC, Section 3036, which required a biannual report from the Secretary of Defense on the use and adequacy of readjustment and educational benefits for veterans. As of January 2005, no additional reports are required by this section.

We believe receiving this report remains vital today. This country is at war. American forces are serving heroically around the world, in Iraq, Afghanistan, and elsewhere. The men and women of our armed forces serve for many reasons. Undoubtedly, all serve with a sense of patriotism and duty to country. But there are other important reasons a young American chooses the military, and as recently as 2004 a survey indicated that educational benefits are the primary reason soldiers cite for their decision to enlist.

It is no secret that we are today in the midst of the most challenging recruiting environment our all-volunteer military has ever faced. The Army officially fell short of its FY2005 recruiting goals, delaying the expansion of the active-duty Army. It is essential that we continue to receive periodic updates from the Secretary of Defense on the value of education benefits to new recruits, how these benefits are used by veterans, and recommendations about how the benefits can be improved.

Accordingly, we ask you to reauthorize 38 USC Section 3036, with the minor modification of the first issuance of the report being required within six months of enactment of this bill. We also ask that you consider an additional modification to require that the first report include the attached provisions from an amendment we offered on the Defense Authorization bill to provide a more accurate estimate of the costs of various proposals to increase GI Bill benefits.

We appreciate your continued leadership on this issue.

Sincerely,

JOHN KERRY.
JOHN ENSIGN.

VIOLENCE AGAINST WOMEN ACT

Mrs. CLINTON. Mr. President, I rise today to applaud my Senate colleagues for unanimously passing legislation to protect American women from domestic violence.

The Violence Against Women Act expired this past Saturday, October 1. I cosponsored the renewal of this vital legislation because it strengthens Federal and State efforts to prevent domestic violence and assist victims of domestic violence. It focuses resources and attention on some of the most vulnerable women in our society—women who too often suffer in silence.

I am so pleased that by passing this bill the Senate has reaffirmed its commitment to helping women, men, and children prevent and cope with domestic abuse.

The Violence Against Women Act responds to an ongoing crisis within many American families. Too many of our grandmothers, mothers, and daughters, and too many of our grandfathers, fathers, and sons are abused at home by a partner or family member. Every day in America some women and men, some elderly, are beaten, have objects thrown at them, suffer emotional and verbal abuse. Teenagers suffer abusive dating relationships. Many victims of domestic violence feel trapped and need support and assistance to leave their abusers and start violence-free lives.

The image of a severely battered woman spurs many of us to stop domestic violence, but what is also disturbing is the prevalence of domestic violence. Domestic abuse is the common cold of violence. According to the Journal of the American Medical Women's Association, nearly one in every three women will experience a physical assault by a romantic partner. And of this group, one in three will experience a severe physical assault. Every day more than three women in this country are murdered by their husbands and boyfriends. Children also suffer. Half of women who report rape are under the age of 18. Shockingly, 22 percent are under the age of 12. And I know that violence against the elderly is a serious and growing problem.

For the past decade, the Violence Against Women Act has provided crucial aid to women, men, and children experiencing violence. Between 1994 and 2000, Congress distributed over $3.8 billion to States and local communities to train and support police, lawyers, judges, nurses, shelter directors and advocates to end domestic violence and sexual assault. Our efforts contributed to almost a 50 percent drop in domestic violence.

The Violence Against Women Act of 2005 renews several successful programs and provides funding for training, education and outreach to protect women. It encourages collaboration among law enforcement, the courts, and public and private services providers to victims of domestic and sexual violence. It stiffens criminal penalties for repeat Federal domestic violence offenders, and updates the criminal law on stalking to incorporate new surveillance technology like global positioning systems. It incorporates prevention strategies targeted at men and boys. And it strengthens rape crisis centers and the health care system's response to family violence.

The bill also addresses the special needs of victims who are elderly, disabled, children, immigrants, residents of rural communities, and members of ethnic and racial communities. It provides emergency leave and long-term transitional housing for victims.

The Violence Against Women Act of 2005 will save lives. It also will save money. A 2002 university study found that money spent to reduce domestic violence saved nearly ten times the potential costs incurred between 1995 and 2000 for medical, legal, and other victimization costs. On an individual level, the bill costs roughly $15.50 per woman in the United States and saves an estimated $159 per woman.

Despite the funding provided by the Violence Against Women Act, I believe that reducing the scale and alleviating the human toll of domestic violence requires stronger Federal support. In my own State of New York, in Albany, an award-winning organization dedicated to providing legal assistance to victims of domestic violence and sexual assault faces the possibility of shutting down. Just this past September, the Department of Justice informed the group,

The Capital District Women's Bar Association Legal Project, that its application for continued funding had been denied. The Department of Justice has supported the CDWBA Legal Project's efforts on behalf of battered women for nearly a decade. With this financial assistance, the group has provided critical services for more than 4,000 poor, battered women and their children since 1996. The program has been so successful that the United States Office of Justice Programs identified it in 2003 as a ''best practices program'' as a model for communities striving to better serve and protect victims of domestic violence and sexual assault. Yet this program and, Director Lisa Frisch told me, other programs like it, are losing their funding and ability to prevent abuse and assist victims.

We critically need to provide this funding—to stop domestic violence, and aid its victims.

Domestic abuse is an ongoing crisis for many American families. It is the common cold of violence for Americans today. But working together, as Federal, State, and local officials, as governmental and nongovernmental organizations, as individuals, we can reduce the severity and the prevalence of domestic violence. We can protect the most vulnerable members of our society women, the elderly, children. I applaud Senators BIDEN, HATCH, and SPECTER who introduced the Violence Against Women Act of 2005 in June, and the nearly 60 Senators who cosponsored the legislation, Members on both sides of the aisle. Their hard work helps to strengthen American families.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On December 7, 2003, in Largo, FL, Reshae McCauley, a 30-year-old transgender person, visited Z109, a local club. The following evening Reshae's body was discovered near her home where she had died of severe upper body trauma. According to police, the apparent motivation for the attack was her sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

NATIONAL LATINO AIDS AWARENESS

Mr. OBAMA. Mr. President, even as our Nation faces new public health challenges, it is crucial that we not lose sight of a devastating disease that has remained a challenge for decades the HIV/AIDS epidemic. Over the past two decades, the Nation has witnessed tremendous strides in the diagnosis and treatment of this disease, and overall, affected individuals are living longer and in better health. Yet approximately 40,000 Americans are still infected every year, half of whom are under the age of 25, and over 1 million Americans are living with this disease. My own State of Illinois ranks sixth in the Nation for HIV/AIDS, and our health officials and experts continue to work diligently to reduce the number of newly infected, as well as provide high quality care to those who are infected.

As with so many diseases, HIV/AIDS has had a disproportionate impact on the Latino community. While representing only 14 percent of the U.S. population, Latinos comprise 20 percent of the population affected by HIV/AIDS. However, unlike every other racial and ethnic group, the number of estimated deaths among Latinos with AIDS is actually increasing—a 17 percent growth between 1999 and 2003.

As the largest and fastest growing ethnic minority group in the U.S., it is imperative that HIV/AIDS prevention and treatment in the Latino community remain a top priority for our Nation.

I am proud to join Representative HILDA SOLIS, Chair of the Congressional Hispanic Caucus' Task Force on Health, and other members of the Congressional Hispanic Caucus and Congressional Black Caucus, in recognizing October 15 as National Latino AIDS Awareness Day. On this day, we renew our commitment to ending the spread of HIV and ensuring quality of life to those with HIV regardless of their country of origin or immigration status. We do this whether we are Latino, African American, Asian, Caucasian or Native American. Although we all belong to separate communities, it is important that we stand as one community in the fight against this disease that is rapidly targeting populations of color.

The numbers are growing and so should our national attention towards the issue. The reauthorization of the Ryan White CARE Act is an example of how our Nation can help. It is also critical to increase funding for the Minority AIDS Initiative, MAI, which addresses the disproportionate impact of HIV/AIDS on people of color by allocating specific funds for programs under the Ryan White CARE Act. Programs like Ryan White provide our most vulnerable populations, such as HIV/AIDS-stricken Latinos, with a chance for quality health care and a brighter future.

On October 15 and every other day of the year, I encourage all of us to join in the fight against HIV and AIDS. We cannot become complacent. The need is great, and the time to act is overdue.

NOMINATION OF WAN J. KIM

Mr. CORZINE. Mr. President, it is with great pleasure and admiration that I support the nomination of Wan J. Kim, of my home State of New Jersey, to be the Assistant Attorney General for Civil Rights at the Department of Justice.

Wan Kim's life is a testament to the American dream. Mr. Kim's father came to New York from South Korea in 1971, with only a few hundred dollars in his pocket and the dream of building a better life for his family. He spoke no English and he took a job washing dishes. His wife joined him several months later, and worked in a garment factory. In 1973, Wan Kim and his sister left South Korea, where they had been staying with their grandmother, to reunite with their parents on U.S. soil. Wan Kim was 5 years old at the time.

The family soon moved to New Jersey, where Mr. Kim's parents purchased a luncheonette in Jersey City, and later a home in Union Township. Mr. Kim's parents worked 7 days a week to provide an education and a life of opportunity for their children. Mr. Kim excelled in school, graduating as valedictorian of his high school class and serving this country in the Army Reserves. He received his bachelor's degree from Johns Hopkins University and his law degree from the University of Chicago Law School.

Following law school, Mr. Kim clerked for Federal Judge James L. Buckley on the DC Circuit Court. He then worked as a trial attorney in the Criminal Division of the Department of Justice, where he participated in the prosecution of the Oklahoma City bombing case. Mr. Kim later served as an assistant U.S. attorney for the District of Columbia, as counsel on the Senate Judiciary committee, and as a lawyer in private practice. Since August 2003, Mr. Kim has served as a deputy assistant attorney general of the Civil Rights Division at the Department of Justice, where he is charged with oversight of the criminal, educational opportunities, and housing and civil enforcement sections.

If confirmed as assistant attorney general, Mr. Kim will be the Nation's top civil rights law enforcement officer. In that capacity, he will be responsible for overseeing more than 300 attorneys nationwide and with ensuring the vigorous enforcement of this nation's civil rights laws—including those relating to voting rights, employment discrimination, human trafficking, and police misconduct. Mr. Kim will enjoy the distinction of being the first Korean-American and the first naturalized citizen to assume that post.

The position to which Mr. Kim is nominated is one of vital importance to our Nation. There are those who

would weaken or narrow the authority of the Civil Rights Division, or remove it from Congressional oversight altogether. I disagree. The Department of Justice, and the Civil Rights Division in particular, must continue to carry out its indispensable role in safeguarding the civil rights of all Americans. The Department must hold firm in ensuring that no person, big or small, strong or weak, Black or White, Latino or Asian, is treated with anything less than fairness, equality, and justice under our laws. To this end, it is essential that the powers of the Civil Rights Division and the oversight authority of this body be vigorous, and that the Division hire only the very best attorneys possible to carry out its mission.

There is no doubt that the Civil Rights Division will face many challenges in the years ahead. The office will require a leader with a firm commitment to civil rights and the resolve to place the considerable resources of the Federal Government behind the protection of those fundamental rights. Mr. Kim has an impressive record of public service and has earned the strong respect of his colleagues and the legal community. I am confident that Mr. Kim will do all he can to preserve and strengthen our civil rights protections, and that in so doing, he will continue to make his family, his home State of New Jersey, and his country proud.

BINATIONAL HEALTH WEEK

Mr. LUGAR. Mr. President, I appreciate this opportunity to join my friends from across the United States and Mexico to celebrate the 5th Annual Binational Health Week. Binational Health Week affords us an opportunity to reflect upon the many successful efforts made here in the United States in cooperation with Mexican consulates to promote health and well-being amongst those who might otherwise lack access to important health care services and to discuss what further efforts should be made to address shortcomings that still exist.

Binational Health Week originated as an effort by Mexico's Secretary of Health to direct health care services to underserved migrant populations here in the United States. In October 2001, the Mexican consulates in California partnered with the California Department of Health Services to celebrate the first Binational Health Week in an effort to mobilize local health clinics and community organizations to provide services to people of Latin origin. Since then, Binational Health Week has expanded to cities across the United States, Mexico, and Canada.

I feel strongly that we must do all that we can to encourage people to pursue healthy lifestyles. Between one-half and two-thirds of premature deaths in the United States and much of our health care costs are caused by just three risk factors: poor diet, physical inactivity, and tobacco. Promoting proper fitness and nutrition is not only good health policy but it is also good fiscal policy as it prevents costly hospitalization and reduces future costs to the taxpayer. We must work together at the Federal, State and local levels to encourage healthy eating and exercise.

I am excited that Binational Health week encourages the people of our great nations to discuss how we can work together to ensure that families across North America have every opportunity to enjoy good health and happiness.

TRIBUTE TO AMERICAN BEVERAGE ASSOCIATION

Mr. CHAMBLISS. Mr. President, today I rise to report on a development by the American Beverage Association, ABA, and its members who have adopted a new policy aimed at helping parents and schools to promote healthy lifestyles for our Nation's students.

Recently, the association's board of directors established new school vending policies for its members. The purpose was to help parents, teachers, and children in the school environment make good lifestyle choices by providing appropriate beverage choices for each grade level.

Childhood obesity is a problem facing society, and I believe that responsibility for achieving healthy lifestyles is shared by everyone, including parents, communities, schools, government, and industry.

Under the new ABA policy, the beverage industry will provide the following: One, only bottled water and 100 percent juice to elementary school students; two, nutritious and/or lower calorie beverages to middle school students, such as bottled water, 100 percent juice, sports drinks, no-calorie and low-calorie soft drinks and low-calorie juice drinks—no full-calorie soft drinks or full-calorie juice drinks with 5 percent or less juice will be provided to middle school students until after school hours; and three, a variety of beverage choices to high school students, such as bottled water, 100 percent juice, sports drinks, and juice drinks. No more than 50 percent of the vending selections made available to high school students will be soft drinks.

This new policy complements the work the Committee on Agriculture, Nutrition, and Forestry completed in the 108th Congress with the Child Nutrition and WIC Reauthorization Act of 2004. Under the act, local school districts were directed to develop wellness policies, address physical activity and nutrition education, and implement nutrition standards for all food sold on campus. The ABA's new vending policy is timely and welcomed, and can serve as a key component for the development of local wellness policies by helping set important nutrition standards for our students.

Mr. President, I would like to recognize the American Beverage Association and its members for being part of a solution in achieving healthy lifestyles and in fighting childhood obesity. This commonsense policy does not unfairly single out individual foods or beverages through wholesale bans, but instead provides a reasonable balance in vending choices and complements the industry's school-based physical activity programs.

I commend The Coca-Cola Company in my home State of Georgia, and the entire beverage industry for its leadership on this issue and for its commitment to making a substantial and positive impact on the well-being of our students.

HONORING FORMER GOVERNOR STAN HATHAWAY

Mr. THOMAS. Mr. President, I rise today to pay tribute to the life and memory of Stan K. Hathaway. Sadly, Stan passed away on October 4, at the age of 81.

One of six children, Stan was born in Osceola, NE. He grew up in Huntley, WY. Stan attended the University of Wyoming until he heard the call of duty, and in 1943, he left college and joined the Army Air Corps to serve his country in World War II. During the war, he flew bomber missions. For his service, Stan received the French Criox de Guerre, U.S. Presidential Unit Citations and five air medals.

When Stan returned from his tour in Europe, he enrolled at the University of Nebraska to finish his bachelor's degree and continued on to complete his law degree at the same institution. While there, he met and married his lovely wife Bobby. Bobby was the light in his life. Their relationship was strong and full of love. They complimented one another beautifully, and together, they accomplished tremendous things.

Following Stan's graduation from law school, he and Bobby moved to Torrington. Bobby began teaching, and Stan established his law practice. Here, they had their two daughters, Susan and Sandra. In 1954, Stan was elected Goshen County Attorney, and in 1966, he was elected Governor. After his second term as governor, President Ford appointed Stan as secretary of the interior in 1975. He was Wyoming's first cabinet officer. Health issues forced his resignation shortly after his appointment, and he moved to Cheyenne to resume his law practice.

Stan always looked toward the future, and his innumerable contributions still resonate in our great State. During his two terms as Governor, Stan initiated groundbreaking policy for Wyoming. He enacted the State's first severance tax on minerals and created the Permanent Mineral Trust Fund where severance tax money is invested. The fund now totals more than $2 billion and earns enough to run a major portion of the State's government operations.

Recognizing the value of our State's natural heritage and the need for conservation, Stan approved Wyoming's first environmental controls on its minerals industry. In addition to creating the State department of environmental quality, he signed into law the State air quality act in 1967 and the State water quality act in 1968. He was also a founding member of the Wyoming Heritage Society/Wyoming Heritage Foundation in 1979. Stan was determined to protect Wyoming's natural treasures while securing its economic future.

Governor Hathaway also had a great love for arts. He signed the 1967 bill which established the Wyoming Arts Council. He and Bobby were leading patrons of the arts, helped lead the charge to inaugurate public funding for the arts in the State, and helped develop many State programs to encourage art.

Stan believed the most important thing Wyoming could give its youth was an education and opportunities to stay in the State. In recognition of his contributions to higher education, the 2005 Wyoming Legislature named the ''Hathaway Student Scholarship Endowment Account,'' a $400 million dollar endowment for academic scholarships and endowed chairs at the State's universities and community colleges, in Stan and Bobby's honor.

Governor Hathaway's trailblazing efforts earned him many recognitions. Many credit him with helping Wyoming pull out of its economic depression during the 1950s and 1960s. In 2000, Stan was the recipient of the Mary Mead Steinhaur Heritage Award for his achievements in public service, private sector leadership and commitment to Wyoming's economic growth. Stan and Bobby also received the Governor's Arts Award for Excellence in the Arts in 2003.

Stan and Bobby were dear friends of my wife Susan and I. Susan's father, Harry Roberts, served in Governor Hathaway's administration as the superintendent of public instruction. She recalls Stan's deep beliefs and great passion. When Stan spoke, you couldn't help but listen. He was a true leader and a good man. Stan will be sorely missed.

ADDITIONAL STATEMENTS

TRIBUTE TO CRAIG M. McKEE

• Mr. LUGAR. Mr. President, I rise today to congratulate a distinguished Hoosier, Mr. Craig M. McKee of Terre Haute, IN, who will be installed as chairman of the board of trustees of the National Cathedral Association here in Washington, DC, at an Evensong service on Thursday, October 13.

Since graduating from Indiana State University and the Indiana University School of Law in Indianapolis, Craig has worked as a respected attorney, eventually becoming a partner in the firm of Wilkinson, Goeller, Modesitt, Wilkinson & Drummy in Terre Haute. He has also offered distinguished public service in West Central Indiana as a member of the board of directors and chairman of the Greater Terre Haute Chamber of Commerce, president of the Terre Haute Rotary Club, president of the United Way of the Wabash Valley, and a member of the board of directors of the Indiana State University Foundation.

As chairman of the board of trustees of the National Cathedral Association, Craig will help to facilitate funding for the Cathedral and oversee its programs and activities. The association, with some 14,000 members, provides leadership and support to the Cathedral. As one who has had the opportunity to be a reader at an Indiana Day observance at the Cathedral, I am grateful for the work of the Cathedral staff and the association.

The National Cathedral was chartered by Congress in 1893. Contruction began in 1907, when the foundation stone was laid in the presence of Theodore Roosevelt, and lasted for 83 years; the last finial was placed in the presence of George H.W. Bush in 1990. The Cathedral has been the site of two Presidential state funerals: for Dwight D. Eisenhower and Ronald W. Reagan, and the mausoleum is the final resting place for Woodrow Wilson. President Eisenhower lay in repose at the Cathedral before lying in state. In addition, a memorial service for Harry Truman took place at National Cathedral. It has been the venue to national prayer services following many events, most recently after Hurricane Katrina and the attacks of September 11, 2001.

I commend Craig on this signal honor and wish him every continuing success in his important leadership.•

VIOLENCE AGAINST WOMEN IN PAKISTAN

• Mr. LEAHY. Mr. President, I wish to bring attention to the appalling human rights abuses against women in Pakistan and to express my dismay with the recent comments of President Pervez Musharraf that rape in Pakistan has become an opportunity for women of his country to make money and emigrate. Victims of rape and domestic violence in Pakistan and around the world are offended by these irresponsible remarks.

On September 13 President Musharraf stated the following in an interview with the Washington Post: ''You must understand the environment in Pakistan . . . This has become a money-making concern. A lot of people say if you want to go abroad and get a visa to Canada for citizenship and be a millionaire, get yourself raped.'' President Musharraf subsequently denied making these remarks, but the paper posted an audio link of the interview on its website, confirming that he had in fact been accurately quoted.

These comments are completely unacceptable. They are especially so considering the fact that rape and other acts of violence against women in Pakistan are a longstanding problem. The U.S. State Department's Country Report on Human Rights Practices for 2004 reported that one out of every two Pakistani women last year was the victim of mental or physical violence. That is an astounding number. Additionally, the report states that husbands frequently beat and even occasionally kill their wives and that many females are disfigured by intentional burnings or attacks with acid. So called ''honor killings,'' when husbands murder their wives for alleged infidelity or other acts deemed to impugn the man's honor, also continue to be a problem in Pakistan. Yet the perpetrators of these crimes often escape punishment. Pakistani human rights organizations documented 1,458 cases of honor killings last year, and many more likely went unreported. A study by Human Rights Watch estimates that a woman in Pakistan is raped every 2 hours and that approximately 70–90 percent of women suffer from some form of domestic violence.

The terrible stories of two Pakistani rape victims have been vividly portrayed in moving editorials by New York Times reporter Nicholas Kristof. From Kristof we first learned about Mukhtar Mai, who was gang-raped in 2002 on the orders of a council of tribal elders, and also about Dr. Shazia Khalid, a Pakistani physician who was raped in January 2005 by a military officer in her place of employment.

These stories are tragic. But equally troubling is the cruel reality that many rape victims in Pakistan are pressured to drop charges by the authorities, as was the case for Dr. Khalid. Many who courageously decide to press forward are ostracized, beaten or even jailed on charges of adultery or fornication. What we are witnessing is an archaic and twisted judicial system where too often the victims are punished and the culprits go free. This practice of blaming and then abusing the victim is a disgrace.

At a time when the Bush administration is embracing President Musharraf and giving Pakistan huge amounts of aid on account of his support for the administration's policies in Afghanistan, it should use its influence to press Musharraf to act immediately to address the rampant abuse of Pakistani women. This includes abolishing the Hudood Ordinances, a harsh penal code introduced in 1979 by then-dictator General Zia ul-Haq to Islamize the legal system. Unfortunately, President Musharraf has taken few concrete steps to protect women from this discriminatory and backward legal system.

As we consider the plight of women in Pakistan and the tremendous obstacles they must surmount, the U.S. must take a hard look at the consistency of our own policies, especially with respect to advancing human

rights around the globe. I was troubled to hear that the State Department declined to react to Musharraf's comments. When asked about the interview by a member of the press, a Government spokesman skirted the issue by stating that ''The United States Government speaks out very clearly that violence against women, wherever it may occur, is unacceptable. And around the world, where this is a problem, we make a point of speaking out against it.''

Unfortunately, the administration is not practicing what it preaches. The administration missed an important opportunity to speak out against a reprehensible allegation that women are using rape in order to make money and emigrate. In his inaugural address last year, the President stated that ''all who live in tyranny and hopelessness can know: the United States will not ignore your oppression, or excuse your oppressors. When you stand for your liberty, we will stand with you.'' I urge President Bush to live up to his promise to promote democracy and advance human rights and to not ignore the women of Pakistan.●

IN HONOR OF HISPANIC HERITAGE MONTH, SEPTEMBER 15–OCTOBER 15, 2005

● Ms. CANTWELL. Mr. President, I rise today to say a few words in honor of the Latino communities of the United States. As my colleagues know, September 15 to October 15 each year marks Hispanic Heritage Month. Throughout this month, the United States celebrates the history, culture, and traditions of Latinos as well as their contributions to the United States. September 15 was selected as the first day for this special month because it marks the anniversary of independence for Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. Mexico and Chile also commemorate their independence days during the month, on September 16 and September 18, respectively.

As we celebrate Hispanic Heritage Month, we must also acknowledge the challenges faced by this community. The Latino population is extremely vulnerable to economic downturns and experience high poverty rates, particularly among working families with children. We must work to continue providing the infrastructure to assist families by strengthening job training, child care, child nutrition, and transportation. Furthermore, we must continue to lift the barriers on education. Only 12 percent of Latinos have graduated from college. As nearly half of the Latino population is under age 25, it is crucial that we provide access to higher educational opportunities. The Latino community in the United States strives to succeed in all realms. Providing a solid educational foundation for the younger generation will ensure continued growth and accomplishments by the community.

Today, there are 39.9 million Latinos in the United States, which is nearly 14 percent of the total population. Latinos live in every State and are vital contributors to every aspect of the future of our Nation. My State of Washington is home to the 10th largest Latino population in the United States. Fourteen percent of Latinos work in managerial and professional occupations. Twenty-one percent work as operators and laborers, and another 22 percent work in service occupations. Not only are Latinos the fastest growing population in the United States, they are also the fastest growing group amongst small business owners. In the past two decades, the number of Latino-owned businesses has grown by over 600 percent.

Such facts about the achievements about the Latino community should not be surprising, as contributions by Latinos can be traced back through the history of the United States. On March 27, 1513, Juan Ponce de Leon's travels led him to a land he named ''La Florida.'' In 1541, Hernando de Soto became the first European to discover the Mississippi River. Mexican and Spanish voyagers explored the Pacific Northwest as early as 1774. Joseph Marion Hernandez, a member of the Whig party, served as the first Latino Congressman between 1822 and 1823. In 1962, Cesar Chávez established the National Farm Workers Association, which later became the United Farm Workers. These examples further evidence that the history of the Latinos in the United States is an integral part of our history as a Nation.

I am pleased to have this opportunity of Hispanic Heritage Month to give thanks to and honor the Latino community. The accomplishments by Latinos throughout the centuries and their significant influence on our Nation today are cause for celebration.●

IN RECOGNITION OF DOMESTIC VIOLENCE AWARENESS MONTH, OCTOBER 2005

● Ms. CANTWELL. Mr. President, I rise today in recognition of Domestic Violence Awareness Month. As we mark the 11th anniversary of the Violence Against Women Act, VAWA, which has given a voice to the thousands of women and children who had silently suffered the effects of domestic violence, we must continue to build on these protections for victims of domestic violence and sexual assault.

The enactment of the 1994 Violence Against Women Act symbolized a significant Federal response to the problem of violence against women. The original act rewrote Federal criminal law in several respects, including creating penalties for interstate stalking or domestic abuse, strengthening penalties and requiring restitution for repeat sexual offenders, rendering a victim's past sexual behavior inadmissible in Federal cases, and allowing a Federal judge to order HIV testing of alleged rapists. VAWA also created a grant program to improve law enforcement in cases of violent crimes against women, rape prevention and education programs, and funds for battered women's shelters. Earlier this year, my home State of Washington received a grant of over $2.3 million through this program to help victims of domestic violence get access to needed services and to enhance the partnership between criminal justice agencies, victim services providers, and community organizations which respond to domestic violence.

Since passing VAWA, local communities around the United States have made significant strides toward eradicating domestic violence. Between 1993 and 2001, the rate of nonfatal domestic violence dropped 49 percent. States have passed over 660 laws pertaining to domestic violence, stalking, and sexual assault. Yet, despite our progress, a woman in the United States is still more likely to be assaulted, injured, raped, or killed by a male partner than by any other assailant. Three to four million American women continue to be battered by their husbands or partners every single year. At least a third of all female emergency room patients are battered women. A third of all homeless women and children in the U.S. are fleeing domestic violence. At least 5,000 women are beaten to death each year. This is unacceptable and we need to continue our efforts to eradicate domestic violence.

As we consider all issues of domestic abuse, we need to also be aware of the advent of for-profit international marriage brokers—companies that operate solely to connect men and women of different nations with the intent of getting married. Today, experts put the number of international marriage brokers at nearly 500 worldwide. Based on the 1999 statistics, there are between 20,000 and 30,000 women who have entered the U.S. using an international marriage broker in the past 5 years. While many of these matches result in long, happy unions, there is an unfortunate growing epidemic of domestic abuse among couples who meet through a broker. The risk of foreign women being abused and in some cases murdered by men they meet through these mail-order bride agencies is heightened greatly when they do not have access to vital information about their potential husbands or their rights in the United States. In my home State of Washington, we know of at least 3 cases of serious domestic violence, including 2 murders of women who met their husbands through Internet-based brokers.

On October 4, my colleagues unanimously passed legislation to reauthorize and improve the Violence Against Women Act once again. This legislation includes language I authored that will make information available to foreign women about the marital and violent criminal history of their prospective American husbands, in addition to

requiring international marriage brokers to provide foreign fiances with information about the rights and resources available to domestic violence victims in the United States. Under current practice, American clients can get all the information they want about foreign fiancées, while foreign clients only receive information that the Americans choose to share, and have no way to make sure what they are told is true. By providing foreign women who meet their potential American spouses with ability to access their potential spouse's marital and criminal history, we are taking a further step to curb domestic violence. The decisions we in Congress chose to make concerning the Violence Against Women Act of 2005 sets in place the priorities and funding levels that will directly affect how we respond to and prevent domestic violence in the coming years.

Because of its occurrence behind closed doors, many Americans are unaware of the severity of this problem. While domestic violence most directly affects women, it hurts us all, no matter our sex, race, religion, or economic status. As our Nation recognizes Domestic Violence Awareness Month, let each of us consider what we can further do to prevent its continuation.●

NATIONAL PAYROLL WEEK

● Mr. CHAMBLISS. Mr. President, I would like to recognize National Payroll Week, which was designated by the American Payroll Association as the week of September 5–9, 2005. This week signified an important effort to recognize the over 156 million working Americans and the payroll professionals who support the American economy by paying wages, reporting worker earnings, and withholding Federal employment taxes.

Together, this hard working group of Americans contributes, collects, reports, and deposits approximately $1.4 trillion, or 71 percent, of the annual revenue of the U.S. Treasury. Payroll professionals continue to play a key role in maintaining the economic health of the United States by carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting, and depositing. Payroll professionals also work with Federal and State tax officials to make the tax system more efficient and to improve compliance.

National Payroll Week celebrated the contributions of American workers and payroll professionals and the intricate role they play in our economy and everyday lives.●

TRIBUTE TO BILL WALSH

● Mr. DODD. Mr. President, I rise today to honor a constituent and a pioneer in substance abuse treatment, Bill Walsh, who is retiring this year.

Mr. Walsh grew up in New Bedford, MA, and attended Seton Hall University. He served as a Radioman First Class in the U.S. Navy during World War II. Aboard the USS *Hyter*, he participated in the naval escort for President Franklin Roosevelt as he flew to the conference at Yalta.

After he left the Navy, Bill Walsh nobly dedicated his life to helping those in need of mental health services and those debilitated by alcohol and substance abuse. For 3 years, he served as the executive director of the Mental Health Association of Eastern Connecticut, where he created community mental health services and educational seminars to meet the needs of eastern Connecticut.

And, for the last 34 years, Mr. Walsh has served as the president of the Southeastern Council on Alcoholism and Drug Dependence. In that position, he oversaw the development of three halfway houses, a detoxification program, outpatient services, and community-based education programs. He has helped thousands confront the devastating effects of drug and alcohol abuse and take the difficult steps to recovery.

Mr. Walsh was also a pioneer in long-term care in Connecticut. In 1979 he developed the Lebanon Pines Treatment Facility for those with chronic alcoholism, who are invited to live and work at the rural, alcohol-free facility for an indefinite period. This program has no doubt helped hundreds of individuals find sobriety.

Bill Walsh's selfless desire to truly help those in need is further evidenced by the extent to which he has been willing to share the vast knowledge that he gained working on the front lines. Over the last five decades, he has strenuously lobbied the Connecticut legislature on behalf of those suffering from addictions to drugs or alcohol and their treatment providers. He has served on numerous boards and advisory committees dedicated to substance abuse treatment. And he has lectured on substance abuse and community rehabilitation projects at colleges and universities in Connecticut and throughout our Nation.

Millions of Americans battle drug and alcohol addiction every day. Bill Walsh has dedicated his life to making sure that they don't fight alone. For his tireless service, Connecticut and, indeed, the whole Nation owe him a tremendous debt of gratitude.

Next week, a dinner will be held in honor of Bill Walsh's many contributions to the field of substance abuse treatment and to raise money for a scholarship fund to support those who want to become substance abuse treatment professionals. Both the dinner and the scholarship fund are wonderful tributes to Bill's contributions to serving those who struggle each and every day with addiction.

Once again, I thank Bill Walsh for his years of dedicated service to his community, to Connecticut, and to our Nation. And, I send my best wishes to him, his wife Cinda, and his family as he embarks on this new stage in his life.

ANNIVERSARY OF THE DEATH OF LEON KLINGHOFFER

● Mr. SCHUMER. Mr. President, 20 years ago this month the world changed forever for the family of Leon Klinghoffer. Mr. Klinghoffer was a 69-year-old American Jewish retired appliance manufacturer from my State of New York. In October 1985, he and his wife Marilyn were celebrating their 36th wedding anniversary by taking a vacation aboard the Achille Lauro.

On October 7, 1985, four members of the Palestine Liberation Front took control of the Achille Lauro liner off the coast of Egypt. While these hijackers held the passengers and crew hostage, they directed the vessel to sail to Tartus, Syria, and demanded the release of 50 Palestinians then held in Israeli prisons. After being refused permission to dock at Tartus, the hijackers killed the wheelchair-bound Leon Klinghoffer and threw his body overboard into the sea.

Nothing can ever repair the mindless horror that act of terror visited upon the innocent. Nothing can replace the love of a husband and father. Yet we can learn from this cowardly act of terror and others like it. Indeed we must learn from it if we are to survive as a free nation in a world stalked by the terrorist gun and bomb. We must understand that terrorism has gotten more dangerous to the United States since Leon Klinghoffer's senseless murder. The Achille Lauro hijacking signaled the beginning of a new era and shattered illusions that Americans were not vulnerable to international terrorism.

Mr. Klinghoffer's widow, Marilyn and his two daughters courageously sought to turn their grief into meaningful action by speaking out against the scourge of terrorism and establishing the Leon Klinghoffer Memorial Foundation of the Anti-Defamation League. Since Marilyn's passing in 1986, the foundation that now bears both their names continues to raise awareness about the growing reach, sophistication, and lethality of terrorism, to identify gaps in America's counterterrorism law, and to advocate for their closure.

Having seen firsthand the destruction and pain caused by the murder of even one victim, the Klinghoffer family has reached out to other victims of terror to share their support, strength and experience. The Klinghoffer Foundation has developed educational, political, and legal strategies to enhance the fight against terror worldwide.

The Senate salutes Leon and Marilyn's two daughters, Lisa and Ilsa, whose longtime education efforts helped put a human face on the threat of terrorism long before fighting terror became a necessary way of life for

Americans, and whose advocacy has helped secure vital improvements in American counterterrorism policy. And we join them in remembering Leon and Marilyn Klinghoffer.●

IN HONOR OF MAJOR GENERAL STEPHEN R. LORENZ

● Mr. ALLARD. Mr. President, I would like to take a moment today to recognize one of the finest Air Force officers on active duty, MG Stephen R. Lorenz. On September 6, General Lorenz left his present position as Deputy Assistant Secretary for Budget to become Special Assistant to the Air Force Chief of Staff. During his time in Washington, and especially with regard to his work on Capitol Hill, General Lorenz personified the Air Force core values of integrity first, service before self and excellence in all things. Many Members and staff enjoyed the opportunity to work with him on a variety of Air Force issues and came to appreciate his many talents. Today it is my privilege to recognize some of Steve's many accomplishments since he entered the military 32 years ago, and to commend him for the superb service he provided the Air Force, Congress, and our Nation.

Steve Lorenz earned a bachelor's degree in international affairs from the U.S. Air Force Academy in 1973 and attended undergraduate pilot training at Craig Air Force Base, AL. From 1975 to 1980, he flew the EC–135 as aircraft commander at Ellsworth AFB, SD, and over the course of later assignments to Wright-Patterson AFB, OH, and Castle AFB, CA, attained the qualification of KC–135 instructor pilot. General Lorenz demonstrated his skill as an aviator in the T–37, T–38, T–39, UV–18, EC–135A/G/C, KC–135A/R, KC–10A, and C–141B aircraft. He is a command pilot with over 3,300 hours of flying time.

From early in his career, General Lorenz's exceptional leadership skills were evident to superiors and subordinates alike as he repeatedly proved himself in numerous select command positions. He has commanded an air refueling squadron, the 93rd Air Refueling Squadron, Castle AFB, CA, a geographically separated operations group, the 398th Operations Group, Castle AFB, CA and holds the distinct honor of four Wing commands; the 22nd Air Refueling Wing, March AFB, CA, the 722nd Air Refueling Wing, March AFB, CA, the 305th Air Mobility Wing, McGuire AFB, NJ, and the 34th Training Wing, United States Air Force Academy, Colorado Springs, CO, as the Commandant of Cadets. Under his command, two of those wings were recognized and honored as the ''Best Wings'' in their respective numbered Air Forces.

Steve Lorenz excelled in a variety of key staff assignments. These include serving as Director of Plans and Programs, Headquarters U.S. Air Forces in Europe; Chief, European and North Atlantic Treaty Organization Policy Branch, European Division, Directorate of Strategic Plans and Policy on the Joint Staff; Chief, Northeast Asia Branch, Far East/South Asia Division, Directorate of Strategic Plans and Policy on the Joint Staff; and Deputy Chief Senate Liaison Office. General Lorenz is also a published author providing articles to military journals on Leadership and the Air Force resource allocation process.

During his service to the 107th, 108th, and 109th Congresses, General Lorenz served as our principal budget liaison with the Air Force, providing clear, concise, and timely information on issues affecting sustainment, modernization and readiness of our airmen. Most importantly, he proved an essential conduit between appropriators in Congress and frontline combat operations during Operation Iraqi Freedom, Operation Noble Eagle, and the global war on terrorism. In his 4 years as Director of Budget, he developed, advocated, and executed over $37 billion of warfighter requirements through supplemental appropriations. General Lorenz's leadership, professionalism, and expertise enabled him to foster exceptional rapport between the Air Force and the Senate, and enabled Congress to better understand Air Force priorities and programs.

I was pleased the President nominated and the Senate confirmed General Lorenz for his third star with assignment as Commander, Air University, Air Education and Training Command, Maxwell Air Force Base, AL. This higher grade and command are exceptionally well deserved. I offer my congratulations to him, his wife Leslie, and children, Tracy, Stephen, and Kelly. The Congress and country applaud the selfless commitment of his entire family to the Nation in supporting Steve's military career.

I know I speak for my colleagues in expressing my heartfelt appreciation to GEN Stephen Lorenz. He is a credit to both the Air Force and to the United States. We wish our friend the very best and are confident of his continued success in a new command.●

CELEBRATING THE DEDICATION OF THE FEDERAL COURTHOUSE BUILDING IN FRESNO, CALIFORNIA

● Mrs. BOXER. Mr. President, I rise to recognize the dedication of the Federal courthouse building in Fresno, CA, which is to occur October 18.

The magnificent Federal courthouse building will provide the much-needed space and capacity to effectively serve a region that is continuing to grow at a rapid rate. This building will help ensure the swift and efficient administration of justice to the people of the Fresno Division of the Eastern District, which covers the counties of Calaveras, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Stanislaus, Tulare, and Tuolumne. Furthermore, this impressive edifice will be the most tangible and powerful symbol of the American justice system to the people of the region.

In addition to meeting the needs of the court for additional space and related purposes, the Federal courthouse building will be a centerpiece and catalyst for the continued renaissance of downtown Fresno. The strikingly designed courthouse stands as part of the downtown skyline that continues to grow. I am particularly pleased that the Federal Government has been an integral partner in downtown revitalization with this and other projects. Together, they have brought thousands of employees to the area. I applaud the efforts of all those in the community who, through their commitment and dedication, helped make this latest addition to the downtown Fresno landscape a reality.

I hope this courthouse will ultimately be named for Senior U.S. District Judge Robert E. Coyle, a man who is widely and greatly admired and respected for his work as a judge. Judge Coyle has had a distinguished career as an attorney and on the bench. Appointed to California's Eastern Court in 1982, Judge Coyle has served the Eastern District for 20 years, including 6 years as a senior judge.

For over a decade, Judge Coyle has been a tireless champion of the effort to build this courthouse. He has been seen daily walking to and from the building site assuring that the job was done right, which I am proud to report is certainly the case. A courthouse building named in his honor will stand as a testament to the people of California of the distinguished career and the dedicated work of Judge Robert E. Coyle.

I am proud to commemorate the dedication of the Federal courthouse building in Fresno, and wish its occupants and the people of the Fresno Division of the Eastern District a bright future as we continue to work to bring justice and equality to all.●

THANKING AND CONGRATULATING JANA DAVIS

● Mr. LAUTENBERG. Mr. President, each year at about this time, three dozen or so scientists descend on Capitol Hill looking to work for Members of Congress or congressional committees. They come to us offering their expertise and service free of charge, courtesy of the American Association for the Advancement of Science, AAAS. For over 30 years now, AAAS and its constituent professional societies have provided science fellows, and Congress and the Nation are better for it.

Science and technology dominate our lives and yet there are relatively few scientists and engineers engaged in formulating public policy, either as Members of Congress or as congressional staff. As Carl Sagan said, ''We live in a society exquisitely dependent on science and technology, in which hardly anyone knows anything about

science and technology.'' That is why the AAAS science fellows are so important.

Scientific expertise has never been more important than it is right now. The Bush administration and its allies in and out of government are pursuing policies that seem to depend on repudiating science on everything from the environment to biomedical research to education. Whether we are talking about global warming or stem cell research or teaching evolution, this administration and the majority here in Congress too often ignore or dispute the solid consensus that exists in scientific communities with regard to these and other crucial issues.

For the past year, I have been fortunate to have Dr. Jana Davis work in my office as a AAAS science fellow. Her tenure has come to an end and she will soon start a new job with the National Oceanic and Atmospheric Agency, NOAA, so I would like to take this opportunity to thank her for her service here in the Senate and to congratulate her on her new job.

Jana is a New Jersey native who went to Yale University for her undergraduate degree in environmental biology. She received her Ph.D. in oceanography from the Scripps Institution of Oceanography. After that, she served as a postdoctoral fellow and biologist at the Smithsonian Environmental Research Center. She has held various teaching jobs and has a lengthy list of scholarly publications to her credit.

In her short time here, Jana worked on a number of bills and became a trusted adviser on a range of scientific issues, especially those which fall under the jurisdiction of the Committee on Environment & Public Works and the Committee on Commerce, Science & Transportation—two of the three committees I serve on. For instance, Jana was the principal author of several measures I have introduced, including S. 1645, an ocean and coastal science literacy and education bill; S. 1635, a bill to protect deep sea coral habitat; S. 1619, a bill to reduce pesticide use in schools; and S. Res. 99, a resolution urging the U.S. delegation to the International Whaling Commission to press for an end to dolphin slaughter. Jana also drafted the ''Save Climate SCIENCE''—Scientific Credibility, Integrity, Ethics, Non-partisanship, Consistency, and Excellence—amendment I offered to H.R. 6, the Energy bill. And she served as my representative in Commerce Committee staff negotiations on reauthorizing the Coastal Zone Management Act, ballast water exchange legislation, and the Magnuson-Stevens Fishery Conservation and Management Act.

Jana has done a superb job during her fellowship. I have relied on her scientific expertise and she has shown a great aptitude for public policy. I am grateful for her service and value her numerous substantive contributions. I regret that she is moving on but our loss here in the Senate is NOAA's gain. She will do a superb job at NOAA.

I want to thank the American Geophysical Union for sponsoring Jana and the AAAS for sponsoring the science fellows program. The program is invaluable because it brings talented, energetic, and idealistic scientists like Jana Davis to Capitol Hill. We need more people like that here in Congress.●

RHODE ISLAND SCHOOL OF DESIGN SOLAR HOME IN SOLAR DECATHLON 2005

● Mr. REED. Mr. President, from October 7 through October 16, 2005, the National Mall will be transformed into a solar village. The Solar Decathlon 2005 will showcase 18 solar homes designed, built, and operated by university teams from across the United States as well as Canada and Spain. Each of the university teams chosen for the decathlon competed in 10 contests that measured the aesthetics and livability of the solar homes as well as their capacity to provide lighting, heat water, and run household appliances, including a TV, refrigerator, and computer. Each team demonstrated the ability to power an electric car from the energy harnessed by the solar home—an important achievement in this day of skyrocketing fuel prices. I am proud that the Rhode Island School of Design, known as RISD, is among the 18 participating teams in the Solar Decathlon.

The first Solar Decathlon, held on the Mall in 2002, received more than 100,000 visitors. The decathlon, sponsored by the U.S. Department of Energy's Office of Energy Efficiency and Renewable Energy, aims to educate policymakers and the public about alternative energy sources to improve building design and quality of life. The competition motivates participating teams to use cutting-edge solar technologies, renewable materials, and energy-efficient building principles so that these features will become part of the mainstream of home design.

RISD's solar home is a team effort on the part of more than 60 students and seven departments from both the Rhode Island School of Design and Brown University. The team was led by architecture faculty members, William Yoder and Jonathan Knowles. These students worked for 2 years on the production of an environmental and energy-smart home design while taking classes specifically geared toward this end. Last week, they transported their solar home to Washington, DC, for assembly on the National Mall.

The principle behind RISD's design is to incorporate high-tech solar technologies with low-tech materials that increase energy efficiency. Through this combination, the students illustrated that designers and homeowners do not need to be well-versed in complex technologies to incorporate solar into their homes. Furthermore, many of the materials used in the RISD solar home, while having high insulation values, are reclaimed—an effort on the part of the Rhode Island team to reduce construction waste.

As a design school, RISD was concerned about the attractiveness of the materials and design principles, which will improve the marketability of solar home features. Function and aesthetics led the team to incorporate both a roof garden and a louvered skin. The louvered skin is adaptable, so as to reflect heat during the day and keep in heat during cold nights. Moreover, the skin provides ''chameleon-like'' color variations and graphics that add to the home's artistic style as it tracks the cycle of the sun. The roof garden brings an element of tranquility to the home's design but is also a smart use of space for a home designed for an urban setting where a lawn is hard to find. This element is one that illustrates the team's goal to blend the boundary between home and environment.

The Rhode Island team also created a home that is adapted to its surroundings. Since the home was designed as an urban dwelling, it uses a north/south orientation, allowing for the home to receive ample lighting if serving as a townhouse between adjacent homes. The RISD team took into account the expansion of its townhouse style to a community scale. With the addition of mirrored or identical units, the entire lot would collectively become more energy efficient. Furthermore, the variations in how these modules fit together would create open spaces that provide a private haven when juxtaposed against an urban backdrop.

The Rhode Island team applied great effort to the design of the ''mechanical core'' that runs the heating, cooling, plumbing, and electricity of the house. Centrally located, this unit minimizes the need for ducts and piping throughout the home, thereby increasing energy efficiency throughout the structure. RISD's house is so efficient that it produces enough reserve energy from the sun that it will be able to power a car.

Upon conclusion of the competition, several teams will offer the homes that they designed and built for educational or living use. The RISD students intend to transport their solar home back to Providence, RI, where it will serve as an example of smart building design for the community.

The Solar Decathlon offers an opportunity to witness first hand the ingenuity of the participating teams and the innovative solutions available to Americans to reduce our energy demand and propel us on a cleaner and sustainable energy path. Visitors to the solar village will be able to tour each of the 800 square-foot homes and ask the students questions regarding their solar design and technology choices. Workshops are scheduled throughout the week for visitors to learn how to incorporate into their homes both active and passive solar energy, improved energy efficiency technologies, and biobased products. My

sincere congratulations to the Rhode Island team for a job well done.●

NORMAN L. KIRKHAM

● Mr. ROCKEFELLER. Mr. President, I rise today to recognize the many years of service Norman ''Norm'' L. Kirkham has provided to the people of southern West Virginia. For the last 19 years, Mr. Kirkham has held the position of executive director of the West Virginia Region I Planning and Development Council and worked tirelessly on various projects during the 10 years prior to that. This organization is a nonprofit public agency that coordinates with the Federal, State, and local governments to provide comprehensive planning for the coalfields of southern West Virginia. After numerous years of working with the citizens of McDowell, Mercer, Monroe, Raleigh, Summers, and Wyoming Counties to improve their quality of life and develop the regional economy, Norm is retiring effective October 31, 2005.

Many of Norm's colleagues praise him for his active role as the driving force behind the scenes, turning proposed plans and ideas into economic realities for southern West Virginia. One such example is a project to bring a new Federal prison to McDowell County, West Virginia. Over the last decade, I have worked alongside Norm to help develop a site for the prison and secure approval for the prison. As a result of his relentless hard work and determination, the new Federal prison will create 350 high-paying jobs in an area that desperately needs them. I am enormously proud to have worked with Norm on this and so many projects.

During his tenure as executive director, Norm has helped to secure funds to provide flood relief to the flood-prone valleys and riverbanks of southern West Virginia, enhanced the water systems in towns such as Princeton, Welch, and Union, and lobbied for grant money to support senior citizen centers. In addition to advancing specific economic development projects, Norm has helped ease access to technology, sewage, and other forms of infrastructure throughout southern West Virginia.

Without a doubt, Norm has contributed a great deal to his agency and to the people of southern West Virginia. His contributions are even more impressive when one considers the dire need for economic development in the southern West Virginia coalfields. Traditionally, the economy of southern West Virginia has relied heavily on the coal industry. Through coordination and planning, Norm and his agency have helped diversify the region's economy and tremendously enhance the infrastructural needs that are vital to development in southern West Virginia. Many successful economic development sites can be attributed to Norm's dedication to promoting and developing economic prosperity for every person and family in his region. Public servants in his line of work normally do not receive the recognition they deserve. Our State needs more people like Norm who dedicate their entire professional careers to ensure that people have adequate employment, roads, water, sewage, and other services and infrastructural needs commonly taken for granted.

Always modest and never in the limelight, Norm is firmly rooted in rural Summers County where he inherited the values that make southern West Virginia a unique and wonderful area—service to community and nation and dedication to family and neighbors. Through his hard work and integrity, Norm has earned the respect of every local official in southern West Virginia; Federal and State officials; Governors, past and present; and the Members of the congressional delegation.

In retirement, Norm can more fully devote himself to what he cherishes most in life—his family, his Summers County farm and his community. He will surely be missed at Region I and throughout all of West Virginia, but he leaves a career of good work that will last generations.

I will sincerely miss working with Norm but I suspect even in retirement, some very worthwhile community projects are going to find themselves in need of a seasoned volunteer just like him. Regardless, I wish him the very best.●

HONORING COLONEL JOSEPH JULIAN McLACHLAN

● Mr. SALAZAR. Mr. President, I rise today to honor the life and legacy of COL Joseph Julian McLachlan. Colonel McLachlan is a World War II hero and a proud Air Force veteran who died at the age of 85 in late July. Next week, he will be interred at Arlington National Cemetery. With the honors of a full military funeral, he will take his rightful place alongside America's greatest heroes, Medal of Honor recipients and veterans going back to the American Revolution.

Born in 1920, Joseph McLachlan enlisted in the Army Air Corps at the start of World War II. He completed his pilot training and was commissioned in 1942. As part of the famed 368th Fighter Group, McLachlan flew two strafing missions in support of ground troops on D-Day. Six days later, he was shot down and hid behind enemy lines until he could rejoin American troops. Over the course of the war, he completed 91 missions as a P–47 pilot. He earned a Silver Star, Distinguished Flying Cross, Purple Heart, 17 Air Medals, and the Legion of Merit.

Today, more than 60 years later, it is hard to recapture the tremendous uncertainty that America faced at the eve of the Normandy invasion. Operation Overlord employed more than 5,000 ships and landing craft, more than 12,000 airplanes, and more than 150,000 troops. Their bravery carried the day and led to the victory of freedom and democracy over tyranny and oppression. Ordinary Americans like Joseph McLachlan gave the best years of their lives to the greatest mission this country has ever taken on. The world owes them a huge debt of gratitude.

After the war, McLachlan stayed in the military. In 1948, he flew 44 missions in the Berlin Airlift, one of the first major crises of the Cold War. A command pilot, McLachlan led a B–47 Squadron at MacDill Air Force Base in Tampa. He was vice-commander of Zaragoza Air Base in Spain and Commander of Lincoln Air Base in Nebraska. He retired as Chief of Foreign Liaison at the Pentagon.

After leaving the military, Colonel McLachlan went on to have a successful 19-year career in the private sector. His greatest legacy is his large and loving family. He had 6 children, 10 grandchildren, and 7 great-grandsons.

Mr. President, COL Joseph McLachlan was a great American. As we prepare to lay his remains to rest at Arlington, I ask my colleagues to join me in honoring him and his family.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and two withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 8:54 a.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

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

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 12:19 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

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

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 12:33 p.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3439. An act to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the ''Ava Gardner Post Office''.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 59. Concurrent resolution recognizing the contributions of African-American basketball teams and players for their achievements, dedication, and contributions to the sport of basketball and to the Nation.

H. Con. Res. 161. Concurrent resolution authorizing the use of the Capitol Grounds for an event to commemorate the 10th Anniversary of the Million Man March.

MEASURES REFERRED

The following bills and joint resolution were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 358. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3402. An act to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes; to the Committee on the Judiciary.

H.R. 3408. An act to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3439. An act to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the ''Ava Gardner Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.J. Res. 61. Joint resolution supporting the goals and ideals of Gold Star Mothers Day; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 59. Concurrent resolution recognizing the contributions of African-American basketball teams and players for their achievements, dedication, and contributions to the sport of basketball and to the Nation; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–188. A concurrent resolution adopted by the Legislature of the State of Texas relative to requesting the Congress of the United States to enact legislation to provide for federal deployment of the Strategic National Stockpile within Mexico; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION 2

Whereas, Created in 1999 to help state and local jurisdictions prepare for a national emergency, the Strategic National Stockpile is a repository of pharmaceuticals and medical supplies administered jointly by the United States Department of Homeland Security and United States Department of Health and Human Services; and

Whereas, Currently, if an act of bioterrorism occurs within Mexico near the United States border, it is up to each United States border state, including Texas, to request and deploy the Strategic National Stockpile across the border to protect the citizens of the state; and

Whereas, Procedures for deploying Strategic National Stockpile assets require the affected state governor's office to request deployment from the Centers for Disease Control and Prevention or the Department of Homeland Security; although the assets are transferred to state and local authorities once they arrive at the designated receiving and storage site in the affected state, the stockpile materials remain a federal asset; and

Whereas, Deployment, which may include a mass antibiotic dispensing operation, requires substantial state and local resources to receive, secure, and distribute Strategic National Stockpile assets; staging and dispensing the assets in another country requires a coordinated, comprehensive approach that is best addressed by the federal government; and

Whereas, The Homeland Security Act of 2002 charged the United States Department of Homeland Security with defining the goals and performance requirements of the Strategic National Stockpile program as well as managing the actual deployment of assets; critical to the success of this initiative is ensuring capacity at the federal level to respond to binational public health emergencies; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas hereby respectfully request the Congress of the United States to enact legislation to provide for federal deployment of the Strategic National Stockpile within Mexico, provided that the Mexican government approves said request pursuant to treaties and other agreements with the United States; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–189. A resolution adopted by the General Assembly of the State of New Jersey relative to legislation to authorize National Guard members to enroll in Department of Defense managed health care program; to the Committee on Armed Services.

ASSEMBLY RESOLUTION NO. 282

Whereas, The United States of America is founded on the principle of citizen-soldiers safeguarding our national security, a construct that is as essential today as it was more than 368 years ago when the National Guard was established; and

Whereas, The oldest military institution in the United States, the National Guard has been, since its founding in 1636, a community-based force composed of citizen-soldiers, the members of the Army and Air National Guard serving the nation in time of war and their states in time of domestic emergency; and

Whereas, As our nation continues to fight the War on Terrorism and our military forces continue to be engaged in operations in both Iraq and Afghanistan, we are, more than ever, dependent on the National Guard to defend the United States, both overseas and at home; and

Whereas, More than 197,000 soldiers of the Army National Guard and 31,000 members of the Air National Guard have been mobilized since September 11, 2001, the largest mobilization of the National Guard since World War II; and

Whereas, At this time, more than 51,000 Army Guardsmen are on the ground in Iraq and 15,000 are serving in Afghanistan, and sadly, more than 100 National Guard members have made the ultimate sacrifice; and

Whereas, Whether serving in the Iraq and Afghanistan theaters or at home in the US, National Guard members are operating side-by-side with their active-duty counterparts; and

Whereas, With a presence in more than 3,000 communities across the nation, the National Guard is also playing a crucial role in homeland security; and

Whereas, The ''Guard and Reserve Readiness and Retention Act of 2005,'' embodied in S. 337 and H.R. 558, are currently pending before the 109th United States Congress; and

Whereas, In part, this legislation extends TRICARE coverage, the managed health care system for the U.S. military, on a contributory basis, to all members of the National Guard, regardless of mobilization status; and

Whereas, In light of their expanded role in military operations overseas and national security at home in our post-9/11 society, a reevaluation of our nation's commitment to the citizen-soldiers of the National Guard is in order; and

Whereas, These brave men and women deserve more than our thanks, they deserve more substantial personnel and readiness benefits that ensure the National Guard will continue to attract the best and brightest, from the active-duty component of the military as well as the civilian population; and

Whereas, The provision of adequate health care coverage to each and every citizen-soldier of the National Guard would repay but a small portion of our nation's debt to these exceptional men and women who are vigilantly defending our homeland, both at home and abroad; now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. This House calls upon the United States Congress to provide health care benefits for National Guard members and their families by authorizing a member to enroll, on a contributory basis, for individual or family coverage under the TRICARE program, regardless of mobilization status.

2. This House urges that the United States Congress pass and the President of the United States approve the ''Guard and Reserve Readiness and Retention Act of 2005,'' now pending in the 109th Congress as S. 337 and H.R. 558, which authorizes a member of the National Guard to enroll for individual or family coverage under the TRICARE program, a Department of Defense managed health care program.

3. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the Vice President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives and to every member of Congress elected from this State.

POM–190. A concurrent resolution adopted by the Legislature of the State of Texas relative to fully funding the National Aeronautics and Space Administration budget request in support

of the Space Exploration Vision for fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION

Whereas, The Legislature of the State of Texas is pleased to pay tribute to National Aeronautics to Space Administration (NASA), whose intrepid explorations of space and important scientific discoveries have inspired and benefited the people of our nation and state; and

Whereas, The Space Exploration Vision has set a goal of returning the Space Shuttle to flight, completing assembly of the International Space Station, developing the Crew Exploration Vehicle, returning humans to the moon, and pursuing and human exploration of Mars and the solar system; and

Whereas, NASA's landmark achievement in putting the first man on the moon, astronaut Neil Armstrong, on July 20, 1969, captured the imagination of people everywhere; and

Whereas, This new and major accomplishment ushered in new and exciting technological advances that have benefited our nation's security and cellular communications; NASA has also advanced our health care system through the development of MRI and CAT scan technology, fetal heart monitors, programmable heart pacemakers, and other important medical devices; and

Whereas, Through education programs like Texas Aerospace Scholars, the NASA Explorer Schools, and the Network of Educator Astronaut Teachers, NASA is nurturing a new generation of explorers and scientists who can contribute to our nation's excellence; and

Whereas, NASA plays a vital role in the economy of the Lone Star State, by employing nearly 3,000 civil servants and approximately 13,000 contractors at the Johnson Space Center and by awarding almost $4 billion worth of NASA contracts annually; small businesses across Texas with technical challenges have benefited from the support of the aerospace industry, NASA, and the State of Texas' support of the Technology Outreach Program, resulting in new business ventures within the state; and

Whereas, The Space Exploration Vision has the potential to further drive innovation, development, and advancement in the aerospace and other high technology industries across the nation and in the State of Texas; and

Whereas, The extraordinary contributions of NASA to science and technology are the pride of our state, and the Space Exploration Vision is truly deserving of legislative recognition; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas hereby respectfully urge all members of the United States Congress to fully fund the National Aeronautics and Space Administration budget request in support of the Space Exploration Vision, as submitted to the congress for fiscal year 2006, to enable the United States, and the State of Texas, to remain leaders in the exploration and development of space; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the administrator of the National Aeronautics and Space Administration, to the President of the United States, to the Speaker of the House of Representatives and the president of the Senate of the United States Congress, and to all members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–191. A joint resolution adopted by the Legislature of the State of California relative to corporate average fuel economy standards; to the Committee on Commerce, Science, and Transportation.

ASSEMBLY JOINT RESOLUTION NO. 5

Whereas, California has more than 26 million registered motor vehicles and

Whereas, California represents at least 12 percent of the light-duty vehicle market in the United States; and

Whereas, Californians consume more than 18 billion gallons of motor fuel annually; and

Whereas, A study adopted by the State Energy Resources Conservation and Development Commission (California Energy Commission) and the State Air Resources Board (California Air Resources Board) projects that demand for onroad gasoline fuel will increase by about 1.6 percent annually between now and 2020; that onroad diesel demand will increase by about 2.4 percent annually between now and 2020; and that the number of miles that Californians drive is growing at a rate greater than the population growth; and

Whereas, California's refineries are operating at near capacity, and California is importing more gasoline and diesel fuel annually to meet this growing demand; and

Whereas; The combination of greater dependence on imported fuels and vulnerability to refinery outages exposes California's economy to more frequent and higher fuel price spikes; and

Whereas, Fuel price spike vulnerability creates a business climate with diminished certainty about anticipated expenses; and

Whereas, Petroleum extraction, refining, and use are significant sources of pollution and environmental degradation in California and around the world; and

Whereas, Motor vehicle fuel economy dramatically affects fuel demand; and

Whereas, A study adopted by the California Energy Commission and the California Air Resources Board determined that doubling the fuel economy of the nation's light-duty motor vehicle fleet is technically achievable and will result in important reductions in consumer demand for fuel; and

Whereas, Only the federal government has the authority to require motor vehicle fuel economy improvements through the corporate average fuel economy (CAFE) standard; and

Whereas, In recent years, the nationwide motor vehicle fleet fuel economy has declined as motor vehicles have become larger, heavier, and less aerodynamic; and

Whereas, The United States Congress, through its legislative powers, and the President of the United States, through the President's administrative powers, are in position to require a significant increase in the CAFE standard; and

Whereas, The National Highway Traffic Safety Administration's current rulemaking raising CAFE standards for light-duty trucks and sport utility vehicles by just 1.5 miles per gallon above the 1996 levels, over three years, bringing total requirements far below requirements for passenger cars, is insufficient to address the critical need to improve fuel economy and reduce fuel demand; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the Congress and the President of the United States to take necessary action to increase CAFE standards by at least 1.5 miles per gallon per annum until total average fuel economy for the new light-duty motor vehicle fleet sold in California is double today's average; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, to all Members of the Congress of the United States, and to the Administrator of the National Highway Traffic Safety Administration.

POM–192. A concurrent resolution adopted by the Legislature of the State of Texas relative to establishing a domestic energy policy that will ensure an adequate supply of natural gas, the appropriate infrastructure, and a concerted national effort to promote greater energy efficiency and that will open promising new areas for environmentally responsible natural gas production; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION

Whereas, The price of natural gas in the United States is among the highest in the industrial world and continues to show great volatility; and

Whereas, Abnormally high natural gas prices have been an unanticipated burden on the economy of the United States over the past 18 months; and

Whereas, The United States is reliant on natural gas in our national energy supply, and forecasts predict a future imbalance between natural gas supply and demand; and

Whereas, Manufacturers, farmers, small businesses, local governments, and retailers are struggling from the uncertainty in natural gas prices, and thousands of jobs are threatened because many businesses use natural gas as a raw material as well as a source of energy; and

Whereas, The natural gas imbalance is not a free-market problem; the high price of natural gas is created by governmental policies that increase demand for natural gas while impeding the development of a greater supply of natural gas by discouraging more exploration and production; and

Whereas, The United States needs policies to encourage and ensure the safe and efficient domestic production and importation of natural gas; and

Whereas, The State of Texas supports a sound, domestic energy policy; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas hereby respectfully urge the United States Congress to enact legislation in the 109th Congress establishing a domestic energy policy that will ensure an adequate supply of natural gas the appropriate infrastructure, and a concerted national effort to promote greater energy efficiency and that will open promising new areas for environmentally responsible natural gas production; and, be it further

Resolved, That the Texas Secretary of State forward official copies of this resolution to the President of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America.

POM–193. A resolution adopted by the General Assembly of the State of New Jersey relative to support for the Passaic River Restoration Initiative; to the Committee on Environment and Public Works.

ASSEMBLY RESOLUTION NO. 227

Whereas, The Passaic River Restoration Initiative (PRRI), a new cooperative approach to restore the Passaic River, will utilize the leadership of the [U.S.] *United States* Army Corps of Engineers, in partnership with the. [U.S.] *United States* Environmental Protection Agency, and various concerned federal, state and local agencies; and

Whereas, The Passaic River and its surrounding wetlands have been degraded as a

result of [the State's] commercial growth *in the State* that brought industrial development to the [Passaic's] shores *of the Passaic River* and surrounding properties; and

Whereas, The Passaic River, which traverses New Jersey through Newark, is an ideal pilot [for the proposed PRRI as appropriated by Congress] *project to showcase nationally the restoration of urban waterways, wildlife habitat, and one of America's most historic rivers*; and

Whereas, Under the PRRI, the [U.S.] *United States* Army Corps of Engineers will engage in a cooperative project planning and development process to identify and apply feasible solutions to achieve environmental restoration and economic revitalization of the Passaic River; and

Whereas, The results of the project development process will be incorporated in a report to Congress from the Chief of Engineers as project implementation will require authorization by Congress; and

Whereas, The PRRI is related to several other current major federal initiatives, such as those under [Brownfields Redevelopment] *brownfields redevelopment*, the NY/NJ Harbor Estuary Program, and the Natural Resources Damage Assessment and Restoration Program; and

Whereas, On April 11, 2000 the Committee on Transportation and Infrastructure in the United States House of Representatives approved a resolution authorizing the [U.S.] *United States* Army Corps of Engineers to conduct the Passaic River Environmental Restoration reconnaissance study, which is currently underway by the [Corps'] New York district *of the United States Army Corps of Engineers*; and

Whereas, It is in the best interest of the State to support the enactment of the Passaic River Restoration Initiative in order to restore and preserve [the Passaic River to] healthy environmental and economic conditions *in and along the Passaic River*; Now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. This House urges the United States Congress to support the Passaic River Restoration Initiative in order to restore and preserve the Passaic River to healthy environmental and economic conditions, and to provide the funding for the federal share of the project development process and the necessary study funds of the [U.S.] *United States* Army Corps of Engineers to advance the Passaic River Restoration Initiative.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the Vice President of the United States, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, and each member of Congress elected from this State.

EXPLANATION—Matter enclosed in boldfaced brackets [thus] in the above bill is not enacted and intended to be omitted in the law. Italic matter that follows the bold brackets is new matter.

POM–194. A resolution adopted by the Senate of the Legislature of the State of New Jersey relative to rejecting privatizing Social Security; to the Committee on Finance.

SENATE RESOLUTION NO. 94

Whereas, Social Security is based on a promise to the American people: if you work hard and contribute to Social Security, you will be able to retire and live in dignity; and

Whereas, Social Security is the primary source of income for two-thirds of American seniors; and

Whereas, The State of New Jersey recognizes that over 1,363,814 beneficiaries in this State, including 140,693 disabled workers and their families, as well as over 100,000 children, receive guaranteed Social Security benefits which allow them to live without falling into poverty or suffering from a diminished quality of life because of retirement, disability, or the death of a parent or spouse; and

Whereas, As of January 2005 (the most recent data available) Social Security benefits for retired workers average only $965.32 per month, which amount is barely sufficient to maintain a decent standard of living in many parts of New Jersey, especially for seniors with relatively high health care costs; and

Whereas, The U.S. Congress has consistently spent the Social Security surplus on other programs including tax cuts, which has created a long-term funding shortfall; and

Whereas, In 2001 President George W. Bush created the President's Commission to Strengthen Social Security (referred to in this resolution as the ''Bush Social Security Commission''), naming as Commission members only those who advocated Social Security privatization, and mandating that the proposals put forward by the Commission include privatization of Social Security; and

Whereas, The Bush Social Security Commission's proposed changes could reduce Social Security benefits to future retirees by as much as 46 percent; and

Whereas, Under the Bush Social Security Commission's proposal, the cuts in Social Security benefits would apply to all seniors, not just those who choose to participate in privatized accounts; and

Whereas, The cuts in Social Security benefits could be even deeper if individuals shift funds to privatized accounts; and

Whereas, Privatization advocates attempt to justify cuts in Social Security benefits by pointing to future projected shortfalls in the Social Security trust fund, but diversion of payroll tax revenues from the trust fund into privatized accounts would substantially accelerate the date by which the Social Security trust fund becomes insolvent; and

Whereas, In order to avoid accelerating the insolvency of the Social Security trust fund, the Bush Social Security Commission was forced to propose that the Federal Government incur as much as $4,700,000,000,000 in Federal debt (in today's dollars) by 2042; and

Whereas, The non-partisan Congressional Budget Office (CBO) predicts that there will be no shortfall until 2052, when Social Security will be able to pay only 80% of recipients' benefits due to insufficient revenue from the payroll tax, if no action is taken in the meantime; and

Whereas, In the past, the Social Security Trust Fund has encountered similar challenges, including larger projected shortfalls during the 1980's, which were resolved without privatization schemes and without reducing guaranteed benefits for the elderly, the disabled, and children; and

Whereas, Private accounts would not only reduce guaranteed benefits, but would also speed up the Social Security shortfall, causing recipients to receive reduced benefits by the year 2018 instead of 2052; and

Whereas, The deep cuts in Social Security benefits proposed by the Bush Social Security Commission could jeopardize the financial security of not only thousands of New Jersey residents but also the security of millions of Americans; and

Whereas, Under President Bush's proposal, guaranteed Social Security protections to the elderly, disabled, survivors, and children will gradually erode for future generations, driving millions of Americans into poverty and destroying the most successful social insurance program ever created in the United States; and

Whereas, It is recognized that Social Security faces future challenges, but powerful members in both the President's party and the opposition do not find the solution in privatizing the most successful government program in our nation's history; now, therefore, be it

Resolved, by the Senate of the State of New Jersey:

1. This House respectfully memorializes the Congress of the United States to reject the Social Security privatization proposals of the President's Social Security Commission that would create private accounts, require deep cuts in guaranteed Social Security benefits and lead to excessive federal borrowing.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary of the Senate, shall be transmitted to the presiding officers of the Congress of the United States and each member of New Jersey's Congressional delegation.

POM–195. A concurrent resolution adopted by the Legislature of the State of Texas relative to eliminating current caps on funded Medicare resident training positions and related limits on costs per resident used to determine Medicare graduate medical education reimbursement payments and to reexamine the direct and indirect graduate medical education reimbursement rates for graduate medical education in Texas; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION

Whereas, Two major phases comprise the American system of medical education—medical school, consisting of classroom and clinical training, and the several years of graduate medical education completed during a student's residency, typically in an accredited medical education program at a teaching hospital or academic health center; and

Whereas, Significant funding for this postgraduate training is provided through Medicare's graduate medical education program, whereby the federal government reimburses teaching hospitals and certain other facilities for a portion of the costs associated with operating health education programs; and

Whereas, Medicare's funding includes two categories of reimbursement payments, direct graduate medical education payments and indirect graduate medical education payments; direct graduate medical education payments cover the costs of resident stipends, salaries for supervising faculty positions, and administrative expenses associated with the residency program; indirect graduate medical education payments cover the increased operating expenses resulting from training residents, such as greater technological needs, longer patient stays, and the ordering of a greater number of tests; and

Whereas, The amount of Medicare's reimbursement to a teaching hospital is partially determined by the number of full-time equivalent residents enrolled in the facility's graduate medical education program; however, in 1997, the federal Balanced Budget Act considerably reduced the amount of federal support for graduate medical education programs by limiting the number of full-time equivalent residents that hospitals can use in calculating direct graduate medical education payments and indirect graduate medical education payments and by scheduling an estimated 29 percent further reduction in indirect graduate medical education payments over a five-year period; and

Whereas, The rates of Centers for Medicare and Medicaid Services payments for direct graduate medical education in Texas are already significantly lower than those in many

comparable states, largely based on historical differences, and the potential consequences of these caps and the resulting reductions in federal graduate medical education reimbursement are severe; teaching hospitals and the training they provide to physicians and other health professionals are a critical component of the American health care system—these facilities are the vanguard of medical research and technology and provide a broader range of an increasingly diverse and sicker patient care to population than general hospitals; and

Whereas, In addition, teaching hospitals are a traditional fixture of the health care ''safety net,'' serving uninsured and underinsured patients; the importance of this service to Texans is evident in light of United States Census Bureau reports indicating that nearly 25 percent of the state's population is not covered by health insurance; and

Whereas, More specifically, the resident caps threaten the future availability of health care professionals and with the population of the nation aging, the demand for doctors and other health care professionals is increasing; in fact, a 2003 study commissioned by the United States Department of Health and Human Services Bureau of Health Professions at the National Center for Health Workforce Analysis forecasts a greater need for physicians and nurses by 2020 if current health care consumption and physician productivity remain constant; and

Whereas, Furthermore, the study found that the health care workforce is also aging and will retire just as their services are most needed and that the proportion of the population age 18 to 30 is declining, impeding efforts to recruit an adequate number of new health care workers; and

Whereas, Congress has acknowledged the deleterious effects of the federal Balanced Budget Act caps and made bipartisan efforts to diminish its effect on graduate medical education programs: the Medicare, Medicaid, and State Children's Health Insurance Program (SCHIP) Balanced Budget Refinement Act of 1999 froze indirect graduate medical education payments for one year and the Medicare prescription Drug, Improvement and Modernization Act of 2003 increased indirect graduate medical education payments slightly for federal fiscal years 2004 and 2005; and

Whereas, Nevertheless, these measures offered only brief and minor reprieves to the dramatic reductions in indirect graduate medical education reimbursement payments and did not directly address the issue of federal caps in resident training positions though, clearly, the caps and the decreased commitment to indirect graduate medical education funding continue to endanger the entire system of medical education in the United States; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas hereby respectfully encourage the Congress of the United States to eliminate current caps on funded Medicare resident training positions and related limits on costs per resident used to determine Medicare graduate medical education reimbursement payments and to reexamine the direct and indirect graduate medical education reimbursement rates for graduate medical education in Texas; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the President of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–196. A joint resolution adopted by the Legislature of the State of California relative to port customs revenue; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 21

Whereas, The State of California is committed to protecting and preserving its ports, and those employed in and around the ports; and

Whereas, The state supports the safe and reliable transportation of goods into and through the state; and

Whereas, California is home to more than 12 percent of the nation's population; and

Whereas, The Ports of Los Angeles and Long Beach, which together transport 43 percent of the nation's trade, 1 million cruise passengers, and more than $200,000,000,000 in trade annually, comprise the largest port complex in the United States and the Western Hemisphere; and

Whereas, California serves as an international commerce gateway between the nation and most of its trade partners and, according to the California Transportation Commission, California moves over $400,000,000,000 in goods annually with a source or destination outside of California; and

Whereas, Forecasts predict that the amount of trade transported through the state's ports will triple by 2020 if adequate infrastructure improvements are completed; and

Whereas, California is the single largest trading entity in the United States, and three of the four largest volume container ports in the United States are located in California; and

Whereas, California ports, harbors, and businesses that depend on federal channels and breakwaters contribute more than $40,000,000,000 per year to national economic output, 1.6 million jobs, and approximately $21,000,000,000 annual personal income to the United States economy; and

Whereas, Federal grants for security upgrades mandated by the United States Department of Homeland Security amount to just over $51,000,000, while it is estimated that these security upgrades will cost California's three major container ports an estimated $200,000,000 to install; and

Whereas, The American Association of Port Authorities has called for the federal government to provide $400,000,000 in port security funds annually; and

Whereas, The United States Coast Guard has additionally estimated that it will require $7,300,000,000 in federal funds for its own maritime security duties during 10-year period of 2003 to 2012, inclusive; and

Whereas, Limited federal port security funds have fallen short of fully funding port security needs throughput the nation; and

Whereas, On August 25, 2004, Stephen E. Flynn, the Jeanne J. Kirkpatrick Senior Fellow for National Security Studies at the Council on Foreign Relations testified to the House Subcommittee on Coast Guard and Maritime Transportation on the risk of terrorist attacks, stating that ''the risk of harm is great or greater in the maritime and surface transportation modes''; and

Whereas, An internal audit report produced by the United States Department of Homeland Security entitled ''Review of the Port Security Grant Program'' criticized the ineffectiveness of the federal port security grant program stating, in part, that the ''current design of the program compromises the program's ability to direct resources toward the nation's highest priorities''; and

Whereas, A Public Policy Institute of California study entitled, ''Federal Formula Grants and California: Homeland Security,'' has found that California receives only $5 per person to distribute to first responders in the state, while other states, such as Wyoming, received more than $38 per capita in 2004; and

Whereas, California received only $23.71 per capita in Homeland Security grant funding during fiscal years 2002–03 and 2003–04, ranking 44th in the nation; and

Whereas, Federal port security grants cannot be used for maintenance and operations expenditures related to security, thereby complicating emergency communications and operations duties expected of first responders; and

Whereas, A number of ports are located on state tidelands and, therefore, must act as stewards of the land and manage those lands in a manner that benefits all Californians; and

Whereas, A shut down of the ports can result in an estimated loss to the national economy of more than $1,000,000,000 per day, as demonstrated during the shutdown of the west coast ports in 2002; and

Whereas, California ports are responsible for $8,000,000,000 of the $20,000,000,000 that the United States Customs Service collects annually in fees and duties, and none of that revenue is reinvested in the state's or country's system for moving goods because customs fees are deposited into the General Fund; Now, therefore, be it

Resolved, by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to increase federal funding for California's ports for infrastructure and security improvements; and be it further

Resolved, That legislation be enacted, in recognition of the unique role served by ports in California, to ensure a return of an equitable share of the customs revenues generated by, and collected from, this state; and be it further

Resolved, That the Legislature supports efforts by California's congressional and senate representatives to obtain an equitable share of federal port security and goods movement infrastructure funding and encourages those representatives to support measures that will guarantee that California has the funds necessary to secure and facilitate commercial activity at its many ports; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and to the Director of the Department of Homeland Security.

POM–197. A joint resolution adopted by the Legislature of the State of California relative to Darfur; to the Committee on Foreign Relations.

ASSEMBLY JOINT RESOLUTION NO. 6

Whereas, Sudan's government and southern rebels have come to an historic, long-awaited agreement that ends Africa's longest civil war and brings hope to millions of exiled Sudanese yearning to return home; and

Whereas, Continued violence in the troubled region of Darfur, Sudan, previously described by the Bush administration as genocide, cast a shadow over the agreement, which does not cover the Darfur conflict; and

Whereas, Darfur, an area of 256,000 square kilometers constituting the western region of the Sudan, is home to an estimated five million people, a population made up of a complex tribal mix; and

Whereas, Large swathes of Darfur have been prone to drought and desertification, intensifying demands on its more fertile

lands, making areas of Darfur subject to sporadic intertribal clashes over use of resources in recent decades; and

Whereas, The government of the Sudan appears to have sponsored a militia composed of a loose collection of fighters, apparently of Arab background, known as the ''Janjaweed''; and

Whereas, With the active support of the regular army, the Janjaweed have attacked villages, targeting those suspected of supporting the rebels and committing numerous human rights violations; and

Whereas, The humanitarian consequences of the situation in Darfur are grave, with an estimated 70,000 innocent civilians brutally murdered, and according to the Office of the United Nations High Commissioner for Refugees, an estimated 1,600,000 people internally displaced, and more than 200,000 people forced from their homes and fleeing to neighboring Chad; and

Whereas, The government of the Sudan should; at the highest levels, publicly and unequivocally condemn all violations of human rights and international humanitarian law, investigate those violations, and bring the perpetrators to justice; and

Whereas, The Janjaweed and other militias should be immediately disarmed and disbanded, and humanitarian workers must be given full and unimpeded access to Darfur; and

Whereas, Refugees and displaced persons should be permitted to return to their lands and homes voluntarily, and should receive restitution or fair compensation for their losses; and

Whereas, Fundamental human rights must be respected in times of peace and in times of armed conflict; and

Whereas, The Sudan is a party to several core human rights treaties, including the International Covenant and Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Rights of the Child (CRC), and the African Charter on Human and Peoples' Rights; Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That it is the sense of the Legislature of the State of California that the government of the Sudan should, at the highest levels, publicly and unequivocally condemn all actions and crimes committed by the Janjaweed, ensure that all militias are immediately disarmed and disbanded, and pursue a policy of national reconciliation, ending impunity and ensuring the rule of law and the protection of minorities; and be it further

Resolved, That it is the further sense of the Legislature that humanitarian workers must be given full and unimpeded access to Darfur in order to ensure that there is no blockage in the delivery of much-needed humanitarian assistance; and be it further

Resolved, That it is the further sense of the Legislature that the government of the Sudan should put in place measures to ensure that human rights abuses, war crimes, and crimes against humanity are not repeated in the future and that the rule of law is restored in Darfur in conformity with internationally agreed standards; and be it further

Resolved, That the Legislature respectfully requests that the President and Congress of the United States continue to take all prudent and necessary steps to ensure that these matters are addressed at the highest levels of the federal government; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the United States Secretary of State, and to the Secretary General of the United Nations.

POM–198. A joint resolution adopted by the Legislature of the State of Colorado relative to expressing sympathy for the victims of the earthquake and tsunamis that occurred on December 26, 2004, and thanking Coloradans for their generous charitable donations; to the Committee on Foreign Relations.

HOUSE JOINT RESOLUTION 05–1005

Whereas, On the morning of December 26, 2004, one of the largest earthquakes in recent memory registering a magnitude of 9.0 occurred undersea in the Indian Ocean, setting off one of the largest tsunamis in recorded history that killed tens of thousands of people in Southeast Asia; and

Whereas, The tsunamis crossed into the Pacific Ocean and were recorded as far away as New Zealand and along the west coast of South and North America; and

Whereas, The earthquake and resulting tsunamis affected a large number of countries, including Indonesia, Sri Lanka, India, Thailand, Myanmar, Malaysia, the Maldives, and Somalia; and

Whereas, At least 150,000 people have lost their lives in East Africa and Southeast Asia in the aftermath of the earthquake and resulting tsunamis; and

Whereas, Millions of people remain homeless and at risk from disease: and

Whereas, Thousands of people are still missing, and the death toll continues to grow; and

Whereas, Aid workers and volunteers are focused on stopping the spread of disease and on delivering food and drinking water to survivors; and

Whereas, Coloradans have always stepped forward to help in times of need by providing financial, material, and medical assistance; and

Whereas, The American Red Cross reports that emergency assessment and first-aid teams were on the ground quickly and are working with local groups to support relief efforts; and

Whereas, The people of Colorado have shown their generosity by donating thus far $4.1 million statewide to the various chapters of the American Red Cross, $3.5 million of which has been donated to the Mile High Chapter of the American Red Cross; and

Whereas, Chennai, India became Denver's 7th sister city in 1984 and has been deeply affected by the tsunamis in that more than 6,000 people in Chennai were killed; and

Whereas, Local radio and television stations and various local groups are contributing their time and efforts to help provide financial assistance for areas devastated by the tsunamis, including Chennai; and

Whereas, The United States government has pledged $350 million in aid, to meet the overwhelming needs of the tsunami victims; now, therefore, be it

Resolved, by the House of Representatives of the sixty-fifth General Assembly of the State of Colorado, the Senate concurring herein:

1. That we, the members of the Colorado General Assembly, hereby express our sorrow to each of the countries affected by the earthquake and tsunamis and for the terrible loss of life and suffering caused by the earthquake and tsunamis; and

2. That we, the members of the Colorado General Assembly, hereby offer our condolences to the victims of the earthquake and tsunamis and their loved ones; and

3. That we, the members of the Colorado General Assembly; hereby express our heartfelt thanks to all Coloradans for their generous charitable donations for the victims of the earthquake and tsunamis, be it further

That copies of this Joint Resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of Colorado's congressional delegation.

POM–199. A Senate Joint Resolution adopted by the Legislature of the State of Colorado relative to a reaffirmation by the Colorado General Assembly of the strong bonds connecting the United States and the State of Israel and an expression by the Colorado General Assembly of support and solidarity with the State of Israel in its struggle against terrorism; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION 05–038

Whereas, On November 29, 1947, the United Nations General Assembly voted to partition the British mandate of Palestine and, by that vote, created the state of Israel; and

Whereas, On May 14, 1948, the people of the state of Israel proclaimed the establishment of the sovereign and independent state of Israel; and

Whereas, The United States government recognized the state of Israel just minutes after its declaration of independence and, at that time, established full diplomatic relations with the nascent state; and

Whereas, The establishment of the state of Israel as a modern homeland for the Jewish people followed the extermination of more than six million European Jews during the Holocaust; and

Whereas, Since its establishment fifty-seven years ago, the Israeli people have built a modern nation, forged a new and dynamic society, and created a unique and vital economic, cultural, and intellectual life while confronting immense pressures and burdens associated with war, terrorism, ostracism from much of the international community, and economic boycotts; and

Whereas, In spite of this severe degree of adversity confronting them since 1948, including the War of Independence, the Six-Day War, the Yom Kippur War, and the terrorist attacks of the two Intifadas, the people of the state of Israel have established a vibrant and functioning pluralistic and democratic political system that guarantees fundamental freedoms of speech and of the press, free, fair, and open elections, and respect for the rule of law; and

Whereas, At great financial and social cost, Israel has absorbed several millions of immigrants from many nations around the world and has made great strides in fully integrating these immigrants into Israeli society; and

Whereas, For over half a century, the people of the United States and the people of the state of Israel have created and maintained a special relationship based upon mutually shared democratic values, common strategic interests, and the bonds of friendship and mutual respect; and

Whereas, The bonds connecting the United States and Israel include increased economic ties between the two nations, particularly increased trade between Colorado and Israel as evidenced by the following facts: In 2003, Colorado exported approximately $38 million worth of goods to Israel; total Colorado exports to Israel have exceeded $250 million since 1991; in 2003, Israel ranked as Colorado's 21st leading trade partner; and collaboration between Colorado-based and Israeli business concerns is taking place in, among other things, the areas of advanced technology, telecommunications, and health care; and

Whereas, The bonds connecting the United States and Israel also include greater collaboration between scientific researchers in both nations, including researchers in Colorado and Israel, and researchers in Colorado and Israel are collaborating on scientific projects involving, among other things, atmospheric science, applied chemistry and physics, medicine, and agriculture; and

Whereas, The United States also has benefited from the exchange of technology and expertise from Israel in the area of homeland security, providing invaluable benefits to our nation in combating and responding to terrorism; now, therefore, be it

Resolved by the Senate of the Sixty-fifth General Assembly of the State of Colorado, the House of Representatives concurring herein:

(1) That we, the members of the General Assembly of the state of Colorado, hereby reaffirm the strong bonds that have connected the people of the United States and the people of the state of Israel together through turbulent times for more than half a century.

(2) That we commend the people of the state of Israel for their remarkable achievements in building a democratic and pluralistic society in the wake of almost unrelieved adversity spanning the entirety of the nation's existence.

(3) That we express empathy with the people of the state of Israel as they endure a daily struggle against terrorism and violence and support efforts to bring security to the Jewish and democratic state of Israel.

(4) That we express outrage against, and in the strongest possible terms condemn, all acts of terror perpetrated against the Israeli people with the intent and effect of murdering Israeli civilians, including women and children.

(5) That we support the brave efforts of the government and people of Israel in pursuing peace by way of negotiation.

(6) That we applaud the government of Israel's difficult and painful decision to disengage from Gaza and the northern section of the West Bank in order to advance peace negotiations.

(7) That we reaffirm the commitment of the American people to a just, lasting, and secure peace for the people of the state of Israel and all of the peoples of the Middle East, be it further

Resolved, That copies of this Joint Resolution be sent to President George W. Bush, Vice President Richard B. Cheney, Israeli Prime Minister Ariel Sharon, His Excellency Daniel Ayalon, the Ambassador of Israel to the United States, and to each member of Colorado's congressional delegation.

POM–200. A concurrent resolution adopted by the Legislature of the State of Texas relative to urging the Congress of the United States to increase the presence of the Centers for Disease Control and Prevention in Texas, improve coordination of Centers for Disease Control and Prevention programs with those operated by the Texas Department of State Health Services, and increase the amount of federal resources coming into Texas from the Centers for Disease Control and Prevention; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION

Whereas, The State of Texas is the second most populous state in the United States and currently registers more than 1,000 births per day; and

Whereas, Texas has a 1,254-mile international border with the United Mexican States with millions of border crossings and thousands of international flights arriving in Texas each year, and 10 percent of Texans living on the border with Mexico; and

Whereas, Mexico is the United States' second-largest trading partner and, according to the Center for Transportation Research at The University of Texas at Austin, 76 percent of all U.S. trade with, Mexico passes through Texas; and

Whereas, The nation's food industry has a pivotal role in the health and bio-security of all Americans, and Texas is the nation's second largest agricultural producing state; and

Whereas, Preventing infectious livestock and plant diseases and protecting our food supply goes a long way toward ensuring both human health and economic stability in Texas and the United States; and

Whereas, Serving as an infectious disease buffer zone for the rest of the United States, Texas faces a significant burden regarding a number of diseases, with the rate of waterborne diseases such as hepatitis A and amebiasis in the Texas counties bordering Mexico that has, as an example, been reported to be two to three times greater than the statewide average; in 2003, the rate of tuberculosis incidence per 100,000 in population was nearly twice that of non-border counties; and

Whereas, The condition of public health within Texas, particularly along the international border, is clearly critical to that of the entire country; and

Whereas, With more than 22 million residents, Texas also faces a number of other alarming public health issues, such as obesity, cardiovascular disease, and diabetes; in 2003, the Texas Department of Health reported that 39 percent of Texas fourth-graders, 38 percent of eighth-graders, and 61 percent of Texas adults were overweight or obese; and

Whereas, Heart disease and stroke are the number one and number three causes of death in Texas, accounting for approximately 54,000 deaths each year in Texas; and

Whereas, The Texas Diabetes Council estimates that more than one million adults in Texas have been diagnosed with diabetes and more than 500,000 adults are believed to have undiagnosed diabetes; and

Whereas, An increased presence and resources from the Centers for Disease Control and Prevention could help prevent vaccine-preventable childhood and adult diseases and prevent and control the introduction of lethal diseases such as tuberculosis and SARS, which could potentially lead to catastrophic consequences in terms of morbidity, mortality, health care costs, and statewide impact; and

Whereas, Partnerships and coordination between the State of Texas and the Centers for Disease Control and Prevention could greatly enhance protection against the spread of infectious disease, further obesity prevention activities, and improve early detection, treatment, and self-management of chronic diseases such as heart disease and diabetes; and

Whereas, Texas' growing population, demographic diversity, and border with the United Mexican States present unique challenges to providing quality health care to its citizens; as a buffer to the remainder of the United States against infectious disease and contamination of the country's food supply, the State of Texas merits additional resources to provide for the health of its residents and, ultimately, to safeguard the health of the entire United States; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas hereby strongly encourage the United States Congress to increase the presence of the Centers for Disease Control and Prevention in Texas, improve coordination of Centers for Disease Control and Prevention programs with those operated by the Texas Department of State Health Services, and increase the amount of federal resources coming into Texas from the Centers for Disease Control and Prevention; and, be it further

Resolved, That the Texas secretary of state forward official copies Of this resolution to the President of the United States, the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and all members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America and that copies also be forwarded to the secretary of the United States Department of Health and Human Services and the director of the Centers for Disease Control and Prevention.

POM–201. A concurrent resolution adopted by the Legislature of the State of Texas relative to urging the Congress of the United States to increase funding to the fully authorized level and include advance funds for the Low Income Home Energy Assistance Program and to pursue a more equitable funding allocation formula for the program; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION 166

Whereas, More than four million Texans are at or below 125 percent of Federal poverty guidelines, but only 173,323, or 4.3 percent, are served by the Federal Low Income Home Energy Assistance Program (LIHEAP), according to the Texas Department of Housing and Community Affairs (TDHCA), which administers the program in our State; and

Whereas, Income guidelines for LIHEAP, which provides funding for the Weatherization Assistance Program and the Comprehensive Energy Assistance Program at TDHCA, allow households to have income levels of up to 125 percent of current poverty guidelines; however, based upon 2000 census data, Texas has more than three million persons who are at or below 100 percent of the poverty guidelines; and

Whereas, Home energy assistance is particularly important in Texas due to the intense heat, which is a critical health threat to the elderly, persons with disabilities, and very young children; in fact, the Texas Department of Health reports that in our State more individuals die due to heart-related stress than exposure to excessive cold; and

Whereas, LIHEAP funds are distributed based on an outdated formula that disproportionately favors heating degree days in northern States over cooling degree days in southern States and does not utilize the most current State-specific population, income, and energy price data; and

Whereas, While funding was close to level from Federal fiscal year 2003 to 2005, the recent increase in energy costs has further reduced the already limited number of eligible Texans who can be served by LIHEAP; and

Whereas, Current appropriations for LIHEAP do not include advance funds, which are vital to ensuring the timely and orderly delivery of services during the period after funding for the program is authorized by Congress and before Texas is notified of its final appropriation level for the program year; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to increase funding to the fully authorized level and include advance funds for the Low Income Home Energy Assistance Program and to pursue a more equitable funding allocation formula for the program; and, be it further

Resolved, That the Texas Secretary of State forward official copies of this resolution to the President of the United States, to

the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–202. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of New Hampshire relative to enacting legislation to make English the official language of the United States; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION 6

Whereas, English is the national language of the United States only by custom, not by law; and

Whereas, the United States is comprised of individuals from many ethnic, cultural, and linguistic backgrounds, and continues to benefit from this rich diversity; and

Whereas, these individuals, although keeping their ethnic background alive, were urged to take advantage of the educational system which taught them the English language and United States history; and

Whereas, throughout the history of the Unites States, the common thread binding individuals of differing backgrounds has been the English language; and

Whereas, command of the English language is necessary to participate in, and take full advantage of, the opportunities afforded by life in the United States; now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring:

That the New Hampshire general court hereby urges the United States Congress to pass H.R. 997, ''The English Language Unity Act of 2003,'' to establish English as the official language of the United States; and

That copies of this resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Majority Leader of the United States Senate, and to members of the New Hampshire congressional delegation.

POM–203. A concurrent resolution adopted by the Senate of the Legislature of the State of Missouri relative to urging the United States Congress to authorize and appropriate full funding required to establish the Chiropractic Center for Military Research at Logan College of Chiropractic at its campus in Chesterfield, Missouri; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 7

Whereas, musculoskeletal conditions are responsible for approximately 50 percent of all health-related military disability discharges and the most common non-traumatic cause of functional impairment during military operations; and

Whereas, chiropractic services often are used to treat musculoskeletal conditions, and Congress established chiropractic benefits and services for both active duty military within the U.S. Department of Defense and for veterans within the Veterans' Affairs health care systems; and

Whereas, doctors of chiropractic practice are in nearly 50 military treatment facilities, primarily testing musculoskeletal conditions and slowly are being added to the VA health care system; and

Whereas, there currently is no enterprise coordinating and guiding collaborative research efforts between preeminent chiropractic colleges, scientists, and the military researchers to address the primary questions surrounding integration of chiropractic into military health care environments; and

Whereas, there is a critical need to establish a robust, collaborative, national program to address the continued integration of chiropractic health care into the Department of Defense health care systems; and

Whereas, Logan College of Chiropractic and the Samueli Institute have proposed the establishment of a plan to create a new consortial Chiropractic Center for Military Research in Chesterfield, Missouri, on the campus of Logan College; and

Whereas, the Center will facilitate development of research capacity in the area of musculoskeletal research, education and training through linkages with researchers and scientists at chiropractic educational institutions with researchers within the Department of Defense and with scientists and researchers at the Samueli Institute; and

Whereas, the research program to be pursued by the collaborative consortial Chiropractic Center for Military Research will focus special, initial priority consideration on those musculoskeletal conditions that are affecting those active duty military and veterans participating in or returning from combat in Afghanistan and Iraq, including the role of chiropractic manipulation in the total care of those with amputations and prosthetics: Now, therefore be it

Resolved, That the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, urge the United States Senate and the United States House of Representatives to authorize and appropriate full funding required to establish the proposed Chiropractic Center for Military Research at Logan College of Chiropractic at its campus in Chesterfield, Missouri; and be it further

Resolved, That the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Missouri Congressional delegation.

POM–204. A joint resolution adopted by the Legislature of the State of California relative to Dr. Dalip S. Saund; to the Committee on Homeland Security and Governmental Affairs.

ASSEMBLY JOINT RESOLUTION NO. 1

Whereas, Dr. Dalip S. Saund immigrated to the United States from India at a time when Indian nationals were denied eligibility for American citizenship; and

Whereas, Thanks to his initiative and the help of Indians in California and New York, Congresswoman Clare Booth Luce and Congressman Emanuel Cellar were convinced to jointly introduce a bill in the United States Congress to allow Indian nationals to become American citizens, and after a long and hard struggle the bill was signed by President Truman on July 3, 1946; and

Whereas, Though Dr. Saund had started as a farmhand, he obtained a Ph.D. from the University of California at Berkeley; and as a naturalized citizen started taking an active role in the political process of his adopted homeland; and

Whereas, In June 1950, he won his first political battle when he ran for and won a seat on the Imperial County Democratic Central Committee; and

Whereas, In November 1950, he was elected as a judge in Westmorland due to his exemplary grassroots campaign, but because he had not been a citizen for one full year the judgeship was denied him; and

Whereas, In 1952, he ran again for the judgeship against the incumbent and won, serving as judge in Westmorland for four years; and

Whereas, In October 1955, Dr. Saund became a candidate for Congress from the 29th Congressional District, facing a highly celebrated opponent who had rich supporters and who was a personal friend of the then President of the United States; and

Whereas, With the help of dedicated volunteers, Dr. Saund carried out an intensive campaign of voter registration, passed out thousands of ''Saund circulars,'' visited thousands of homes, and thus made a definite impact on voters, resulting in the election of the ''first native of Asia'' to the United States Congress on November 6, 1956; and

Whereas, Today, the population of Asian Americans in the United States is in excess of 10 million, and Asian Americans, and particularly Indian Americans, seeking political office invoke Dr. Saund's name, much the same way as Dr. Saund himself invoked President Lincoln's name, as a source of inspiration and a worthy role model; and

Whereas, November 6, 2006, marks the 50th anniversary of the historic election of Dr. Saund to the United States Congress; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to urge the Citizens' Stamp Advisory Committee and the United States Postal Service to issue a commemorative stamp to honor the first Asian member of Congress, Dr. Dalip S. Saund; and be it further

Resolved, That the Legislature urges all Californians to celebrate September 20 of each year, Dalip S. Saund's birthday, in recognition of his outstanding achievement as the first native of Asia to be elected to Congress; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States, to the Citizens' Stamp Advisory Committee, and to the United States Postal Service.

POM–205. A joint resolution adopted by the Legislature of the State of California relative to ZIP Codes; to the Committee on Homeland Security and Governmental Affairs.

ASSEMBLY JOINT RESOLUTION NO. 7

Whereas, Many communities in California have the advantage and convenience of possessing ZIP Codes that are unique to their respective communities; and

Whereas, The private development sector measures economic feasibility for investing in local communities based on data collected by ZIP Codes; and

Whereas, Sales taxes, franchise fees, federal funding, and other city revenue sources are traced through ZIP Codes; and

Whereas, Cities who share ZIP Codes may lose a portion of their revenue stream to other jurisdictions which the post office recognizes as the primary geographic area for that particular ZIP Code; and

Whereas, Unique ZIP Codes help to develop a city's identity so that citizens can rightfully participate in their local election processes holding their own elected officials accountable; and

Whereas, Local political and fiscal accountability is the cornerstone of democracy; and

Whereas, The ZIP Codes have a wider application than the delivery of mail to the cities in California; and

Whereas, The United States Postal Service advises residents and businesses to identify their address by post office address rather than city address to ensure proper mail delivery; and

Whereas, Several cities in California also contain shared ZIP Codes and may not be aware of the negative impact such an arrangement may have on their community; now, therefore, be it

Resolved by the Assembly and. the Senate of the State of California, jointly, That the Legislature urges the United States Postmaster to create ZIP Codes that do not encompass more than one municipality; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to the Minority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and the United States Postmaster.

POM–206. A concurrent resolution adopted by the Legislature of the State of Texas relative to supporting parity for Mexican visitors to the United States by enacting legislation that would allow them the same six-month length of stay afforded to Canadian travelers; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION 13

Whereas, Canadian travelers to the United States may stay in this country for up to six months, while Mexican visitors only recently gained the right to a 30-day stay with a laser visa under an expansion of the United States Visitor and Immigrant Status Indicator Technology (US–VISIT) program, which previously limited such stays to 72 hours and no more than 25 miles inside the U.S. border; and

Whereas, Aside from adversely affecting international goodwill between the United States and its neighbors to the north and south by the disparate treatment of their citizens, this disparity also has a negative impact on the economic stability of the U.S.-Mexico border; and

Whereas, If Mexican tourists, businesspersons, and other short-term travelers received the same opportunities to visit and do business in the United States as their Canadian counterparts, it would facilitate business between the United States and Mexico, boosting the U.S. and Texas economies; and

Whereas, El Paso and other Texas border communities that directly benefit from cross-border travel may expect a dramatic increase in local economic development if the length of stay for Mexican nationals with laser visas is extended from 30 days to six months; and

Whereas, Local community leaders attending a recent gathering of the U.S. Hispanic Chambers of Commerce were assured by U.S. Department of Homeland Security Undersecretary Asa Hutchinson that the Bush Administration supports treating all international guests equally; and

Whereas, U.S. Senator John Cornyn and U.S. Representative Ruben Hinojosa, both of Texas, introduced legislation in the 108th Congress (S. 1908 and H.R. 3488, respectively) to allow Mexican nationals currently admissible under laser visa border crossing regulations to enter the United States as six-month nonimmigrant visitors; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to support parity for Mexican visitors to the United States by enacting legislation that would allow them the same six-month length of stay afforded to Canadian travelers; and, be it further

Resolved, That the Texas secretary of state forward official copies or this resolution to the U.S. Department of Homeland Security and U.S. Department of State and to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–207. A joint resolution adopted by the Legislature of the State of California relative to the 32nd anniversary of Roe v. Wade; to the Committee on the Judiciary.

Whereas, January 22, 2005, is the 32nd anniversary of the historic United States Supreme Court decision in Roe v. Wade (1973) 410 U.S. 113, guaranteeing women's reproductive rights, an occasion deserving of celebration and special public commendations; and

Whereas, The 1973 decision in Roe v. Wade established constitutionally based limits on the power of states to restrict the right of a woman to choose to terminate a pregnancy; and

Whereas, Roe v. Wade is one of the most significant Supreme Court decisions in the 20th century promoting women's rights; and

Whereas, Reproductive rights are central to the ability of women to exercise their full rights under federal and state law; and

Whereas, It is the right of every American woman to determine when, if, and with whom to have children, and how many children to have; and

Whereas, Women's ability to control their reproductive lives has facilitated their equal participation in the economic and social life of the nation; and

Whereas, The state should not interfere with a woman's decision to either bear a child or terminate a pregnancy through a safe and legal abortion; and

Whereas, Women should not be forced into illegal and dangerous abortions, as they often were prior to the Roe v. Wade decision; and

Whereas, During the first half of the 20th century, illegal abortions accounted for about 50 percent of all maternal deaths; and

Whereas, Roe v. Wade has significantly reduced the mortality rate for women terminating their pregnancies; and

Whereas; Roe v. Wade continues to protect the health and freedom of women throughout the United States; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of Califorilia memorializes the Congress and the President of the United States to protect and uphold the intent and substance of the 1973 United States Supreme Court decision in Roe v. Wade; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States and to all Members of the Congress of the United States.

POM–208. A Senate Joint Memorial adopted by the Legislature of the State of Colorado relative to proposing an amendment to the United States Constitution requiring that the total amount of all federal appropriations made by Congress for any fiscal year not exceed the total of all estimated federal revenues for that fiscal year; to the Committee on the Judiciary.

SENATE JOINT MEMORIAL 05–007

Whereas, In 1998, the federal budget reported its first surplus, $69 billion, since 1969; and

Whereas, From 1998 through 2001, the United States experienced 4 surpluses in a row and in 2001, the surplus reached $128 billion; and

Whereas, The last time the United States had 4 surpluses in a row was over 70 years ago, from 1927–30; and

Whereas, Since 2001, the budget surpluses, which were projected to continue until 2008, have disappeared, and the total budget deficit for the 2004 fiscal year was about $412 billion; and

Whereas, Due to congressional overspending, the budget deficit for the 2005 fiscal year could be around $394 billion, according to the Congressional Budget Office's budgetary projections; and

Whereas, President Bush's $2.57 trillion dollar budget request estimates a budget deficit of $427 billion, which includes additional funding for the ongoing military operations in Iraq and Afghanistan; and

Whereas, President Bush's $427 billion deficit estimate is approximately 17% of the federal budget, which would be the equivalent of a $2.58 billion deficit for the state budget if Colorado's deficit equaled 17% of the state's $15.2 billion budget; and

Whereas, The federal deficit is expected to remain around $250 billion each year for the next 5 years, unless drastic cuts to programs or significant increases to taxes are made; and

Whereas, The Congressional Budget Office projects a cumulative deficit of $2.6 trillion over the next 10 years; and

Whereas, The federal public debt has increased and is now more than $7.6 trillion, an amount equaling approximately $121,000 for each American family or over $25,000 for every man, woman, and child; and

Whereas, The baby boomer generation will soon retire, leaving less tax revenue and a higher drain on social services; and

Whereas, In fiscal year 2004, $321 billion was paid in interest on the federal debt, which is 13% of the total federal budget, the third largest expense in the federal budget, according to the National Debt Awareness Center; and

Whereas, Fiscal irresponsibility at the federal level is lowering our standard of living, destroying jobs, and endangering economic opportunity now and for future generations; and

Whereas, Continued deficit spending demonstrates an unwillingness or inability of both the federal executive and legislative branches to spend no more than available revenues; and

Whereas, The federal government's unlimited ability to borrow raises questions about fundamental principles and responsibilities of government, with potentially profound consequences for the nation and its people, making it an appropriate subject for limitation by the Constitution of the United States; and

Whereas, The Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the people, as represented by their elected state legislatures, and opposition in the United States Congress repeatedly has thwarted the will of the people that a balanced budget amendment to the Constitution be submitted to the states for ratification; now, therefore, be it

Rersolved by the Senate of the Sixty-fifth General Assembly of the State of Colorado, the House of Representatives concurring herein:

That the General Assembly of the state of Colorado requests the United States Congress to expeditiously pass, and propose to the legislatures of the several states for ratification, an amendment to the United States Constitution requiring that, in the absence of a war or national emergency, the total of

all federal appropriations made by Congress for any fiscal year not exceed the total of all estimated federal revenues for that fiscal year; be it further

Resolved, That copies of this Joint Memorial be sent to the President and Vice President of the United States, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the Senate, and to each member of Colorado's congressional delegation.

POM–209. A concurrent resolution adopted by the Legislature of the State of Texas relative to urging the Congress of the United States and the Department of Veterans Affairs to fulfill the department's goal of providing excellence in patient care by building a veterans hospital in Weslaco, Texas; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION 138

Whereas, Our veterans who live in South Texas have served their country bravely and risked their lives to preserve our country's freedom and democracy, and their sacrifices in our behalf are deserving of a veterans hospital to meet their health care needs; and

Whereas, Regrettably, South Texas currently lacks adequate health care resources for these proud men and women; the sole outpatient clinic in the eight-county area at the southern tip of Texas has limited hours of operation and must refer patients to other facilities for special tests or treatments; in addition, the nearest veterans hospital to the region with inpatient acute medical and surgical care and extended care is more than 250 miles away in San Antonio; and

Whereas, Veterans in Cameron, Hidalgo, Starr, and Willacy Counties alone number greater than 46,000, and a May 2004 report by the Department of Veterans Affairs (DVA) acknowledged the need for improved and expanded medical facilities for veterans in South Texas; and

Whereas, Despite this assessment, however, the DVA has planned only the addition of 10 contract beds in Harlingen's Valley Baptist Medical Center; and

Whereas, Weslaco is located in the center of the Rio Grande Valley, less than one hour's drive from McAllen, Harlingen, and Brownsville, making it a convenient site for a hospital to serve the area's veterans; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas respectfully urge the Congress of the United States and the Department of Veterans Affairs to fulfill the department's goal of providing excellence in patient care by building a veterans hospital in Weslaco, Texas, to serve the more than 46,000 veterans in South Texas who have bravely defended and served our country; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, to the secretary of veterans affairs, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–210. A resolution adopted by the General Assembly of the State of New Jersey relative to rejecting provisions in the President's proposed federal budget that would result in the loss of funding for Veterans' Memorial Homes in New Jersey; to the Committee on Veterans' Affairs.

ASSEMBLY RESOLUTION NO. 263

Whereas, The President's proposed federal budget for fiscal year 2006 contains reductions to veterans' programs that would result in the loss of funding for the Veterans' Memorial Homes in this State; and

Whereas, The proposed budgetary reductions would hinder this State's ability to operate its three Veterans' Memorial Homes and may result in the closure of one or more of the homes if an alternate funding source is not provided; and

Whereas, The three Homes currently have a resident population of 812 veterans and the funding reductions contained in the President's budget would [cut that population] *reduce the number of veterans eligible for federal funding* to 159 [residents]; and

Whereas, Under the President's proposed budget, the Veterans' Memorial Homes would not meet the criteria for *retaining* federal matching funds [for] *invested in* construction, thereby requiring the State to reimburse the federal government for construction costs totaling approximately $53.3 million; and

Whereas, The proposed reductions to veterans' programs contained in the President's budget would negatively impact New Jersey's ability to care for its veterans; now, therefore, be it

Resolved, by the General Assembly of the State of New Jersey:

1. This House urges Congress to reject provisions in the President's proposed federal budget that would result in the loss of funding for Veterans' Memorial Homes in this State.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk of the General Assembly, shall be transmitted to the President of the United States, the Vice-President of the United States, the Speaker of the United States House of Representatives, every member of this State's Congressional delegation and the Governor.

POM–211. A resolution adopted by the Municipal Legislature of Mayaguez, Puerto Rico relative to the rejection of imposition of the death penalty for crimes committed in Puerto Rico; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU:

S. 1855. A bill to provide for community disaster loans; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU:

S. 1856. A bill to provide for community disaster loans; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU:

S. 1857. A bill to provide for community disaster loans; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER (for himself and Mr. FRIST):

S. 1858. A bill to provide for community disaster loans; considered and passed.

By Mr. BURR (for himself, Mr. ALLEN, Mr. DEMINT, and Mr. TALENT):

S. 1859. A bill to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. FRIST, and Mr. ALEXANDER):

S. 1860. A bill to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. KOHL, Mr. LEVIN, and Mr. KENNEDY):

S. 1861. A bill to amend the Internal Revenue Code of 1986 to restore the phaseout of personal exemptions and the overall limitation on itemized deductions; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. JOHNSON, and Mrs. FEINSTEIN):

S. 1862. A bill to establish a joint energy cooperation program within the Department of Energy to fund eligible ventures between United States and Israeli businesses and academic persons in the national interest, and for other purposes; to the Committee on Foreign Relations.

By Mr. GREGG (for himself and Mr. KENNEDY):

S. 1863. A bill to establish the Gulf Coast Recovery and Disaster Preparedness Agency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TALENT (for himself, Mr. CONRAD, Mr. BUNNING, Mr. CRAPO, Mr. HARKIN, Mrs. LINCOLN, and Mr. THOMAS):

S. 1864. A bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation; to the Committee on Finance.

By Mrs. DOLE (for herself, Mr. BURR, and Mr. ISAKSON):

S. 1865. A bill to establish the SouthEast Crescent Authority and for other purposes; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself and Mr. WARNER):

S. 1866. A bill to establish an Under Secretary for Policy in the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. FEINGOLD:

S. 1867. A bill to extend to individuals evacuated from their residences as a result of Hurricane Katrina the right to use the absentee balloting and registration procedures available to military and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, and for other purposes; to the Committee on Rules and Administration.

By Mr. SANTORUM:

S. 1868. A bill to ensure gasoline affordability and security to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself, Mr. DODD, Mr. STEVENS, Mr. AKAKA, Mr. WARNER, Ms. LANDRIEU, Mr. DEWINE, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. JOHNSON, Mr. ENZI, Mr. KERRY, Mr. COCHRAN, Mr. LEVIN, Mr. LOTT, Mr. BIDEN, Mr. ALLEN, Ms. STABENOW, Mr. INHOFE, Mr. DURBIN, Mr. ENSIGN, Mr. ROCKEFELLER, Mr. CORNYN, Mr. BURNS, Ms. MURKOWSKI, Mr. ALEXANDER, Mr. TALENT, Mrs. DOLE, Mr. CRAIG, and Mr. MARTINEZ):

S. Res. 271. A resolution designating the week beginning October 16, 2005, as ''National Character Counts Week''; considered and agreed to.

By Mr. SCHUMER (for himself, Mr. SPECTER, Mrs. CLINTON, Mr. OBAMA,

Mr. BAYH, Ms. MIKULSKI, Mr. PRYOR, Mr. BINGAMAN, Mr. WYDEN, Mr. DEWINE, Mr. HARKIN, Ms. STABENOW, Mr. CORZINE, Mr. DURBIN, Mr. KENNEDY, Mr. LEAHY, Mr. HATCH, Mr. CRAPO, Mr. LAUTENBERG, Mr. COCHRAN, Mr. COLEMAN, Mr. HAGEL, Mr. SALAZAR, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. REID, and Mr. KERRY):

S. Res. 272. A resolution recognizing and honoring the life and achievements of Constance Baker Motley, a judge for the United States District Court, Southern District of New York; considered and agreed to.

By Mr. DODD (for himself, Mr. ENSIGN, Mrs. BOXER, Ms. COLLINS, Mr. AKAKA, Mr. BURNS, Mr. BURR, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. CORNYN, Mr. CORZINE, Mr. DAYTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. SALAZAR, Ms. SNOWE, Mr. SPECTER, and Ms. STABENOW):

S. Con. Res. 58. A concurrent resolution supporting ''Lights On Afterschool'', a national celebration of after school programs; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 241

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 440

At the request of Mr. BUNNING, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 685

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 685, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 994

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 994, a bill to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes.

S. 1086

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1139

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 1139, a bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry.

S. 1438

At the request of Mr. CORNYN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1438, a bill to provide for immigration reform.

S. 1700

At the request of Mr. COBURN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S. 1740

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 1740, a bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies.

S. 1798

At the request of Mr. CORZINE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1798, a bill to amend titles XI and XVIII of the Social Security Act to prohibit outbound call telemarketing to individuals eligible to receive benefits under title XVIII of such Act.

S. 1808

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1808, a bill to amend title XIX of the Social Security Act to improve the qualified medicare beneficiary (QMB) and specified low-income medicare beneficiary (SLMB) programs within the medicaid program.

S. 1814

At the request of Mr. BAYH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1814, a bill to amend the Servicemembers Civil Relief Act and the Housing and Urban Development Act of 1968 to enhance protections for servicemembers and their dependents, and for other purposes.

S. 1828

At the request of Mrs. CLINTON, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1828, a bill to amend the Public Health Service Act to improve and secure an adequate supply of influenza vaccine.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR (for himself, Mr. ALLEN, Mr. DEMINT, and Mr. TALENT):

S. 1859. A bill to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes; to the Committee on Environment and Public Works.

Mr. BURR. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1859

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 ''Affordable and Reliable Gas Act of 2005''.

SEC. 2. LIST OF FUELS.

(a) LIST OF FUELS.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) (as amended by the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1106)) is amended by striking the second clause (v) and inserting the following:

''(vi)(I) The Administrator shall have no authority, when considering a State implementation plan or a State implementation plan revision, to approve under this paragraph any fuel included in such plan or revision if the effect of such approval would be to increase the total number of fuels approved under this paragraph as of September 1, 2004 in all State implementation plans.

''(II) The Administrator, in consultation with the Secretary of Energy, shall determine the total number of fuels approved under this paragraph as of September 1, 2004, in all State implementation plans and shall publish a list of such fuels, including the states and Petroleum Administration for Defense District in which they are used, in the Federal Register no later than 90 days after enactment.

''(III) The Administrator shall remove a fuel from the list published under subclause (II) if a fuel ceases to be included in a State implementation plan or if a fuel in a State implementation plan is identical to a Federal fuel formulation implemented by the Administrator and shall reduce the total number of fuels authorized under the list published under subclause (II) appropriately.

''(IV) Subclause (I) shall not limit the Administrator's authority to approve a control or prohibition respecting any new fuel under this paragraph in a State's implementation plan or a revision to that State's implementation plan after the date of enactment of this Act if such new fuel completely replaces a fuel on the list published under subclause (II).

''(V) The Administrator shall have no authority under this paragraph, when considering any particular State's implementation

plan or a revision to that State's implementation plan, to approve any fuel unless that fuel was, as of the date of such consideration, approved in at least one State implementation plan in the applicable Petroleum Administrator for Defense District. However, the Administrator may approve as part of a State implementation plan or State implementation plan revision a fuel with a summertime Reid Vapor Pressure of 7.0 psi. In no event shall such approval by the Administrator cause an increase in the total number of fuels on the list published under subclause (II) as of the date of consideration.

''(VI) Nothing in this clause shall be construed to have any effect regarding any available authority of States to require the use of any fuel additive registered in accordance with subsection (b), including any fuel additive registered in accordance with subsection (b) after the enactment of this subclause.

''(vii)(I) The provisions of clause (vi), including the limitations of the authority of the Administrator and the cap on the total number of fuels permitted, shall remain in effect until the harmonization of fuels under subclause V of this clause is accomplished. Once such harmonization has been accomplished, clause (v) shall sunset and the limitations of the authority of the Administrator under subclause (IV) of this clause shall apply.

''(II) The Administrator, in coordination with the Secretary of Energy (hereinafter in this clause referred to as the 'Secretary'), shall identify and publish in the Federal Register, within 12 months after the enactment of this subclause and after notice and opportunity for public comment, a list of 5 gasolines and diesel fuels to be used in States that have not received a waiver under section 209(b) of this Act. The list shall be referred to as the 'Federal Fuels List' and shall include one Federal on-road diesel fuel (which shall grandfather the sulfur phase down in the Administrator's ultra low sulfur diesel fuel regulations in effect as of the date of enactment and shall permit the implementation of one alternative diesel fuel, approved under this subparagraph before enactment of this subclause for a State that has not received a section 209(b) waiver, only in the State in which it was approved prior to enactment), one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 additional gasolines with Reid vapor pressure (RVP) controls for use in ozone attainment areas of varying degrees of severity. None of the fuels identified under this subclause shall control fuel sulfur or toxics levels beyond levels required by regulations of the Administrator.

''(III) Gasolines and diesel fuels shall be included on the Federal Fuels List based on the Administrator's analysis of their ability to reduce ozone emissions to assist States in attaining established ozone standards under this Act, and on an analysis by the Secretary that the adoption of the Federal Fuels List will not result in a reduction in supply or in producibility, including that caused by a reduction in domestic refining capacity as a result of the adoption of the Federal Fuels List. In the event the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility, the Administrator and the Secretary shall report that conclusion to Congress, and suspend implementation of this clause. The Administrator and the Secretary shall conduct the study required under section 1541(c) of the Energy Policy Act of 2005 on the timetable required in that section to provide Congress with legislative recommendations for modifications to the proposed Federal Fuels List only if the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility.

''(IV) Upon publication of the Federal Fuels List, the Administrator shall have no authority, when considering a State implementation plan or State implementation plan revisions, to approve under this subparagraph any fuel included in such plan or plan revision if the proposed fuel is not one of the fuels on the Federal Fuels List; or to approve a State's plan or plan revision to move from one fuel on the Federal Fuels List to another unless, after consultation with the Secretary, the Administrator publishes in the Federal Register, after notice and opportunity for public comment, a finding that, in the Administrator's judgment, such plan or plan revision to adopt a different fuel on the Federal Fuels List will not cause fuel supply or distribution disruptions in the affected area or contiguous areas. The Administrator's finding shall include an assessment of reasonably foreseeable supply or distribution emergencies that could occur in the affected area or contiguous area and how adoption of the particular fuel revisions would effect alternative supply options during reasonably foreseeable supply or distribution emergencies.

''(V) The Administrator, in consultation with the Secretary, shall develop a plan to harmonize the currently approved fuels in State implementation plans with the fuels included on the Federal Fuels List and shall promulgate implementing regulations for this plan not later than 18 months after enactment of this subclause. This harmonization shall be fully implemented by the States by December 31, 2008.''.

(b) BOUTIQUE FUELS.—Section 1541 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1106) is amended by striking subsection (c) and inserting the following:

''(c) STUDY AND REPORT TO CONGRESS ON BOUTIQUE FUELS.—

''(1) JOINT STUDY.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall undertake a study of the effects on air quality, on the number of fuel blends, on fuel availability, on fuel fungibility, and on fuel costs of the State plan provisions adopted pursuant to section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)).

''(2) FOCUS OF STUDY.—The primary focus of the study required under paragraph (1) shall be to determine how to develop a Federal fuels system that maximizes motor fuel fungibility and supply, preserves air quality standards, and reduces motor fuel price volatility that results from the proliferation of boutique fuels, and to recommend to Congress such legislative changes as are necessary to implement such a system. The study should include the impacts on overall energy supply, distribution, and use as a result of the legislative changes recommended. The study should include an analysis of the impact on ozone emissions and supply of a mandatory reduction in the number of fuel blends to 5, including one on-road Federal diesel fuel (which shall grandfather the sulfur phase down in the Administrator's ultra low sulfur diesel fuel regulations and shall permit the implementation of, one alternative diesel fuel, blend approved under this subparagraph before enactment of this subclause for a State that has not received a section 209(b) waiver, only in the State in which it was approved prior to enactment), one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 additional gasolines blends with Reid vapor pressure (RVP) controls for use in ozone attainment areas of varying degrees of severity.

''(3) CONDUCT OF STUDY.—In carrying out their joint duties under this section, the Administrator and the Secretary shall use sound science and objective science practices, shall consider the best available science, shall use data collected by accepted means and shall consider and include a description of the weight of the scientific evidence. The Administrator and the Secretary shall coordinate the study required by this section with other studies required by the act and shall endeavor to avoid duplication of effort with regard to such studies.

''(4) RESPONSIBILITY OF ADMINISTRATOR.—In carrying out the study required by this section, the Administrator shall coordinate obtaining comments from affected parties interested in the air quality impact assessment portion of the study. The Administrator shall use sound and objective science practices, shall consider the best available science, and shall consider and include a description of the weight of the scientific evidence.

''(5) RESPONSIBILITY OF SECRETARY.—In carrying out the study required by this section, the Secretary shall coordinate obtaining comments from affected parties interested in the fuel availability, number of fuel blends, fuel fungibility and fuel costs portion of the study.

''(6) REPORT TO CONGRESS.—The Administrator and the Secretary jointly shall submit the results of the study required by this section in a report to the Congress not later than 12 months after the date of the enactment of this Act, together with any recommended regulatory and legislative changes. Such report shall be submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated jointly to the Administrator and the Secretary $500,000 for the completion of the study required under this subsection.''.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. FRIST, and Mr. ALEXANDER):

S. 1860. A bill to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, nearly every form of energy production requires the use of large quantities of water. Electricity production, oil and gas production, and certain renewable energy sources are all dependent on having adequate access to water. Because water availability, particularly for human consumption, is an increasingly important international and domestic issue, it is important for us to ensure that we use our water resources in the most efficient manner in the production of energy. As the world's population grows and stores of fresh water are depleted, finding additional sources of fresh water is vital to meeting our energy needs and ensuring peace and security domestically and abroad. For this reason, developing cost-effective technologies that allow us better access to water for human use and energy production is of great significance.

Electricity production is entirely dependent on the availability of water, regardless of fuel source. Much of our fossil fuel energy production is entirely dependent on having adequate access to water. Sandia National Laboratories estimates that for every barrel of oil produced, ten gallons of water are required. For this reason, ensuring an adequate supply of water, coupled with efficient use of that water supply in our energy processes, is critical to the United States' energy portfolio. Similarly, making water available to our citizens is largely dependent on energy. Transportation, distribution, acquisition and purification of water require large amounts of energy.

Providing water to meet population growth will become increasingly important in the coming years. Nearly 1.2 billion people, roughly one fifth of the world's population, live without reliable access to water. It is estimated that by 2025, roughly one-third of the world will have inadequate access to water. By 2030 there will be an additional 3 billion people. By 2025, it is estimated that the population of the Arab world will reach 600 million, twice the population of 2000. At the World Economic Forum this summer, experts testified that most of the countries in the Arab world had exhausted their water resources and that the only way to provide water is the expensive prospect of desalination. At the forum, former Jordanian water minister told those in attendance ''We are not secure about water supplies. Supplies are simply not enough . . . This is a scary issue.'' He went on to estimate that the water deficit in the Arab world will grow by more than 600 percent by 2025.

The need for renewed Federal investment to develop technologies that will ensure efficient use of scarce water resources in energy production is critically important for domestic growth and prosperity. A study by the Governmental Accountability Office stated that ''water managers in thirty-six States anticipate shortages in localities, regions, or state-wide in the next 10 years.'' In the West, the competing demands of population growth, drought, energy resources development, agricultural needs, environmental needs, and tribal interests have resulted in a paucity of available water. Unbridled population growth in the western U.S. has stretched water resources even thinner. The U.S. Census Bureau recently estimated that by 2030 Nevada will have more than four million residents, twice as many as in 2000. In a region already critically short of water and subject to the unpredictable nature of an already overallocated Colorado River, even a mild drought could stymie growth and economic development. For this reason, we need to investigate new technologies that allow us to access additional water, and just as importantly, to use water in the most efficient ways, particularly in the production of all forms of energy.

While stories are legion about the deleterious effects of the prolonged drought in the West, including my home State of New Mexico, the availability of water is an increasingly critical issue in the eastern United States. Usable supplies of water in the east coast have been stretched thin. Despite receiving substantially more rainfall than the western U.S., much of the east coast is facing water shortages. For example, Boston, Atlanta and much of Florida are nearing the end of readily available water. Just as with our current oil and natural gas energy crisis, the answer for our looming water crisis is not just to produce more, but to foster new technologies that will both aid in more production, and just as significantly, reduce the amount of water required for energy production and other needs.

I rise today to introduce the Energy-Water Efficiency Technology Research, Development, and Transfer Program Act of 2005. The emphasis of this program is to address the inextricable relationship between energy and water. Large amounts of water are required for electric generation and oil and gas production. Additionally, large amounts of energy are required for reclaiming and transporting water. Water shortages impair our ability to meet our energy needs and conversely, energy shortages impair our ability to provide adequate supplies of water. The bill would establish an ambitious program within the National Laboratories to develop, transfer and demonstrate in real world applications energy and water efficiency technologies to meet the increased demand for water internationally and domestically. The bill establishes a merit-based competitive grant program for research grants, provides that a set percentage of funding received by the program be used to demonstrate promising technologies, and provides for research undertaken by our National Laboratories. Our National Laboratories have shown an ability to push the state of the art forward, furthering technologies such as highspeed computing, nano-technology, and advanced engineering and science. Federal investment in these areas has resulted in thousands of new technologies that benefit humanity. We now have the opportunity to direct a portion of this immense capability to solve our water and related energy issues. I have no doubt that this legislation would help to push the state of the art forward to ensure that the world has access to this life sustaining resource for years to come.

For the reasons I have articulated, renewed Federal investment in this area is of critical importance both domestically and abroad. I thank Senator BINGAMAN, ranking member of the Energy and Natural Resources Committee, Majority Leader FRIST and Senator ALEXANDER for being original co-sponsors of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1860

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 ''Energy-Water Efficiency Technology Research, Development, and Transfer Program Act of 2005''.

SEC. 2. ENERGY-WATER EFFICIENCY AND SUPPLY TECHNOLOGY RESEARCH, DEVELOPMENT, AND TRANSFER PROGRAM.

The Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594) is amended by inserting after section 111 the following:

''SEC. 112. ENERGY-WATER EFFICIENCY AND SUPPLY TECHNOLOGY RESEARCH, DEVELOPMENT, AND TRANSFER PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ADVISORY PANEL.—The term 'Advisory Panel' means the Energy-Water Efficiency and Supply Technology Advisory Panel established under subsection (f).

''(2) ENERGY-WATER EFFICIENCY AND SUPPLY TECHNOLOGY.—The term 'energy-water efficiency and supply technology' means—

''(A) technologies for—

''(i) reducing the amount of energy required to provide adequate water supplies;

''(ii) reducing water consumption in the production or generation of energy;

''(iii) the reclamation of previously unusable water;

''(iv) water reuse;

''(v) agricultural, industrial, and municipal efficiency and conservation; and

''(vi) water monitoring and systems analysis; and

''(B) any other technologies identified by the Secretary as necessary to carry out the program.

''(3) LEAD LABORATORY.—The term 'lead laboratory' means each of the program lead laboratories designated under subsection (d)(1).

''(4) PROGRAM.—The term 'program' means the energy-water efficiency and supply technology research, development, and transfer program established under subsection (b).

''(b) ESTABLISHMENT.—In accordance with this section, the Secretary shall establish a National Laboratories energy-water efficiency and supply technology research, development, and transfer program that provides for the conduct of research on, and the development, demonstration, transfer, and commercialization of, economically viable and cost-effective energy-water efficiency and supply technologies to—

''(1) promote the sustainable use of water for energy production activities, including—

''(A) developing less water-intensive electric generation sources; and

''(B) developing and implementing systems analyses to balance energy and water demands;

''(2) facilitate the widespread commercialization of newly developed energy-water efficiency and supply technologies for use in real-world applications, including the conduct of an assessment of economic factors relating to the introduction and adoption of energy-water efficiency and supply technologies in practical applications;

''(3) facilitate collaboration among Federal agencies to provide for the integration of research on, and disclosure of information relating to, energy-water efficiency and supply technologies;

''(4) reclaim and improve access to previously unusable and nontraditional water resources; and

''(5) increase the amount of water available for human use.

''(c) OTHER AGREEMENTS.—The Secretary may enter into any grant, contract, cooperative agreement, interagency agreement, or other transaction, as the Secretary determines to be necessary to carry out this section.

''(d) PROGRAM LEAD LABORATORIES.—

''(1) IN GENERAL.—The program shall be carried out by Sandia National Laboratory, New Mexico, Oak Ridge National Laboratory, Tennessee, and Lawrence Livermore National Laboratory, California.

''(2) SELECTION OF UNIVERSITY PARTNERS.—Each of the lead laboratories, in consultation with the Advisory Panel, shall select at least 1 university partner to assist in carrying out the program.

''(e) WATER SUPPLY TECHNOLOGY ASSESSMENT.—

''(1) ASSESSMENT DUTIES.—In consultation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Secretary of the Interior, and other appropriate Federal agencies, the Secretary, acting through the lead laboratories, shall—

''(A) assess energy-water efficiency and supply technology research being performed;

''(B) assess the annual amount of Federal funding levels and authorizations for energy-water efficiency and supply technology research;

''(C) assess the scope of the energy-water efficiency and supply technology research performed by other agencies;

''(D) assess whether and to what extent Federal energy-water efficiency and supply technology research is duplicative;

''(E) identify energy-water efficiency and supply technology research and development priorities; and

''(F) develop a technology roadmap to identify critical energy-water efficiency and supply technology research, development, demonstration and commercialization activities to guide program activities.

''(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary, acting through the lead laboratories, shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives a detailed report on the assessment conducted under paragraph (1).

''(f) ADVISORY PANEL.—

''(1) IN GENERAL.—The Secretary shall establish an advisory panel, to be known as the 'Energy-Water Efficiency and Supply Technology Advisory Panel', to advise the Secretary on the activities carried out under this section.

''(2) MEMBERSHIP.—Members of the Advisory Panel shall—

''(A) have expertise in—

''(i) energy-water efficiency and supply technology; or

''(ii) legal or regulatory issues associated with adopting energy-water efficiency and supply technologies in real-world applications; and

''(B) be representative of institutions of higher education, industry, State and local governments, international energy-water efficiency and supply technology institutions, Federal agencies, and nongovernmental organizations.

''(3) DUTIES.—The Advisory Panel shall—

''(A) periodically assess the performance of energy-water efficiency and supply technology research being carried out under this section;

''(B) advise the Secretary on research priorities to be carried out under this section;

''(C) make recommendations to the Secretary for awarding research grants and demonstration project grants; and

''(D) identify legal, policy, or regulatory barriers to implementing energy-water efficiency and supply technologies in real-world applications.

''(g) PROGRAM GRANTS.—

''(1) IN GENERAL.—The Secretary shall provide competitive grants to entities with expertise in the conduct of energy-water efficiency and supply technology research, development, and demonstration projects.

''(2) REQUIREMENTS.—The grants under paragraph (1) shall be provided—

''(A) in consultation with the Advisory Panel;

''(B) in coordination with the research, development, demonstration, and commercialization activities conducted by the lead laboratories; and

''(C) consistent with the technology roadmap developed under subsection (e)(1)(F).

''(3) LIMITATION.—Of amounts made available for grants under subsection (j)(2)(C), not more than 25 percent shall be provided to National Laboratories and Federal agencies.

''(4) CRITERIA.—The Secretary shall establish criteria for the submission and review of grant applications and the provision of grants under paragraph (1).

''(h) PROGRAM REVIEW.—

''(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct periodic peer reviews of the program.

''(2) REQUIREMENTS.—In conducting a review under paragraph (1), the National Academy of Sciences shall—

''(A) review the technology roadmap, technical milestones, and plans for technology transfer developed under the program; and

''(B) assess the progress of the program in achieving the technical milestones and plans for technology transfer.

''(i) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this section and each year thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives a report that describes the activities carried out under this section, including the activities carried out under subsection (f)(3)(D).

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section, including the completion of the roadmap under subsection (e)(1)(F)—

''(A) $5,000,000 for fiscal year 2006; and

''(B) such sums as are necessary for each fiscal year thereafter.

''(2) ALLOCATION.—Of amounts made available under paragraph (1) for fiscal year 2007 and each fiscal year thereafter—

''(A) at least 30 percent shall be distributed equally between the lead laboratories for the conduct of activities under the program;

''(B) at least 10 percent shall be provided to the lead laboratories to carry out subsection (b)(2);

''(C) at least 40 percent shall be made available for program grants under subsection (g)(1); and

''(D) not more than 15 percent shall be used to pay the administrative costs of carrying out the program, including costs to support the activities of the Advisory Panel.''.

By Mr. GREGG (for himself and Mr. KENNEDY):

S. 1863. A bill to establish the Gulf Coast Recovery and Disaster Preparedness Agency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. GREGG. Mr. President, our Nation's history is not only one of growing prosperity, opportunity, and the steady progress of a free and industrious society, but it is also uniquely identified by the challenges that we have faced and overcome. Sometimes, these challenges have been natural disasters—earthquakes, floods, and hurricanes that have devastated entire towns and cities, uprooted communities, and tragically killed hundreds, if not thousands, of people. Disasters such as the Galveston Hurricane of 1900, the 1906 San Francisco earthquake, the Great Flood of 1927, and Hurricane Camille are the first ones that come to mind, although there are others that we could also add to this list of superdisasters.

Unfortunately, it now appears that the list of these superdisasters has gotten longer. In a number of respects, the devastation inflicted by Hurricane Katrina has so far exceeded any natural disaster that our country has faced: the official death toll is around 1,000 and could go higher; approximately 90,000 square miles, nearly the size of the United Kingdom, has been impacted; a city of nearly half a million was almost entirely emptied; as many as 1 million jobs have been directly affected; and recovery and reconstruction costs could go to as high as $200 billion, if not more. Figures aside, the tragic and widespread devastation that this storm has wreaked is apparent to anyone who has watched news footage from the golf coast region. The images are heart wrenching, and our prayers go out to those who have suffered and have lost loved ones.

Weeks after Hurricane Katrina hit the gulf coast region, Hurricane Rita brought further devastation to areas that were either already impacted or to areas further south and to the west. Although not as powerful as Katrina, Rita dealt a strong blow to many communities. Lives were lost, entire neighborhoods were completely destroyed, and many families were displaced. Again, we extend our prayers and wishes to those who were directly affected by this storm.

While the combined impact of Hurricanes Katrina and Rita is similar to other superdisasters, it also unprecedented in a few key aspects. In particular, the Federal Government is now expected to play, and is playing, a significant role in the response and recovery efforts. This is partly due to the significant growth in the Federal Government over the past 100 years. Back in 1900 when the Galveston Hurricane occurred, there were only eight executive departments in the entire government—the Department of Commerce, the Department of Labor, the Department of Health and Human Services, HUD, the U.S. Coast Guard, the EPA, FEMA, and, of course, the Department of Homeland Security had yet to be established. Today, the federal government is much more expansive than

when previous superdisasters took place, and it now delivers a wide array of services and benefits that Americans have come to expect.

In response, President Bush and Congress have approved the spending of billions in Federal funds, unleashing an outpouring of federal aid, assets, and manpower. Over the past 2 weeks, Congress already has approved over $61 billion in supplemental appropriations, and it is contemplating the spending of additional federal funds. Almost every executive department and Federal agency is taking part, taxpayer funds are being doled out to contractors and State and local authorities, and the future of the gulf coast region and millions of its residents is being shaped daily by this massive effort. While mistakes have been made at all levels, we now have the opportunity to make sure that mistakes are not repeated and that we do not come out of this whole experience wondering where all the money went and whether we did the best we can to respond to this challenge.

My Senate colleagues and I have been discussing various proposals for how the federal recovery effort should be managed. I believe that history can be of help—for instance, we can learn from the Great Flood of 1927, a natural disaster that killed hundreds in seven states and flooded around 27,000 square miles. In response, President Coolidge appointed Secretary of Commerce Herbert Hoover to coordinate relief across eight different agencies, the Red Cross, and other organizations. While the relief effort had its flaws, I believe that Coolidge's appointment of a lead director, who had substantial crisis management experience and public recognition, was a wise decision. By centralizing oversight authority over the entire effort under such a central person, Coolidge's appointment of Hoover helped minimize friction and discoordination across agencies, ensuring that the relief response was run efficiently. The appointment also enhanced accountability since everyone knew who was in charge.

The recovery effort for Hurricanes Katrina and Rita is going to be much more complicated and multifaceted than the relief response for the Great Flood of 1927. The breadth of the destruction and the wide array of Federal departments and agencies involved—combined with the efforts of State and local authorities, nonprofit organizations, and private contractors—make the potential for bureaucratic tensions, redundancy, confusion, and waste even greater. I therefore believe that a centralized management structure is as necessary now as it was back in 1927. So, before Congress continues pouring billions of taxpayer dollars and adding additional tasks on top of the recovery effort, Congress should first make sure that a centralized management structure is in place. In particular, we need a person with impeccable credentials endowed with robust planning, operational, and budgetary authorities to be on the ground in the gulf coast region. We need to make sure that accountability is clearly assigned, not diffused. We need to make sure that the right hand knows what the left hand is doing, so to speak, and that federal funds are effectively being used to get the gulf coast region back on its feet. And we need this centralized structure as soon as possible.

As such, I am proposing the Gulf Coast Recovery and Preparedness Act of 2005, along with Senator KENNEDY, which establishes the Gulf Coast Recovery and Disaster Preparedness Agency, a new agency that will be headed by a director who will oversee the entire recovery effort. The Director will be the person responsible for budgeting, overseeing, and executing the entire recovery effort to the extent that Federal resources are used. The director will also regularly report to Congress on how this effort is being conducted and will have deputies and support staff to keep track of how funds are being spent and to investigate any fraud, waste or abuse. Lastly, I recognize that we do not want the legacy of Katrina and Rita to be another layer of bureaucracy, so the legislation would make sure that the agency and the director's position are only temporary, and that it terminates within 6 years.

Within the agency, there will be essentially a planning board—named the Gulf Coast Revitalization Authority that will consist of Federal, State, and local officials, as well as representatives from affected communities. The board, which will be chaired by the director, will be tasked with creating a comprehensive plan for redeveloping the entire region impacted by Hurricanes Katrina and Rita. The plan will ensure that objectives, priorities, and critical infrastructure decisions are developed in a thoughtful and comprehensive manner before federal resources and other funds are completely committed. The authority board will also make sure that there is substantial and meaningful public participation, which is critical for making potentially difficult rebuilding and revitalization decisions. The director, who must approve the plan after it is passed by the authority, will be responsible for executing it.

Our Nation has been through a lot since Katrina and Rita hit the gulf coast, and I am continually amazed at the acts of heroism and charity that are taking place across the gulf coast region. And while the tasks ahead may be less dramatic and less attention-grabbing, I believe that it is how we address these challenges—in particular, the rebuilding of infrastructure, the provision of social services to evacuees scattered across the country, and the redevelopment of entire communities—that will truly test our Federal Government in ways that we have not seen in recent memory. In the end, I am confident that we can succeed and the gulf coast region will fully recover and thrive. Our Nation's history has shown how well Americans perform in the face of challenges. However, we must not simply expect this success nor expect that throwing around billions of dollars will necessarily achieve it. Instead, Congress must take action now to ensure that the recovery effort is managed efficiently and effectively. By setting into place such a management structure, I believe that we will be able to look back at these difficult times and be proud of how we handled the public's trust and the taxpayers' money. This is what the American people have elected us to do, and I know that it can be done if we make the right choices right now.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1863

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 ''Gulf Coast Recovery and Disaster Preparedness Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGENCY.—The term ''agency'' has the meaning given under section 551(1) of title 5, United States Code.

(2) AUTHORITY.—The term ''Authority'' means the Gulf Coast Revitalization Authority.

(3) DIRECTOR.—The term ''Director'' means the Director of Gulf Coast Recovery and Disaster Preparedness.

(4) GULF COAST AGENCY.—The term ''Gulf Coast Agency'' means the Gulf Coast Recovery and Disaster Preparedness Agency.

(5) GULF COAST RECOVERY AND DISASTER PREPAREDNESS PROGRAM.—The term ''Gulf Coast Recovery and Disaster Preparedness Program'' means all activities described under section 3(b)(3) (B) and (C).

SEC. 3. ESTABLISHMENT AND FUNCTIONS.

(a) ESTABLISHMENT.—There is established the Gulf Coast Recovery and Disaster Preparedness Agency. The Gulf Coast Recovery and Disaster Preparedness Agency is an independent establishment as defined under section 104 of title 5, United States Code.

(b) DIRECTOR.—

(1) APPOINTMENT.—

(A) IN GENERAL.—The Director of Gulf Coast Recovery and Disaster Preparedness shall be the head of the Gulf Coast Agency. The Director shall be appointed by the President, by and with the advice and consent of the Senate.

(B) EXECUTIVE SCHEDULE LEVEL I POSITION.—The Director shall be paid at the rate of pay payable for a position at level I of the Executive Schedule under section 5312 of title 5, United States Code.

(C) DIRECT REPORT TO PRESIDENT.—The Director shall directly report to the President.

(2) QUALIFICATIONS.—The individual appointed as Director shall be appointed on the basis of—

(A) demonstrated leadership, integrity, and experience; and

(B) demonstrated experience in management of large organizations.

(3) FUNCTIONS.—The Director shall—

(A) be responsible for the efficient and effective use of Federal resources relating to

the recovery from Hurricane Katrina and Hurricane Rita;

(B) exercise planning, management, and overall control of all Federal funding, personnel, and assets used by Federal, State, or local government authorities for the purposes of—

(i) rebuilding or responding to the damage or destruction of private or public infrastructure caused by Hurricane Katrina and Hurricane Rita to the United States;

(ii) responding, supporting, or otherwise assisting efforts to meet the nutritional, health, educational, housing, transportation, employment, law enforcement, and social service needs of citizens who have been personally displaced or otherwise adversely and directly impacted by Hurricane Katrina and Hurricane Rita;

(iii) studying, planning, and preparing public and private responses to future natural disasters in the region;

(iv) planning, building, and repairing public infrastructure to prevent or mitigate the impact of future natural disasters in the region, including the levee system surrounding the City of New Orleans, Louisiana;

(v) studying, planning, and implementing environmental remediation and coastal restoration efforts in the region;

(vi) studying, planning, and implementing economic redevelopment efforts in areas affected by Hurricane Katrina and Hurricane Rita;

(vii) ensuring the efficient and effective use of Federal funds in all activities relating to the recovery from Hurricane Katrina and Hurricane Rita; and

(viii) any other recovery, rebuilding, or redevelopment effort relating to the direct impact of Hurricane Katrina and Hurricane Rita; and

(C) expend and obligate funds appropriated to the Gulf Coast Agency for purposes described under subparagraph (B), including specific reconstruction projects.

(4) BUDGET AUTHORITIES RELATING TO THE GULF COAST RECOVERY AND DISASTER PREPAREDNESS PROGRAM.—

(A) BUDGET.—With respect to budget requests and appropriations for the Gulf Coast Recovery and Disaster Preparedness Program, the Director shall—

(i) based on priorities set by the President, provide to agencies performing activities of the Program, guidance for developing the Program budget pertaining to such agencies;

(ii) develop and determine an annual consolidated Gulf Coast Recovery and Disaster Preparedness Program budget; and

(iii) present such consolidated budget, together with any comments from the heads of agencies, to the President for approval.

(B) APPROPRIATIONS.—

(i) IN GENERAL.—The Director shall be responsible for managing appropriations for the Gulf Coast Recovery and Disaster Preparedness Program by directing the allotment or allocation of such appropriations through the heads of the agencies performing activities of the Program, with prior notice (including the provision of appropriate supporting information) to the head of the agency receiving any such allocation or allotment.

(ii) ALLOCATIONS.—Notwithstanding any other provision of law, pursuant to relevant appropriations Acts for the Gulf Coast Recovery and Disaster Preparedness Program, the Director of the Office of Management and Budget shall exercise the authority of the Director of the Office of Management and Budget to apportion funds, at the exclusive direction of the Director of Gulf Coast Recovery and Disaster Preparedness, for allocation to agencies performing activities of the Gulf Coast Recovery and Disaster Preparedness Program. Department comptrollers or appropriate budget execution officers shall allot, allocate, reprogram, or transfer funds appropriated for the Gulf Coast Recovery and Disaster Preparedness Program in an expeditious manner.

(iii) MONITORING IMPLEMENTATION.—The Director shall monitor the implementation and execution of the Gulf Coast Recovery and Disaster Preparedness Program by the heads of relevant agencies.

(iv) APPORTIONMENT AND ALLOTMENT.—Apportionment and allotment of funds under this paragraph shall be subject to chapter 13 and section 1517 of title 31, United States Code, and the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

(c) OFFICERS TO ASSIST THE DIRECTOR.—

(1) IN GENERAL.—The Office shall have other officers necessary to assist the Director in carrying out the functions of the Director, including—

(A) overseeing recovery operations and disaster preparedness;

(B) expending and obligating Federal funds appropriated to the Gulf Coast Agency for the Gulf Coast Recovery and Disaster Preparedness Program, including specific reconstruction projects;

(C) ensuring that Federal funds are prudently spent and fully audited; and

(D) investigating waste, fraud, and abuse in the use of Federal funds for the activities of the Gulf Coast Recovery and Disaster Preparedness Program.

(2) DEPUTY DIRECTORS.—The Director may appoint no more than 5 Deputy Directors who shall be assigned to geographic areas of the Gulf Coast region.

(d) LOCATION OF THE OFFICE OF THE DIRECTOR.—The Office of the Director shall be physically located within the region comprising the gulf coast areas of the States of Louisiana and Mississippi. The Director may establish additional office locations as necessary.

SEC. 4. ADMINISTRATIVE AND PERSONNEL PROVISIONS.

(a) EMPLOYEES.—The Director may select, appoint, and employ such officers and employees as may be necessary—

(1) in accordance with the provisions of title 5, United States Code, including section 3101 of that title; and

(2) without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except the pay of any personnel under this paragraph may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(b) CONSULTANTS AND CONTRACTS.—The Director may—

(1) obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of title 5, United States Code; and

(2) to the extent and in such amounts as may be provided in advance by appropriations Acts, to enter into contracts and other arrangements and to make such payments as may be necessary to carry out the provisions of this Act.

SEC. 5. SUPPORT FOR WORKERS AFFECTED BY HURRICANE KATRINA AND HURRICANE RITA.

(a) DEFINITIONS.—In this section:

(1) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) WORKERS AFFECTED BY HURRICANE KATRINA AND HURRICANE RITA.—The term ''workers affected by Hurricane Katrina and Hurricane Rita'' means workers who were residing in the area directly impacted by Hurricane Katrina and Hurricane Rita as of the date those hurricanes occurred.

(b) EMPLOYMENT REQUIREMENT.—

(1) CONTRACTS.—Except as provided in subsection (c), the Director or the head of an executive agency may not enter into a contract to procure disaster recovery services in connection with Hurricane Katrina and Hurricane Rita reconstruction efforts unless such contract requires that workers affected by Hurricane Katrina and Hurricane Rita—

(A) comprise not less than 30 percent of the workforce employed by the contractor to perform such services; and

(B) comprise not less than 30 percent of the workforce employed by each subcontractor at each tier in connection with such contract.

(2) GRANTS.—Except as provided in subsection (c), the head of an executive agency may not award a grant of Federal funds to any recipient, for the purpose of providing disaster recovery services in connection with Hurricane Katrina and Hurricane Rita reconstruction efforts unless the terms of the grant require that such workers affected by Hurricane Katrina and Hurricane Rita—

(A) comprise not less than 30 percent of the workforce employed by that recipient to perform such services; and

(B) comprise not less than 30 percent of the workforce employed by any indirect recipient of such grant funds to perform such services.

(3) EXCEPTION FOR PROFESSIONAL SERVICES.—The requirements under paragraphs (1) and (2) do not apply to the procurement of professional services.

(c) EXEMPTIONS FOR EXCEPTIONAL CIRCUMSTANCES.—

(1) AUTHORITY.—The Director or the head of an executive agency may enter into a contract or award a grant that would otherwise be prohibited under subsection (b) due to the employment by an employer of a workforce that does not meet the workforce composition requirement under such subsection if the employer qualifies for and receives an exemption under paragraph (2).

(2) PROCEDURES FOR GRANTING EXEMPTIONS.—

(A) IN GENERAL.—Not later than 45 days after the date of the appointment of the Director, the Director shall establish procedures for providing exemptions for employers who despite making reasonable efforts to do so, are unable to comply with the workforce composition requirement under subsection (b) due to an emergency, or due to the lack of available and appropriately qualified workers who have been affected by Hurricane Katrina and Hurricane Rita.

(B) EXEMPTIONS BEFORE PROCEDURES ESTABLISHED.—During the 45-day period referred to under subparagraph (A), the Director may exempt an employer as the Director determines necessary.

(d) REPORTS REQUIRED.—

(1) IN GENERAL.—In the each report submitted under section 6, the Director shall include a report of the hiring of workers affected by Hurricane Katrina and Hurricane Rita.

(2) CONTENT.—Each report submitted under paragraph (1) shall include, with respect to the preceding fiscal quarter, information on—

(A) the total number of workers affected by Hurricane Katrina and Hurricane Rita hired by contractors, subcontractors, or employers that provided disaster recovery services in connection with Hurricane Katrina and Hurricane Rita reconstruction efforts;

(B) the total number of individuals hired by contractors, subcontractors, or employers that provided disaster recovery services in

connection with Hurricane Katrina and Hurricane Rita reconstruction efforts; and

(C)(i) whether the Director or head of the executive agency provided any exemptions under subsection (a)(2);

(ii) the total number of contractors, subcontractors, and employers provided such exemptions in each State, and the percentage they represent of all contractors, subcontractors, and employers providing services; and

(iii) the total number of workers employed under contracts or grants for which an exemption was granted and the percentage of such workers who were workers affected by Hurricane Katrina and Hurricane Rita.

(3) SOURCE OF INFORMATION.—For purposes of preparing a report required under paragraph (1), the Director or the head of an executive agency shall require employers providing disaster recovery services in connection with Hurricane Katrina and Hurricane Rita reconstruction efforts to provide to the agency, under penalty of perjury, information relevant to such reports.

SEC. 6. REPORTS TO CONGRESS.

(a) IN GENERAL.—Every 3 months, for each calendar quarter, the Director shall submit a report to Congress on the progress of the Gulf Coast Recovery and Disaster Preparedness Program, including—

(1) any findings regarding fraud, waste, and abuse of Federal funds, personnel, and assets; and

(2) the status of progress toward the rebuilding of the Gulf Coast region during the 3-month period preceding the date of submission of the report.

(b) FIRST REPORT.—The first report under this section shall be submitted for the first full calendar quarter for which a Director has been appointed.

SEC. 7. GULF COAST REVITALIZATION AUTHORITY.

(a) ESTABLISHMENT.—There is established, within the Gulf Coast Agency, the Gulf Coast Revitalization Authority. The Authority shall have responsibility for the development of a comprehensive plan for rebuilding and improving the public infrastructure of the Gulf Coast region affected by Hurricane Katrina and Hurricane Rita.

(b) PURPOSE.—The purpose of the Authority is to develop a plan with substantial local participation to—

(1) rebuild and improve the public infrastructure of the Gulf Coast region affected by Hurricane Katrina and Hurricane Rita;

(2) determine how best to use available Federal resources; and

(3) coordinate State and local government and private sector initiatives with the Federal effort.

(c) COMPOSITION OF THE AUTHORITY.—The Authority shall consist of 19 members including—

(1) the Director, who shall serve as Chairperson of the Authority;

(2) the Governor of Louisiana;

(3) the Governor of Mississippi;

(4) the Governor of Alabama;

(5) the Governor of Texas;

(6) the Mayor of New Orleans, Louisiana;

(7) 3 members appointed by the President;

(8) 3 residents of communities within the area affected by Hurricane Katrina and Hurricane Rita appointed by the Governor of Louisiana—

(A) of whom 1 shall be a local elected official;

(B) of whom 1 shall be from a nonprofit organization; and

(C) of whom 1 shall be a leader in the private sector;

(9) 3 residents of the communities within the area affected by Hurricane Katrina and Hurricane Rita appointed by the Governor of Mississippi—

(A) of whom 1 shall be a local elected official;

(B) of whom 1 shall be from a nonprofit organization; and

(C) of whom 1 shall be a leader in the private sector;

(10) 1 resident of a community within the area affected by Hurricane Katrina and Hurricane Rita appointed by the Governor of Alabama;

(11) 1 resident of a community within the area affected by Hurricane Katrina and Hurricane Rita appointed by the Governor of Texas; and

(12) 2 residents of New Orleans, Louisiana, appointed by the Mayor of New Orleans, Louisiana.

(d) REPRESENTATIVES.—

(1) IN GENERAL.—Each member of the Authority described under subsection (c) (2) through (6) may designate a representative to attend any meeting of the Authority in the absence of that member.

(2) QUORUM AND VOTING.—A representative designated under this subsection—

(A) shall count for purposes of a quorum; and

(B) may vote on any matter of the Authority.

(e) APPOINTMENTS; VACANCIES; QUORUM.—

(1) APPOINTMENTS.—All members of the Authority shall be appointed within 14 days after the date of enactment of this Act.

(2) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Authority. Any vacancy in the Authority shall not affect its powers, but shall be filled in the same manner as the original appointment.

(3) QUORUM.—A majority of the members of the Authority shall constitute a quorum, but a lesser number of members may hold hearings.

(f) PERSONNEL MATTERS FOR AUTHORITY MEMBERS.—

(1) COMPENSATION OF MEMBERS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), each member of the Authority described under subsection (c)(7) through (12) shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Authority.

(B) FEDERAL OFFICERS AND EMPLOYEES.—All members of the Authority who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Authority described under subsection (c) (7) through (12) shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Authority.

(g) PREPARATION OF A COMPREHENSIVE PLAN.—

(1) PRELIMINARY PLAN.—Not later than 134 days after the date of enactment of this Act, the Authority shall approve a preliminary plan for rebuilding and improving the public infrastructure of the Gulf Coast region.

(2) COMPREHENSIVE PLAN.—Not later than 194 days after the date of enactment of this Act, the Authority shall approve a comprehensive plan for rebuilding and improving the public infrastructure of the Gulf Coast region.

(3) EXTENSION.—For good cause shown, the Authority by majority vote may extend the time period for adoption of the comprehensive plan by not more than 60 days.

(h) AUTHORITY OF DIRECTOR BEFORE PLANS.—Nothing in this section shall be construed to limit the authority of the Director to approve priority projects and initiate programs which the Director determines are needed before the adoption of the preliminary and comprehensive plans.

(i) APPROVAL OF PLANS.—Adoption of the plans shall require approval of a majority of the members of the Authority and approval by the Director. After each of the plans has been adopted, individual projects authorized by the Gulf Coast Agency shall be consistent with that plan.

(j) GOVERNORS APPROVAL.—Nothing in this section shall affect the authority of a Governor to approve individual projects within the State of that Governor to the extent that the approval of the Governor is required by law.

(k) IMPLEMENTATION MODIFICATIONS.—

(1) IN GENERAL.—After the adoption of the comprehensive plan, the Authority—

(A) shall monitor implementation;

(B) develop more detailed advisory proposals consistent with the comprehensive plan; and

(C) consider and adopt such modifications to the comprehensive plan as may become necessary and appropriate.

(2) MODIFICATIONS.—Modifications to the comprehensive plan shall be adopted in the same manner as the plan.

(l) CONSIDERATIONS.—In developing the plan, the Authority shall consider—

(1) the impact of public infrastructure on minimizing the impact of future hurricanes;

(2) the impact of public infrastructure on—

(A) improving the opportunities for economic development in the region; and

(B) enhancing public services available to residents;

(3) the preservation of the unique historical and cultural character of communities, maintaining traditional styles of architecture, neighborhood design, and community facilities wherever possible; and

(4) procedures to ensure that rebuilding and redevelopment is carried out in an efficient and cost-effective manner, including efforts to promote the involvement of the private sector and nonprofit organizations.

(m) OPPORTUNITY FOR PUBLIC COMMENT.—The Authority shall conduct public hearings in each of the affected States and shall endeavor to provide substantial opportunity for public input, including opportunity for public comment on the preliminary plan before the comprehensive plan is adopted.

(n) AUTHORITY PERSONNEL.—

(1) IN GENERAL.—To develop the comprehensive plan the Authority shall select and supervise consultants and employees as provided under paragraphs (2) and (3) who shall include planners, architects, engineers, and experts on information technology, the environment, and economic development.

(2) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—After consultation with the Authority, the Director shall procure temporary and intermittent services under section 3109(b) of title 5, United States Code, of the individuals selected by the Authority under paragraph (1) of this subsection. The rate of pay for any such individual may not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) EMPLOYEES.—After consultation with the Authority, the Director shall employ individuals selected by the Authority under paragraph (1).

(4) ASSISTANCE.—To the extent practicable, the consultants and employees under this subsection shall provide local officials with

technical assistance and consultation on local efforts.

(o) DETAILEES.—Any Federal employee may be detailed to the Authority with reimbursement, and such detail shall be without interruption or loss of civil service status or privilege. Federal agencies shall provide detailees to the Authority at the request of the Authority to the extent feasible.

(p) USE OF FEDERAL AGENCY EXPERTISE.—The Authority shall consult with the heads of agencies, and other Federal officials as necessary in the preparation of the comprehensive plan, and the heads of those agencies shall consult with the Authority as requested. Federal agencies shall provide expertise to the Authority to the extent feasible.

(q) AREAS ADDRESSED BY COMPREHENSIVE PLAN.—The comprehensive plan shall address the following areas of redevelopment:

(1) Water Management:

(A) Design improvements and placement of water control facilities (including drainage channels, pumping facilities, levees and barriers).

(B) Design improvements and repair of water treatment and delivery systems and sewage collection and treatment facilities.

(2) Environmental Restoration:

(A) A long-term coastal restoration plan, including the restoration of coastal wetlands and barrier islands that are natural flood control systems to prevent erosion and flood damages.

(B) Land and water resource conservation.

(3) Transportation:

(A) Priorities and criteria for demolishing and rebuilding damaged bridges, roads and highways.

(B) Identification of appropriate placement of bridges, roads, and highways that takes into consideration daily traffic flow as well as future evacuation requirements and susceptibility to hurricane damage.

(C) Adequate public transportation facilities connected to regional transportation networks that takes into consideration daily transportation needs of residents and evacuation requirements for residents without personal vehicles.

(D) Airport reconstruction including runway layouts, and connections to public transit, roads and highways.

(E) Priorities and criteria for rebuilding freight rail and freight terminals.

(4) Ports:

(A) Design standards for rebuilding port facilities.

(B) A plan for working with private entities to rebuild port facilities including berths, storage facilities, navigation channels, and docks.

(C) Identification of the need for improved security technologies available for port security screening.

(5) Housing:

(A) Criteria for demolition of damaged housing, restoration of housing where advisable, and development of newly built housing.

(B) Design improvement standards for housing that can minimize damage from a future hurricane.

(C) A plan for working with private entities and nonprofit organizations to facilitate rebuilding an adequate supply of housing that is affordable to residents of all incomes displaced by Hurricane Katrina and Hurricane Rita.

(6) Schools:

(A) Priorities and criteria for rebuilding schools where advisable and construction of replacement schools where necessary.

(B) Design improvement standards for schools that need to be rebuilt that include, where advisable and cost effective, state of the art information technology infrastructure.

(7) Hospitals and Other Public Health Care Facilities:

(A) Design improvement standards for hospitals that will be rebuilt that includes state of the art information technology infrastructure.

(B) Design standards for health care facilities to withstand and continue operation during a future hurricane.

(8) Utility Infrastructure: A plan for working with private entities that serve the public to ensure utility coverage of redeveloped areas with telecommunication services, including broadband access, and energy and electricity generation and distribution.

(9) Employment and Training:

(A) A plan for the training of residents of the affected communities in job skills that will be required in the region.

(B) Priority for jobs for residents of the affected communities created by reconstruction programs funded by the Gulf Coast Agency to the extent practicable.

(10) Other Public Facilities:

(A) A plan for the rebuilding of public buildings and facilities, and for buildings and facilities of nonprofit organizations that serve a public function open to all residents within communities.

(B) A plan for the rebuilding of museums and other facilities operated by nonprofit organizations that are used to preserve and promote the historic, cultural, musical and artistic traditions of the affected areas.

(r) EXPEDITING THE REBUILDING PROCESS.—The Authority shall—

(1) consider whether it is necessary to waive or modify any Federal, State, or local law relating to the environment, land use, or the permitting of construction projects in order to expedite reconstruction within the Gulf Coast region; and

(2) make appropriate recommendations in the comprehensive plan relating to the waiver or modification of such laws.

(s) PLANNING PRINCIPLES.—In developing and implementing the comprehensive plan, the Authority and the Gulf Coast Agency shall take into consideration the following planning principles:

(1) Provide substantial opportunities for area residents to participate in the planning process.

(2) All public structures should be designed to withstand a category 5 hurricane.

(3) Preserve the unique historical, cultural, and architectural character of communities to the maximum extent possible.

(4) Infrastructure should be developed to minimize the impact of future hurricanes.

(5) Infrastructure should be developed to improve economic opportunity for the region and its residents.

(6) Transportation infrastructure should be designed and built with future evacuation needs in mind.

(7) Establish systems to maintain infrastructure over time and accommodate growth in the region.

(8) Promote access to housing, transportation, jobs and schools to residents of all incomes that accommodates economic and social integration.

(9) Promote energy efficient design.

(10) Promote transit oriented development in metropolitan areas.

(11) Promote innovations in public-private partnerships.

(12) Promote efficient and cost-effective rebuilding efforts.

(13) Promote involvement of the private sector and nonprofit organizations to broaden participation and help control costs to the Federal Government.

(t) COLLABORATION WITH LOCAL GOVERNMENT, NONPROFIT ORGANIZATIONS, AND PRIVATE ENTITIES.—

(1) IN GENERAL.—Throughout the process of developing a comprehensive plan, the Authority and the planning staff of the Authority shall work with local government officials, nonprofit organizations and private entities with a stake in the redevelopment of the region.

(2) INDIVIDUALS AND ENTITIES.—Individuals and entities shall include—

(A) State and local government officials;

(B) community based nonprofit organizations;

(C) chambers of commerce and business community leaders;

(D) school superintendents, parent and teacher associations;

(E) environmental groups;

(F) real estate and construction industries, both nonprofit organizations and for-profit entities;

(G) social service providers;

(H) emergency relief and disaster planning nonprofit organizations;

(I) labor organizations;

(J) utility companies;

(K) hospital administrators and practitioners; and

(L) insurance companies.

(u) NONAPPLICABILITY OF CERTAIN PROVISIONS.—The Authority shall not be construed to be an agency for purposes of chapter 5 of title 5, United States Code, and such chapter shall not be construed to apply to the Gulf Coast Agency with respect to the Authority. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Authority.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this Act.

SEC. 9. TERMINATION OF OFFICE.

(a) IN GENERAL.—The Office and position of Director shall terminate 3 years after the date of enactment of this Act.

(b) EXTENSION OF TERMINATION.—

(1) IN GENERAL.—The President may extend the date of termination under subsection (a) in accordance with this subsection.

(2) CONDITIONS OF EXTENSION.—Any extension of termination under this subsection—

(A) shall not be effective for any period occurring 6 years after the date of enactment of this Act;

(B) may not apply retroactively if the Office and the position of Director have already terminated under this section;

(C) shall not be effective unless 6 months before the date on which a termination would occur the President submits a notice to Congress of a determination to extend the termination and setting forth the length of the extension; and

(D) subject to subparagraph (A), may be made only for a 1-year period, 2-year period, or 3-year period.

Mr. KENNEDY. Mr. President, when I last spoke on the Senate floor about Hurricane Katrina, I spoke of my visit to the region—to Louisiana and Mississippi—where I witnessed first hand the devastation to these communities. Entire blocks were left bare to their foundations where families once lived. Schools and hospitals were destroyed. Power lines were draped over fallen trees and there was water everywhere. Roads were washed out and bridges were destroyed. Much of the great city of New Orleans was under water. It was beyond what any of us could have imagined.

Seeing the Gulf Coast in such a state has deeply touched me and my family

in deeply personal ways. My wife Vicki and her strong and wonderful family are from Louisiana. She went to school in Louisiana, attending Tulane University, and considers New Orleans her second home.

It has now been more than a month since Hurricane Katrina first hit the Gulf Coast. Hurricane Rita wreaked further havoc on the region. And although the emergency phase of the response may be over, we now face the extraordinary challenge of rebuilding this region and restoring people's lives.

Relief workers and agencies have been working tirelessly to clear debris, and connect evacuees to services and temporary housing. Just this week, New Orleans has finally been drained of all water left standing in the city. Health workers are working to address the public health challenges and the ongoing health needs of the evacuees. And States across the country continue to work with evacuees in their area to help them with housing, jobs and services.

Relief and recovery efforts have revealed that we have our work cut out for us. Thousands of homes were destroyed and more have water marks to the ceilings, mold and severe structural damage are everywhere. Entire schools and hospitals must be rebuilt. Roads and bridges that were washed out must be replaced. Museums with artifacts of the rich cultural tradition of the region have been damaged. Much of what has made these cities and towns vibrant has been destroyed and kept residents away from their beloved communities.

We need to make these communities whole again. We need to make them stronger and healthier. We need to build the roads and bridges that will bring the many evacuees home to quality, permanent homes, and get their children back to their schools.

We must rebuild the region thoughtfully and swiftly. We owe it to the residents of the region who want to come home. And we owe it to the thousands of relief workers, charities, and businesses that have come together to make the region and its residents safe and secure.

It is up to us in Congress to ensure that the region is equipped to rebuild. The residents of the Gulf Coast and New Orleans take pride in their cities and towns and they want to lead the way in reviving their own communities. But they desperately need our help. That is why today, Senator GREGG and I are introducing the Gulf Coast Recovery and Disaster Preparedness Act.

We need a response that is as good and generous as the American people but our existing disaster relief structures are not equipped for this monumental task.

The primary focus of our Department of Homeland Security is to protect the Nation from terrorism, and it is imperative for that work to go on unimpeded. And FEMA is primarily a rapid response agency whose first responsibility is to provide relief in the immediate aftermath of a disaster.

Given the enormity of the number of people displaced by Hurricanes Katrina and Rita, the rebuilding will be an all-consuming task. And if it is to take place as rapidly as possible, it requires the creation of a new Federal entity to be an effective partner in that effort.

Our bill creates a Gulf Coast Recovery and Disaster Preparedness Agency to aid in the work of rebuilding the region. The enormous Federal investment that will be needed to revitalize the region would be channeled through this agency. Estimates of the cost of rebuilding the region are as high as $200 billion. We need someone who will be responsible for the coordinated deployment of these dollars.

The agency will be headed by a Director, an eminent, nonpartisan person with demonstrated leadership in large organizations. It will take strong leadership that has the attention of the President to coordinate redevelopment efforts and cut through the redtape to ensure that Federal funds are deployed swiftly, efficiently and effectively.

Under our bill, the President appoints the Director with the advice and consent of the Senate. The Director will have overall control of Federal funding, personnel, and assets used for rebuilding the region.

The Director of the Gulf Coast Recovery and Disaster Preparedness Agency will work with an Authority, composed primarily of residents from the affected area, that will develop a comprehensive plan for rebuilding the region.

Governors, mayors, community leaders, business and non-profit leaders, citizens and the Federal Government will be able to sit around the same table to develop a common blueprint for reconstructing their communities and their lives.

While only the Federal Government possesses the necessary resources to rebuild the devastated areas, it is essential that State and local officials who know the area best be full partners. Local residents must share the decisionmaking authority. Creating this Authority to develop a comprehensive plan for redevelopment will guarantee that local concerns are taken seriously.

How to rebuild should not be determined by the biggest, most powerful contractors. We need to work from a shared vision for the future in which we all do our part in rebuilding the new Gulf Coast.

The rebuilding process does not merely involve reproducing in place the structures that existed prior to the hurricane and the flooding, although that alone would be an enormous task. It involves planning for the future of the affected communities.

To develop this plan, the Authority will involve the best flood control engineers, the best community and urban development specialists, planners, and experts to address rebuilding or restoring water management facilities, environmental restoration, transportation, ports, housing, schools, hospitals, utility infrastructure, other public facilities, and employment and training.

And, while we need to build water control systems and structures that will be able to withstand giant hurricanes and floods in the future, it is not just about the bricks and mortar. It is about promoting economic development and improving the quality of life for the residents of the region; it is about preserving the unique historical, cultural and architectural character of communities; and restoring the ecological resources of the region. It is about promoting access to housing, transportation, jobs and schools to residents of all incomes.

We have a chance to build the Gulf economy of the future—and in doing so improve the entire Nation's economic destiny. We have a chance to build a new economy that works for everyone—with diverse housing and more job opportunities.

We cannot wait any longer. The people of Louisiana, the people of Mississippi, Alabama and now Texas, and the many States who have taken in evacuees, cannot wait any longer. We need to act and appoint an executive who will lead recovery and redevelopment efforts and really listen to what the residents of the Gulf Coast, its community leaders, business leaders and elected officials really need.

All of those who visited the region and those who have seen images of the devastation on TV recognize that rebuilding the Gulf Coast requires an unprecedented national effort. It must be a principal focus of our national government in the months ahead and it must be done in a genuine collaboration with the people of the affected region.

I want to commend my colleague Senator GREGG who has worked very hard to ensure that we come up with a sensible way of addressing the enormous challenge of rebuilding that lies ahead.

We believe that a Gulf Coast Recovery and Disaster Preparedness Director and a Gulf Coast Revitalization Authority is the best way to combine the Federal resources and coordination with real local involvement in the decisionmaking process.

By Ms. COLLINS (for herself and Mr. WARNER):

S. 1866. A bill to establish an Under Secretary for Policy in the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today, on behalf of myself and Senators WARNER and COBURN, to introduce a bill establishing an Under Secretary for Policy within the Department of Homeland Security. This legislation would meet a critical need of the Department: an official at the highest

level of the Department to develop coherent strategies and provide comprehensive policy guidance for responding to the full range of threats to our homeland.

This past spring, soon after being confirmed as the second Secretary of Homeland Security, Secretary Chertoff conducted a top-to-bottom review of the Department. As Secretary Chertoff said at the launch of this ''Second Stage Review,'' the Congress created the Department of Homeland Security ''to do more than simply erect a big tent under which a lot of different organizations would be collected.'' Instead, the purpose of the Department is to integrate the capabilities and achieve unity of effort among a wide range of agencies and entities that are involved in protecting our homeland.

In July, Secretary Chertoff announced the results of the ''Second Stage Review'' and proposed several organizational changes aimed at further integrating the Department's many components. Chief among these proposed changes was the creation of a Senate-confirmed Under Secretary with responsibility for policy development across the Department.

Thus, in keeping with Secretary Chertoff's proposal, this legislation would create an Under Secretary for Policy who is appointed by the President with the advice and consent of the Senate. This Under Secretary would serve as the Secretary's principal policy advisor and enable the Department to develop comprehensive policies and strategies—across all of the Departments' components—to meet homeland security challenge. The Under Secretary's responsibilities would cover four key areas: policy development, strategic planning, international affairs, and private sector outreach. The policy development and strategic planning functions are new, while the international affairs and private sector outreach functions are transferred from other parts of the Department in order to consolidate the full range of policy-level functions under this Under Secretary.

We need no better reason to take up this bill than the tragic events of a month ago. Hurricane Katrina was a natural disaster, but the devastation, suffering, and deprivation left in the wake of this powerful storm were compounded by the failure of all levels of government—local, State, and Federal—to prepare and respond in a unified, integrated way. Moreover, the capabilities needed to have dealt with Hurricane Katrina are in many instances the same capabilities that are needed to protect America from terrorism.

The governmental failures highlighted by Hurricane Katrina are evidence of the need for greater integration and unity of effort within the Department. At the heart of this integration, the Department needs a stronger emphasis on policy development and strategic planning to meet the full range of threats to our homeland. Creating an Under Secretary for Policy is a critical step for ensuring that our government has a truly capable Department of Homeland Security.

I ask unanimous consent that the text of the bill establishing an Under Secretary for Policy within the Department of Homeland Security be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1866

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

SECTION 1. UNDER SECRETARY FOR POLICY.

(a) SHORT TITLE.—This Act may be cited as the ''Homeland Security Policy Act of 2005''.

(b) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by redesignating title VI and section 601 as title XVIII and section 1801, respectively, and transferring that title to the end of the Homeland Security Act of 2002; and

(2) by inserting after title V, the following:

''TITLE VI—UNDER SECRETARY FOR POLICY

''SEC. 601. UNDER SECRETARY FOR POLICY.

''(a) IN GENERAL.—There shall be in the Department an Under Secretary for Policy, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(b) RESPONSIBILITIES.—Subject to the direction, authority, and control of the Secretary, the responsibilities of the Under Secretary for Policy shall be as follows:

''(1) POLICY.—

''(A) To serve as the principal policy advisor to the Secretary.

''(B) To provide overall direction and supervision for policy development to programs, offices, and activities of the Department.

''(C) To establish and direct a formal policymaking process for the Department.

''(D) To analyze, evaluate, and review completed, ongoing, and proposed programs, to ensure they are compatible with the Secretary's priorities, strategic plans, and policies.

''(2) STRATEGIC PLANNING.—

''(A) To conduct long-range, strategic planning for the Department.

''(B) To prepare national and Department strategies, as appropriate.

''(C) To conduct net assessments of issues facing the Department.

''(D) To conduct reviews of the Department to ensure the implementation of this paragraph.

''(3) INTERNATIONAL RESPONSIBILITIES.—

''(A) To promote informational and educational exchange with nations friendly to the United States in order to promote sharing of best practices and technologies relating to homeland security, including—

''(i) the exchange of information on research and development on homeland security technologies;

''(ii) joint training exercises of first responders; and

''(iii) exchanging expertise and information on terrorism prevention, response, and crisis management.

''(B) To identify areas for homeland security informational and training exchange where the United States has a demonstrated weakness and another friendly nation or nations have a demonstrated expertise.

''(C) To plan and undertake international conferences, exchange programs (including the exchange of scientists, engineers, and other experts), and other training activities.

''(D) To manage international activities within the Department in coordination with other Federal officials with responsibility for counterterrorism matters.

''(4) PRIVATE SECTOR.—

''(A) To create and foster strategic communications with the private sector to enhance the primary mission of the Department to protect the American homeland.

''(B) To advise the Secretary on the impact of the policies, regulations, processes, and actions of the Department on the private sector.

''(C) To interface with other relevant Federal agencies with homeland security missions to assess the impact of the actions of such agencies on the private sector.

''(D) To create and manage private sector advisory councils composed of representatives of industries and associations designated by the Secretary—

''(i) to advise the Secretary on private sector products, applications, and solutions as they relate to homeland security challenges; and

''(ii) to advise the Secretary on homeland security policies, regulations, processes, and actions that affect the participating industries and associations.

''(E) To work with Federal laboratories, federally funded research and development centers, other federally funded organizations, academia, and the private sector to develop innovative approaches to address homeland security challenges to produce and deploy the best available technologies for homeland security missions.

''(F) To promote existing public-private partnerships and develop new public-private partnerships to provide for collaboration and mutual support to address homeland security challenges.

''(G) To assist in the development and promotion of private sector best practices to secure critical infrastructure.

''(H) To coordinate industry efforts, with respect to functions of the Department, to identify private sector resources and capabilities that could be effective in supplementing Federal, State, and local government agency efforts to prevent or respond to a terrorist attack.

''(I) To coordinate among Department operating entities and with the Assistant Secretary for Trade Development of the Department of Commerce on issues related to the travel and tourism industries.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in section 103—

(A) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively; and

(B) by inserting after paragraph (5) the following:

''(6) An Under Secretary for Policy.'';

(2) by striking section 879;

(3) by redesignating sections 880 through 890 as sections 879 through 889, respectively; and

(4) in the table of contents—

(A) by redesignating the items relating to title VI and section 601 as relating to title XVIII and section 1801, respectively, and transferring the items relating to that title and section to the end of the table of contents;

(B) by inserting before the item relating to title VII the following:

''TITLE VI—UNDER SECRETARY FOR POLICY

''Sec. 601. Under Secretary for Policy.'';

(C) by striking the item relating to section 879; and

(D) by redesignating the items relating to sections 880 through 890 as relating to sections 879 through 889, respectively.

By Mr. FEINGOLD:

S. 1867. A bill to extend to individuals evacuated from their residences as a result of Hurricane Katrina the right to use the absentee balloting and registration procedures available to military and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, and for other purposes; to the Committee on Rules and Administration.

Mr. FEINGOLD. Mr. President, today I will introduce the Displaced Citizens Voter Protection Act. This bill is a companion measure to legislation introduced in the House by my friend Representative ARTUR DAVIS of Alabama. He has been a real advocate for victims of Hurricane Katrina, and I greatly appreciate his leadership on this issue.

We are continuing to learn more about and to grapple with the myriad ways that the Hurricane Katrina disaster has affected the lives of residents of the Gulf Coast. Hundreds of thousands of people fled their homes, and are temporarily displaced. Most of these people hope to eventually return to the communities from which they were driven, and have every intention of rebuilding their lives there. As the communities in Louisiana, Alabama, and Mississippi begin to rebuild, it is crucial that those who wish to return are able to take part in the government decisions that will have an impact on their communities and their lives. They must be able to elect the Federal leaders who will shape this recovery process.

The legislation that I will introduce today will make sure that victims of Hurricane Katrina who are temporarily displaced, and who intend to return to their home States, continue to be eligible to vote in their States, and that the government takes steps to inform them of their rights in this area. It would extend the same voting protections currently available to members of the military and overseas voters to those who are displaced temporarily by Katrina. Individuals who are qualified to vote in their original place of residence, and who intend to return to that place in the near future, will be able to vote by absentee ballot for Federal elections held through 2008. Voters who intend to return to their original place of residence would be able to use the forms available online that are currently used by members of the military and other citizens who are overseas to request absentee ballots from their home State. Voters requesting an absentee ballot would be required to include an affidavit certifying that they intend to return to their home State in the near future with their ballot. The bill also directs motor vehicle authorities and voter registration agencies to take steps to notify the public that this absentee ballot option is available for Katrina victims.

This legislation does not mandate where people should vote, nor does it place additional burdens on State election officials. It simply puts a mechanism in place to make sure that these voters do not lose their right to vote in elections simply because they are temporarily displaced.

The challenges that we face in the wake of Katrina are many, and unfortunately there is some disagreement in Congress about how best to help those affected by this tragedy. This is different. This bill is a straightforward, simple, and direct response that will help keep the electoral process accessible for victims of Hurricane Katrina. I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1867

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 ''Displaced Citizens Voter Protection Act of 2005''.

SEC. 2. APPLICABILITY OF PROTECTIONS FOR ABSENT MILITARY AND OVERSEAS VOTERS TO KATRINA EVACUEES.

(a) RIGHT OF KATRINA EVACUEES TO USE ABSENTEE BALLOTING AND REGISTRATION PROCEDURES AVAILABLE TO MILITARY AND OVERSEAS VOTERS.—In the case of any individual who is an eligible Hurricane Katrina evacuee—

(1) the individual shall be treated in the same manner as an absent uniformed services voter and overseas voter for purposes of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), other than section 103(b)(1) (42 U.S.C. 1973ff–2(b)(1)); and

(2) the individual shall be deemed to be an individual who is entitled to vote by absentee ballot for purposes of the National Voter Registration Act of 1993 and the Help America Vote Act of 2002.

(b) DEFINITION.—For purposes of this section, the term ''eligible Hurricane Katrina evacuee'' means an individual—

(1) who certifies to the appropriate State election official that the individual is absent from the place of residence where the individual is otherwise qualified to vote as a result of evacuation from an area affected by Hurricane Katrina; and

(2) who provides the official with an affidavit stating that the individual intends to return to such place of residence after the election or elections involved.

(c) EFFECTIVE DATE.—This section shall apply with respect to elections for Federal office held in calendar years 2006 through 2008.

SEC. 3. REQUIRING DESIGNATED VOTER REGISTRATION AGENCIES TO NOTIFY DISPLACED INDIVIDUALS OF AVAILABILITY OF PROTECTIONS.

Each motor vehicle authority in a State and each voter registration agency designated in a State under section 7(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–5(a)) shall take such steps as may be necessary to notify individuals to whom services are provided of the protections provided by section 2 and of the requirements for obtaining those protections, including the requirement to submit an affidavit stating that the individual intends to return to the place of residence where the individual is otherwise qualified to vote.

By Mr. SANTORUM:

S. 1868. A bill to ensure gasoline affordability and security; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise today to introduce the Gasoline Affordability and Security, GAS, Act. With the average price of gasoline at $2.86 a gallon in Pennsylvania and the national average even higher, conditions are ripe for Congress to critically examine why prices are rising and act to address those factors we can control. While we have little influence over OPEC, events in oil-exporting countries or growing demand in other nations, we can take steps to expand our shrunken refining capacity, diversify our transportation fuel supply and reduce demand.

Though critical for our Nation's energy security, the benefits of many Federal policies will take some time to realize. For this reason, my bill combines consumer protection provisions with proposals incentivizing innovative technology and conservation.

Consumers are understandably concerned that they are being taken advantage of at the pump. My bill will protect consumers by distinguishing retailers engaging in predatory business activities from those simply responding to market conditions beyond their control. Under my proposal, the Federal Trade Commission, FTC, is directed to define ''price gouging'' and set rules that they will have the authority to enforce. This provision would be effective in times of a declared energy emergency and would not be limited to a specific geographic area in which a major disaster occurs. My constituents can vigorously attest to the fact that the effects of a natural disaster on gasoline prices are not confined to that region. The damage caused by Hurricanes Katrina and Rita has affected consumers' pocketbooks nationwide.

And to better inform consumers, the FTC will be required to make available a list disclosing the name of any entity penalized under the Federal price gouging prohibition.

Twenty-eight States currently have price gouging laws on the books. In an effort to further assist States to tackle this issue, the GAS Act also directs the FTC to create a task force that will aid any state requesting assistance with the investigation of potential price gouging and provide technical assistance in reviewing or establishing state price gouging laws.

High prices are often not the result of price gouging, and consumers have a right to know what they're paying for in a gallon of gasoline. This information is available through the Energy Information Association, EIA. But because many Americans do not have Internet access or may not be able to easily extract this data, my bill encourages the EIA to disseminate, in a

manner suitable for posting, information regarding the cost components of a gallon of gasoline to individuals selling gas or diesel fuel. Retailers may then display this information for their customers.

One important strategy to combat rising fuel prices is to diversify our fuel supply. This can be accomplished through use of coal, a resource plentiful in my State of Pennsylvania and in other regions of the country. Coal-to-liquid fuel technology now enables us to use this resource in an environmentally friendly way that can greatly benefit our economy and create hundreds of jobs in Pennsylvania alone. I am proud to be a longtime supporter of this technology and other clean coal initiatives. In 2001, I was able to secure language to enable a Pennsylvania-based coal and energy company to compete for a Clean Coal Power Initiative, CCPI, grant, and I was pleased to secure a provision in the Energy bill earlier this year that helped make this project a reality. My legislation will further encourage the production of this clean fuel by dedicating funds from the CCPI to at least one additional project.

Another way all Americans can help reduce fuel prices is to reduce gasoline consumption. But the reality is that cutting back on gas, which we need to perform responsibilities as basic as going to work and getting to the grocery store, is not easy. To help encourage conservation, I am proposing a tax credit for employees who telecommute from home and for employers who make that possible. With today's advanced technology, telework should be a part of the 21st century workplace. Forty percent of our Nation's jobs are already compatible with telecommuting. It creates the best of all worlds for both employers and employees, while reducing gas consumption and emissions.

President Bush recently called on Federal agencies to cut back on unnecessary travel and look for other ways to conserve fuel. The legislative branch should make a concerted effort to do the same. We cannot expect the American people to make sacrifices that we ourselves are not willing to make. Accordingly, my bill includes language to urge Congress and legislative branch employees to conserve transportation fuel by whatever means practicable, and as a part of these efforts, promote teleworking.

It is my hope that Congress will take a hard look at this country's fuel supply and will act decisively to make us less reliant on foreign sources. This Act contains steps we can take now to protect consumers and conserve fuel, while moving towards our goal of lower prices and energy independence.

I ask unanimous consent that the text of legislation titled: the ''Gasoline Affordability and Security Act'' be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1868

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 ''Gasoline Affordability and Security Act'' or the ''GAS Act''.

TITLE I—CONSUMER PROTECTION

SEC. 101. PROHIBITION ON GASOLINE PRICE GOUGING.

(a) UNLAWFUL CONDUCT.—During the 30-day period beginning on the date on which the President determines the existence of conditions warranting the drawdown and sale of petroleum products from the Strategic Petroleum Reserve under subsection (d) or (h) of section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), it shall be an unfair or deceptive act or practice in violation of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)) for any person to sell gasoline or diesel fuel at a price which constitutes price gouging as defined by rule pursuant to subsection (b).

(b) ENFORCEMENT.—A violation of subsection (a) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) and shall be enforced by the Federal Trade Commission in accordance with all applicable terms and provisions of the Federal Trade Commission Act.

(c) PENALTIES.—Any person who violates subsection (a), or the rules promulgated pursuant to this section, shall be subject to a civil penalty in an amount not to exceed $11,000 per day in which a violation occurs.

(d) RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Federal Trade Commission shall promulgate rules, in accordance with section 5(n) of the Federal Trade Commission Act (15 U.S.C. 45(n)), that—

(1) define ''price gouging'' for purposes of this section; and

(2) carry out this section.

SEC. 102. COMPETITIVE PRICING TASK FORCE.

(a) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Federal Trade Commission shall establish a Competitive Pricing Task Force (referred to in this section as the ''Task Force''.

(b) DUTIES.—The Task Force shall provide each State attorney general who requests assistance from the Task Force—

(1) with assistance in the investigation of alleged price gouging affecting the consumers of the State; and

(2) such additional technical assistance as may be necessary in studying and drafting State laws to prohibit price gouging.

(c) DURATION.—The Task Force shall carry out the duties described in subsection (b) during the 2-year period beginning on the date on which the Task Force is established under subsection (a).

SEC. 103. CONSUMER INFORMATION.

(a) LIST.—The Federal Trade Commission shall publish a list on its Web site containing the names of all persons penalized under section 101.

(b) INFORMATION ABOUT GASOLINE PRICES.—The Energy Information Administration of the Department of Energy shall disseminate to all persons selling gasoline or diesel fuel to retail consumers, in a manner suitable for posting, information contained in the table on the Administration's Web site entitled, ''WHAT WE PAY FOR IN A GALLON OF REGULAR GASOLINE'', to inform such consumers of the factors contributing to the price of gasoline.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

TITLE II—INCREASING SUPPLY

SEC. 201. FUEL DIVERSIFICATION.

Section 402 of the Energy Policy Act of 2005 (42 U.S.C. 15962) is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (iv), by striking ''and'' at the end;

(B) by redesignating clause (v) as clause (vi); and

(C) by inserting after clause (iv) the following:

''(v) a Fischer-Tropsch technology project to produce ultra-low sulfur liquid transportation fuel; and''; and

(2) by adding at the end the following:

''(j) ENERGY POLICY PRIORITY.—

''(1) ESTABLISHMENT.—Not later than 90 days after the date on which the Secretary provides funds for a Fischer-Tropsch technology project to produce ultra-low sulfur liquid transportation fuel under subsection (b)(1)(A)(v), the Secretary shall establish as an energy policy priority the expedited, large-scale commercialization of that technology to promote the supply of affordable, clean, domestic gasoline and diesel fuel.

''(2) SUBSEQUENT PROJECTS.—

''(A) IN GENERAL.—In accordance with the energy policy priority established under paragraph (1), the Secretary shall provide funds for a subsequent Fischer-Tropsch technology project to produce ultra-low sulfur liquid transportation fuel as soon as practicable after the date on which the priority is established.

''(B) CRITERIA FOR SELECTION.—In carrying out subparagraph (A), the Secretary shall select the private sector recipient that is the most capable of designing and constructing a Fischer-Tropsch technology project with an output of not less than 50,000 barrels per day of ultra-low sulfur transportation fuel, as determined by the Secretary.''.

SEC. 202. FUEL TREATMENT.

Not later than 60 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct an expedited review of any fuel additive an application for verification for which has been filed in accordance with the voluntary diesel retrofit program.

TITLE III—DECREASING DEMAND

SEC. 301. CREDIT FOR TELEWORKING.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

''SEC. 30D. TELEWORKING CREDIT.

''(a) ALLOWANCE OF CREDIT.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified teleworking expenses paid or incurred by the taxpayer during such year.

''(b) MAXIMUM CREDIT.—

''(1) PER TELEWORKER LIMITATION.—The credit allowed by subsection (a) for a taxable year with respect to qualified teleworking expenses paid or incurred by or on behalf of an individual teleworker shall not exceed—

''(A) in the case of an eligible taxpayer described in subsection (c)(1)(A), $1,000, and

''(B) in the case of an eligible taxpayer described in subsection (c)(1)(B), $2,000.

''(2) REDUCTION FOR TELEWORKING LESS THAN FULL YEAR.—In the case of an individual who is in a teleworking arrangement for less than a full taxable year, the dollar amount referred to subparagraph (A) or (B) of paragraph (1) shall be reduced by an amount which bears the same ratio to such dollar amount as the number of months in which such individual is not in a teleworking arrangement bears to 12. For purposes of the

preceding sentence, an individual shall be treated as being in a teleworking arrangement for a month if the individual is subject to such arrangement for any day of such month.

''(c) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means—

''(A) in the case of an individual, an individual who performs services for an employer under a teleworking arrangement, and

''(B) in the case of an employer, an employer for whom employees perform services under a teleworking arrangement.

''(2) TELEWORKING ARRANGEMENT.—The term 'teleworking arrangement' means an arrangement under which an employee teleworks for an employer not less than 75 days per year.

''(3) QUALIFIED TELEWORKING EXPENSES.—The term 'qualified teleworking expenses' means expenses paid or incurred under a teleworking arrangement for furnishings and electronic information equipment which are used to enable an individual to telework.

''(4) TELEWORK.—The term 'telework' means to perform work functions, using electronic information and communication technologies, thereby reducing or eliminating the physical commute to and from the traditional work site.

''(d) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) LIABILITY FOR TAX.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

''(B) the tentative minimum tax for the taxable year.

''(2) CARRYFORWARD OF UNUSED CREDIT.—If the amount of the credit allowable under subsection (a) for any taxable year exceeds the limitation under paragraph (1) for the taxable year, the excess shall be carried to the succeeding taxable year and added to the amount allowable as a credit under subsection (a) for such succeeding taxable year.

''(e) SPECIAL RULES.—

''(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (d)).

''(2) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

''(3) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(4) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any expense if the taxpayer elects to not have this section apply with respect to such expense.

''(5) DENIAL OF DOUBLE BENEFIT.—No deduction or credit (other than under this section) shall be allowed under this chapter with respect to any expense which is taken into account in determining the credit under this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016 of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30D(e)(1), in the case of amounts with respect to which a credit has been allowed under section 30D.''.

(2) Section 55(c)(3) of such Code is amended by inserting ''30D(d),'' after ''30(b)(3),''.

(3) Section 6501(m) of such Code is amended by inserting ''30D(e)(4),'' after ''30C(e)(5),''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 30D. Teleworking credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 302. EMPLOYER-PROVIDED COMPUTER EQUIPMENT TREATED AS FRINGE BENEFIT.

(a) IN GENERAL.—Subsection (a) of section 132 of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting '', or'', and by adding at the end the following new paragraph:

''(9) qualified employer-provided computer equipment fringe.''.

(b) QUALIFIED EMPLOYER-PROVIDED COMPUTER EQUIPMENT FRINGE.—Section 132 of such Code is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

''(o) QUALIFIED EMPLOYER-PROVIDED COMPUTER EQUIPMENT FRINGE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified employer-provided computer equipment fringe' means any computer and related equipment and services provided to an employee by an employer if—

''(A) such computer and related equipment and services are necessary for the employee to perform work for the employer from the employee's home, and

''(B) the employee makes substantial business use of the equipment in the performance of work for the employer.

''(2) SUBSTANTIAL USE.—For purposes of paragraph (1), the term 'substantial business use' includes standby use for periods when work from home may be required by the employer such as during work closures caused by the threat of terrorism, inclement weather, or natural disasters.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 303. SENSE OF CONGRESS.

It is the sense of Congress that Congress and the employees of the legislative branch of the Federal Government should—

(1) conserve gasoline, aviation, and diesel fuel by whatever means practicable; and

(2) as a part of such conservation efforts, promote teleworking.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 271—DESIGNATING THE WEEK BEGINNING OCTOBER 16, 2005, AS ''NATIONAL CHARACTER COUNTS WEEK''

Mr. DOMENICI (for himself, Mr. DODD, Mr. STEVENS, Mr. AKAKA, Mr. WARNER, Ms. LANDRIEU, Mr. DEWINE, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. JOHNSON, Mr. ENZI, Mr. KERRY, Mr. COCHRAN, Mr. LEVIN, Mr. LOTT, Mr. BIDEN, Mr. ALLEN, Ms. STABENOW, Mr. INHOFE, Mr. DURBIN, Mr. ENSIGN, Mr. ROCKEFELLER, Mr. CORNYN, Mr. BURNS, Ms. MURKOWSKI, Mr. ALEXANDER, Mr. TALENT, Mrs. DOLE, Mr. CRAIG, and Mr. MARTINEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 271

Whereas the well-being of the Nation requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth, to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the Nation;

Whereas effective character education is based on core ethical values, which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations would focus on character education, would be of great benefit to the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 16, 2005, as ''National Character Counts Week''; and

(2) calls upon the people of the United States and interested groups to—

(A) embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) observe the week with appropriate ceremonies, programs, and activities.

Mr. DOMENICI. Mr. President, I rise today with my friend Senator DODD to introduce a resolution regarding National Character Counts Week. Our resolution says the week of October 16 through 22 of this year will be known across the country as National Character Counts Week.

I have risen many times on this Senate floor to speak about the importance of character in our everyday lives. Over this past year, there have been many instances when our individual and our country's character have been challenged. These situations have compelled us to evaluate our core beliefs, our ethics, but most of all our character. I ask that everyone take some time during October 16–22 to stop and reflect upon their individual core character beliefs.

The Character Counts program identifies the following values as the Six Pillars of Character. They are: trustworthiness, respect, responsibility, fairness, caring, and citizenship. Character Counts includes support from forty States and 500 municipalities, school districts, and business groups. But not only is this program promoting the six tenants nationwide, it is becoming utilized on an international level as well. Last year in 2004, celebrations for Character Counts Week included Bangkok, Thailand; Busan, Korea; and Cholutecta, Honduras.

Since my initial involvement with Character Counts in 1993, I have always had a specific interest in the programs run in my home State of New Mexico, especially how these programs have influenced students. From its start in Albuquerque, it has expanded statewide to areas such as Grants, Shiprock, Roswell, Laguna, Portales, Farmington, Carlsbad, Ramah, and Los Alamos. I am proud to say that many of the staffers in my personal office are graduates of the initial chartering program of Character Counts New Mexico. It is extremely rewarding to hear how this program impacted their lives growing up and I look forward to continual development of this program not only in my home State but nationally and internationally.

I believe we can all learn a lot from the Character Counts program. While the Character Counts program specifically focuses on youth, I would like to share some of the simple lessons that are taught under the Six Pillars of Character. These words might be simple but they speak with magnitude.

Trustworthiness: Be honest. Don't deceive, cheat or steal. Be reliable—do what you say you'll do. Have the courage to do the right thing. Build a good reputation. Be loyal—stand by your family, friends and country.

Respect: Treat others with respect; follow the Golden Rule. Be tolerant of differences. Use good manners, not bad language. Be considerate of the feelings of others. Don't threaten, hit or hurt anyone. Deal peacefully with anger, insults and disagreements.

Responsibility: Do what you are supposed to do. Persevere: keep on trying. Always do your best. Use self-control. Be self-disciplined. Think before you act—consider the consequences. Be accountable for your choices.

Fairness: Play by the rules. Take turns and share. Be open-minded; listen to others. Don't take advantage of others. Don't blame others carelessly.

Caring: Be kind. Be compassionate and show you care. Express gratitude. Forgive others. Help people in need.

Citizenship: Do your share to make your school and community better. Cooperate. Get involved in community affairs. Stay informed; vote. Be a good neighbor. Obey laws and rules. Respect authority. Protect the environment.

The bottom line is that I believe the Character Counts program is working in New Mexico and other parts of the country. Today, we salute the efforts already underway and encourage even more character education across our country.

So today, Senator DODD and I are here to introduce a resolution to accomplish just that and hopefully our renewed effort will bring together even more communities to ensure that character education is a part of every child's life.

I hope that my colleagues will support this effort.

Mr. DODD. Mr. President, today I join my friend and colleague from New Mexico, Senator DOMENICI, in submitting a resolution declaring the week of October 16th ''National Character Counts Week.'' Senator DOMENICI and I have worked together for many years on the issue of character education and hope that by designating a special week to this cause, students and teachers will come together to participate in character building activities in their schools. In 1994, Senator DOMENICI and I established the Partnerships in Character Education Pilot Project and have worked regularly since then to commemorate National Character Counts Week. I am pleased that we are continuing our efforts today to help expand States' and schools' abilities to make character education a central part of every child's education.

Our schools may be built with the bricks of English, math and science, but character education certainly is the mortar. Character education means teaching students about such qualities as caring, citizenship, fairness, respect, responsibility, trustworthiness, and other qualities that their community values. It isn't a separate subject, but part of a seamless garment of learning providing students with a context within which to learn.

Earlier this week I was in Connecticut attending an event that honored the fundamentals of character education, especially those of caring, responsibility and citizenship. In response to the devastation caused by the tsunami last December, Connecticut schoolchildren across the State came together to raise money for tsunami relief. Collectively, 350 schools rose over $300,000 in hopes of building a school in Sri Lanka. Knowing that it would take approximately a half million dollars to rebuild one, the students also worked to find a nonprofit willing to match their donation. They did. The Brother's Brother Foundation, a nonprofit that seeks to improve international health and education, brought the final contribution amount to $600,000.

These collective dollars will be used to build a 1,500–pupil school consisting of four buildings, including science and computer labs, in Sri Lanka. But that's not all. Dedicated to their cause, these students plan to continue to donate money for the next five years to fill the Sri Lankan students' library with books and to make sure that they have necessary school supplies. Since the initial fundraising effort, these same students have begun collecting small change and checks for Katrina relief efforts. These efforts, efforts to help students, hundreds and some times hundreds of thousands of miles away, demonstrate character at its best.

Schools across the country that have adopted formal character education programs report better student performance, fewer discipline problems, and increased student involvement within the community. Children want direction—they want to be taught right from wrong. The American public wants character education in our schools, too. Studies show that about 90 percent of Americans support schools teaching character education.

As all education policy should be, character education is bi-partisan. This year we have 26 cosponsors to our resolution, cosponsors on both sides of the aisle. Character education not only cultivates minds, it nurtures hearts. While our children may be one-quarter of our population, they are 100 percent of our future.

Mr. BURNS. Mr. President, I rise today in support of a resolution offered by my colleague from New Mexico, Senator PETE DOMENICI. For many years, I have supported his efforts to identify a week in October as National Character Counts Week. The important aspect of this legislation is its focus on children. Children growing up in these times often face much more difficult experiences and must mature more quickly than when I was young. One of fastest growing problems in Montana is the rate of methamphetamine use and addiction by teens. All it takes is one try—teens get hooked trying to recreate that first rush. It is vitally important to encourage young people to have positive role models in their lives in

order to develop a strong, positive character to avoid the temptation to try meth or engage in other dangerous behaviors. I urge my colleagues to support this resolution, and I thank Senator DOMENICI for his leadership.

SENATE RESOLUTION 272—RECOGNIZING AND HONORING THE LIFE AND ACHIEVEMENTS OF CONSTANCE BAKER MOTLEY, A JUDGE FOR THE UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

Mr. SCHUMER (for himself, Mr. SPECTER, Mrs. CLINTON, Mr. OBAMA, Mr. BAYH, Ms. MIKULSKI, Mr. PRYOR, Mr. BINGAMAN, Mr. WYDEN, Mr. DEWINE, Mr. HARKIN, Ms. STABENOW, Mr. CORZINE, Mr. DURBIN, Mr. KENNEDY, Mr. LEAHY, Mr. HATCH, Mr. CRAPO, Mr. LAUTENBERG, Mr. COCHRAN, Mr. COLEMAN, Mr. HAGEL, Mr. SALAZAR, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. REID, and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 272

Whereas Constance Baker Motley was born in 1921, in New Haven, Connecticut, the daughter of immigrants from the Caribbean island of Nevis;

Whereas in 1943, Constance Baker Motley graduated from New York University with a Bachelor of Arts degree in economics;

Whereas, upon receiving a law degree from Columbia University in 1946, Constance Baker Motley became a staff attorney at the National Association for the Advancement of Colored People Legal Defense and Educational Fund, Inc., and fought tirelessly for 2 decades alongside Thurgood Marshall and other leading civil rights lawyers to dismantle segregation throughout the country;

Whereas Constance Baker Motley was the only female attorney on the legal team that won the landmark desegregation case, Brown v. Board of Education;

Whereas Constance Baker Motley argued 10 major civil rights cases before the Supreme Court, winning all but one, including the case brought on behalf of James Meredith challenging the University of Mississippi's refusal to admit him;

Whereas Constance Baker Motley's only loss before the United States Supreme Court was in Swain v. Alabama, a case in which the Court refused to proscribe race-based peremptory challenges in cases involving African-American defendants and which was later reversed in Batson v. Kentucky on grounds that had been largely asserted by Constance Baker Motley in the Swain case;

Whereas in 1964, Constance Baker Motley became the first African-American woman elected to the New York State Senate;

Whereas in 1965, Constance Baker Motley became the first African-American woman, and the first woman, to serve as president of the Borough of Manhattan;

Whereas Constance Baker Motley, in her capacity as an elected public official in New York, continued to fight for civil rights, dedicating herself to the revitalization of the inner city and improvement of urban public schools and housing;

Whereas in 1966, Constance Baker Motley was appointed by President Johnson as a United States District Court Judge for the Southern District of New York;

Whereas the appointment of Constance Baker Motley made her the first African-American woman, and only the fifth woman, appointed and confirmed for a Federal judgeship;

Whereas in 1982, Constance Baker Motley was elevated to Chief Judge of the United States District Court for the Southern District of New York, the largest Federal trial court in the United States;

Whereas Constance Baker Motley assumed senior status in 1986, and continued serving with distinction for the next 2 decades; and

Whereas Constance Baker Motley passed away on September 28, 2005, and is survived by her husband Joel Wilson Motley Jr., their son, Joel Motley III, her 3 grandchildren, her brother, Edmund Baker of Florida, and her sisters Edna Carnegie, Eunice Royster, and Marian Green, of New Haven, Connecticut: Now, therefore, be it

Resolved, That the Senate—

(1) extends its heartfelt sympathy to the family and friends of Constance Baker Motley on the occasion of her passing; and

(2) commends Constance Baker Motley for—

(A) her 39-year tenure on the United States District Court for the Southern District of New York; and

(B) her lifelong commitment to the advancement of civil rights and social justice.

SENATE CONCURRENT RESOLUTION 58—SUPPORTING ''LIGHTS ON AFTERSCHOOL'', A NATIONAL CELEBRATION OF AFTER SCHOOL PROGRAMS

Mr. DODD (for himself, Mr. ENSIGN, Mrs. BOXER, Ms. COLLINS, Mr. AKAKA, Mr. BURNS, Mr. BURR, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. CORNYN, Mr. CORZINE, Mr. DAYTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. SALAZAR, Ms. SNOWE, Mr. SPECTER, and Ms. STABENOW) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 58

Whereas high quality after school programs provide safe, challenging, engaging, and fun learning experiences to help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high quality after school programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high quality after school programs build stronger communities by involving the Nation's students, parents, business leaders, and adult volunteers in the lives of the Nation's youth, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high quality after school programs engage families, schools, and diverse community partners in advancing the well-being of the Nation's children;

Whereas ''Lights On Afterschool!'', a national celebration of after school programs held on October 20, 2005, promotes the critical importance of high quality after school programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 14,300,000 children in the United States have no place to go after school; and

Whereas many after school programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports the goals and ideals of ''Lights On Afterschool!'' a national celebration of after school programs.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2056. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1858, to provide for community disaster loans; which was ordered to lie on the table.

SA 2057. Mr. STEVENS (for Mr. INHOFE) proposed an amendment to the bill H.R. 3765, to extend through March 31, 2006 the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.

SA 2058. Mr. STEVENS (for Mr. INHOFE) proposed an amendment to the bill H.R. 3765, supra.

SA 2059. Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to the bill H.R. 3971, An act to provide assistance to individuals and States affected by Hurricane Katrina.

TEXT OF AMENDMENTS

SA 2056. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1858, to provide for community disaster loans; which was ordered to lie on the table; as follows:

On page 2, line 10, insert before the : ''Only with the approval of Congress''

On page 2, line 10, strike out ''not''

SA 2057. Mr. STEVENS (for Mr. INHOFE) proposed an amendment to the bill H.R. 3765, to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits''; as follows:

On page 2, line 10, strike ''December 31, 2007'' and insert ''March 31, 2006''.

SA 2058. Mr. STEVENS (for Mr. INHOFE) proposed an amendment to the bill H.R. 3765, to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits; as follows:

Amend the title so as to read: ''To extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.''.

SA 2059. Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to the bill H.R. 3971, An act to provide assistance to individuals and States affected by Hurricane Katrina; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Cost-Sharing and Welfare Extension Act of 2005''.

SEC. 2. EXTENSION OF QI PROGRAM THROUGH SEPTEMBER 2006.

(a) IN GENERAL.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking ''September 2005'' and inserting ''September 2006''.

(b) TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u–3(g)) is amended—

(1) in paragraph (2)—

(A) by striking ''and'' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(C) by adding at the end the following new subparagraphs:

''(D) for the period that begins on October 1, 2005, and ends on December 31, 2005, the total allocation amount is $100,000,000; and

''(E) for the period that begins on January 1, 2006, and ends on September 30, 2006, the total allocation amount is $300,000,000.''; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by inserting ''or (D)'' after ''subparagraph (B)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as of September 30, 2005.

SEC. 3. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM, TRANSITIONAL MEDICAL ASSISTANCE, AND RELATED PROGRAMS THROUGH MARCH 31, 2006.

(a) IN GENERAL.—Activities authorized by part A of title IV of the Social Security Act, and by sections 510, 1108(b), and 1925 of such Act, shall continue through March 31, 2006, in the manner authorized for fiscal year 2005, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the second quarter of fiscal year 2006 at the level provided for such activities through the second quarter of fiscal year 2005.

(b) CONFORMING AMENDMENT.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)), as amended by section 2(b)(2)(A) of the TANF Emergency Response and Recovery Act of 2005 (Public Law 109–68), is amended by striking ''December 31, 2005'' and inserting ''March 31, 2006''.

(c) EXTENSION OF THE NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE AND CHILD WELFARE WAIVER AUTHORITY THROUGH MARCH 31, 2006.—Activities authorized by sections 429A and 1130(a) of the Social Security Act shall continue through March 31, 2006, in the manner authorized for fiscal year 2005, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the second quarter of fiscal year 2006 at the level provided for such activities through the second quarter of fiscal year 2005.

SEC. 4. RESTRICTION ON COVERED DRUGS UNDER THE MEDICAID AND MEDICARE PROGRAMS.

(a) EXCLUSION UNDER MEDICARE BEGINNING IN 2007.—Section 1860D–2(e)(2)(A) of the Social Security Act (42 U.S.C. 1395w–102(e)(2)(A)) is amended by inserting ''and, only with respect to 2006, other than subparagraph (K) (relating to agents when used to treat sexual or erectile dysfunction, unless such agents are used to treat a condition, other than sexual or erectile dysfunction, for which the agent has been approved by the Food and Drug Administration)'' after ''agents)''.

(b) RESTRICTION UNDER MEDICAID.—

(1) IN GENERAL.—Section 1927(d)(2) of the Social Security Act (42 U.S.C. 1396r–8(d)(2)) is amended by adding at the end the following new subparagraph:

''(K) Agents when used to treat sexual or erectile dysfunction, except that such exclusion or other restriction shall not apply in the case of such agents when used to treat a condition, other than sexual or erectile dysfunction, for which the agent has been approved by the Food and Drug Administration.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to drugs dispensed on or after the date that is 60 days after the date of enactment of this Act.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, October 20, 2005 at 2:30 p.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is receive testimony on S. 1016, to direct the Secretary of Energy to make incentive payments to the owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate the facilities, and for other purposes; and S. 1860, to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Nate Gentry (202) 224–2179 or Steve Waskiewicz at (202) 228–6195.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Friday, October 7, 2005, at 10 a.m. to hold a business meeting to consider pending committee business.

Agenda

Nomination

1. Julie L. Myers to be Assistant Secretary, U.S. Department of Homeland Security.

Legislation

1. S. , an original bill to repeal the increased micro-purchase threshold.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2005 third quarter mass mailings is Tuesday, October 25, 2005. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D. C. 20510-7116.

The Public Records office will be open from 9:00 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

UNANIMOUS CONSENT—H.R. 3058

Mr. STEVENS. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader in consultation with the Democratic leader, on Monday, October 17, the Senate proceed to the immediate consideration of Calendar No. 175, H.R. 3058, the Transportation-Treasury appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SERVICES EMERGENCY RELIEF AND RECOVERY ACT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3971, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3971) to provide assistance to individuals and States affected by Hurricane Katrina.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. I ask unanimous consent that the substitute amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2059) was agreed to, as follows:

AMENDMENT NO. 2059

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Cost-Sharing and Welfare Extension Act of 2005''.

SEC. 2. EXTENSION OF QI PROGRAM THROUGH SEPTEMBER 2006.

(a) IN GENERAL.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking ''September 2005'' and inserting ''September 2006''.

(b) TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u–3(g)) is amended—

(1) in paragraph (2)—

(A) by striking ''and'' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(C) by adding at the end the following new subparagraphs:

''(D) for the period that begins on October 1, 2005, and ends on December 31, 2005, the total allocation amount is $100,000,000; and

''(E) for the period that begins on January 1, 2006, and ends on September 30, 2006, the total allocation amount is $300,000,000.''; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by inserting ''or (D)'' after ''subparagraph (B)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as of September 30, 2005.

SEC. 3. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM, TRANSITIONAL MEDICAL ASSISTANCE, AND RELATED PROGRAMS THROUGH MARCH 31, 2006.

(a) IN GENERAL.—Activities authorized by part A of title IV of the Social Security Act, and by sections 510, 1108(b), and 1925 of such Act, shall continue through March 31, 2006, in the manner authorized for fiscal year 2005, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the second quarter of fiscal year 2006 at the level provided for such activities through the second quarter of fiscal year 2005.

(b) CONFORMING AMENDMENT.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)), as amended by section 2(b)(2)(A) of the TANF Emergency Response and Recovery Act of 2005 (Public Law 109–68), is amended by striking ''December 31, 2005'' and inserting ''March 31, 2006''.

(c) EXTENSION OF THE NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE AND CHILD WELFARE WAIVER AUTHORITY THROUGH MARCH 31, 2006.—Activities authorized by sections 429A and 1130(a) of the Social Security Act shall continue through March 31, 2006, in the manner authorized for fiscal year 2005, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the second quarter of fiscal year 2006 at the level provided for such activities through the second quarter of fiscal year 2005.

SEC. 4. RESTRICTION ON COVERED DRUGS UNDER THE MEDICAID AND MEDICARE PROGRAMS.

(a) EXCLUSION UNDER MEDICARE BEGINNING IN 2007.—Section 1860D–2(e)(2)(A) of the Social Security Act (42 U.S.C. 1395w–102(e)(2)(A)) is amended by inserting ''and, only with respect to 2006, other than subparagraph (K) (relating to agents when used to treat sexual or erectile dysfunction, unless such agents are used to treat a condition, other than sexual or erectile dysfunction, for which the agent has been approved by the Food and Drug Administration)'' after ''agents)''.

(b) RESTRICTION UNDER MEDICAID.—

(1) IN GENERAL.—Section 1927(d)(2) of the Social Security Act (42 U.S.C. 1396r–8(d)(2)) is amended by adding at the end the following new subparagraph:

''(K) Agents when used to treat sexual or erectile dysfunction, except that such exclusion or other restriction shall not apply in the case of such agents when used to treat a condition, other than sexual or erectile dysfunction, for which the agent has been approved by the Food and Drug Administration.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to drugs dispensed on or after the date that is 60 days after the date of enactment of this Act.

The bill (H.R. 3971), as amended, was read the third time and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 312, 313, 314, 315, 316, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 366, 367, 368, 369, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

Kenneth L. Wainstein, of Virginia, to be United States Attorney for the District of Columbia for the term of four years, Howard, Jr., resigned.

THE JUDICIARY

Juliet JoAnn McKenna, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

John R. Fisher, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

FEDERAL LABOR RELATIONS AUTHORITY

Colleen Duffy Kiko, of Virginia, to be General Counsel of the Federal Labor Relations Authority for a term of five years.

DEPARTMENT OF HOMELAND SECURITY

Stewart A. Baker, of Virginia, to be an Assistant Secretary of Homeland Security.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Kim Kendrick, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development.

Keith A. Nelson, of Texas, to be an Assistant Secretary of Housing and Urban Development.

Darlene F. Williams, of Texas, to be an Assistant Secretary of Housing and Urban Development.

Keith E. Gottfried, of California, to be General Counsel of the Department of Housing and Urban Development.

DEPARTMENT OF COMMERCE

David H. McCormick, of Pennsylvania, to be Under Secretary of Commerce for Export Administration.

DEPARTMENT OF THE TREASURY

Patrick M. O'Brien, of Minnesota, to be Assistant Secretary for Terrorist Financing, Department of the Treasury.

DEPARTMENT OF COMMERCE

Israel Hernandez, of Texas, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Darryl W. Jackson, of the District of Columbia, to be an Assistant Secretary of Commerce.

DEPARTMENT OF THE TREASURY

Emil W. Henry, Jr., of New York, to be an Assistant Secretary of the Treasury.

DEPARTMENT OF STATE

Thomas A. Shannon, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Western Hemisphere Affairs).

INTER-AMERICAN DEVELOPMENT BANK

Jan E. Boyer, of Texas, to be United States Alternate Executive Director of the Inter-American Development Bank.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Robert A. Mosbacher, of Texas, to be President of the Overseas Private Investment Corporation.

MILLENNIUM CHALLENGE CORPORATION

John J. Danilovich, of California, to be Chief Executive Officer, Millennium Challenge Corporation.

DEPARTMENT OF STATE

Josette Sheeran Shiner, of Virginia, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Kent R. Hill, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Jacqueline Ellen Schafer, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

DEPARTMENT OF STATE

John Hillen, of Virginia, to be an Assistant Secretary of State (Political-Military Affairs), vice Lincoln P. Bloomfield, Jr., resigned.

Barry F. Lowenkron, of Virginia, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

AFRICAN DEVELOPMENT FOUNDATION

Jendayi Elizabeth Frazer, Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for the remainder of the term expiring September 27, 2009.

DEPARTMENT OF STATE

Francis Rooney, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

Alfred Hoffman, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Portugal.

Charles A. Ford, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras.

Mark Langdale, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

Brenda LaGrange Johnson, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

Alexander R. Vershbow, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

Patricia Louise Herbold, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

William Paul McCormick, of Oregon, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, and serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Samoa.

DEPARTMENT OF THE INTERIOR

H. Dale Hall, of New Mexico, to be Director of the United States Fish and Wildlife Service, vice Steven A. Williams, resigned.

NUCLEAR REGULATORY COMMISSION

Edward McGaffigan, Jr., of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2010. (Reappointment)

ENVIRONMENTAL PROTECTION AGENCY

George M. Gray, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency.

Lyons Gray, of North Carolina, to be Chief Financial Officer, Environmental Protection Agency.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

FOREIGN SERVICE

PN796 Foreign Service nomination of Robert S. Connan, which was received by the Senate and appeared in the Congressional Record of July 29, 2005.

Mr. LEVIN. Mr. President, I rise to address the nomination of Stewart Baker to be Assistant Secretary for Policy at the Department of Homeland Security.

Last week, when Mr. Baker's nomination came before the Senate Committee on Homeland Security and Governmental Affairs, I voted no. That is my position today.

Mr. Baker is an intelligent and accomplished man, but he does not have the experience necessary to fill this important post at this important time. Mr. Baker is a lawyer with experience in national security, trade, and technology. He has been widely published on topics such as cyber-security and civil liberties. I understand that he performed capably as the general counsel of the Silverman-Robb Commission on WMD intelligence capabilities. Mr. Baker might be well qualified for many positions at DHS, but he is not qualified to be Assistant Secretary for Policy.

During his confirmation hearing before our committee, Mr. Stewart testified that he expected to be the ''central player'' at DHS on ''lessons learned'' from Hurricane Katrina, to develop emergency response policy, and to be a key player on immigration reform, among other matters. Yet when asked at his hearing if he had emergency response experience, he said ''no.'' He also admitted to having little expertise on immigration issues.

While no one could be expected to be an expert on all of the issues addressed by DHS, it makes little sense to me to appoint a person with no emergency response experience to be the central player on lessons learned from Katrina, or to appoint a person with little immigration expertise to articulate Federal immigration policy, especially when, over the next few years, both issues—emergency response and immigration—will be so prominent at the Department. As we have learned from the Katrina disaster, we cannot afford to have inexperienced people in senior positions at DHS for on-the-job training.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

SEQUENTIAL REFERRAL OF NOMINATION

Mr. STEVENS. Mr. President, as in executive session, I ask consent that when the Committee on Homeland Security and Governmental Affairs reports the nomination of Julie Myers, the nomination then be sequentially referred to the Judiciary Committee for up to 30 calendar days; provided further that if not reported by that time, the nomination be automatically discharged from the Judiciary Committee and placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION SIGNING

Mr. STEVENS. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader and senior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO MAKE ADJOURNMENT APPOINTMENTS

Mr. STEVENS. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore of the Senate, the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or nonparliamentary conferences authorized by law, by current action of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—ADJOURNMENT RESOLUTION

Mr. STEVENS. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, when the Senate receives from the House the adjournment resolution, the text of which is at the desk, the concurrent resolution be considered agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUTURE STATUS OF KOSOVO

Mr. STEVENS. I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate now proceed to consider Senate Resolution 237.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 237) expressing the sense of the Senate on reaching an agreement on the future status of Kosovo.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 237) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 237

Whereas, on June 10, 1999, the United Nations Security Council adopted Resolution 1244 which authorized the Secretary-General of the United Nations to establish an interim administration for Kosovo to assume the supreme legal authority in Kosovo with the task of promoting ''substantial autonomy and self-governance'' in Kosovo and facilitating a political process to determine the future status of Kosovo;

Whereas, on December 10, 2003, the United Nations interim administration, known as the United Nations Interim Administration Mission in Kosovo, presented the Standards for Kosovo document which set out the requirements to be met to advance stability in Kosovo;

Whereas the Standards for Kosovo require the establishment of functioning democratic institutions in Kosovo, including providing for the holding of elections, establishing the Provisional Institutions of Self-Government, and establishing media and civil society, the establishment of rule of law to ensure equal access to justice and to implement mechanisms to suppress economic and financial crime, and the establishment of freedom of movement in Kosovo, including the free use of language;

Whereas the Standards for Kosovo further require sustainable returns and the rights of communities and their members, improvements in economic and financial institutions, including the prevention of money laundering and the establishment of an attractive environment for investors, the establishment of property rights, including the

preservation of cultural heritage, and the development of a sustained dialogue, including a Pristina-Belgrade dialogue and a regional dialogue;

Whereas the ethnic violence that occurred in Kosovo from March 17, 2004 through March 19, 2004, represented a severe setback to the progress the people of Kosovo achieved in implementing the Standards for Kosovo and resulted in 20 deaths and damage to or destruction of approximately 900 homes and 30 Serbian Orthodox churches and other religious sites;

Whereas the bomb attacks against the people and international institutions in Kosovo that occurred from July 2, 2005 through July 4, 2005, were unacceptable events that work counter to the interests and efforts of the majority of the people of Kosovo and signal that more work must be done to promote the implementation of the Standards for Kosovo;

Whereas the status of Kosovo, which is neither stable nor sustainable, is a critical issue affecting the aspirations of Southeast Europe for stability, peace, and eventual membership in the European Union;

Whereas the authorities and institutions of Kosovo must be empowered to act independently to achieve the Standards for Kosovo so that such authorities and institutions may assume responsibility for any progress or setbacks;

Whereas 2005 must be a year of decision for representatives of Kosovo, Serbia and Montenegro, and the United Nations to move forward on the status of Kosovo;

Whereas the basic values of multi-ethnicity, democracy, and market-orientation must remain at the heart of any effort to resolve the question of the future status of Kosovo; and

Whereas the support of all of the people of Kosovo is required to achieve a successful outcome that addresses those basic values: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the unresolved status of Kosovo is neither sustainable nor beneficial to the progress toward stability and peace in Southeast Europe and its integration with Europe;

(2) the leaders of Kosovo and Serbia and Montenegro and the representatives of the United Nations should work toward an agreement on the future status of Kosovo and a plan for transformation in Kosovo;

(3) such agreement and plan should—

(A) address the claims and satisfy the key concerns of the people of Kosovo and the people of Serbia and Montenegro;

(B) seek compromises from both Kosovo and Serbia and Montenegro to reach an agreement;

(C) promote the integration of Southeast Europe with the European Union and the North Atlantic Treaty Organization;

(D) reinforce efforts to encourage full cooperation by the governments of Kosovo and of Serbia and Montenegro with the International Crimes Tribunal for the Former Yugoslavia;

(E) promote stability in the region and take into consideration the stability of democracy in Kosovo and in Serbia and Montenegro;

(F) promote the active participation of Serbians in Kosovo in elections and in the government of Kosovo; and

(G) require the fulfillment of the Standards for Kosovo, the requirements that the United Nations Interim Administration Mission in Kosovo established to advance stability in Kosovo, in accordance with prior commitments and in support of the initiation of discussions on status with particular emphasis on the problem of human rights in minority communities;

(4) the anticipated discussions of the long-term status of Kosovo should result in a plan for implementing the Standards for Kosovo, particularly with regard to minority protections, return of property, and the development of rule of law as it relates to the improvement of protection of minorities, the return of internally displaced persons, the return of property, and the prosecution of human rights violations; and

(5) Kosovo, Serbia and Montenegro, and the United Nations, during the negotiations related to the long-term status of Kosovo, should require—

(A) increased monitoring and reporting of the progress on the implementation of the Standards for Kosovo and any incidents of human rights violations, and should broaden the involvement of minorities and community-level representatives in monitoring, reporting, and publicizing that progress;

(B) that the authorities and institutions of Kosovo be given greater authority and independence in fulfilling the Standards for Kosovo, including assuming the responsibility for any setbacks and progress and acquiring experience in assuming greater autonomy; and

(C) a broad public awareness campaign to raise awareness of both the plan to resolve the question of the status of Kosovo and the requirements for the transition of Kosovo to a permanent status, including the importance of the progress in implementing the Standards for Kosovo and the necessity of ensuring peace and suppressing all forms of discrimination and violence so that the region may move forward toward a future of greater prosperity, stability, and lasting peace.

EXTENDING AUTHORITY OF THE SECRETARY OF THE ARMY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Environment and Public Works be discharged from further consideration of H.R. 3765 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will please report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3765) 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendments at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 2057 and 2058) were agreed to, as follows:

AMENDMENT NO. 2057

(Purpose: To modify the reauthorization period of a certain water resource program)

On page 2, line 10, strike ''December 31, 2007'' and insert ''March 31, 2006''.

AMENDMENT NO. 2058

Amend the title so as to read: ''To extend through March 31, 2006, the authority of the Secretary of the Army to accept and expand funds contributed by non-Federal public entities and to expedite the processing of permits.''.

The bill (H.R. 3765), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future editing of the RECORD.)

NATIONAL CHARACTER COUNTS WEEK

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 271, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will please report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 271) designating the week beginning October 16, 2005, as ''National Character Counts Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 271) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 271

Whereas the well-being of the Nation requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth, to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the Nation;

Whereas effective character education is based on core ethical values, which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations would focus on character education, would be of great benefit to the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 16, 2005, as ''National Character Counts Week''; and

(2) calls upon the people of the United States and interested groups to—

(A) embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) observe the week with appropriate ceremonies, programs, and activities.

RECOGNIZING AND HONORING THE LIFE AND ACHIEVEMENTS OF CONSTANCE BAKER MOTLEY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 272, submitted early today by Senator SCHUMER.

The PRESIDING OFFICER. The clerk will please report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 272) recognizing and honoring the life and achievements of Constance Baker Motley, a judge for the United States District Court, Southern District of New York.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I am in support of this resolution to recognize and honor the life and achievements of Constance Baker Motley, a judge for the United States District Court, Southern District of New York. Sadly, Judge Motley passed away last week, on September 28, 2005, at the age of 84, after having lived an extraordinary and exemplary life.

Constance Baker Motley was the first African American woman, and only the fifth woman, to serve on the federal judiciary. Before becoming a judge, she was a renowned civil rights lawyer, public servant, and trailblazer. Her remarkable career reads like a civil rights history book.

After earning her Bachelor of Arts degree in Economics from New York University and her law degree from Columbia University, Constance Baker Motley joined Thurgood Marshall at the NAACP Legal Defense and Educational Fund. For 2 decades, Constance Baker Motley worked closely with Marshall and other leading civil rights lawyers to dismantle desegregation throughout the country.

She was the only woman on the legal team that won the landmark desegregation case, Brown v. Board of Education. She went on to argue 10 major civil rights cases before the Supreme Court, winning all but one of them, including James Meredith's fight to gain admission to the University of Mississippi.

In 1964, Judge Motley became the first African-American woman elected to the New York State Senate, and in 1965, she became the first African-American woman, and woman, to serve as a city borough president, the great borough of Manhattan. During this time, Judge Motley worked tirelessly to revitalize the inner city and improve urban housing and public schools.

In 1966, President Lyndon B. Johnson appointed Constance Baker Motley to the Southern District of New York. She was confirmed 9 months later, over the strong opposition of Southern Senators. She rose to the position of Chief Judge in 1982, and assumed senior status 4 years later. She served with distinction for nearly 4 decades, until last week. Her passing is a great loss to New York, as well as the country, and for this reason her life must be remembered and celebrated.

This resolution extends the Senate's heartfelt sympathy to Judge Motley's friends and family and commends her for her 39-year tenure on the United States District Court for the Southern District of New York and her lifelong commitment to the advancement of civil rights and social justice.

Mr. OBAMA. Mr. President, I rise today to say that, as I have often thought, justice is a curious thing.

She has been poked and prodded, detained and defaced, and her piercing light is too often hidden from view. Justice had a tough time in Montgomery and Selma, and she took a sore drumming alongside Susan B. Anthony and the other fighters for women's suffrage. If you asked Dr. Martin Luther King, Jr. or Ms. Fannie Lou Hamer where justice was during those cold nights in jail in 1963, they might have said that she was nowhere to be found.

But inevitably and incredibly justice always seems to find her way. She creeps into the dark spots of our history. She rears her head where she is not wanted. And, eventually, she causes the barriers meant to hold her back to crack and crumble, under the collective weight of those who fight for her cause.

On January 25, 1966, justice was at it again. It was on that date after a storied career of educational success, fervent legal advocacy, and legislative accomplishments that Constance Baker Motley became the first African-American woman appointed to the Federal judiciary. Judge Motley passed away on September 28, 2005, at the age of 84. She is survived by her husband Joel, a son, three sisters and a brother. I rise today to honor her and the concept of justice for which she fought all her life.

Constance Baker was born on September 14, 1921, in New Haven, CT. Her father was a chef for an exclusive club at Yale, and her mother was active in the NAACP. She graduated from New York University in 1943 and received her law degree from Columbia University in 1946. As a third-year student at Columbia, Judge Motley joined the staff of the NAACP Legal Defense and Educational Fund. She would eventually become its principal trial attorney.

Judge Motley's list of accomplishments while working for the Legal Defense Fund is stunning. In 1950, she drafted the complaint that would become Brown v. Board of Education. In 1957 she argued the case in Little Rock, AR, which prompted President Eisenhower to call in Federal troops to protect the ''Little Rock Nine''. She personally argued the 1962 case in which James Meredith won admission to the University of Mississippi, as well as the suit that resulted in the enrollment of black students at the University of Georgia. All told, Judge Motley won 9 of the 10 civil rights cases she argued before the Supreme Court, an astounding accomplishment for that or any other time period.

After 20 years with the NAACP, Judge Motley was elected to the New York State Senate and became the first African-American woman to serve in that body. Among her first tasks was fighting for additional low- and middle-income housing. In February of 1965, Judge Motley was elected to serve as the President of the Borough of Manhattan, becoming the first woman of any race to serve in that post. And in 1966, President Johnson helped bring justice's work full circle. He appointed Judge Motley to the Federal District Court for the Southern District Court of New York, making her the first African American woman to sit on the Federal bench. She served with distinction in the Southern District, and became the chief judge of this court in 1982. She took senior status in 1986.

I honor Judge Motley today. I honor her for her wisdom, for her tenacity, and for the fire with which she advocated for equal rights. And, equally important, I honor the spirit of justice that motivated Constance Baker Motley. It spurred her on from her early days in Connecticut to her long and distinguished tenure on the Federal bench. I ask that this body and all Americans remember Judge Motley today. And I ask that we attempt to infuse the same sense of justice which

guided Judge Motley into our own work, and our daily lives.

I am pleased to join a bipartisan group of my colleagues in introducing a resolution honoring the life of Judge Constance Baker Motley and I hope this body will move swiftly to its passage.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 272) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 272

Whereas Constance Baker Motley was born in 1921, in New Haven, Connecticut, the daughter of immigrants from the Caribbean island of Nevis;

Whereas in 1943, Constance Baker Motley graduated from New York University with a Bachelor of Arts degree in economics;

Whereas, upon receiving a law degree from Columbia University in 1946, Constance Baker Motley became a staff attorney at the National Association for the Advancement of Colored People Legal Defense and Educational Fund, Inc., and fought tirelessly for 2 decades alongside Thurgood Marshall and other leading civil rights lawyers to dismantle segregation throughout the country;

Whereas Constance Baker Motley was the only female attorney on the legal team that won the landmark desegregation case, Brown v. Board of Education;

Whereas Constance Baker Motley argued 10 major civil rights cases before the Supreme Court, winning all but one, including the case brought on behalf of James Meredith challenging the University of Mississippi's refusal to admit him;

Whereas Constance Baker Motley's only loss before the United States Supreme Court was in Swain v. Alabama, a case in which the Court refused to proscribe race-based peremptory challenges in cases involving African-American defendants and which was later reversed in Batson v. Kentucky on grounds that had been largely asserted by Constance Baker Motley in the Swain case;

Whereas in 1964, Constance Baker Motley became the first African-American woman elected to the New York State Senate;

Whereas in 1965, Constance Baker Motley became the first African-American woman, and the first woman, to serve as president of the Borough of Manhattan;

Whereas Constance Baker Motley, in her capacity as an elected public official in New York, continued to fight for civil rights, dedicating herself to the revitalization of the inner city and improvement of urban public schools and housing;

Whereas in 1966, Constance Baker Motley was appointed by President Johnson as a United States District Court Judge for the Southern District of New York;

Whereas the appointment of Constance Baker Motley made her the first African-American woman, and only the fifth woman, appointed and confirmed for a Federal judgeship;

Whereas in 1982, Constance Baker Motley was elevated to Chief Judge of the United States District Court for the Southern District of New York, the largest Federal trial court in the United States;

Whereas Constance Baker Motley assumed senior status in 1986, and continued serving with distinction for the next 2 decades; and

Whereas Constance Baker Motley passed away on September 28, 2005, and is survived by her husband Joel Wilson Motley Jr., their son, Joel Motley III, her 3 grandchildren, her brother, Edmund Baker of Florida, and her sisters Edna Carnegie, Eunice Royster, and Marian Green, of New Haven, Connecticut: Now, therefore, be it

Resolved, That the Senate—

(1) extends its heartfelt sympathy to the family and friends of Constance Baker Motley on the occasion of her passing; and

(2) commends Constance Baker Motley for—

(A) her 39-year tenure on the United States District Court for the Southern District of New York; and

(B) her lifelong commitment to the advancement of civil rights and social justice.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 161, which was received from the House.

The PRESIDING OFFICER. The clerk will please report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 161) authorizing the use of the Capitol Grounds for an event to commemorate the 10th Anniversary of the Million Man March.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 161) was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

INTER-AMERICAN CONVENTION AGAINST TERRORISM—TREATY DOCUMENT NO. 107–18

U.N. CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME—TREATY DOCUMENT NO. 108–16

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following treaties on today's Executive Calendar, Nos. 2 and 3. I further ask unanimous consent that these treaties be considered as having passed through their various parliamentary stages, up to and including the presentation of the resolutions for ratification; that any committee conditions, declarations, or reservations be agreed to as applicable; that any statements be printed in the RECORD as if read; and that the Senate take one vote on the resolutions of ratification, to be considered as separate votes; further, that when the resolutions of ratification are voted upon, the motion to reconsider be laid on the table; the President be notified of the Senate's action, and that following the disposition of the treaties, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered. The treaties will be considered to have passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification.

The resolutions of ratification are as follows:

INTER-AMERICAN CONVENTION AGAINST TERRORISM (T.D.107–18)

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO UNDERSTANDING

Resolved (two-thirds of the Senators present concurring therein), The Senate advises and consents to the ratification of the Inter-American Convention Against Terrorism (the ''Convention''), adopted at the thirty-second regular session of the General Assembly of the Organization of American States meeting in Bridgetown, Barbados, and signed by the United States on June 3, 2002 (Treaty Doc. 107–18), subject to the understanding in Section 2.

SECTION 2. UNDERSTANDING

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the United States instrument of ratification:

The United States of America understands that the term ''international humanitarian law'' in paragraph 2 of Article 15 of the Convention has the same substantive meaning as the law of war.

SECTION 3. RESERVATIONS, UNDERSTANDING, AND DECLARATION RELATIVE TO THE TRAFFICKING PROTOCOL

(a) RESERVATIONS.—The advice and consent of the Senate under section 1 is subject to the following reservations relative to the Trafficking Protocol, which shall be included in the United States instrument of ratification:

(1) The United States of America reserves the right not to apply in part the obligation set forth in Article 15, paragraph 1(b), of the United Nations Convention Against Transnational Organized Crime with respect to the offenses established in the Trafficking Protocol. The United States does not provide for plenary jurisdiction over offenses that are committed on board ships flying its flag or aircraft registered under its laws. However, in a number of circumstances, U.S. law provides for jurisdiction over such offenses committed on board U.S.-flagged ships or aircraft registered under U.S. law. Accordingly, the United States will implement paragraph 1(b) of the Convention to the extent provided for under its federal law.

(2) The United States of America reserves the right to assume obligations under this Protocol in a manner consistent with its fundamental principles of federalism, pursuant

to which both federal and state criminal laws must be considered in relation to conduct addressed in the Protocol. U.S. federal criminal law, which regulates conduct based on its effect on interstate or foreign commerce, or another federal interest, such as the Thirteenth Amendment's prohibition of ''slavery'' and ''involuntary servitude,'' serves as the principal legal regime within the United States for combating the conduct addressed in this Protocol, and is broadly effective for this purpose. Federal criminal law does not apply in the rare case where such criminal conduct does not so involve interstate or foreign commerce, or otherwise implicate another federal interest, such as the Thirteenth Amendment. There are a small number of conceivable situations involving such rare offenses of a purely local character where U.S. federal and state criminal law may not be entirely adequate to satisfy an obligation under the Protocol. The United States of America therefore reserves to the obligations set forth in the Protocol to the extent they address conduct which would fall within this narrow category of highly localized activity. This reservation does not affect in any respect the ability of the United States to provide international cooperation to other Parties as contemplated in the Protocol.

(3) In accordance with Article 15, paragraph 3, the United States of America declares that it does not consider itself bound by the obligation set forth in Article 15, paragraph 2.

(b) UNDERSTANDING.—The advice and consent of the Senate under section 1 is subject to the following understanding relative to the Trafficking Protocol, which shall be included in the United States instrument of ratification:

The United States of America understands the obligation to establish the offenses in the Protocol as money laundering predicate offenses, in light of Article 6, paragraph 2(b) of the United Nations Convention Against Transnational Organized Crime, as requiring States Parties whose money laundering legislation sets forth a list of specific predicate offenses to include in such list a comprehensive range of offenses associated with trafficking in persons.

(c) DECLARATION.—The advice and consent of the Senate under section 1 is subject to the following declaration relative to the Trafficking Protocol:

The United States of America declares that, in view of its reservations, current United States law, including the laws of the States of the United States, fulfills the obligations of the Protocol for the United States. Accordingly, the United States of America does not intend to enact new legislation to fulfill its obligations under the Protocol.

SECTION 4. RESERVATIONS AND UNDERSTANDING RELATIVE TO THE SMUGGLING PROTOCOL

(a) RESERVATIONS.—The advice and consent of the Senate under section 1 is subject to the following reservations relative to the Smuggling Protocol, which shall be included in the United States instrument of ratification:

(1) The United States of America criminalizes most but not all forms of attempts to commit the offenses established in accordance with Article 6, paragraph 1 of this Protocol. With respect to the obligation under Article 6, Paragraph 2(a), the United States of America reserves the right to criminalize attempts to commit the conduct described in Article 6, paragraph 1(b), to the extent that under its laws such conduct relates to false or fraudulent passports and other specified identity documents, constitutes fraud or the making of a false statement, or constitutes attempted use of a false or fraudulent visa.

(2) In accordance with Article 20, paragraph 3, the United States of America declares that it does not consider itself bound by the obligation set forth in Article 20, paragraph 2.

(b) UNDERSTANDING.—The advice and consent of the Senate under section 1 is subject to the following understanding relative to the Smuggling Protocol, which shall be included in the United States instrument of ratification:

The United States of America understands the obligation to establish the offenses in the Protocol as money laundering predicate offenses, in light of Article 6, paragraph 2(b) of the United Nations Convention Against Transnational Organized Crime, as requiring States Parties whose money laundering legislation sets forth a list of specific predicate offenses to include in such list a comprehensive range of offenses associated with smuggling of migrants.

Mr. SESSIONS. Mr. President, the Senate is prepared to ratify two important treaties, the Inter-American Convention Against Terrorism, and the United Nations Convention Against Transnational Organized Crime.

As a former prosecutor, I believe these treaties will provide important tools in our war against terrorism and organized crime.

However, as chairman of the Senate Steering Committee, and as a United States Senator, it is my job to carefully review all legislation and treaties to ensure that they are consistent with our Constitution and in the best interest of the United States.

In reviewing these treaties, there were two matters I felt needed further clarification.

First, the issue of extradition. I believe it is important that if we are going to enter into an extradition arrangement, it strengthen our hand with respect to nations, such as Mexico, who have refused to extradite violent criminals to the United States for prosecution. It serves no purpose to enter into treaties with no teeth.

Second, the International Criminal Court: The position of the United States has been firm in opposition to any expanded powers of the International Criminal Court. These treaties were silent on the ICC. They did not explicitly permit the ICC from exercising jurisdiction over matters, nor do they prohibit it from doing so. Were I not absolutely certain that these treaties would provide no mechanism for an overzealous ICC prosecutor to assert new jurisdiction, these treaties would not be ratified today.

However, based on an exchange of correspondence with the United States Department of Justice, I am satisfied that there is absolutely no way the ICC may assert any new jurisdiction based upon these treaties.

I received this letter by fax within the last few minutes, and it is on this basis that I am permitting these treaties to proceed. I am confident that these treaties are in the interest of the United States, and this correspondence will serve as legislative history with respect to the concerns I just addressed.

I ask unanimous consent that the above-referenced letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC.

Hon. JEFF SESSIONS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SESSIONS: We are pleased to have the opportunity to respond to your letter of October 6, posing questions about the United Nations Convention Against Transnational Organized Crime and the Inter-American Convention Against Terrorism. Both Conventions are strongly supported by the Administration, and we urge immediate action by the Senate to provide its advice and consent to ratification. As you may be aware, the first Conference of States Parties to the U.N. transnational organized crime convention will commence in Vienna on October 10, and thus there is particular urgency to the Senate acting today to approve this treaty and thereby strengthen the United States' ability to participate effectively at this meeting.

Your first question concerned Article 16 of the U.N. Convention on transnational organized crime and its impact on our existing bilateral extradition relations. This is a common provision in multilateral law enforcement treaties, and it can strengthen our extradition relationships under existing bilateral extradition treaties by requiring that the organized crime offenses covered by the U.N. Convention be included as extraditable offenses under those existing treaties. This can be helpful with older treaties that contain a limited list of extraditable offenses. Our treaty with Mexico, however, is not so limited.

As you suggest in your letter, a particular concern with Mexico at this time is the impact of a 2001 Mexican Supreme Court decision which barred extradition where a defendant would be subject to a life sentence. The U.N. Convention does not resolve this issue; at the same time it in no way endorses, or requires the United States to acquiesce in, such a limitation on extradition. You can be assured that resolving this problem in our extradition relations with Mexico remains a major objective of the Departments of Justice and State and is one that Attorney General Gonzales has raised personally with the Mexican Attorney General and with the Mexican Foreign Minister. We are hopeful that a recent decision of the Mexican Supreme Court in a domestic criminal case may open the door to a favorable revision of its 2001 decision, and we are committed to working with Mexico to that end.

With respect to your question concerning potential interplay between these treaties and the International Criminal Court (ICC), I can assure you that the Administration continues to have fundamental concerns about the ICC and would not advocate the United States joining any treaty that would expand the jurisdiction of the ICC or impose directly or indirectly any obligation on the United States to support the ICC. The jurisdiction of the ICC is strictly defined by the Rome statute at Article 5. Neither of the treaties now being considered by the Senate extends or could extend that jurisdiction. This is clear from the text of the treaties and the intent of the negotiators. Moreover, in no respect will the United States becoming a party to these two treaties affect the provisions of the American Service-members' Protection Act of 2002 (ASPA), including its restrictions on assistance to the ICC. We do

not believe there is any ambiguity on these points and thus no need for clarification through understandings in the resolution of ratification. You and other members of the Senate can be confident that the Administration shares your concerns about the ICC and is fully satisfied that none of those concerns are implicated in these treaties.

We have consulted with the Department of State, which concurs fully in these views, and hope with this letter you and your colleagues will be able to vote in favor of these two important treaties today.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

SENATE STEERING COMMITTEE,
UNITED STATES SENATE,
Washington, DC, October 6, 2005.

Hon. ALBERTO R. GONZALES,
Attorney General, U.S. Department of Justice, Washington, DC.

DEAR MR. ATTORNEY GENERAL: I am writing regarding two critical treaties that the Senate is considering. As a former prosecutor, I believe these treaties could provide important new tools to law enforcement. However, before we ratify them, I seek your assistance in addressing several concerns.

1. *Article 16 of the United Nations Convention Against Transnational Organized Crime.* I am interested in learning whether or not the extradition provisions of this treaty would strengthen our current bilateral arrangements to address problems we have had with nations such as Mexico who refuse to extradite dangerous criminals to the United States. Further, it would appear that our moral position for extradition would be undermined if we explicitly acquiesce in allowing the nation to consider penalties as a basis for denying extradition.

2. *International Criminal Court.* The ICC is mentioned in neither treaty, and the Department of Justice attorneys have maintained that the ICC would have no jurisdiction over matters addressed in them. However, the main reason that the United States rejects the Rome Statute is that the ICC has one prosecutor who initiates investigations with virtually unchecked discretion. I seek further clarification from the Department on whether we can be absolutely certain that these treaties would not provide a vehicle for a case to be brought to the ICC by an overzealous prosecutor. Absent such certainty, it would be my desire to include an understanding to the resolution of ratification that clarifies the United States's position that the ICC may not try cases under the Convention or avail itself of the Convention's extradition or judicial assistance provisions. We could also add an explicit understanding to the resolution that ASPA shall govern application of the Convention by the Executive branch.

Thank you for your assistance.

Sincerely,

JEFF SESSIONS.

Mr. STEVENS. Mr. President, I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division vote is requested. Senators in favor of the resolutions will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division vote, two-thirds of the Senators present and voting having voted in the affirmative, the resolutions of ratification are agreed to.

Mr. STEVENS. Mr. President, I am delighted to represent two-thirds of the Senate.

The PRESIDING OFFICER. The Chair recognizes the power of the Senator from Alaska.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, OCTOBER 17, 2005

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in adjournment until 2 p.m. on Monday, October 17, contingent upon the Senate's action on the adjournment resolution from the House; that if we do not agree to the adjournment resolution, the Senate reconvene at 12 noon on Tuesday, October 11. I further ask that following the prayer and pledge on October 17, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and that there be a period for morning business until 3 p.m. equally divided. I further ask that the Senate then proceed to consideration of H.R. 3058, the Transportation-Treasury appropriations bill, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, when the Senate reconvenes on Monday, October 17, we will begin consideration of the Transportation-Treasury appropriations bill. As we consider the bill, I remind my colleagues to work with Senators Bond and Murray, the bill managers, and to offer amendments early in the week. I alert my colleagues that the first vote during Monday's session will occur at 5:30 p.m.

ADJOURNMENT UNTIL TUESDAY, OCTOBER 11, 2005, OR 2 P.M., MONDAY, OCTOBER 17, 2005

Mr. STEVENS. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:11 p.m., adjourned until Tuesday, October 11, 2005, at 12 noon, or Monday, October 17, 2005, at 2 p.m.

NOMINATIONS

Executive nomination received by the Senate October 7, 2005:

SUPREME COURT OF THE UNITED STATES

HARRIET ELLAN MIERS, OF TEXAS, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, VICE SANDRA DAY O'CONNOR, RETIRING.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, October 7, 2005:

FEDERAL LABOR RELATIONS AUTHORITY

COLLEEN DUFFY KIKO, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS.

DEPARTMENT OF HOMELAND SECURITY

STEWART A. BAKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

KIM KENDRICK, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

KEITH A. NELSON, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DARLENE F. WILLIAMS, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

KEITH E. GOTTFRIED, OF CALIFORNIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF COMMERCE

DAVID H. MCCORMICK, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION.

DEPARTMENT OF THE TREASURY

PATRICK M. O'BRIEN, OF MINNESOTA, TO BE ASSISTANT SECRETARY FOR TERRORIST FINANCING, DEPARTMENT OF THE TREASURY.

DEPARTMENT OF COMMERCE

ISRAEL HERNANDEZ, OF TEXAS, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE.

DARRYL W. JACKSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF THE TREASURY

EMIL W. HENRY, JR., OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DEPARTMENT OF STATE

THOMAS A. SHANNON, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (WESTERN HEMISPHERE AFFAIRS).

INTER-AMERICAN DEVELOPMENT BANK

JAN E. BOYER, OF TEXAS, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK.

OVERSEAS PRIVATE INVESTMENT CORPORATION

ROBERT A. MOSBACHER, OF TEXAS, TO BE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

MILLENNIUM CHALLENGE CORPORATION

JOHN J. DANILOVICH, OF CALIFORNIA, TO BE CHIEF EXECUTIVE OFFICER, MILLENNIUM CHALLENGE CORPORATION.

DEPARTMENT OF STATE

JOSETTE SHEERAN SHINER, OF VIRGINIA, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK; AND UNITED STATES ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

KENT R. HILL, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

JACQUELINE ELLEN SCHAFER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF STATE

JOHN HILLEN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (POLITICAL-MILITARY AFFAIRS).

BARRY F. LOWENKRON, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR.

AFRICAN DEVELOPMENT FOUNDATION

JENDAYI ELIZABETH FRAZER, ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 27, 2009.

DEPARTMENT OF STATE

FRANCIS ROONEY, OF FLORIDA, TO BE AMBASSADOR TO THE HOLY SEE.

ALFRED HOFFMAN, OF FLORIDA, TO BE AMBASSADOR TO THE REPUBLIC OF PORTUGAL.

CHARLES A. FORD, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF HONDURAS.

MARK LANGDALE, OF TEXAS, TO BE AMBASSADOR TO THE REPUBLIC OF COSTA RICA.

BRENDA LAGRANGE JOHNSON, OF NEW YORK, TO BE AMBASSADOR TO JAMAICA.

ALEXANDER R. VERSHBOW, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR TO THE REPUBLIC OF KOREA.

PATRICIA LOUISE HERBOLD, OF WASHINGTON, TO BE AMBASSADOR TO THE REPUBLIC OF SINGAPORE.

WILLIAM PAUL MCCORMICK, OF OREGON, TO BE AMBASSADOR TO NEW ZEALAND, AND SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR TO SAMOA.

DEPARTMENT OF THE INTERIOR

H. DALE HALL, OF NEW MEXICO, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE.

NUCLEAR REGULATORY COMMISSION

EDWARD MCGAFFIGAN, JR., OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2010.

ENVIRONMENTAL PROTECTION AGENCY

GEORGE M. GRAY, OF MASSACHUSETTS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

LYONS GRAY, OF NORTH CAROLINA, TO BE CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

KENNETH L. WAINSTEIN, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS.

THE JUDICIARY

JULIET JOANN MCKENNA, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

JOHN R. FISHER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATION OF ROBERT S. CONNAN.

WITHDRAWALS

EXECUTIVE MESSAGE TRANSMITTED BY THE PRESIDENT TO THE SENATE ON OCTOBER 7, 2005 WITHDRAWING FROM FURTHER SENATE CONSIDERATION THE FOLLOWING NOMINATIONS:

PHILIP D. MORRISON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, WHICH WAS SENT TO THE SENATE ON MAY 26, 2005.

TIMOTHY ELLIOTT FLANIGAN, OF VIRGINIA, TO BE DEPUTY ATTORNEY GENERAL, WHICH WAS SENT TO THE SENATE ON JUNE 20, 2005.

EXTENSIONS OF REMARKS

MAUDELLE SHIREK POST OFFICE BUILDING

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2005

Ms. LEE. Mr. Speaker, I come to the floor to recognize an unsung hero and political legend in the East Bay area, Ms. Maudelle Shirek.

The legislation we are considering here today, H.R. 438, would name the post office building at 2000 Allston Way in Berkeley after Maudelle Shirek.

It would have been impossible for the House to consider this bill without the timely help of my colleagues, the Chairman and Ranking Member of the House Government Reform Committee, Congressmen TOM DAVIS and HENRY WAXMAN. I thank the gentlemen for their assistance.

I would also like to thank Majority Leader TOM DELAY, Democratic Leader NANCY PELOSI, and Democratic Whip STENY HOYER for their help in bringing this bill to the floor.

Mr. Speaker, this special tribute is long overdue. In fact, in June 2003, the Berkeley City Council passed a resolution recommending the post office naming. I am pleased that we will finally honor Maudelle Shirek today.

Maudelle Shirek was Berkeley's 94-year-old former vice mayor. Until last fall, Maudelle was one of California's longest-serving elected officials.

As one of my political heroes, she continues to fight for equality and social justice for all. She not only helped me get involved in politics but also inspired my predecessor, Congressman Ronald V. Dellums, to run for Congress. Her understanding of the importance in investing in people has won the solid support of voters in her district and admirers around the world as an international leader for peace and justice.

A granddaughter of slaves, Maudelle left her rural Arkansas home and came to California in the middle of World War II. Before long she was campaigning for fair housing and other civil rights for African Americans. She helped found two Berkeley senior centers, and until her health started to slow her down, she helped deliver meals to shut-in seniors; or if it was a Tuesday, did all the shopping for lunches at the New Light Senior Center, which she founded nearly 30 years ago.

Mr. Speaker, Maudelle Shirek entered elected politics in 1983 after being forced to retire from a senior center simply for having reached the age of 72. Soon after her election to Berkeley City Council, she helped end the discriminatory policy of mandatory retirement in Berkeley city agencies.

Maudelle refuses to accept arbitrary limitations. It is one of the things we all respect about her. Maudelle remains one of the best examples of how one person can make a difference.

Ms. Maudelle Shirek is a fearless and inspirational woman who for over 60 years has tirelessly fought to make this world a fair and just place. She has spoken for the voiceless and has been a staunch defender of our basic civil rights.

Mr. Speaker, I ask that my colleagues join me today in supporting this resolution, H.R. 438.

The world would be a better place if we had more Maudelles.

THE LIFE AND LEGACY OF AUGUST WILSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. RANGEL. Mr. Speaker, I rise today to pay my recognition and respect to the extraordinary contributions of the world renowned playwright August Wilson who died October 2, 2005 of liver cancer. Mr. Wilson was a Tony Award winner and two time Pulitzer Prize winner whose plays not only chronicled and captured the harsh realities African American families faced throughout the 1900s, they have provided insight into Black life, depicting its struggles to overcome discrimination and poverty with dignity and nobility amidst the pain and the struggle that all communities are able to appreciate. His plays poetically depict the effects of slavery and oppression on Black Americans in every decade of the 20th century, and show that despite the harshness of life, this crucible produced great strength and resilience that have enabled us to overcome.

August Wilson was born on April 27, 1945 as Frederick August Kittel, in Pittsburgh, Pennsylvania. He later changed his name after his father left out of respect for his mother. Mr. Wilson grew up on "the Hill," which was a predominantly Black and poor neighborhood in Pittsburgh. It was the daily experiences of this African American community that inspired the content of his plays. At 13 years of age he moved to predominantly White Hazelwood, but he did not forget the unique culture of the Hill, especially when he had to suffer the racial taunts in Hazelwood. The racial discrimination that Wilson faced led Wilson, at the age of 15 to drop out of high school because his teacher couldn't believe that a Black student could create a well written term paper and accused him of plagiarism. This however, did not impede his thirst for knowledge or his love for writing. With diligence and self discipline, August Wilson continued his education through self-study at Carnegie Library. He began reading Black literature and other Black works, like Richard Wright, Langston Hughes, Ralph Ellison, and Arna Bontemps.

His hopes of becoming a writer were quickly challenged when his mother urged him to become an attorney. Disapproving of his dreams for a writing career, his mother forced him to leave the house. In 1963, Mr. Wilson enlisted in the U.S. Army only to be discharged in 1964. Determined to continue his pursuit for a writing career, he invested in the purchase of his first typewriter and moved into a rooming house in Pittsburgh. To support himself he worked a series of odd "blue collar" jobs, like short-order cook, dishwasher, porter, stock boy, and gardener. Starting out as a poet, his poems were published in the late 1960s and early 70s in several periodicals, one being the Negro Digest created by the late John Johnson.

However, it was not until August Wilson heard the voice of legendary Bessie Smith's record "Nobody in Town Can Bake a Sweet Jellyroll Like Mine," he realized that it was his responsibility to carry the torch of his ancestors and assume the role as the representative of Black American culture, telling the world our history and dignifying our struggle. Hearing the blues motivated, challenged, and empowered the young poet to document Black American culture in his writings. Wilson describe this epiphany as the "Universe stuttered and everything fell to a new place . . . I cannot describe or even relate what I felt . . . it was a birth, a baptism, a resurrection, and a redemption all rolled up in one. It was the beginning of my consciousness that I was a representative of a culture and the carrier of some very valuable antecedents . . . I had been given a world that contained my image . . . The ideas of self-determination, self-respect, and self-defense . . . are still very much a part of my life as I sit down and write. I have stood [these ideas] up in the world of Bessie Smith on the ground captured by the Blues. Having started my beginning consciousness there, it is no surprise that I would mature and my efforts would come to fruition on that same ground." As a result he established two organizations that promoted Black American writing: the Center Avenue Poets Theatre Workshop, and Black Horizons. Plus, he continued writing plays chronicling different experiences that Afiican Americans faced.

His big break was the debut of the 1982 play "Ma Rainey's Black Bottom," the first of a 10-drama series that would chronicle each decade of the Twentieth Century, which premiered at Broadway's Cort Theater on October 11, 1984. Set in Chicago in 1927, the play focuses on White record companies' exploitation of Black musicians. This play mirrored the images and positions that African Americans faced in a society dominated by White racism. The beauty of the play, grabbed national attention earning Mr. Wilson several Tony nominations, and the New York Drama Critics Circle Award. "Fences", however, a play depicting a 1950s Black family's personal and economic issues, grossed a record $11 million in a year, which broke the record for nonmusical plays. As a result, Wilson became The Chicago Tribune's Artist of the Year; the play won the New York Drama Critics Circle Award for Best Play, four Tony Awards for Best Play, Best Director, Best Actor and Best Featured Actress; and a Pulitzer Prize for Drama. Finally, "The Piano Lesson," inspired

by Romare Beardon's painting illustrated family conflict over an heirloom built by a slave ancestor. This 1986 play earned the New York Drama Critics Award, the Tony for Best Play, the Drama Desk Award, the American Theatre Critics Outstanding Play Award, and the Pulitzer Prize for Drama. Wilson's subsequent plays continued to receive accolades and awards, solidifying his position in American Theatrical history.

August Wilson was not only a champion of Black America by representing and dignifying African American culture during a time when it wasn't otherwise appreciated; he was a pioneer in the world of literature and theatre. Although his body is no longer with us, his work and his impact on American History will continue on for posterity. On October 17, Broadway's Virginia Theatre will be renamed the August Wilson Theatre in Mr. Wilson's honor. His final play, ''Radio Golf' is scheduled to be produced on Broadway during the 2006–2007 season. Mr. Wilson is survived by his wife, Constanza Romero; their daughter, Azula, 8, and an adult daughter from a previous marriage, Sakina Ansari.

I submit to you an article from the October 4, 2005 edition of the Washington Post, illustrating the type of man and impact August Wilson had on this country.

[From the Washington Post, Oct. 4, 2005]

THE CYCLE OF AUGUST WILSON'S LIFE

(By Peter Marks)

The death of August Wilson does not simply leave a hole in the American theater, but a huge, yawning wound, one that will have to wait to be stitched closed by some expansive, poetic dramatist yet to emerge.

To say that Wilson was the greatest African American playwright the nation has produced—as some inevitably do—is to limit the scope of his significance as a contributor to the country's dramatic heritage. Wilson wrote scathingly about racism, yes, in ''Ma Rainey's Black Bottom,'' and the indelible scars of slavery, in ''The Piano Lesson'' and ''Gem of the Ocean.'' He also wrote about the Oedipal conflict of fathers and sons (''Fences'') and the universal quest for the easy score (''Two Trains Running''). His concerns were as multifaceted as the hard-pressed people he wrote about.

Over the past 20 years, Wilson had staked a legitimate claim to the title of nation's most important dramatist. During that time he won two Pulitzers and a Tony, and among his plays he polished off at least three that will rank among the classics: ''Ma Rainey,'' ''Joe Turner's Come and Gone'' and ''The Piano Lesson,'' along with what will perhaps endure as his favorite with audiences: ''Fences,'' the story of an embittered former baseball prospect, played on Broadway by James Earl Jones.

All this may not have meant as much as it did in the days when playwriting giants roamed the countryside, when a new play by Tennessee Williams or Arthur Miller or Eugene O'Neill had the power to galvanize public discourse, and even land an actor on the cover of a national magazine. We've moved away, sad to say, from the era of the stage as a truly vital pulpit. In the commercial realm, Wilson's plays were usually not moneymakers. But the fact that he could consistently count on clicking the ''send'' button and having a play end up in the in box of Broadway—even in this lean and inhospitable time for serious drama—stamps him as a theater man of nothing but consequence.

Wilson died ludicrously young on Sunday, at the age of 60 in his adoptive home town of Seattle, where he wrote plays, big, garrulous, angry, lyrical, ponderous, often beautiful plays, in an office in his basement. He went public with his terminal liver cancer a little more than a month ago and when he did, he came forward with a breathtaking serenity. He pronounced himself prepared for what was coming. ''I've lived a blessed life,'' he told the Pittsburgh Post-Gazette, the paper of the city of his birth, the metropolis that served as backdrop for many of his major plays. ''I'm ready.''

He cannot, of course, have been content to leave his family, especially his 8-year-old daughter, Azula, whom he proudly told me last December was writing her own plays. Work-wise, however, he may have been expressing a measure of relief, in that he had satisfied the exacting requirements of the towering assignment he had given himself: a cycle of 10 plays, one set in each decade of the 20th century. (''Radio Golf,'' the last one, has yet to reach New York; its regional debut comes at Center Stage in Baltimore in March.)

Not that he was exactly through with writing. In an interview over breakfast at a diner in the Edison, the modest Times Square tourist hotel that was his longtime New York base, he revealed that he was working on a comedy whose milieu now seems heartbreakingly prescient: Pittsburgh coffin makers.

His dramas are connected by a palpable sense of geography, usually, a rambunctious district of Pittsburgh; by the mordant humor of characters who spit at hardship; by an eye that seemed to see a story taking shape in every soul. They also reveal the acumen of Wilson's ear in the cross currents of language that flow from his characters as if pouring out of deep, lustrous, meandering canals.

He wrote for authentic-sounding stage creatures, and yet his dialogue might have found a place in novels. ''Now I'm gonna show you how this goes, where you just a leftover from history,'' Toledo, the piano player, tells the other Black musicians in dialect in ''Ma Rainey's Black Bottom.'' The play, set in the 1920s, was the first of Wilson's to make it to Broadway. It was an auspicious coming out. Wilson, wrote drama critic Frank Rich in the New York Times at the play's 1984 opening, ''sends the entire history of black America down upon our heads.''

Wilson returned again and again to the idea of Black America's unique historical inheritance, to reminders of how the South's peculiar institution was not at all a dead memory but a living shadow. As many other characters would in the Wilson pantheon, Toledo offers in ''Ma Rainey'' his own homespun history lesson about the African diaspora:

''Everybody come from different places in Africa, right? Come from different tribes and things. Soonawhile they began to make one big stew. You had the carrots, the peas, and potatoes and whatnot over here. And over there, you had the meat, the nuts, the okra, corn . . . and then you mix it up and let it cook right through to get the flavors flowing together. Then you got one thing. You got a stew.''

Wilson's own favorite playwright was Chekhov, and you can see how their theatrical stews might simmer well together. Wilson was a conjurer of characters, not an accomplished spinner of plot or master of compression. He was, in fact, legendary for writing one overlong draft after another, and working with a director—most successfully Lloyd Richards, head for many years of the Yale School of Drama—who could help him pare it down. A script was by no means complete once rehearsals began, he told me. He even liked to seek out actors and ask them what else they needed from him.

He had a reputation for feistiness and a certain amount of ego. The talk of the theater world in 1997 was his Manhattan debate with Robert Brustein, the director, critic and founder of Harvard's American Repertory Theatre, over their disagreement about whether a theater exclusively devoted to Black experience is desirable. Wilson was a passionate advocate of Black theater, and the evening at Town Hall stands as the last occasion on which a philosophical theater argument grabbed headlines.

When I sat down with him late last year, Wilson seemed anything but combative. He was in a pleasant frame of mind, as a playwright might be with the work of grinding out a play completed. The play was ''Gem of the Ocean,'' set in 1904, which as a result became the prologue of the cycle he'd been writing for much of his professional life.

As it happens, the first in the chain was the last he'd ever get to see on Broadway. The chain he'd long promised, and true to his word, the chain he delivered.

HONORING MAUREEN BUFALINO AS SHE RECEIVES THE ATHENA AWARD FROM THE WILKES-BARRE CHAMBER OF BUSINESS AND INDUSTRY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Maureen Moran Bufalino, regional president of Omega Bank in Wilkes-Barre, Pennsylvania, on the occasion of her receiving the prestigious Athena Award presented annually by the Wilkes-Barre Chamber of Business and Industry.

Mrs. Bufalino is truly deserving of this honor because throughout her career she has exemplified what a true community leader should be.

As a former president of the Junior League of Wilkes-Barre, Mrs. Bufalino helped develop many young women for volunteer service within the community. She has served as a role model for businesswomen through her work in the banking industry. And despite her demanding business schedule, she has still found the time to volunteer and serve several non-profit organizations and also raise three children.

She is also a charter member of Circle 200, a regional executive women's networking organization, and is a graduate of the Leadership Wilkes-Barre program.

Mrs. Bufalino serves as vice chair of CityVest Community Development Organization, a group committed to revitalizing Wilkes-Barre's downtown. She is a graduate of King's College.

Mrs. Bufalino was also named one of the top 20 executives under the age of 40 in 2001 by the Northeastern Business Journal, a widely respected business periodical in northeastern Pennsylvania.

On a personal note, I have known Maureen and her family for decades. I know her parents Jack and Maureen are extremely proud of her success, not only as a well-respected professional, but also as a dedicated community

leader and loving mother. It has been a pleasure to watch her develop into such a fine leader for the next generation.

Mr. Speaker, please join me in congratulating Mrs. Bufalino on this notable occasion. Her spirit and generosity repeatedly propels her into positions of leadership wherever she goes. An outstanding and highly talented woman, she is a model business and civic leader who epitomizes all the qualities required for a recipient of the Athena Award. Our community in northeastern Pennsylvania is far better off because of Mrs. Bufalino's selfless service.

IN RECOGNITION OF THE SOUTHEASTERN MICHIGAN VETERANS STAND DOWN 2005 EVENT

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. McCOTTER. Mr. Speaker, I rise today to recognize the efforts of the dedicated volunteers of the Southeastern Michigan Veterans Stand Down organization in helping homeless veterans.

Stand Down assists homeless veterans, by working with area service providers, in securing housing, suitable employment and training, helping them return to the mainstream of life's day-to-day activities.

On October 19–20, Southeastern Michigan Stand Down will host a community event geared towards giving homeless veterans the opportunity to begin the process of regaining their self-esteem and their hope. Organized Stand Down events across the country have helped thousands of homeless veterans since 1988.

In conclusion, Mr. Speaker, I ask my colleagues to join with me today to extend our sincere appreciation and gratitude, and to recognize the outstanding and selfless volunteers who organize the Stand Down events each year because they are guided by the Stand Down motto: ''For Honor, Duty and Country . . . We Leave No Veteran Behind.''

IN HONOR AND REMEMBRANCE OF MAYOR LOUIS J. BACCI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Mayor Louis J. Bacci—devoted family man, accomplished community leader, entrepreneur, United States veteran and admired friend and mentor. For 45 years, Mayor Bacci's vision, integrity and love for his constituents reflected throughout the Village of Cuyahoga Heights and miles beyond.

Mayor Bacci was born and raised in Cuyahoga Heights and lived in the same house his entire life. His parents instilled in him a clear sense of service to others and an unwavering devotion to family, friends and community—qualities that defined his public service and framed his life. He consistently went above and beyond the 'call of duty,' and was always willing to assist an individual or family in need.

Mayor Bacci was first elected to represent the Village as a member of Council, a position he held for 16 years. He then went on to serve as mayor for 29 years. Titles, awards and accolades held no significance for Mayor Bacci—his family, friends and Village family always did. Mayor Bacci's easy-going nature, kindness, limitless generosity, sense of humor, vision and insight drew others to him and his advice was consistently sought after by everyone—from the neighbor down the street, to big city mayors.

Unlike many candidates, Mayor Bacci never spent money on campaign literature. Rather, he discussed his intent along the sidewalks and on front porches throughout the Village, offering his homegrown tomatoes and lively conversation. Mayor Bacci was the heart and soul of Cuyahoga Heights, and he afforded every person the same respect and attention, regardless of their social or political status.

Mayor Bacci's tireless efforts in all areas of local government served to elevate the well-being of every resident and business owner within Cuyahoga Heights. His dedication to the youth of the Village was reflected throughout his service as council member and mayor. Mayor Bacci's work and focus on education is reflected in the students and faculty of Cuyahoga Heights School District and is recognized throughout Ohio. His creation of college scholarship programs within the district has given numerous students an opportunity to achieve their academic goals. Cuyahoga Heights School District is ranked as one of the best in Ohio.

Mayor Bacci's work on behalf of local and regional development, environmental preservation and job retention has positively affected the entire region. A founding member of the Northeast Ohio Regional Sewer District (NEORSD), Mayor Bacci was able to coalesce the commitment and support of suburban mayors and county leaders to unite our region for the common good.

The long-term success of NEORSD underscores Mayor Bacci's strength in leadership. NEORSD provides efficient and low cost sanitary and water services to millions of residents throughout Cuyahoga County. Moreover, the focus of NEORSD has also extended to the restoration of our local environment by earmarking billions of dollars to fund successful cleanup projects that have succeeded in restoring and preserving our local river and wetland ecosystems.

Mr. Speaker and Colleagues, please join me in honor, gratitude and remembrance of Mayor Louis J. Bacci—an exceptional man and caring leader whose life profoundly affected the lives of millions. Mayor Bacci's passing marks a deep loss for countless individuals who called him friend—including me. His brilliant legacy of community progress tempered with preservation will be remembered always by the people of Cuyahoga Heights and by people in neighboring communities throughout Cuyahoga County and beyond. Moreover, it was the power of his kindness, grace, tenacity and heart that uplifted our entire community.

I extend my deepest condolences to Mayor Bacci's beloved wife, Lillian; his beloved children, Charlotte, Laura, Juliann, John, Jack, and the loving memory of John Louis and Louis John; his 12 grandchildren and 10 great-grandchildren; and to his extended family and many friends.

Mayor Bacci's life and good works will serve as an ageless example of leadership, service to others and heart—and his legacy will forever resound throughout the Village of Cuyahoga Heights, and throughout our entire community.

HONORING THE ACHIEVEMENTS OF JUDGE FERNANDO GAITAN, JR.

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. CLEAVER. Mr. Speaker, I proudly rise today in recognition of the achievements of Judge Fernando Gaitan, Jr., an important resident of the 5th Congressional District of Missouri, and current United States District Judge for the Western District of Missouri. Judge Gaitan was recently inducted into the Missouri Walk of Fame, during a reception as part of the Congressional Black Caucus Foundation's Annual Legislative Conference, an event held to honor the achievements of African-Americans who have made significant contributions to Missouri.

Judge Gaitan graduated from Pittsburg State University in 1970, and earned his law degree from the University of Missouri at Kansas City—where he was member of the Law Review. Judge Gaitan served first as a state trial judge for the Sixteenth Judicial Circuit in Kansas City, Missouri. He then went on to serve as an appellate judge on the Missouri Court of Appeals-Western District. He was elevated to the federal bench in 1991 by then-President George H. W. Bush. By the appointment of then Chief Justice William Rehnquist, he also served in the Federal-State Jurisdiction Committee of the Judicial Conference from 1997–2003.

With a great desire to share this incalculable knowledge and experience with others in the community, Judge Gaitan serves as adjunct professor at the University of Missouri-Kansas City School of Law. In addition, he is a member of many non-for-profit boards as well as local, state and national bar associations.

Throughout his career, Judge Gaitan has been noted for his steadfast judicial prudence. His rulings have been noted for their fairness and adherence to the letter and intent of the law. His scholarly approach to judicial decisions coupled with his fundamental commitment to equality and equity are well regarded across the federal judiciary.

For those reasons and more, it was indeed an honor and privilege to recognize Judge Gaitan at the Missouri Walk of Fame reception, hosted by myself and fellow colleague, Missouri Representative William Lacy Clay of St. Louis.

Mr. Speaker, please join with me in expressing our appreciation to Judge Gaitan and his endless commitment to serving the residents of the State of Missouri. He is a true role model not just to the African-American community in Missouri, but to the entire African American community at large. May his success serve as a stepping stone for many other African-Americans eager to be just as successful in their endeavors.

TRIBUTE TO MONTGOMERY COUNTY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. VAN HOLLEN. Mr. Speaker, I rise today to commend Montgomery County for its outstanding efforts in the digital Government program. The Montgomery County website recently received two awards and an honorable mention at the Best of the Awards Ceremony held by the Center for Digital Government in Las Vegas, Nevada.

The digital government program has been tremendously successful, and it continues to provide County residents with easier and more convenient ways to take care of County business.

Mr. Speaker, Montgomery County's website provides a valuable service to our community and I would like to thank the website team for their service and dedication to the residents of our community.

HONORING LINO MARCHETTI AS HE IS NAMED PERSON OF THE YEAR BY THE ITALIAN AMERICAN FOUNDATION OF LUZERNE COUNTY, PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Lino Marchetti, of Exeter, Pennsylvania, on the occasion of being named ''Person of the Year'' by the Italian American Association of Luzerne County, Pennsylvania.

Born in Bologna, Italy, Mr. Marchetti is the son of the late Samuel and Sylvia Parente Marchetti.

Mr. Marchetti served in the United States Army during World War II. He worked for many years at Atlas Chain in West Pittston, Pennsylvania, and is a member of the United Auto Workers, AFL–CIO.

An accomplished musician, Mr. Marchetti serves as president of the American Federation of Musicians, Local 140. He frequently provides musical entertainment for residents of nursing homes and for patients at veterans hospitals.

He is the adjutant of the American Legion, Post 833, and he serves as vice president of the Italian American Association of Luzerne County.

Mr. Marchetti and his wife have been married for 53 years. They are the parents of two daughters and the grandparents of three grandsons.

Throughout his life, Mr. Marchetti has been a good citizen, friend and neighbor whose deeds have touched the lives of many in a very positive manner.

Mr. Speaker, please join me in congratulating Mr. Marchetti on this special occasion that recognizes his service to his fellow man and the community at large.

NATIONAL FORESTS REHABILITATION AND RECOVERY ACT OF 2005

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. UDALL of New Mexico. Mr. Speaker, today I am introducing legislation to authorize the Forest Service and Bureau of Land Management to carry out five collaboratively created pilot projects dealing with post-disturbance rehabilitation.

For those communities that remain at risk from wildland fire or other disturbances, it is important to consider, in advance, scenarios for rehabilitation should a wildland fire, insect infestation, hurricane, or other disturbance event occur. The National Forests Rehabilitation and Recovery Act does just that—this legislation promotes pro-active planning and collaboration to accelerate the approval of rehabilitation projects following uncharacteristic disturbance events.

The National Forests Rehabilitation and Recovery Act will create five pilot projects for post-disturbance rehabilitation. Federal forest land communities can apply to participate in the pilot program by meeting a number of different criteria, with specific consideration given to communities that have a proven track record of working in a collaborative manner to resolve natural resource issues.

This bill includes independent, third-party monitoring of the forest areas following rehabilitation operations to track the short-term and long-term impacts of logging, replanting, stream restoration, road removal, or other rehabilitation activities. The legislation further creates a National Oversight Committee of scientists to provide scientific and socioeconomic monitoring and evaluation of the pilot program. The National Oversight Committee will submit reports to Congress on the short and long-term results of the pilot project. The results of this report will allow Congress to make the most informed decisions on post-disturbance rehabilitation in the future.

Community collaboration has shown great promise in resolving controversial issues before Federal agencies. While I reserved concerns with the Healthy Forests Restoration Act of 2003, Public Law 108–148, one good that came out of the legislation is that it recognized the promise in collaboration by encouraging the development of community wildfire protection plans. These plans have allowed communities across the country to work in a collaborative manner to resolve natural resource issues concerning wildfire protection.

There is no doubt that an ounce of prevention is worth a pound of cure. When Congress passed the Healthy Forests Restoration Act of 2003, Congress clearly recognized the priority of preventing wildfires through active thinning of Federal lands in the wildland-urban interface. It is just common sense that we need to invest more on the front end in the name of fire prevention to avert major spending post-fire.

While I believe that there were inadequacies with the Healthy Forests Restoration Act, I do believe that we are being penny-wise and pound-foolish by cheating our budget for forest thinning. To date, forest thinning has not been funded even close to the level authorized. This needs to improve for the sake of protecting our communities and public lands.

Mr. Speaker, the National Forests Rehabilitation and Recovery Act represents a balanced and collaborative approach to post-disturbance rehabilitation. I am pleased to introduce my legislation today with my colleagues Mr. NICK RAHALL and Mr. RAUL GRIJALVA. I urge my other colleagues to support this bill so that we can promote a collaborative approach to restoring forest ecosystem health and diversity following unusually intense disturbances.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Ms. LEE. Mr. Speaker, on September 29, 2005 I was unable to vote during rollcall votes Nos. 502 to 508 as I had to attend a funeral in my district.

Had I been present, I would have voted ''nay'' on H. Res. 470, H. Res. 388, and H.J. Res. 68. I would have voted ''aye'' on H. Con. Res. 178.

Also, I would voted ''nay'' on H.R. 3824, the Threatened and Endangered Species Recovery Act of 2005 because in reality this bill is a threat to the recovery of endangered species in our Nation. However, I would have voted ''aye'' on the Miller substitute to H.R. 3824.

JIMMY CARTER—A WARNING AGAINST AN ARCTIC FOLLY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. RANGEL. Mr. Speaker, I rise today to bring to your attention and strongly endorse the position taken by former president Jimmy Carter in support of the preservation of America's greatest wildlife preserve. President Carter's position was stated in his opinion editorial article ''Arctic Folly'', in the Washington Post, September 13, 2005.

President Carter criticizes a policy advanced by the Bush administration and adopted by the Congress in the energy legislation passed earlier this session which favors increased production of domestic oil over the protection and preservation of the environmental treasures contained in the Arctic National Wildlife Refuge and which do nothing to encourage the preservation of oil.

President Carter states, ''Now is a time to speak out for the ecological integrity of this unsurpassed 18-million acres wilderness. If we do not respect those acres, many species will be affected.'' This ''Frozen Desert'' as Mr. Carter describes it, is a rich Serengeti-like haven of life; serving as a nursery for Caribous, polar bears, walruses and millions of shore birds and waterfowl. Nevertheless, Mr. Carter warns that ''. . . In a few months Americans could lose this special and amazing place through a backdoor legislative maneuver . . .''

I strongly support Mr. Carter's commitment to the preservation of the Arctic National Wildlife Refuge and I am glad to know that he is

asserting leadership to preserve this important legacy for our wildlife and future generations.

[From the Washington Post, Sept. 13, 2005]

ARCTIC FOLLY

(By Jimmy Carter)

Congress is about to make one of those big decisions that marks an era. Unless wiser heads prevail, it may do it badly—making the wrong decision in the wrong way and about the wrong place. At stake is America's great wildlife sanctuary, the Arctic National Wildlife Refuge. To dissaude Congress from this environmental tragedy, Americans must rally, and quickly.

Congress had its Pyrrhic energy victory this summer, with a new energy policy that ignores much-needed conservation measures and gives the oil industry large new tax breaks regardless of where it drills and pumps. Surely Congress has done more than enough to increase the profits of the oil industry.

Yet now, in a separate decision, the White House and Big Oil are pressuring Congress to allow drilling rigs to rip into the ecological heart of America's preeminent wildlife sanctuary. We must not confuse this with Prudhoe Bay, which lies west of the Arctic refuge and is already an industrial landscape resembling Houston more than Yellowstone.

With increasing gasoline prices bringing economic hardship and concern to many Americans, we must not be misled by oil lobbyists who are trying to convince us that our energy security is singularly dependent on sacrificing the Arctic refuge. They promote the false premise that development will touch just a few thousand acres when, in fact, it would introduce roads and pipelines spider-webbing across hundreds of thousands of acres on the fragile coastal plain.

We cannot drill our way to energy security or lower gasoline prices as long as our nation sits on just 3 percent of world oil reserves yet accounts for 25 percent of all oil consumption. An obvious answer is to increase the fuel efficiency of motor vehicles, at least to the level we set more than a quarter-century ago.

Instead, the administration recently proposed a tiny increase in gas mileage for SUVs, miniVans and pickups. Not effective until the 2011 models, this would save about one month's current consumption of fuel over the next 20 years—far less than will be saved in just one state by a new California law. The new ruling offers automobile makers an opportunity to avoid the reductions by modifying the size of various models as they persist in manufacturing gas guzzlers. It is not a coincidence that Moody's has just downgraded the debt of General Motors and Ford to junk status, while makers of efficient vehicles prosper.

I have been to the coastal plain of the Arctic National Wildlife Refuge to study the wilderness wildlife. Far from being the frozen ''desert'' some suggest, this is a rich, Serengeti-like haven of life: nursery for caribou, polar bears, walruses and millions of shorebirds and waterfowl that migrate annually to the Lower 48. To sit, as Rosalynn and I did, watching a herd of musk oxen circle-up to defend their young and then to find yourself literally in the midst of thousands of caribou streaming by is to touch in a fundamental way God's glorious ark of teeming wildlife.

We Americans use a lot-of energy, and millions of us want to do so in a more efficient way that also allows us to cherish our disappearing wilderness heritage. In the Arctic refuge we cannot have it both ways. In the next few months Americans could lose this special and amazing place through a backdoor legislative maneuver.

Each fall Congress endeavors to combine budgetary directives covering the nation's $2.5 trillion dollar annual budget in a single ''reconciliation'' decision. In a tricky ploy to avoid full debate, drilling advocates have buried their despoil-the-Arctic goal in this mammoth measure. So, conservation-minded Americans must ask our elected representatives to vote down any final budget reconciliation bill that would allow the sacrifice of our Arctic sanctuary.

Now is the time to speak up for the ecological integrity of this unsurpassed 18–million-acre wilderness. Many Americans will be in Washington on Sept. 20 for the Arctic Refuge Action Day rally on the Mall and to contact congressional representatives personally.

If we are not wise enough to protect the Arctic refuge, future generations will condemn us for needlessly sacrificing the wilderness of their world to feed our profligate, short-term and shortsighted energy habit. The pathway to a better, more sustainable energy future does not wind through the Arctic National Wtldlife Refuge.

HONORING ATTORNEY PAUL MAZZONI AS HE IS NAMED ''MAN OF THE YEAR'' BY THE COLUMBUS DAY ASSOCIATION OF LACKAWANNA COUNTY, PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Attorney Paul Mazzoni, of Lackawanna County, Pennsylvania, who has been named ''Man of the Year'' by the Columbus Day Association of Lackawanna County.

Mr. Mazzoni has enjoyed a very successful career and has distinguished himself as a dynamic crime fighter during the years he served as special assistant attorney general and as district attorney for Lackawanna County.

The son of Italian immigrants, he was born in Carbondale, Pennsylvania. His father worked in the coal mines and his mother labored in the factories.

A graduate of the University of Scranton, he received his law degree from Georgetown University Law School.

After serving as Census Director for the 10th Congressional District, he was named special assistant attorney general. Later, he worked for the Pennsylvania Department of Labor and Industry and, after that, as a workmen's compensation judge.

Elected to two terms as district attorney, Mr. Mazzoni prosecuted more cases of election law violations than any previous DA in the history of Lackawanna County. He also prosecuted a murder case involving two juvenile victims that attracted the attention of a national magazine.

He also broke up the largest interstate crime ring ever to operate in northeastern Pennsylvania. The case involved organized crime figures from New York and New Jersey and led to solving a murder case and scores of burglaries and robberies throughout the region. The case sparked the book ''Marked to Die'' by Michael Brown.

The Commonwealth of Pennsylvania awarded Mr. Mazzoni a certificate of merit, the first such award ever presented to a county prosecutor by the state.

Having established a law firm with his brother, Robert, who is now a Lackawanna County Common Pleas Judge, Mr. Mazzoni remains engaged in the practice of law at the firm of Mazzoni and Karam.

A former president of the Lackawanna County Bar Association, Mr. Mazzoni is married to the former Elaine Seckary. The couple has four children and 11 grandchildren.

Mr. Speaker, please join me in congratulating Mr. Mazzoni on this happy occasion. The quality of life in northeastern Pennsylvania is better today because of the contributions of men like Paul Mazzoni.

IN RECOGNITION OF THE 100TH ANNIVERSAY OF THE CITY OF BELLEVILLE, MICHIGAN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. McCOTTER. Mr. Speaker, I rise today in tribute to the City of Belleville, Michigan, which is celebrating the 100th anniversary of its incorporation.

Located on the southwestern fringe of the Detroit metropolitan area, in VanBuren Township, the City of Belleville was originally founded in 1820. The area was a small industry-trade center in the early 1800s when farming and lumbering were the main occupations.

Today, Belleville and Van Buren Township make up a diverse community of approximately 40,000 residents and is home to Wayne County's largest inland lake. The area is enhanced by its homes, schools, churches, shopping centers, and industrial parks.

Mr. Speaker, I ask my colleagues to join me in congratulating the people of Belleville as they celebrate their historic past. It is my hope this fine community will enjoy a long and prosperous future.

IN HONOR AND RECOGNITION OF JON AND KAREN SALERNO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of Jon and Karen Salerno, united in marriage and united in their unwavering dedication to family, faith and community, as they are recognized by civic leaders, friends and family for their significant contributions to our entire community, including the Italian American community. In honor of their volunteerism, the Salerno's have been chosen to serve as Grand Marshals of the 2005 Cleveland Columbus Day Parade.

Jon and Karen continue to dedicate their personal time and talents to the promotion and preservation of Greater Cleveland's rich Italian heritage by numerous community events and programs, including the annual Cleveland Columbus Day Parade. Karen has focused her professional vocation in working to improve the lives of families and individuals who face life-long challenges of living with physical,

mental and emotional disabilities. Karen has worked with the Summit County Board of Mental Retardation and Developmental Disabilities for more than 25 years and is currently the Senior Director of Medicaid Services. Jon is also an active member with the Summit County Board of Mental Retardation. In the 1970s, Jon led the effort to implement new legislation that gave mentally challenged citizens the right to vote.

Jon's interest in public service began in 1971, when he was elected to serve as Council Member with the Village of Moreland Hills. Since that time, local and national political candidates have sought after Jon's political wisdom and insight. Both Karen and Jon continue to volunteer their time as active members and leaders of many local civic organizations, including many Italian American organizations.

As president of Media, Italia, Inc., Jon has produced and hosted the "Memories from Italy" radio program for more than 25 years. Fifteen years ago, Jon led the effort to organize the first WJCU radio-thon, an event that has raised thousands of dollars for the college radio station every year. Jon's outreach efforts also extend directly to our most vulnerable citizens. He is also the Board Chairman for Alternatives Agency, a community-based correctional facility in Cleveland that has been recognized for its positive impact on individuals making the transition from incarceration to freedom.

Mr. Speaker and Colleagues, please join me in honor and recognition of Jon and Karen Salerno, for their exceptional commitment, leadership and service focused on uplifting the citizens and culture within our community. Their individual and united efforts within their profession, and their volunteer work on behalf of the Italian American community and our entire community, continues to enhance our society and gives us all hope for a brighter tomorrow. I wish Jon and Karen Salerno, and their grown children, Anthony, Jessica and Anthony's wife, Gina, an abundance of health, happiness and peace today and always.

RECOGNIZING THE ACHIEVEMENTS OF MS. GAYLE HOLLIDAY

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. CLEAVER. Mr. Speaker, I proudly rise today in recognition of the achievements of Dr. Gayle Holliday, a constituent of the 5th District of Missouri which I am honored to represent. For over thirty years Gayle has dedicated her life to the Greater Kansas City, MO community, promoting and improving socio-economic conditions, political empowerment and civil rights of people of color.

I recently had the opportunity to pay tribute to Gayle for her extraordinary commitment to community service. During the Congressional Black Caucus Foundation's 35th Annual Legislative Conference, I had the privilege of nominating Gayle for the Congressional Black Caucus Spouses' Celebration of Leadership Unsung Hero Award. While this award carries no monetary prize, it is no less a testament to her devotion to bettering our area.

Helping her both personally and professionally is her tremendous educational background. Gayle holds a BA in Political Sciences, a Masters in Public Administration and a Ph.D. in Management and Applied Technology. Professionally, she is the President and owner of G & H Consulting, LLC, which has been in business for over 10 years, helping clients in the public, private and non-profit sector with strategic planning and business plan development. Additionally, under President Clinton, Gayle was selected as one of a small group of individuals to represent the transportation industry on the President's transition team.

Civically, Gayle serves on twelve boards in the Greater Kansas City area, with diverse interests such as issues of healthcare, education and economic development. Gayle has been happily and eagerly ready to help our community amassing more than 70 hours of community service each month. She is also a member of the church I pastor, St. James Methodist Church, and finds time to serve as chair of the Pastor Parish Staff Relations Committee.

Dr. Holliday's work on behalf of others reaches from behind the scenes to the frontlines. In all of her activities, she demonstrates her dedication and commitment to the greater food of others. Her high energy pace translates directly to the results she is able to obtain for the benefit of all in our area. Regardless of whether she is in the trenches or the boardroom, her poise and thoughtfulness is ever present.

Throughout her life, Gayle Holliday has exercised a tireless belief in the principle of putting "other" before "self." But what separates Gayle from those who simply profess to hold a belief but do nothing to promote it, is that she has put her principles to practice, and the effects of her efforts can be felt throughout the Kansas City metropolitan area. That is why it was indeed an honor for me to be able to recognize her during the CBCF's Annual Legislative Conference. It is also why I am doubly honored to be able to recognize her here along with my colleagues, in the U.S. House of Representatives. While it is but a small acknowledgement for all of the work she has done, it is a heart-felt gesture, taking strength from the myriad lives she has touched in our hometown.

Mr. Speaker, please join me in expressing our appreciation to Dr. Gayle Holliday and her commitment to helping others. She is a living testament to the unspoken principle that defines unsung heroes: to be a great leader you must be a great servant.

TRIBUTE TO 2005 NOBEL PRIZE IN PHYSICS WINNER, DR. JOHN HALL

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. VAN HOLLEN. Mr. Speaker, it is with great pleasure that I rise to commend Dr. John Hall, winner of the 2005 Nobel Prize in Physics. Dr. Hall is a scientist emeritus in the Quantum Physics division of the National Institute of Standards and Technology (NIST) and a Fellow at the Joint Institute for Laboratory Astrophysics.

Dr. Hall has been recognized for his contributions to the development of a laser based precision spectroscopy and optical frequency comb technique. His innovative techniques have made it possible to carry out studies in the stability of the constants of nature over time and to develop extremely accurate clocks and improved GPS technology.

This is the third time a NIST researcher has been awarded the Nobel Prize for Physics, and I am proud to be a strong supporter of that important agency. I applaud Dr. Hall for his outstanding achievements in physics and I wish him continued success in the years ahead.

HONORING SENATOR RAPHAEL J. MUSTO AS HE RECEIVES THE LIFETIME ACHIEVEMENT AWARD FROM THE ITALIAN AMERICAN ASSOCIATION OF LUZERNE COUNTY, PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to a former colleague and current Pennsylvania State Senator Raphael J. Musto on the occasion of receiving the "Lifetime Achievement Award" from the Italian American Association of Luzerne County, Pennsylvania.

Senator Musto has had a distinguished career in public service dating back to 1971 when he was elected to the Pennsylvania House of Representatives in a special election to fill the unexpired term of office of his father, the late State Representative James Musto. Senator Musto was subsequently re-elected to four consecutive terms.

In 1980, then-State Representative Musto won a special election to become the Congressman representing the 11th Congressional District of Pennsylvania in the United States House of Representatives.

In November, 1982, he was elected to the Senate of Pennsylvania to serve the 14th District. Senator Musto was subsequently re-elected in 1986, 1990, 1994, 1998 and 2002. He served as Senate Democratic Caucus Secretary from 1997 to 2004, a leadership position. Senator Musto also serves as Democratic chairman of the Senate Environmental Resources and Energy Committee and chairman of the Energy and Environment Committee of the Council of State Governments' Eastern Regional Conference, which encompasses 11 States, five Canadian provinces, Puerto Rico and the Virgin Islands.

Senator Musto is a charter member of the Pittston Township Lions Club, a member of the Knights of Columbus, the Italian American Association of Luzerne County, the Sons of Italy, the Greater Pittston Chamber of Commerce, King's College Alumni Association and he is a life member of the Pittston Township Volunteer Fire Company.

Senator Musto was honored by both King's College and Wilkes University when the two Wilkes-Barre institutions presented him with honorary doctorates of humanities and humane letters, respectively.

In 2000, he was named Conservation Legislator of the year and he received awards for excellence and distinguished service from the

National Association of Water Companies, the Pennsylvania Municipal Authorities Association, the Ford Foundation and Harvard University.

Senator Musto is married to the former Frances Panzetta and they are the parents of four children and seven grandchildren.

On a personal note, it has been a pleasure to work with Ray Musto on many issues of importance to our mutual constituents. He has epitomized the true American success story by encompassing strong family values, dedication to his community, and commitment to the democratic institutions of his community, his State, and indeed, the Nation. He has been a friend for more than half my lifetime.

Mr. Speaker, please join me in congratulating Senator Musto on this special occasion that recognizes the contributions he has made throughout his distinguished career in public service. Clearly, Senator Musto has made a positive difference in the quality of life for the citizens of northeastern Pennsylvania and we thank him for that.

THE LOW-INCOME GASOLINE ASSISTANCE PROGRAM ACT OF 2005

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to introduce the Low-Income Gasoline Assistance Program Act of 2005. I want to thank the original House cosponsors that have joined in this effort.

Recent high gasoline prices are taking a serious toll on American's pocketbooks. The monthly budgets of hard-working, low-income families are currently dominated by the unexpected price increases at the pumps. We all must do our part to conserve fuel and reduce our national demand for petroleum and I applaud those individuals who have begun or continue to walk, bike or take public transportation on a daily basis. Unfortunately, not all people have these options. Due to lack of available public transportation, people living in rural areas are often forced to commute to everyday activities by automobile. The Low-Income Gasoline Assistance Program Act or LIGAP is designed to assist American families most affected by high fuel prices.

LIGAP is modeled after the successful LIHEAP program that helps low-income citizens pay for seasonal heating and cooling. In short, LIGAP calls for qualifying recipients to receive $25–$75 per month for 3 months to pay for gasoline. Additionally, another 3 months' benefit will be made available if prices do not soften. LIGAP will allow States and tribal organizations to make grants to low- and fixed-income individuals and families who have no option but to drive at least 30 miles a day, or 150 miles per week for work, school, or medical care to defray the cost of purchasing gasoline. States are also encouraged to use their welfare reform block grant to provide transportation stipends to parents who meet the same distance standards.

This measure will enable States to operate the program through their Community Action agencies or welfare departments. Additionally, tribal organizations may directly request assistance. Thus, States will have the flexibility to set income-eligibility standards similar to the current eligibility for LIHEAP. The prices at which the program triggers on and subsequently releases will then be set for each jurisdiction through consultation between the Secretary of Health and Human Services and the Secretary of Energy.

LIGAP is not meant to be a substitute for the long-term energy solutions we all seek for our Nation. Each of us understands the necessity of a comprehensive and balanced approach to energy development, but we must realize that in every State there are hard-working people and elderly individuals whose monthly budgets are being overwhelmed by the cost of gasoline. While we must approach this country's energy demand with the willingness to make the tough, long-range choices demanded of us, it is equally important that we heed the immediate damage being caused by the current high prices. We must show a willingness to provide some comfort for those Americans who are most at risk.

Mr. Speaker, we all recognize that people are suffering and that something must be done to help with the high cost of gasoline. I urge my colleagues to join us in this forward thinking and comprehensive proposal.

MS. SOLIS'S SPECIAL ORDER ON LATINOS AND HIV/AIDS

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2005

Ms. LEE. Mr. Speaker, I rise tonight to join the Gentlewoman from California, my colleague Ms. Solis, to talk about the Ryan White CARE Act and the devastating impact of HIV/AIDS upon minority communities.

I want to thank my colleague for her leadership in organizing this event as we approach the third anniversary of National Latino AIDS Awareness Day on October 15th. As the leader of the Congressional Hispanic Caucus's Health taskforce, I know she is a forceful advocate for ending the racial and ethnic health disparities that continue to plague both our communities.

Mr. Speaker, 15 years ago, a young and courageous boy by the name of Ryan White inspired members of this body and people all over the country to come together out of compassion to destigmatize HIV/AIDs, and to provide medical care and support services to people living with this dreaded disease.

The passage of the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act in 1990 provided hope for thousands of Americans afflicted with HIV/AIDS, and signaled the beginning of a sustained Federal response that has now grown to over $2 billion a year.

The Ryan White CARE Act has been reauthorized twice so far, first in 1996, and then in 2000. Each time we have remembered Ryan for his courage and his compassion and we have remembered countless others who have needlessly become infected by this devastating disease and who still needed our help.

Now it is time to do it all over again.

Since the beginning of this pandemic, over 500,000 individuals have died in the United States, many of whom will be forever memorialized through the ongoing AIDS Memorial Quilt project.

The AIDS quilt stands as testament to the strength and vitality of those who were claimed by this dreaded disease, but it also charts the evolution of HIV/AIDS here in the U.S. as well.

The face of AIDS has changed dramatically since the early days of the epidemic, and now people of color are overwhelmingly represented.

Today, there are over 1 million people living with HIV/AIDS in the United States, 42 percent of which are African Americans, 20 percent of which are Hispanic.

Every year another 40,000 individuals get infected with HIV, over 50 percent of whom are African Americans, and 15 percent of which are Hispanic.

The fastest growing categories of new infections nationally are among African American women and the Hispanic community.

My district in Alameda County reflects the national averages, with African Americans representing over 50 percent of all new AIDS cases, and Hispanics 21 percent, and over the last 8 years the numbers for Hispanics have shot up.

Clearly we need to work harder to get the word out about HIV/AIDS, and we need to make sure that our communities have access to the resources they need.

That's why I'm a proud original co-sponsor of Ms. SOLIS's resolution supporting National Latino AIDS Awareness Day. We need to recognize the fact that AIDS affects everybody, and the more than 76,000 Latinos currently living with AIDS are testament to that.

At the same time we must also recognize the work of national and community based organizations, like the Latino Commission on AIDS, that are doing the work. In my district, organizations like La Clinica de La Raza, AIDS Project East Bay, SalvaSIDA, CALPEP, and SMAAC, deserve to be recognized for their efforts to reach out to Hispanic and African American communities alike.

It is their work that drives us here in Congress to demand more funding for communities of color dealing with HIV/AIDS. And that's why we established the Minority AIDS Initiative in 1998 with President Clinton.

As a key complement to the Ryan White CARE Act, the Minority AIDS Initiative plays a critical role in supporting outreach and capacity building in minority communities.

As we work to re-authorize the CARE Act, we must strengthen the Minority AIDS Initiative and ensure that the needs of minorities are being met.

That means we need a strong and robust primary prevention approach that differentiates messages between race, ethnicity, gender, sexual orientation and identity, and age.

We also need to make sure to build in housing and supportive services to provide continuity of care for all individuals infected with HIV—especially in minority communities.

That means providing convenient access to case management, dental care, mental health therapy, psychosocial support, and drug and alcohol treatment while we try and address the needs of people living with HIV/AIDS.

As we move to re-authorize the CARE Act, we must also ensure full funding for the AIDS

Drug Assistance Program (ADAP), the Housing Opportunities for People with AIDS program (HOPWA), and the Minority AIDS Initiative.

Each of these programs is critical to addressing the needs of people living with AIDS and to addressing the needs of those who are most vulnerable, and they deserve our support.

I hope that with this effort today we can begin to take some concrete steps to move forward with the re-authorization of the Ryan White CARE Act.

I want to thank my colleague again for organizing this discussion.

ASA PHILIP RANDOLPH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. RANGEL. Mr. Speaker, I rise today to present resolution H. Res. 179 giving homage to one of America's forgotten heroes, Asa Philip Randolph. A champion for workers' rights and civil rights for African Americans, he has achieved many gains and survived many losses in his battles to achieve racial, social and economic equality for all Americans.

Mr. Randolph was born in the post-Reconstruction South on April 15, 1889 in Crescent City, Florida. At the age of twenty-two, he moved to Harlem, New York to attend City College where he studied politics and economics, and soon joined the socialist party. During the onset of WWI, Mr. Randolph and his friend Chandler Owen established a controversial magazine called ''The Messenger,'' which initiated his open stance against the segregation of the military and other anti-war sentiments. He believed that the statement ''making the world safe for democracy'' was a fallacy and a tremendous offense to the intelligence of Black Americans because at that time Blacks were being lynched and denied the right to vote, in the South especially, and were victims of segregation and discrimination all over the Nation. WWI became the catalyst for his commitment to fight for the rights of all.

Although Mr. Randolph has done a lot for the Civil Rights Movement, including initiating the famous March on Washington which led to the signing of the Civil Rights Act of 1964, he has done much more with concern for workers' rights and the labor movement. Employment, better wages and equal access are the only ways in which he believed the fight against discrimination and racism could be won. Just before WWII, Mr. Randolph traveled throughout the Nation to unite African Americans against discrimination, which shut them out of well-paying jobs in the factories. As a result of his efforts, then President Franklin D. Roosevelt signed an order ending discrimination in defense plant jobs. Once more in 1948, the power of persuasion and the justice of his complaints convinced President Truman to sign an order calling for the end to discrimination not only in the armed forces, but also in federal and civil service jobs.

His greatest accomplishment, however, has been attributed to his leadership of the Brotherhood of Sleeping Car Porters. Initially, Randolph was approached by a group of Black Pullman porters who wanted the right to bargain for better wages and improvements in working conditions. They wanted to unionize. This was considered the first serious effort to unionize the Pullman Company. In retaliation, the company fired union members, put fear in the men by threatening them with tougher assignments, assignment cuts, or termination. However, to no avail. A. Philip Randolph and the Brotherhood of Sleeping Car Porters continued to fight for their right to unionize. In 1935, 12 years after they started their fight against the Pullman Company, the American Federation of Labor reversed its previous position and voted to make them an international charter. Two years later, the Pullman Company agreed to sit down with the Brotherhood and they signed a contract. He then became heavily involved within the ranks of the AFL–CIO, trying to build a mass movement by working with and through trade unions.

The words and deeds of A. Philip Randolph show us the unyielding strength of his lifelong struggle for full human rights for African Americans and all the disinherited of the Nation. He believed that the condition of blacks in America were a symptom of a larger social illness, an illness which is caused by an unfair distribution of power, wealth, and resources. Mr. Randolph left a legacy of activism and triumph for all Americans to cherish. He fought long and hard to secure the rights of working class Americans regardless of race, color or creed. His life and legacy was based on the principle that ''Salvation for a race, nation or class must come from within. Freedom is never granted; it is won. Justice is never given; it is exacted and the struggle must be continuous for freedom is never a final fact, but a continuing evolving process to higher and higher social, economic, political and religious relationships.''

A. Philip Randolph's position, whether an attitude toward the rights of workers to organize and collectively bargain for their terms and conditions of employment; or his anti-war stand, or a political position with an aim of economic change, has consistently reflected his socialist ideals. He has always believed in a movement based on the workers as the main force, and has always been committed to the idea that a democratic redistribution of wealth is the first step toward greater freedom for all people, Black as well as White. This is why I believe that Congress should support resolution H. Res. 179 expressing the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans.

RECOGNIZING ATTORNEY JOHN PENTZ AS HE IS HONORED BY THE MONROE COUNTY BAR ASSOCIATION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues to pay tribute to Attorney John J. Pentz, Jr., on the occasion of being honored by the Monroe County, Pennsylvania, Bar Association for 48 years of distinguished service.

Born in Dubois, Pennsylvania, the son of the late Judge and Mrs. John J. Pentz, Mr. Pentz graduated from Mercersburg Academy and served in the United States Navy for 2 years.

He attended and graduated from Princeton University and the University of Michigan Law School.

After practicing law in New Haven, Connecticut, for 3 years, he moved to Monroe County where he later established his own law office in Stroudsburg where he specialized in real estate law, administration, corporate and commercial law and estate planning.

A member of Grace Lutheran Church where he was a former trustee and Sunday school teacher, he was the Pocono District Representative and District Chairman for Boy Scouts of America. He is also a member of the Kiwanis Club of the Stroudsburgs, the Monroe County Bar Association, Pennsylvania Bar Association and the American Bar Association.

Married to the former Connie Beers, of New Haven, Connecticut, the couple has three sons.

Mr. Speaker, please join me in congratulating Mr. Pentz on this memorable occasion during which his peers are honoring him for his service to family and community for nearly a half century. The quality of life in northeastern Pennsylvania is enhanced by the sacrifices and contributions of people like John Pentz.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. MILLER of Florida. Mr. Speaker, I would like to offer a personal explanation of the reason I missed roll call Vote No. 508 on September 29, 2005. It was a suspension vote on H. Con. Res. 178, of which I am a cosponsor. Due to circumstances, I could not make it to the floor for this vote.

I respectfully request that it be entered into the CONGRESSIONAL RECORD that if present, I would have voted rollcall vote No. 508, recognizing the need to pursue research into the causes, treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, ''aye.''

PERSONAL EXPLANATION

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Ms. HARMAN. Mr. Speaker, due to travel for official government business, I missed votes on the House floor from Tuesday, September 27 to Thursday, September 29, 2005.

I ask that the RECORD reflect that had I been able to vote Wednesday, I would have voted ''yea'' on rollcall vote No. 501, final passage of the Department of Justice Appropriations Authorization Act.

I also ask that the RECORD reflect that had I been able to vote Thursday, I would have voted ''yea'' on rollcall vote No. 505, the Miller amendment to improve H.R. 3824 through bipartisan compromise, and ''nay'' on rollcall

vote No. 506, final passage of the Threatened and Endangered Species Recovery Act.

HONORING THE 75TH ANNIVERSARY OF THE HUNTING KIWANIS CLUB DAY CARE CENTER

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. RAHALL. Mr. Speaker, today, I honor a historic anniversary as the Kiwanis Day Care Center in Huntington celebrates its 75th anniversary. This is without a doubt a one of a kind day care center with a unique history. The center is the oldest day care facility in West Virginia and is also the oldest continuous Kiwanis service project in the world. The Huntington chapter of the Kiwanis embodies their international motto ''We Build'' with the chapter's dedication to building brotherhood, camaraderie and community as displayed through building and maintaining a 75-year-old service project. The center is operated and sponsored by the Kiwanis Club of Huntington, and President Bob Mauk has been doing a fantastic job for the organization. The center started from a donated residence in 1930 and has since grown to a modern building with seven classrooms, a kitchen, offices and a large, well equipped playground.

Recently a formal ceremony was held where several Kiwanian and government officials were on hand to offer congratulatory remarks and give praise to the center's 23 workers and volunteers. The 72 children served daily by the Kiwanis Day Care Center were on hand to sing Happy Birthday to the center during the ceremony. I take great pride in knowing that a wonderful organization such as the Kiwanis has been working so hard for nearly a century in Huntington to maintain a safe, fun and educational environment for the youth of the Mountain State.

RESOLUTION RECOGNIZING THE THIRD ANNUAL NATIONAL LATINO AIDS AWARENESS DAY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. MENENDEZ. Mr. Speaker, today I am proud to rise and join my colleague, Congresswoman HILDA SOLIS, the chair of the Congressional Hispanic Caucus Health Braintrust, in recognizing the third annual National Latino AIDS Awareness Day, which will take place on Saturday, October 15, 2005.

In my State of New Jersey, over 32,000 people are living with HIV or AIDS, and almost 7,000 of them are Latinos. Unfortunately, Latinos are suffering disproportionately from this disease. Latinos in New Jersey, like Latinos in the rest of the Nation, make up about 13 percent of the population, but 20 percent of the AIDS cases. Many are uninsured and unable to access adequate care due to lack of transportation, language and cultural barriers, or the fear of being stigmatized, among other reasons. Even more disturbing is the fact that 4 out of every 5 females living with HIV/AIDS are minorities.

National Latino AIDS Awareness Day is about educating our communities and increasing awareness. Too many Latinas in my State are not getting diagnosed until it is too late. With increased awareness and action, we can save lives.

National Latino AIDS Awareness Day is a chance to salute the AIDS survivors, and make sure they have the services they need. I urge my colleagues to reauthorize a stronger and fully funded Ryan White CARE Act, which provides critical support for those affected by HIV/AIDS, and is often what keeps those with HIV/AIDS from falling through the cracks. Through the help of the CARE Act, the incidence of mothers transmitting HIV to their babies has decreased ten-fold. Almost half of all CARE Act beneficiaries are minorities. Without a stronger commitment and increased funding, Latinos will be left behind and lives will be lost.

National Latino AIDS Awareness Day also gives us a chance to thank those dedicated to ending HIV/AIDS: the victims, the volunteers, the professionals, and the advocates. It is their tireless efforts and dedication that force our country to be honest with itself. The progress we have made so far would not have been possible without them, or the commitment of national and community organizations, that provide culturally sensitive information and services that are essential to helping Latinos who suffer from the disease.

But the battle against AIDS has not yet been won. Approximately 40,000 new cases of HIV are reported each year. Alarmingly, Congress has slashed critical funding for programs that provide a comprehensive response to the spread of the disease, and for years, our communities have been asked to do more with less. This must stop.

A renewed investment in the fight against HIV and AIDS is critical to the future of this country. Hispanic men, women, children, and families deserve better. On this National Latino AIDS Awareness Day, let us renew our commitment to the Latino community and to ending HIV/AIDS. Let us reauthorize and fully fund the CARE Act, and let us give our communities the resources they need to fight this disease.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. GALLEGLY. Mr. Speaker, on Thursday, September 29, 2005, I was unable to vote on passage of H.J. Res. 68, making continuing appropriations for Fiscal year 2006 (rollcall No. 507); and the motion to suspend the rules and agree to H. Con. Res. 178, recognizing the need to pursue research into the causes, treatment and an eventual cure for idiopathic pulmonary fibrosis (rollcall No. 508). Had I been present, I would have voted ''yea'' on both measures.

FREEDOM FOR RAÚL ARENCIBIA FAJARDO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Raúl Arencibia Fajardo, a political prisoner in totalitarian Cuba.

Mr. Arencibia Fajardo is a member of the Lawton Foundation for Human Rights, the Human Rights Friends Club, and a delegate of the 24th of February Movement. He is a peaceful pro-democracy activist who has worked for basic human rights for the people of Cuba. As an opponent of the tyrannical regime in Havana, he has faced constant harassment and repression.

According to Amnesty International, he was arrested on December 6, 2002, along with fellow opposition activists Dr. Oscar Elias Biscet and Mr. Virgilio Marante Guelmes. He was summarily incarcerated in the grotesque totalitarian gulag for 3 months without trial. During his unjust imprisonment, and after being released, Mr. Arencibia Fajardo never wavered in his commitment to bring freedom, democracy and human rights to the Cuban people.

Unfortunately, according to Amnesty International, on May 18, 2004, Mr. Arencibia Fajardo was, in a sham trial, sentenced to 3 years in the totalitarian gulag for the ''crimes'' of ''disrespect'' and ''resistance.''

According to CubaNetcom, Mr. Arencibia Fajardo has a chronic cough, high fever, throat infection, and has been confined in a cell without food and water. He is suffering in abhorrent conditions because he refuses to accept the reality inflicted on the Cuban people by the tyrant. Let us be very clear, the repression and tyranny practiced by the regime in Havana are incompatible with the democratic values of the western hemisphere.

Mr. Arencibia Fajardo is one of the many heroes of the peaceful Cuban democratic movement who are locked in the dungeons of the dictatorship for their beliefs. They are symbols of freedom and democracy who will always be remembered when freedom reigns again in Cuba.

Mr. Speaker, Mr. Arencibia Fajardo is suffering in a grotesque gulag because he believes in freedom, democracy and human rights. My Colleagues, it is absolutely unacceptable that peaceful pro-democracy activists are languishing in the depraved prisons of tyrants. We must demand the immediate and unconditional release of Raúl Arencibia Fajardo and every prisoner of conscience in totalitarian Cuba.

CELEBRATING THE OPENING OF THE NEW SAN MATEO HIGH SCHOOL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. LANTOS. Mr. Speaker, I rise today to celebrate the opening of the new San Mateo High School and the dedication of the Thomas C. Mohr Clock Tower, in my Congressional

district. San Mateo High School has been on the same property since 1927, but is being rebuilt so that once again the splendor of the school and the extraordinary students who attend will be paired with the elegant architecture they so richly deserve.

Mr. Speaker, the people of San Mateo County agreed in the year 2000 that the six high schools in the San Mateo Union High School District were in need of repairs. Unfortunately shortly after the renovation of San Mateo High School was initiated it became clear that the existing structure was seismically unsafe. As a result of this discovery, the students and staff suddenly found themselves facing a complete reconstruction of their school and were moved into modular classrooms, which have been used for the past four years.

The principal architect of the reconstruction bonds for the San Mateo Union High School District and San Mateo High School is the former superintendent Thomas C. Mohr. Now hopefully enjoying a peaceful retirement, Superintendent Mohr spent a distinguished 43-year career in public education, working as a teacher, counselor, principal, district level administrator and Superintendent. His strong leadership and devotion to the school district led to the clock tower being named after him.

Like any construction project, there were certainly bumps in the road during the past four years but I was delighted to witness how the whole community has come together around the school not only through voting for a bond to revitalize the school but through groups such as the San Mateo High School Foundation, Parent Teacher Organization, Booster Groups and Alumni, which raised funds for an open air amphitheatre and new all-weather track, among other improved amenities.

Mr. Speaker, I commend the community for undertaking the renovation and necessary seismic updates. The extraordinarily beautiful building incorporates many parts of the historic structure, down to murals and the "haphazardly placed bricks," as the architect Paul Bunton appropriately describes them. The new modern structure has expanded the size of the school by 46,000 square feet, yet kept the historic facade. After a somewhat arduous four year project the 1425 students along with the faculty, staff and community as a whole should be commended for their patience in seeing this important project through. On October 15, 2005, the school will officially be dedicated and I ask my colleagues to join me in celebrating the opening of new San Mateo High School and the Dedication of the Thomas C. Mohr Clock Tower.

CELEBRATING ROSH HASHANA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. RANGEL. Mr. Speaker, I rise to recognize the Jewish New Year or Rosh Hashana. This is the 5766th year on the Jewish calendar. Rosh Hashana is the Hebrew phrase which literally translates to "the head of the year."

As the Jewish people of our great country and around the world celebrate this new year, let us join them in their prayers for peace, justice and equality. Let us not forget those of us, of all faiths, who are struggling, especially in the wake of the devastating Hurricane Katrina in the Gulf.

A new year is a symbol of hope and this year is no different. Today, we need to have hope more than ever. Hope for less wars and more diplomacy, hope for breaking racial barriers and coming together, and hope for restraint and modesty in the face of great challenges.

Jewish people throughout the world join their loved ones and friends to take part in a traditional dinner where they enjoy sweet foods such as apples and honey. These foods symbolize the notion of starting a new and sweet year.

Even many of the 10,000 Jewish Katrina evacuees got to celebrate this new year. In Houston, Rabbi Robert Loewy of Congregation Gates of Prayer led a service for 120 of these evacuees. Many of them had not seen each other since the hurricane hit their communities over a month ago. Such coming together after a tremendously painful experience only serves to show the resilience of America's communities and the necessity of maintaining them.

I know my colleagues from both sides of the aisle will join me in wishing a happy new year to all Jews in my district, in our country and around the world—both in the Diaspora and in Israel. May God continue to bless all of us as we face some of the most difficult tests we have ever been faced as a nation.

Shana Tova Umetuka—Have a good and sweet year!

RECOGNIZING JUDGE PETER J. O'BRIEN AS HE IS HONORED UPON HIS RETIREMENT BY THE MONROE COUNTY BAR ASSOCIATION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to join me in paying tribute to the Honorable Peter J. O'Brien, from the Court of Common Pleas, 43rd Judicial District, Monroe County, Pennsylvania, on the occasion of his retirement. He is being honored by his peers at a special celebration on Sunday, Oct. 16.

A native of Pennsylvania, Judge O'Brien has been recognized by his peers as a man who has accomplished much in his career. Mark S. Love, president of the Monroe County Bar Association, has stated that the association is honored to be able to recognize Judge O'Brien for his work and his service to the community.

A graduate of Villanova University, Judge O'Brien was admitted to the Bar of the Supreme Court of Pennsylvania in December, 1962. He attended Judge Advocate General's School in 1963 and received his Military Justice Certification. He also attended several courses at the National Judicial College.

Judge O'Brien served as a captain in the Judge Advocate General's Corps (U.S. Army) from 1963 to 1966. He was Chief of Military Justice, Sixth Army Headquarters in San Francisco, California. He received the Sixth Army Commanding General's Commendation, the Army Commendation Medal and the First Oak Leaf Cluster.

Judge O'Brien practiced law at the O'Brien and Miller law firm in Mount Pocono for 18 years. His former partner, the Honorable Linda Wallace Miller, is also a Common Pleas Judge in Monroe County.

As a practicing attorney, he conducted extensive litigation throughout 12 northeastern counties in Pennsylvania for many years. He also had an extensive appellate practice in the Supreme, Superior and Commonwealth Courts.

He was a member and chairman of a hearing committee for the Disciplinary Board of the Supreme Court from 1972 to 1980.

In 1986, Judge O'Brien was elected to the Monroe County Court of Common Pleas. He was re-elected in 1996 and has presided over hundreds of civil and criminal jury trials.

A member of the American Bar Association, Pennsylvania Bar Association and Monroe County Bar Association, he remains active in numerous education and youth related organizations in the community.

Married for 43 years to his wife, Karin, the couple has seven children.

Mr. Speaker, please join me in acknowledging a remarkable career of public service. Judge O'Brien's example of devotion to justice, faithfulness to family and community service among our youth provides a wonderful role model for others to emulate. Judge O'Brien can take justifiable pride in a job well done.

INTRODUCTION OF LEGISLATION TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO PROVIDE THAT THE DEDUCTION FOR CERTAIN ATTORNEY FEES SHALL BE FULLY ALLOWABLE IN COMPUTING BOTH TAXABLE INCOME AND ALTERNATIVE MINIMUM TAXABLE INCOME

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. HERGER. Mr. Speaker, after 19 years of legal challenges, the courts found the State of California responsible in an inverse condemnation for the failure of the Linda levee on the Yuba River, and ordered it to pay damages to victims of the 1986 Yuba County flood. Now, constituents in my northern California congressional district are receiving their long awaited just compensation. Unfortunately, an unforeseen consequence has arisen. Depending on the amount of an individual's award, he or she may be subject to the alternative minimum tax (AMT), due in part to the portion of the individual's judgment award paid to attorneys in the form of fees.

Attorneys in the suit received their cut of the judgment right off the top, payment for services rendered, as ordered by the court's decision. The attorneys will owe regular tax on this payment. Unfortunately, the actual award recipients may also incur tax liability for this amount, effectively resulting in double taxation—once when the attorneys pay taxes and once if recipients incur AMT liability. Even

though this is money my constituents never physically possessed, as currently written in law no AMT relief can be granted.

Although there is no practical way to retrospectively address the tax treatment of the 1986 Yuba County flood victims, I believe their situation stands on its own as an example of the damaging impacts of the AMT on the American taxpayer. And the scope of the problem is only getting worse. The AMT is not indexed for inflation, meaning that what was conceived in 1969 as a way to compel the wealthy to pay at least a ''minimum'' level of taxes has increasingly become a burden to middle-class citizens. If the current AMT exemptions are allowed to expire, the number of taxpayers subject to the AMT will increase from 3 million in 2004 to 21 million in 2006. Also staggering is the cost of proposed solutions. In fact, the Treasury Department has estimated that by 2013, it would be less expensive to repeal the regular income tax than it would to repeal the AMT.

Though I have long supported the outright repeal of the AMT, I believe it is equally important to highlight the nature in which attorney fees can result in AMT liability, as they may for many of my constituents. For this reason, today I am introducing two bills that would exempt attorney fees from the calculation of AMT tax liability. The first would apply to AMT liability resulting from attorney fees in certain floods that constitute natural disasters. The second would apply to AMT liability resulting from attorney fees in general.

There is no easy fix to the problems encountered by a growing number of Americans due to the alternative minimum tax. It is my hope that in the near future Congress will constructively respond to this problem, whether through overall repeal of this onerous tax, or through consideration of intermediate measures such as these.

INTRODUCTION OF COMMUNITY DISASTER LOAN EQUITY ACT OF 2005

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mrs. MALONEY. Mr. Speaker, Representatives JEFFERSON, MELANCON, GRIJALVA, CROWLEY, SERRANO, MEEKS and I are introducing the Community Disaster Loan Equity Act.

We have all seen the headlines this week that the Mayor of New Orleans has been forced to lay off 3,000 municipal employees because the city of New Orleans can not pay them as a direct result of reduced tax revenues following Hurricane Katrina. There are a number of other towns, counties and parishes up and down the Gulf Coast in similar situations.

Realizing that communities hard-hit by a major disaster frequently suffer a dramatic decrease in tax revenues accompanied by a dramatic increase in expenses, the Robert T. Stafford Disaster and Emergency Assistance Act allows FEMA to make loans to states and local communities to assist with lost tax revenues. This act prevents a community from having to drastically cut essential services and/or increase taxes as they recover from a disaster. These loans stabilize local governments during their greatest time of need. Frequently, these loans have been forgiven and were treated as grants. Since this program was created in 1976, 60 loans have been distributed.

In 2000, arguing that they were too expensive, Congress placed a $5 million cap on these loans with the Disaster Mitigation Act of 2000. Needless to say, a cap of $5 million unfairly penalizes larger communities or communities absolutely devastated by a disaster. That is why we are introducing the Community Disaster Loan Equity Act. This bill would remove the $5 million cap imposed by the Disaster Mitigation Act of 2000. Additionally, it would automatically cancel repayment of these loans and remove the limit of only providing up to 25 percent of total operating expenses if a disaster is declared an Incident of National Significance under the National Response Plan. This legislation is similar to legislation I introduced since the 107th Congress following the major loss of tax revenues suffered by New York City and State following 9/11.

THREATENED AND ENDANGERED SPECIES RECOVERY ACT OF 2005

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes:

Mr. ETHERIDGE. Mr. Chairman, today I rise in opposition to H.R 3824, the Threatened and Endangered Species Recovery Act. Under the constitution, we are charged with securing this country's blessings not only for ourselves, but for our posterity. This bill turns its back on our posterity.

The Endangered Species Act has been a model for the protection and preservation of endangered species since 1973. When this legislation was first passed, many species in this country were on the brink of extinction, and many more were in severe decline. ESA is essential to safeguard our natural resources and ensure the biodiversity that is critical to a healthy environment for all species, including human beings. ESA is a great American success story that should only be altered with the greatest of care.

In the 30 years since the passage of the Endangered Species Act, we have seen an amazing turnaround in both the population numbers of species that were in decline, as well as in the significant environmental improvements that have fostered their recovery.

I acknowledge the concerns of landowners and fanners about the current law, and I agree that the current law needs to be reformed. This is why I support the Miller-Boehlert substitute bill. The substitute helps small landowners by dedicating funding for technical assistance for private property owners, and it provides conservation grants for landowners who help conserve endangered species on their property. Finally, it provides assurances that private citizens will get timely answers from the Fish & Wildlife Service regarding the status of endangered species requirements on their land. The Miller-Boehlert Substitute provides positive changes to the current ESA without reversing the progress that has been made over the past 30 years. The bipartisan substitute is not perfect legislation, but it is far superior to H.R. 3824.

H.R. 3824 was introduced just last week and was marked up without any public hearings, yet this legislation would most certainly rank as the most sweeping and significant change of environmental law in the past 3 decades.

I have grave concerns about provisions in the bill that would give political appointees the power to remove species from the endangered list, and other drastic changes such as those which would take away critical habitat areas that have been set aside for endangered species. Habitat degradation is the leading cause of species decline, and this bill proposes to eliminate critical habitat designations. I do not understand how eliminating protected areas can result in greater protection of endangered species.

The Endangered Species Act may need an update, but we must not reverse course on significant progress and results for endangered species. We have a solemn obligation to maintain responsible stewardship of America's bounty, and this legislation would abandon that responsibility. I urge my colleagues to vote against H.R. 3824, and to vote in favor of the balanced, bipartisan substitute legislation for ESA reform.

HONORING THE LIFE AND ACCOMPLISHMENTS OF SAM VOLPENTEST

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. SMITH of Washington. Mr. Speaker, I rise to recognize the life and accomplishments of Sam Volpentest, who recently died after a lifetime of service to the citizens of Washington state.

Although born in Seattle in 1904, Sam was best known for his work on behalf of the Tri-Cities in the Eastern part of our state. From the time he moved there in 1948, Sam was a respected member of the regional community, operating a variety of businesses and co-founding the Tri-Cities Nuclear Industrial Council, now TRIDEC, to foster development in the Richland, Kennewick and Pasco communities. He served as president of the Richland Chamber of Commerce and the Richland Kiwanis, and said his greatest I achievement in 40 years as a registered lobbyist was having the Pacific Northwest National Laboratory, an Energy Department science lab, built in the Tri-Cities.

Sam served as a mentor to many Members of our state's Congressional delegation, and I will always remember the energy and commitment he demonstrated when I worked with him as a Member of the Armed Services Committee. When I first worked with Sam, I remember a man in his mid–90s who worked harder on his issues than anyone else. His enthusiasm and knowledge of the issues affecting the Tri-Cities provided this region with a

respected voice advocating its interests in Congress.

Our state's delegation will miss the insight and perspectives of this community leader. The Tri-Cities—and indeed all of Washington state—will always remember the commitment and dedication of Sam Volpentest.

PERSONAL EXPLANATION

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. INGLIS of South Carolina. Mr. Speaker, on rollcall nos. 512, 513, and 514, I was unavoidably detained. Had I been present, I would have voted ''aye.''

THE THURGOOD MARSHALL COMMEMORATIVE COIN ACT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. RANGEL. Mr. Speaker, I rise today to ask Congress to please join me in cosponsoring H.R. 1433, the Thurgood Marshall Commemorative Coin Act to commemorate the life and legacy of the Honorable Thurgood Marshall, one of America's distinguished Civil Rights leaders and the first black Associate Justice of the Supreme Court.

Like Martin Luther King Jr., Malcolm X and many more, Thurgood Marshall led a civil rights revolution in the twentieth century that forever changed the landscape of American society. Working through the courts to eradicate the legacy of slavery and destroying the racist segregation system of Jim Crow, he had an even more profound impact on race relations than many of his peers in the Movement. As the leader of Legal Defense Fund of the National Association for the Advancement of Colored People (NAACP), Mr. Marshall won Supreme Court victories breaking the color line in housing, transportation and voting, all of which overturned the 'Separate but Equal' apartheid, which was the oppressive reality of American life for Blacks from emancipation to the 1960's. It was Marshall who was the mastermind behind the strategies which won the most important legal case of the century, Brown v. Board in 1954, which ended the legal separation of black and white children in public schools and initiated the dismantling of the legal framework which supported segregation. The success of the Brown case sparked the 1960's Civil Rights Movement.

Marshall's first major case in 1933 desegregated the University of Maryland and initiated his long and distinguished career as the most notable civil rights attorney in American history. Heavily involved with the NAACP, Mr. Marshall navigated through the court system a series of cases to legally challenge the laws that sought to legitimize the denial of constitutionally guaranteed civil rights to African Americans. He was even invited by the United Nations and the United Kingdom to help draft the constitutions of both newly formed Ghana and Tanzania.

As a result of the success of many of his Supreme Court challenges to state sponsored discrimination, President John F. Kennedy appointed Mr. Marshall to the U.S. Court of Appeals for the Second Circuit. As a Federal Court judge Thurgood Marshall wrote over 150 decisions including support for immigrants' rights, limiting government intrusion in cases involving illegal search and seizure, double jeopardy, and right to privacy issues. As U.S. Solicitor General, Mr. Marshall won 14 of the 19 cases he argued in front of the Supreme Court on behalf of the government. Through this position he represented and won more cases before the Supreme Court than any other American. Therefore it was befitting that in 1967 Lyndon B. Johnson appointed him to the Supreme Court, making Thurgood Marshall the first African American to be a Supreme Court Justice.

Throughout his tenure as a Supreme Court Justice, Marshall was a strong advocate for equal rights under the law. He strongly believed that integration was the only route to achieving equal protection for all. Once individual rights were accepted, blacks and whites could rise or fall based on their own ability. However, Justice Marshall believed that the Constitution was inherently defective in its acceptance of slavery, and he made it clear that while legal discrimination had ended, there was more to be done to advance educational opportunity for people who had been locked out and to bridge the wide canyon of economic inequity between blacks and whites. Therefore he was a very strong advocate for programs such as Affirmative Action, preferences, set-asides and other race conscious policies.

Although Thurgood Marshall worked most of his life on behalf of the rights of African Americans, he built a structure of individual rights that became the cornerstone of protections for all Americans. He succeeded in creating new protections under law for women, children, prisoners, and the homeless. Justice Marshall ''refused to acquiesce in outdated notions of 'liberty', 'justice' and 'equality,'" and worked to better them. Therefore, as we now experience the process of appointing a new Supreme Court Justice, let us remember the life and legacy of Supreme Court Justice Thurgood Marshall. For his strength and struggle has contributed greatly to American history and his impact on the Supreme Court fully represents the true essence and purpose of our Constitution.

I believe it is most appropriate at this time in our national history to recognize and honor Thurgood Marshall in a special manner. That is why I have introduced a bill to authorize the minting of a special coin in honor of Thurgood Marshall. I submit the text of my proposal legislation for the CONGRESSIONAL RECORD and ask for the support of its early consideration and passage.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Ms. LEE. Mr. Speaker, on September 29, 2005, I was unable to vote during rollcall votes Nos. 502 to 508 as I had to attend a funeral in my district.

Had I been present, I would have voted ''nay'' on H. Res. 470, H. Res. 388, and H.J. Res. 68. I would have voted ''aye'' on H. Con. Res. 178.

Also, I would voted ''nay'' on H.R. 3824, the Threatened and Endangered Species Recovery Act of 2005 because in reality this bill is a threat to the recovery of endangered species in our nation. However, I would have voted ''aye'' on the Miller substitute to H.R. 3824.

HONORING ST. NICHOLAS ROMAN CATHOLIC CHURCH IN WILKES-BARRE, PENNSYLYANIA, AS IT CELEBRATES ITS 150TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay special tribute to St. Nicholas Roman Catholic Church of Wilkes-Barre, Pennsylvania, which is celebrating its 150th anniversary on Oct. 16, 2005.

A century and a half ago, a small group of German immigrants joined together to form a church where they could worship in the traditions instilled in them by their ancestors and provide a religious education for their children and for the generations to follow.

Their effort took root and quickly flourished. Soon, a small wooden church appeared to provide a place to worship and then a school. Both structures filled quickly and the need to build even larger facilities was evident.

In 1883, the congregation started construction on a magnificent Gothic edifice that remains to this day and can accommodate up to 1,200 worshippers at a given service.

In 1913, anew, larger elementary parochial school was constructed to accommodate an ever growing number of students. A high school was incorporated in 1928, and an auditorium and gymnasium were built in 1930.

The Sisters of Christian Charity, organized in Germany, joined St. Nicholas Parish as the school teachers in the early 1870s and they remain in a leadership role to this day. A new convent was built to accommodate their needs in 1963.

The old church rectory was torn down in 1971 and a new residence was built and completed by June, 1972.

The parish steadily acquired adjacent properties over the years and, today, occupies nearly an entire city block bounded by Washington Street, Pennsylvania Avenue and the South Street Bridge.

Now home to more than 1,300 families, the parish maintains more than 40 thriving organizations that minister to all segments of the congregation and the larger community nearby.

Although in existence for 150 years, the parish has had only six pastors, including Monsignors Peter Nagel, Charles Goeckel, Cyriac Staib, Francis Schmitt, Joseph Meier and Joseph Rauscher.

Mr. Speaker, please join me in congratulating St. Nicholas Parish on the occasion of its 150th anniversary. A landmark in central city Wilkes-Barre for a century and a half, St. Nicholas Church is well known for much more than just a striking physical presence in the

heart of the community. It has been a shining example of a faith community that ministers to its own while reaching out with a welcoming hand to the larger community in a myriad of ways. The pastor and parishioners of St. Nicholas Church have much about which to celebrate and be proud. We extend to them a hearty wish for continued success as a beacon of spiritual inspiration to those throughout the greater Wyoming Valley.

THREATENED AND ENDANGERED SPECIES RECOVERY ACT OF 2005

SPEECH OF

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes:

Mr. POMBO. Mr. Chairman, regarding the Judicial jurisdiction under H.R. 3824, the United States District Court shall have jurisdiction over an action by a requestor arising over a written determination under Section 12(d) or a claim for aid under Section 13 of the Threatened and Endangered Species Recovery Act, including the determination of the documentation of the foregone use and the fair market value thereof.

CELEBRATING HISPANIC HERITAGE MONTH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. LANTOS. Mr. Speaker, I rise today to honor and celebrate with my amazingly diverse constituents in the 12th Congressional District of California Hispanic Heritage Month. I am grateful that September 15th through October 15th has been set aside to commemorate the extraordinary heritage and the significant contributions that people of Hispanic descent have made to the United States.

Hispanic and Latino influence predates the establishment of our Nation and can be seen in the discovery and founding, as well as the continued prosperity of America. The influence of Mexican Americans, Cuban Americans, and every other American of Hispanic descent, has enriched our country. Currently, 26 Hispanic Americans serve in the House of Representatives, and two serve in the Senate. In every war in American history, Hispanic Americans have displayed valor and courage. Over 1.1 million Hispanic Americans have served in the U.S. armed forces. Indeed, 41 men of Hispanic heritage have received the Congressional Medal of Honor.

KQED, a nationally recognized public broadcaster, has awarded the following four outstanding individuals for their work in the community through the 2005 Latino Heritage Local Heroes. They are but a few of the wonderful people who have worked to make my community great.

Mr. Speaker, Felix Bedolla, a Northern California native, has served in multiple leadership roles in the arts, education, and youth mentoring. Mr. Bedolla is the program director of Aldea/Nuestra Esperanza, which is a Latino Multi-Service Center offering drug, alcohol and mental health counseling and treatment services, parent support groups, Latino youth mentoring programs, and gang violence suppression programs.

Carlotta del Portillo, the Dean of the Mission Campus of City College of San Francisco, has facilitated access to educational opportunities and has developed vocational job training programs, which have provided a great assistance to many Hispanic Americans. Through her service in city government and community groups, Dr. del Portillo has had a positive and lasting effect on human rights, education, the Fire Department, the role of women in the Fire Department, national parks, and so much more.

Mr. Speaker, Joel Garcia has also centered his career on helping others. Specifically, Mr. Garcia contributes to his community by securing access to health and human services to the needy. Joel serves as the Chief Executive Officer of the Tiburcio Vasquez Health Center, Inc., a non-profit, federal-qualified community health center that provides primary care health services in southern Alameda County. He plays an influential role in academia by publishing research on health law, policy, and administration.

I would like to underscore the contributions of my friend, Pedro Gonzalez, who has devoted his life to the city of South San Francisco for many years. As a public servant, he has served as a council member and mayor. Through his career, he has worked for affordable housing, childcare assistance for low-income families, national parks, community service, recreation, and education among many other issues. As president and co-founder of Historical Old Town Homeowners and Renters Association, Pedro implemented the "Siempre Adelante" program, an informational program for the community on parenting and civic participation.

In addition to those honored by KQED, I wish to further single out many other deserving leaders who have contributed so much to my community. These are the giants of government and community service who work so tirelessly around the Penninsula.

Last year, my good friend, José Cisneros was appointed by Mayor Gavin Newsom as Treasurer for the City and County of San Francisco. I have known José for a long time, and as the City's banker and chief investment officer, the City of San Francisco is in very able hands. José Cisneros received his Bachelor of Science from Sloan School of Management at the Massachusetts Institute of Technology (MIT) and studied for his MBA at Boston University.

Mr. Speaker, the County of San Mateo is lucky to have Ortensia Lopez. As a resident of San Mateo County since 1975 and as the Executive Director of the Concilio of San Mateo County, she has helped to improve public health, energy efficiency, employment, job training, race relations, conditions for the disadvantaged, banking, and commerce. Ms. Lopez was the first member of her family to graduate from college and has won multiple awards, including "Woman Who Could Be President".

Since 1996, Daly City has benefited from the public service of Sal Torres, the city's first elected Latino official. Through his various offices in Daly City, including mayor, vice mayor and city council member, Mr. Torres has shown exemplary leadership in transforming the city into a family and children friendly place. He dedicated the Bayshore Community Center for the use of the Mid-Peninsula Boys and Girls Club as well as several parks. During his years of service Daly City ranked among the top 10 safest cities with populations exceeding 100,000.

The efforts of Elizabeth Quiros as the President of the San Mateo County Hispanic Chamber of Commerce have helped countless Hispanic Americans in my district. Her organization works as an information resource and provides networking and expansion opportunities for all its members. The success of the Hispanic Chamber of Commerce in promoting Hispanic business, under Ms. Quiros's, influence manifested in the Chamber's recognition as the 2004 Small Hispanic Chamber of the Year. Ms. Quiros has worked tirelessly to identify the needs of the Hispanic Community and ensuring equity in the treatment of Hispanic Americans.

Mr. Speaker, the problems that the Hispanic community faces with the Nation as a whole are daunting. According to the latest data and statistics from the Centers for Disease Control and Prevention, Latinos represent 14 percent of the population of the United States but account for 20 percent—over 164,000—of AIDS cases nationally. AIDS-related illnesses represent the fourth leading cause of death among Latinos between 25 and 44. In order to promote awareness and prevention, I support the 3rd Annual National Latino AIDS Awareness Day on October 15, 2005. We need to continue to work toward legislation to help Hispanic Americans.

This month our Nation can take a long look back at the myriad of contributions that the Hispanic community has offered and continues to offer. Hispanic Heritage Month also helps us renew our focus on difficult issues that face this community: racial profiling, affordable housing, language barriers, and unfair immigration policy.

Mr. Speaker, this vibrant part of our community offers an array of perspectives that are firmly woven into the fabric of America, and I am extremely proud to serve as a representative of a community that consists of so many great Americans. I encourage all Americans to participate in this month of celebration. I invite my colleagues to join me in recognizing the contributions that Hispanic Americans have made to our Nation.

THREATENED AND ENDANGERED SPECIES RECOVERY ACT OF 2005

SPEECH OF

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes:

Mr. PUTNAM. Mr. Chairman, the intent of Sec. 25 of H.R. 3824, the Relationship Between Section 7 Consultation and Incident Take Authorization Under Marine Mammal Protection Act of 1972 is to clarify that when regulations set forth under the Endangered Species Act conflict with regulations set forth under the Marine Mammal Protection Act during the review process for issuing dock permits, it is the regulations set forth under the Endangered Species Act that are the governing authority.

HONORING HIS HOLINESS ARAM I, CATHOLICOS OF THE ARMENIAN APOSTOLIC CHURCH

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mrs. NAPOLITANO. Mr. Speaker, I rise today on behalf of the second largest Armenian-American community in the state of California to welcome His Holiness Aram I, Catholicos of the Armenian Apostolic Church. We are honored that His Holiness will be visiting our state during his October pontifical travels.

Catholicos Aram I has served the Armenian Apostolic Church with distinction since he was consecrated as spiritual leader in July of 1995. His major priority has been to reorganize and revitalize the work of the church, particularly in the areas of theological education, cultural activities, youth outreach, and the promotion of peace, justice and human rights. Additionally, he has increased the social service work of the church, improving assistance to orphans, to vulnerable children, to the elderly, and to the disabled.

I am particularly grateful that His Holiness will be visiting the 38th Congressional District on Oct. 8th, where he will attend a ceremony at the Armenian Genocide Monument at Bicknell Park in the city of Montebello. This is the only Armenian Genocide Monument to reside on public property in the United States. It is a reminder to our communities of the horrible atrocities that befell the Armenian people 90 years ago, and the world's continuing struggle against genocide wherever it occurs.

Mr. Speaker, it is a special privilege to serve my constituency on the Committee on International Relations, which recently passed H. Con. Res. 195, Commemorating and Recognizing the Armenian Genocide, and H. Res. 316, Affirming the United States Record on the Armenian Genocide. H. Con. Res. 195 acknowledges the systematic and deliberate annihilation of 1.5 million Armenians by the Ottoman Empire, and H. Res. 316 recalls the proud history of U.S. intervention in opposition to the Armenian Genocide. I hope the full House will have an opportunity to vote on and pass these important bills. The United States Congress must honor the many survivors of the Armenian Genocide who have made our nation and my district their home.

Mr. Speaker, I ask my colleagues to join me in welcoming His Holiness Aram I as he visits the Armenian Genocide Monument in Montebello, CA. This will be a rare opportunity for the Armenian Apostolic community in my district to hear from their spiritual leader. My district, the Los Angeles region, and the state of California are deeply honored by his visit.

NUCLEAR MEDICINE WEEK

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today to remind my colleagues that October 2–October 8 is Nuclear Medicine Week. Celebrated at hospitals, clinics, imaging centers, educational institutions, and corporations around the world the first full week of October each year, Nuclear Medicine Week encourages members of the nuclear medicine community to take pride in their profession.

I am proud to note that the Society of Nuclear Medicine is headquartered in Reston, Virginia in my congressional district. The Society is an international scientific and professional organization of more than 15,000 members dedicated to promoting the science, technology, and practical application of nuclear medicine. I commend the Society staff and its professional members for their outstanding work and dedication to caring for people with cancer and other serious, life-threatening illnesses that are diagnosed, managed, and treated with medical isotopes via nuclear medicine procedures.

Nuclear medicine is a medical specialty that involves the use of small amounts of medical isotopes called ''tracers'' to help diagnose and treat a variety of diseases. These tracers are introduced into the body by injection, swallowing, or inhalation. A special camera, called gamma camera, detects the medical isotope in the target organ, bone, or tissue and forms an image that provides data and information about the imaged area of the body. This is how nuclear medicine differs an x-ray, ultrasound or other diagnostic test—it determines the presence of disease based on function rather than anatomy.

Nuclear medicine tests are safe and painless and often identify abnormalities very early in the progression of a disease—long before some medical problems are apparent through other diagnostic tests. This early detection allows a disease to be treated in its beginning stages, which significantly improves the odds of a successful outcome.

An estimated 16 million nuclear medicine imaging and therapeutic procedures are performed on 20 million individuals each year in the United States. These procedures are a vital tool in the diagnosis and treatment of patients with cancers of the brain, breast, blood, bone, bone marrow, liver, lungs, pancreas, thyroid, ovaries, and prostate, as well as cardiovascular disease, neurological disorders such as stroke and Alzheimer's disease, and kidney disease.

Some of the more frequently performed nuclear medicine procedures include:

Bone scans to examine orthopedic injuries, fractures, tumors or unexplained bone pain.

Heart scans to identify normal or abnormal blood flow to the heart muscle, measure heart function or determine the existence or extent of damage to the heart muscle after a heart attack.

Breast scans that are used in conjunction with mammograms to more accurately detect and locate cancerous tissue in the breasts.

Liver and gallbladder scans to evaluate liver and gallbladder function.

Cancer imaging to detect tumors and determine the severity (staging) of various types of cancer.

Treatment of thyroid diseases and certain types of cancer.

Brain imaging to investigate problems within the brain itself or in blood circulation to the brain.

Renal imaging in children to examine kidney function.

Unfortunately, funding for nuclear medicine research is in jeopardy. The President's FY 2006 Budget cut the Medical Applications and Measurement Science, MAMS, Program at the Department of Energy, DOE, Office of Biological and Environmental Research, OBER, from $37 million to $14 million and earmarked the remaining funds for research unrelated to nuclear medicine. The DOE has funded nuclear medicine research for over 50 years. Fortunately, the House Energy and Water Appropriations Subcommittee restored $35 million for the MAMS Program, but the Senate Energy and Water Appropriations bill is silent on this matter. It is vital that this small but highly successful program receive funding at the House level in conference. The MAMS Program is directly responsible for the creation of positron emission tomography, PET, and current research projects will create the next generation imaging procedures that will save lives.

I encourage my colleagues to support Nuclear Medicine Week and to support the House funding level for the MAMS Program so that our nation will continue to be at the cutting edge of life saving nuclear medicine and imaging research.

A STATEMENT ON TAIWAN NATIONAL DAY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. COSTA. Mr. Speaker, I rise today to congratulate the people of Taiwan on the occasion of National Day on October 10.

The Republic of China (Taiwan) is our ally in the Pacific. Although it is a small island nation, it has a growing and progressive economy, providing its citizens with quality education, health care and affordable housing. In a recent survey conducted by the Geneva-based World Economic Forum, Taiwan was ranked first in Asia and fifth in the world in terms of growth competitiveness. With its well-educated population, Taiwan is an ideal training ground and place for business entrepreneurship. Much of Taiwan's economic prowess is directly attributable to Taiwan's political system.

A vibrant democracy, Taiwan's history of democratization is an important example of how other countries can change. In 2 decades Taiwan has peacefully transformed its political system, from authoritarian to democratic government, providing a role model for other non-democratic political governments in Asia. In view of China's growing military strength and intentions, the best way to safeguard Asia's permanent peace and prosperity is to have all Asian countries join forces with other democratic countries in the world to form a global community of democracies. In the meantime, we hope democracy will take roots in China. Taiwan's successful democratic experience proves that democracy can indeed thrive on Chinese soil.

We also hope that in the months and years ahead, Taiwan and China will reach a rapprochement of sorts. Taiwan has made efforts to expand cross-strait exchanges in the fields of journalism, information exchange, education, culture and trade in endeavoring to foster mutual trust. Taiwan President Chen Shui-bian has adopted a policy of reconciliation and goodwill toward China. I hope Taiwan President Chen Shui-bian and PRC President Hu Jintao will soon meet and discuss cross-strait issues. A unified China under the principles of freedom, democracy and prosperity is the dream of all peace-loving people.

Again, congratulations to the people of the Republic of China on their National Day.

RECOGNIZING KEITA AND HAYATO ISHIBASHI

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. CUNNINGHAM. Mr. Speaker, I rise to recognize 2 young men whose musical talents are exceeded only by their commitment and dedication. As a former high school teacher and coach, I know how important it is to recognize the achievements of our youth. Keita and Hayato Ishibashi are role models for all who believe that creativity and hard work lead to the American dream of success. Both are students at Rancho Bernardo High School, and both are violinists of the highest caliber.

Only 16 years old, Keita has appeared several times with the San Diego Symphony. In fact, he made his career debut with the San Diego Symphony at the age of 13. Keita performed for the last five summers at the Viana do Castelo International Music Festival in Portugal, and he performed in the summer of 2000 at an international music festival in Saluzzo, Italy. He has a resumé that any musical prodigy would be proud of. The high school junior began playing the violin in Tokyo, Japan, at the age of three on a 1/16th size instrument. At the age of four, Keita performed publicly at a concert hall in Japan shortly before coming to the United States with his family. It was not long before he began attending international music festivals in cities that included Seattle, Washington; Santa Rosa, California; and Aspen, Colorado.

Meanwhile, Keita's younger brother Hayato was also starting to get his musical legs. Hayato began taking violin lessons in the United States at the age of four. Soon, he, too, began participating in the same music festivals as his older brother. The purpose of the festivals is to help young artists develop their musicianship through an extensive curriculum that includes experience with master classes, chamber groups, and orchestras.

The sons of Shinji and Akemi Ishibashi have enjoyed many high notes in their young musical careers, and they include numerous prestigious competitions. Earlier this year Keita won the First Place Award in the San Diego Symphony's Young Artist Competition, and he received an Honorable Mention Award at the La Jolla Symphony's Young Artist Competition. At the La Jolla Symphony competition, Keita was the youngest participant in a field of 25–to–30 young musicians. The oldest was about 23. Last year, Keita won the blue ribbon at the San Diego Youth Symphony's Concerto Competition, and in 1999 another First Place at the El Camino Youth Symphony's Concerto Competition.

Like his older brother, 14-year-old high school freshman Hayato has an affinity for high notes of his own. Hayato's 2005 First Place finish at the Young Musicians Foundation's 50th Annual National Debut Competition resulted in an invitation to play with the foundation's symphony orchestra in Los Angeles, California, in October of this year and again in January of 2006. Hayato tied for Second Place at the California International Young Artist Competition last April. He won a Third Place Award in the San Diego Youth Symphony's 2004 Concerto Competition, and he was declared a national semi-finalist at the American String Teachers Association's 2003 Competition in Sacramento, California. During the latter competition, Hayato performed Concerto No.1 by Niccolo Paganini and Concerto No.1 by Max Bruch. Both were recorded on CD and are available through recorded music sources.

Currently, Keita is concertmaster and first chair of the chamber and symphony orchestras at Rancho Bernardo High School, and Hayato is a new and welcome addition to the school's music department. Each of them is pursuing his dream, and in so doing each of them is setting an example for all of us. My sincere congratulations go to Keita and Hayato, and I wish you both continued success throughout your academic and musical careers.

CONGRATULATING SEAN HUGHES

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Sean Hughes who has recently been recognized by the International Association of Emergency Managers as a Certified Emergency Manager. The designation is the highest honor of professional achievement available from the international association, which has more than 2,700 members.

Mr. Hughes has worked for the City of North Richland Hills, in my home district since 1987. He has an Associate's Degree from Clackamas Community College, a Bachelors Degree from the University of North Texas and is currently doing graduate work towards a Master of Science in Emergency Management.

Mr. Hughes is a Texas Certified Emergency Manager, Master Firefighter, Master Arson Investigator, Master Instructor and Advanced Peace Officer. He has completed the FEMA Professional Development Series and has received numerous awards including the Fire Department Medal of Valor.

The emergency management certification program was developed by the International Association of Emergency Managers with funding from the Federal Emergency Management Agency and guidance from an advisory board. Candidates for the certification are reviewed by a Commission of 19 respected professionals in the field and must complete a written examination and management essay. The commission considers each candidate's experience, references, education, training and contributions to the profession. Since 1993, the association has recognized 954 professionals with the Certified Emergency Manager designation. Sean Hughes is the third emergency management professional in Tarrant County to receive the designation.

I am proud to recognize Sean Hughes for his accomplishments and to have him represent the North Richland Hills Community and the 26th District of Texas.

INTRODUCING A BILL DESIGNATING A POST OFFICE AFTER LILLIAN KINKELLA KEIL

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Ms. SOLIS. Mr. Speaker, I rise today to introduce a bill designating a post office after Lillian Kinkella Keil, the most decorated female veteran in U.S. military history. Lillian Keil was a long time resident of Covina, California, in my Congressional District.

Lillian Keil was born in 1917 in Arcata, California, and raised in a convent. As she watched the nuns take care of the sick, she was drawn to nursing. She became one of the first generation of stewardesses for United Airlines when many early flight attendants were nurses. In 1943, she joined the Army Air Corps (which later became the U.S. Air Force) as a flight nurse to serve in World War II. She rose to rank of Captain.

Captain Lillian Keil has been called an ''Airborne Florence Nightingale.'' As a flight nurse, she helped to evacuate thousands of wounded U.S. troops from the battlefields during World War II and the Korean War. She flew more than 425 combat evacuation missions, rescuing men who fought in the Battle of Bulge and in Normandy during the D-Day invasion. She also was part of a team that followed General Patton's army across France with cargos of crucial supplies.

Captain Lillian Keil died of cancer at the age of 88 earlier this year. Her life and decorated service to our country serve as an inspiration to current and future generations of Americans, particularly women serving in the U.S. military. Through it all, Captain Lillian Keil won the hearts and touched the lives of countless service members and their families. She never questioned what she needed to do and she was proud of her service.

After serving her country, Captain Lillian Keil became an active member of various veterans' organizations. She was a member of the Veterans of Foreign War 8620 in West Covina, California, and the American Legion Post 790 in West Covina. She also belonged to the Chosin Few Veterans Military Organization.

I am pleased that my colleagues from the California delegation have joined me in support of this bill. This legislation also enjoys support at the local level. Both the City of Covina and West Covina have expressed their support for naming the post office located at 545 North Rimsdale in Covina, California, after Lillian Kinkella Keil.

My heart and my prayers go out to the family and friends of Captain Lillian Keil, as well as to those who have lost their loved ones during these turbulent times. I urge my colleagues to join me in recognizing Captain Lillian Keil. This bill symbolizes the gratitude and

admiration we have for our nation's soldiers who risk their life to defend our country.

RECOGNIZING A STATEMENT BY RABBI ISRAEL ZOBERMAN, SPIRITUAL LEADER OF CONGREGATION BETH CHAVERIM IN VIRGINIA BEACH

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. FORBES. Mr. Speaker, I rise today in recognition of a statement by Rabbi Israel Zoberman, spiritual leader of Congregation Beth Chaverim in Virginia Beach, Virginia in recognition of the hope of peace created by recent Middle East developments.

Israel's historic disengagement from Gaza and parts of the West Bank has begun on August 15, 2005. These unilateral acts by a democratic Israel, though coordinated with the Palestinian Authority, approved by its government and Knesset, and commanding a majority in the Israeli public, are nonetheless painful and controversial in uprooting thousands of Israeli settlers from areas associated with Biblical Israel gained following the 1967 Six-Day War.

Paradoxically, that miraculous victory by a gravely threatened Israel facilitated through a pre-emptive strike by the superb Israeli Air Force that destroyed the Egyptian planes still on the ground, saddled Israel with two challenging dilemmas; a recalcitrant, fast growing Palestinian population with its own national aspirations and a rising messianic Judaism mesmerized by a universal redemptive vision rooted in the stunning return to the ancient inheritance with every inch of it consequential, flying in the face of classical Zionism's operative principle of compromise with the Arabs.

I surely sympathize with fellow Jews who accomplished much and whose lives are now dramatically impacted with their realities and dreams undergoing demanding change. We also recognize that both Likkud and Labor-led governments encouraged the settlement enterprise as a patriotic act. How ironic and symbol-laden that Prime Minister Sharon is the one presiding over the transfer of territory that he was the grand architect of settling, stamped by his unique style of charismatic leadership and pioneering zeal. I personally witnessed during earlier missions to Israel the enthusiastic use of dotted maps by the once hero of the settlers' movement and the political Right who has turned into their maligned figure, making him into the most guarded man on earth.

How history repeats itself with altered twists. It was Sharon who as Defense Minister ordered the destruction of Yamit in 1982 in the wake of the 1979 peace treaty with Egypt which included the Sinai Peninsula's loss. It is this courageously transformed Prime Minister Sharon who, following the bloody Second Intifada of barbaric suicide bombings against Israel's civilian population, the death of his longstanding nemesis Chairman Arafat and the yet unsettling murder of Prime Minister Rabin by a fanatic Jew, has finally decided to act.

He thus offsets world pressure and begins to draw, with the Road Map's backdrop, Israel's future boundaries sans the Palestinian demographic trap, signaling with sacrificial acts to the Palestinian Authority Israel's abiding interest in reaching a peace agreement and its commitment to establishing a Palestinian state. The Israeli military is also freed from the cumbersome and expensive yoke of guarding the Gaza settlers, attempting to preserve the genuinely Biblically connected major blocks of West Bank settlements, assuring greater Jerusalem's Jewish destiny.

This realistic Zionist vision comes with the heavy and traumatic price of relocating Israelis whose majority peacefully complies albeit with some understandable legal demonstration. However, a hard core minority with outside agitators seems bent on resisting the order to evacuate in spite of offered compensation, even as we pray that in the moment of truth the tragically unacceptable scenario of Jew fighting Jew will be averted. To be sure, the state's authority properly carried out should prevail to safeguard its very foundation.

What is described as Israel's most fateful internal test since 1948, will hopefully prove a rallying point for reordering the only Jewish state's priorities toward applying its limited resources to pressing economic, social and educational needs along with focusing on the holy as well southern Negev and northern Galilee, without which an enduring Israel is truly at risk, quality-wise and physically.

The Palestinian Authority has a golden opportunity and responsibility, not to be missed, assuring that violence from its midst will not interfere with Israel's forthcoming move which benefits both sides to this far too long and costly entanglement. Indeed, the challenge for President Abbas remains to put an end to Palestinian terrorism and competing organizations such as Hamas and Islamic Jihad, undermining both Israel's and his own dreams for his people. How his leadership will run the evacuated territory will be indicative of what's in store for a future Palestine state. Active American involvement and essential support remain key for the prospect of peace and prosperity to the entire turbulent region bearing upon the world at large these eventful times.

Rabbi Israel Zoberman is the spiritual leader of Congregation Beth Chaverim in Virginia Beach. He grew up in Haifa, Israel.

CELEBRATING THE 50TH ANNIVERSARY OF GREATER MIAMI CHAPTER OF THE LINKS, INC.

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise to congratulate the Greater Miami Chapter of The Links, Inc., on their 50th year of outstanding commitment to community service. The ceremony recognizing this important milestone will be held on Sunday, October 16, 2005, at Florida Memorial University, Miami, Florida.

The Greater Miami Chapter was chartered on Saturday, November 5, 1955, when founding members Maude K. Reid, Mayme E. Williams, and Susie W. Francis brought together 15 other charter members for an installation ceremony at the Carver Hotel in Overtown.

During its 50th anniversary celebration, the chapter will honor 7 honorees: charter member Susie W. Francis, Frances J. Chambers, Gwendolyn H. Welters, Dorothy J. Fields, Ph.D.; Castell V. Bryant, Ed.D., Regina J. Frazier, and Senator Frederica S. Wilson.

The Greater Miami Chapter lists among its many accomplishments programs that bolster the arts, promote awareness of international issues and multicultural events, and assist young people in reaching their full potential.

Nationally, The Links, Inc. has grown to 274 chapters and approximately 11,000 members who reside in 42 states, the District of Columbia, the Bahamas, Germany and South Africa.

Mr. Speaker, 50 years after their founding, the members of the Greater Miami Chapter of The Links, Inc. are a powerful force for change in the South Florida Community. I thank them for all of their efforts, and wish them another successful 50 years of making a positive impact in the lives of others.

DAYS OF AWE: FORGIVENESS, ATONEMENT AND PEACE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. RANGEL. Mr. Speaker, I rise to wish L'Shanah Tova "Good Year" to my Jewish friends in Congress and to Jewish people around the world as they begin the celebration of the Days of Awe: the sacred Holy Days beginning with Rosh Hashanah continuing to the holiest day Yom Kippur, which falls on October 13, 2005. To those Jews who must feel the most forgotten and alone whether in Ethiopia, Iraq, Iran, Syria, and the remnants still living in poverty in Poland, Russia and other parts of Eastern Europe who can only celebrate these Holy Days in their hearts, I rise to say you are not forgotten.

For Jewish people Rosh Hashanah and Yom Kippur as well as the days between are the most solemn of all the Jewish Holidays and for some the most important. These ten days are sometimes known as the Days of Remembrance, the Days of Repentance and the Days of Awe. Unlike other Jewish holidays and festivals which are closely tied to harvests and changes of seasons, the High Holy Days are spiritual days of soul-searching and prayer.

Rosh Hashanah is a beginning of a spiritual new year, when each Jew can ask forgiveness for sin of conduct and of the heart, atone for those sins and begin again asking God to inscribe him or her in the "Book of Life." On Rosh Hashanah the Book is opened. The Shofar, the curled ram's horn, calls the Jewish people to gather together to pray on Rosh Hashanah as the Book of Life is opened, just as it has for the last 3000 years.

The Jewish liturgy or prayers said during this holiday not only ask for forgiveness from God for sins against both of conduct and of the heart, the prayers remind the people that they cannot be forgiven by God for sins committed against their fellow man. For forgiveness from others, they must atone by seeking it from the people they have hurt and doing charity. The liturgy, both the ancient derived from many beloved psalms as well as newer liturgy, which recognizes political realities of

our time, center on ethical concerns, searching for the core of the ethical human being, the meaning of righteousness and good.

For Jewish people this High Holy Day is one for evaluating their conduct of the past year, not only toward their fellow man, but for all the creatures of the earth and for the earth itself. This re-thinking of their conduct requires each person to examine his or her moral and spiritual values, principles, ethical standards, in other words the moral core of their being. The Jews from ancient times valued these high holy days more than the other holidays and traveled to the Temple in Jerusalem so the High Priests could perform the spiritual rituals that would cleanse them of their sins and seek blessings of peace for them and inscribe each with his or loved ones in the Book of Life. This day is the beginning of the Jewish calendar year. It is a beginning in a spiritual sense which is more important than a change in the calendar.

For the Jewish people, each Rosh Hashanah is a new year that is one more step in a history thousands of years long. Jewish people strive to understand the values of our forebears and build on what has gone before. Jewish people all over the world read from the writings of the sages who wrote during the long exile in Babylon a model for moral behavior:

''The one who proceeds with integrity, and takes action for justice, and speaks truth with their heart, the one who does no harm to others, and does not raise trouble for their neighbor. . . .''

On Rosh Hashanah Jews also reflect on the words of Isaiah,

''Wash yourselves; make yourselves clean. Put away the evil of your doings from before mine eyes. Cease to do evil; learn what is good. Seek justice; relieve the oppressed; Speak out for the orphan; advocate for the widow.''—Isaiah, I: 16–17

The prayers are also a promise to God to strive for peace. In this Holy Day liturgy which spans the millennia, the Jewish people around the world pray for God's peace: Bring peace, the Jews sing, peace to the Jews and to the whole world.

The second High Holy Day, Yom Kippur, the Day of Atonement, is the most solemn day of the Jewish year. Yom Kippur is a day of fasting, reflection and prayers. The names of this day in Hebrew are many: Yom HaZikkaron, ''Day of remembrance,'' Yom ha-Din ''Day of Judgment'', the day on which God judges all human beings by their deeds during the year just ended and inscribes their fate in the heavenly record book for the next year. Some believe the Book of Life will close at sundown on Yom Kippur. As the sun slowly sinks in the sky, the fasting people stand for the entire evening service. Some believe literally, others believe metaphorically, that on this day God has determined who will live, and who will die. They make a last plea for their loved ones and themselves. They also pledge to live the ethical life they believe is required of them by soul or spirit that is the spark of God in them. In Judaism, ethics are the foundation of prayer and the theology of prayer. This is most evident on the High Holy Days.

Yom Kippur is also called in Hebrew, Yom Teruah, ''The Day of the Sounding of the Shofar'' In the ancient past trumpet sound called the people together to repent sins, to forsake evil and to pursue goodness and mercy. One of the most important observances of this holiday is hearing the repeated trumpeting sound of the Shofar in the synagogue.

For most Jews the call of the Shofar is a reminder of their rich heritage, the centuries in a Diaspora when they had nothing but their Holy Book and their liturgy. The call of the Shofar reminds Jews they survived the Roman Empire which burned their Holy Temple twice and drove them to exile; survived expulsion from Spain, survived pogroms, poverty and restrictive regulations in Russia and Eastern Europe and even survived the Nazi ''final solution, genocide the murder of their men, women and their babies; survived to have a Jewish Country and flag. In all that time and through all those trials, the Jews of the world have kept their Holy Days. Their Holy Book is unchanged from the day they took it into exile. The Jews have lived now to hear the Shofar blown in Israel as it was before the Diaspora. The liturgy has remained as it was in ancient times, but in the last century prayers and remembrances have been added for the victims of the Holocaust.

The words of the Kaddish are a hymn that praises God. It is a public declaration of the Jewish belief that God is Great and Holy and it envisions a time when Peace will be established on earth. One form of the prayer says ''may He who makes peace in heaven, make peace for us.''

On the High Holy Days, the Days of Awe of 2005, I join with my Jewish friends and wish peace for us.

HONORING ANDREA LEIDERMAN

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. HONDA. Mr. Speaker, I rise to honor the life and contributions of Ms. Andrea Leiderman who recently passed away. Andrea is survived by her parents and siblings, and her loving husband, Hayes Alexander, III. She will be sorely missed by her many friends and our community. Today, I honor her energy, her determination and her life-long service to the Bay Area community.

Andrea Naomi Leiderman was born on August 8, 1959 in Boston, Massachusetts, to Drs. Herbert and Gloria Leiderman. The family moved west when Andrea, the youngest of four children, was four years old. Andrea grew up on the Stanford campus where her father is a professor emeritus, and has always been politically active. As a child, she organized a school grape boycott in support of the United Farm Workers; as an adult, she worked on the presidential campaigns of George McGovern, Jimmy Carter and Alan Cranston.

Andrea attended Vassar College, majoring in political science. After college, she worked as a legislative assistant to former New York Representative Matt McHugh and, later, as the LBJ Congressional Fellow to former California Representative Norman Mineta, currently U.S. Secretary of Transportation. Andrea also served as an aide to County Supervisor Jim Beall during his tenure on the San Jose City Council.

Andrea was only 28 years old when she was elected as chairwoman of the Santa Clara County Democratic Party. She was also elected as chair of the Women's Caucus, and received the highest number of votes in delegate elections.

Andrea served on the Santa Clara County Board of Education, including two terms as President of the Board in 1995 and 2000. Andrea spearheaded school board policy on neighborhood outreach while advocating workforce education and emphasizing assistance to underrepresented students. She was also a valued trustee of the Foothill-DeAnza Community College District.

Most recently, Andrea was Director of Government and Community Relations for Kaiser Permanente's South Bay facilities, using her experience in the public sector to promote healthcare. She was a dedicated and committed worker until the end.

Andrea Leiderman died at the very young age of 46, on September 11, 2005. When she passed away, our community lost one of its most dynamic community activists—an advocate of minority rights, social justice, education and equality.

IN HONOR OF COACH SAM MILLS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity to recognize a distinguished athlete from my district, Carolina Panthers' Linebacker Coach Sam Mills. Unfortunately, after fighting cancer for two years, Mr. Mills passed away on April 18, 2005 at the age of 45.

Not only did Mr. Mills play in the NFL for twelve seasons, he used his expertise to coach the Panthers' linebackers. Sam Mills played his first nine seasons with the New Orleans Saints and his last three with the Panthers. He earned five Pro Bowl selections, including one while playing for Carolina in 1996. Sam was the second member of the Panthers Hall of Fame and was elected to the Sports Hall of Fame of New Jersey in 2003. Despite injuries to two of his best linebackers last season, Coach Mills led his linebacking corps to be an integral part of a defense that has ranked in the top ten for the past two seasons.

John Fox, the head coach of the Carolina Panthers, stated upon Mills' passing, ". . . as a coach he made the players better; as a friend he made us all better".

I ask my colleagues in the United States House of Representatives to join me in acknowledging the life and work of this exceptional individual. I wish to honor Coach Sam Mills for his ability to impart his skills and intelligence upon his players and for his outstanding career as both a professional player and coach.

TRIBUTE TO GRANDPARENTS AND OTHER RELATIVES WHO ARE CAREGIVERS

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. BEAUPREZ. Mr. Speaker, across the country there are more than 6 million children

living in grandparent and other relative headed households. About 2.5 million of these children are living in homes without either parent present. Regardless of the many reasons children enter relative care, including death of a parent, neglect, and substance abuse, it is never, ever the fault of the child. I commend grandparents and other relatives who step forward to care for these children, keeping them out of foster care while providing safe, stable, homes, often at great personal and financial sacrifice.

Stories of a 78-year-old grandmother raising a four year old, a 71-year-old grandfather raising 5 teenagers, or a single grandmother raising more than 6 grandchildren are all too common throughout Colorado and our nation.

Grandparents and other relative caregivers are often the best chance for a loving and stable childhood for the children in their care, but their hard work and dedication often goes unnoticed. Mr. Speaker, today, I offer my formal acknowledgement and deepest appreciation for the ongoing service of these caregivers to our country and our nation's most valuable asset, our children.

HONORING THE LIFE AND WORK OF SIMON WIESENTHAL

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2005

Mrs. MALONEY. Mr. Speaker, I rise today to join my colleagues and the world community in honoring the life and work of Simon Wiesenthal. Especially during the High Holidays, it is important and appropriate to recognize the extraordinary achievements of a man who devoted the last 60 years of his life to the pursuit of justice for the victims of the Holocaust. Hitler's Nazi regime was responsible for the murders of nearly six million Jewish men, women, and children and more than 11 million people overall.

Today, the relentless efforts of Simon Wiesenthal have led to the conviction of more than 1,000 of these Nazi war criminals. He was instrumental in the captures of Adolf Eichmann, the architect of the Nazi plan to annihilate the European Jewish population, and Karl Silberbauer, the Gestapo officer responsible for the arrest and deportation of Anne Frank.

Although Simon Wiesenthal has passed away, his memory will live on forever. One way to ensure this is through the work of the Simon Wiesenthal Center. The organization actively promotes awareness of anti-Semitism while continuing to bring to justice surviving Nazi war criminals. Although its headquarters are located in Los Angeles, I am proud that my district is home to the Simon Wiesenthal New York Tolerance Center.

I urge the House today to reaffirm our commitment to the fight against anti-Semitism and all forms of prejudice. Simon Wiesenthal's legacy teaches us that the perpetrators of genocide cannot be allowed to continue their path of persecution. It is crucial for Congress to continue to support Holocaust organizations like the Simon Wiesenthal Center so that history does not repeat itself. Simon Wiesenthal once said; "When we come to the other world [after death] and meet the millions of Jews who died in the camps and they ask us, 'What have you done?'. . . I will say, 'I didn't forget you'." It is important that we take another step to remember the man who would never consider the atrocities of the Holocaust a part of the past.

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

SPEECH OF

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes:

Mr. DREIER. Mr. Chairman, I rise in strong support of the amendment I am offering with my friends Mr. KOLBE and Chairman LEWIS to reauthorize the State Criminal Alien Assistance Program.

Illegal immigration is a critical federal responsibility and a serious local problem. Local law enforcement are on the front lines when it comes to keeping neighborhoods safe from illegal immigrants who commit crimes. Our officers are forced to shoulder the added burden of punishing undocumented individuals who endanger our communities.

The SCAAP program is designed to fulfill the federal government's responsibility to reimburse states and localities for the significant costs they incur when jailing illegal aliens. Passage of this amendment will demonstrate our unwavering support for local law enforcement as they uphold the law and protect our communities.

This amendment authorizes $750 million for SCAAP in fiscal year 2006, $850 million for 2007, and $950 million for each of fiscal years 2008–2011. While significant, this money represents only a fraction of the true costs incurred by state and local governments. California alone spends more than $750 million each year to jail criminal illegal aliens.

The amendment also adds an additional measure of accountability and oversight to the SCAAP program. It requires the DOJ Inspector General to report to Congress on how effectively jurisdictions that receive SCAAP funding are cooperating with the Department of Homeland Security on deporting criminal aliens. Clearly, it is a national security priority and a local necessity to deport criminal aliens. This measure will help keep the federal focus on securing the borders, right where it should be.

It is also important to note that the SCAAP program is not only critical for border states, such as California and Arizona, which Mr. KOLBE, Mr. LEWIS and I are privileged to represent. States with the highest growth in illegal immigrants include North Carolina and Iowa. SCAAP has assisted all 50 states, the District of Columbia, Puerto Rico and the Virgin Islands.

Let's stand with our local law enforcement and support robust funding for SCAAP. Support the Kolbe/Dreier/Lewis amendment.

KYRGYZSTAN LEADERSHIP ON GLOBAL SECURITY, DEVELOPMENT AND DEMOCRACY

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. MEEKS of New York. Mr. Speaker, in his September 17, 2005, address to the 60th session of the United Nations General Assembly, Kurmanbek Bakiev, President of the Kyrgyz Republic, called on his fellow Heads of State to join him in supporting U.N. peace keeping by fighting poverty and promoting democratic development. President Bakiev told the U.N. General Assembly "it is no accident that exactly in the poorest regions of the world the most serious regional conflicts arise".

Kyrgyzstan, the only state in Central Asia that participates in peace making efforts by the United Nations, has directed military observers and staff officers to the missions of the United Nations in Liberia, Burundi, Sierra Leone, Serbia, Kosovo, and Sudan. On September 23, 2005, Leandro Despouy, Special Rapporteur on the Independence of Judges and Lawyers of the United Nations Commission on Human Rights, praised Kyrgyzstan's courageous leadership in supporting the resettlement of Uzbek refugees to third countries along with its commitment to the Geneva Convention. Mr. Despouy called on international donors to provide financial support for Kyrgyzstan's reform programs.

Kyrgyzstan has also been a critical ally in the international community's efforts to rebuild and strengthen Afghanistan. It has made its territory available to the coalition to combat terrorism and promote regional safety and security.

Mr. Speaker, I would like to share with my congressional colleagues President Bakiev's September 17, 2005, address to the United Nations' 60th General Assembly and ask that it be printed in the CONGRESSIONAL RECORD.

Mr. Chairman, Mr. Secretary General, dear delegates, ladies and gentlemen, first of all, I would like to congratulate you, Mr. Chairman, on your election to the responsible post of Chairman of the Sixtieth Anniversary Session of the General Assembly of the United Nations and to wish you every success in so honorable and noble a mission. Let me also express words of gratitude to your predecessor Mr. Jean Ping for the successful moderation of the previous session of the Assembly.

Mr. Chairman, the Summit of the United Nations which came to an end yesterday confirmed that the United Nations Organization remains the universal organization capable of bringing important contributions to the matters of strengthening international peace and security, the maintenance of sustainable development, and the search for adequate answers to new global challenges and threats. In this regard, I hope that the 60th Anniversary Session of the General Assembly of the United Nations becomes the major event in our time, and will give to all mankind a feeling of confidence and hope in our future.

Rapid changes in the world have not bypassed Kyrgyzstan. Our people, not remaining indifferent to its own destiny, in March of this year have chosen the way of development, progress and creativity. In the new history of Kyrgyzstan, one more page has been turned. We enter into the 21st century with firm determination to realize the deep

expectations and hopes for peace, prosperity, progress and freedom. We are confident that the goals reflected in the Millennium Declaration will be realized fully for the benefit of each person in the Kyrgyz Republic.

To keep the respect and to justify hopes of people, the United Nations cannot lag behind the fast and accelerated changes in the world. It should not only respond to these realities, but also create more effective mechanisms of prevention and confrontation to both new challenges and risks.

In this regard, we in Kyrgyzstan are deeply convinced that reform of the United Nations should be reflective of the will, the fundamental rights and interests of all states-members and people.

In previous years, the Security Council has been repeatedly criticized for failures in the field of maintenance of international peace and security. Therefore, for all of us, it is extremely important that the Security Council most effectively carry out the basic preservation of peace, international order and tranquility. Kyrgyzstan consistently supports expansion of the membership of the Security Council and reforming of its methods of work so that it will become more representative and democratic, and consequently more effective. It is our belief that the reform of the Security Council should be based on principles of universality, efficiency and wide geographical representation. Decisions of the Security Council should be, as much as possible, timely, and their implementation correspondingly expeditious.

The Kyrgyz Republic shares the position that reform of the system of the United Nations will be successful only insofar as the reform of the Security Council will be followed with reform of both the General Assembly and the Economic and Social Council. We support the efforts aimed at the more pervasive activity of the General Assembly and strengthening of coordination functions of the Economic and Social Council. Effective coordination between these three principal bodies is extremely important for the complex decision making regarding current urgent problems.

We all realize how great and complex are the challenges facing the United Nations in the area of maintenance of global peace and security. In this regard, I would like to note that Kyrgyzstan also intends to make a contribution. And for the first time, it has nominated its own candidature for non-permanent membership of the Security Council for the period of 2012–2013. We realize the full extent of membership responsibility in this key body of the United Nations Organization. I can assure you that Kyrgyzstan will use its best efforts to activate cooperation with the member states in all regions and become the reliable partner in the decisions of global policy.

Mr. Chairman, I would like also to note that today the United Nations and its institutes are more engaged with the issues of development than security. In a scene in which many organizations of the United Nations system constantly deal with problems of development, there is only one constantly operating body which deals with problems of security. In our opinion in conditions of globalization and strengthening of interdependence and the risks connected both with technological and natural disasters along with international terrorism and extremism, the functions of the United Nations on maintenance of global security should be considerably strengthened. In this regard, along with the programs connected with development, the preventive measures directed to security also should be strengthened.

The history of international affairs of the second half of the last century shows that it is practically impossible to support successfully international peace and security until the basic conditions necessary for people's existence are created. Poverty and deprivation often bring to escalation the infringements of international peace and security. It is no accident that exactly in the poorest regions of the world, the most serious regional conflicts arise. Simultaneously to reach the purposes of security and of development, the international community should carry out a more balanced policy.

It is necessary for the world community to work actively in overcoming distinctions and inequalities between the countries of the North and the South. In our opinion, the United Nations requires the creation of such interactive mechanisms which will remove the problems causing the poorest countries to drop out of universal development, and their participation in decision making. The countries of the South should become full participants in the decisions involving global problems.

Kyrgyzstan remains devoted to the Monterey Consensus according to which the developed countries will increase development aid, and poor countries in their transformation will use this aid more effectively. At various authoritative forums, an understanding of the Concepts of Sustainable Economic Development and Sustainable Human Development has been reached. We completely support this. These concepts, with substantive provisions, will find reflection in our national strategy and programs. At the same time, successful realization of national programs of the various countries is directly connected with regional and international cooperation. On this joint interest, the role of the United Nations and its agencies, with a view of fast achievement of mutual understanding, coordination of mutual efforts should be considerably strengthened.

We support the proposal on drafting a National strategy of development and its adoption in 2006 and achievement by 2015 as parameters of implementation of the purposes in the field of the development, formulated in the Millennium Declarations. In our opinion, the United Nations should mobilize new resources, strengthen coordination and increase the contribution regarding decisions on problems of development.

We consider that it is time for donor countries to move from the declaration of obligations to concrete actions. In this regard the Kyrgyz Republic welcomes the decision of the European Union to allocate 0.7 percent of the GDP as an official aid of development by 2009. Besides, the Kyrgyz Republic supports the necessity of a comprehensible level of debts and acceptance of urgent and scale measures on the simplification of debt burden for developing countries.

Kyrgyzstan is a mountain country. The mountain states are characterized by remoteness, difficult accessibility, information inaccessibility, severe geo-climatic conditions, greater expenses for maintenance of life. At the same time, receiving the financial aid from the developed countries Kyrgyzstan itself is the donor on rendering eco-system services whose value yearly increases. So, for example, the Kyrgyz Republic is one of the basic repositories of glaciers and the supplier of fresh water in the region. Besides, within the International Convention on Preservation of Biological Variety, there is in Kyrgyzstan the operation of a network of biosphere territories. Kyrgyzstan emits into the atmosphere much less hotbed gases than the majority of the countries of the world, and thus brings a contribution to the preservation of an ozone cloud of the planet.

Simultaneously, to our great regret, in our territory, there are storehouses of radioactive waste—an inheritance from a military-industrial complex of the former Soviet period. Their maintenance and the prevention of further potential ecological accidents for the entire Central Asian region are an excessive burden for Kyrgyzstan. We consider that the international community at a coordinating role of the United Nations, should concern itself more closely to such zones of high ecological risk and render sufficient financial and technical aid directed at the prevention of global and regional ecological disasters.

We also consider that for the decisions of a national scale, the United Nations should promote more actively the participation of the poor and developing countries regarding sustainable development. The presence of a big debt interferes with sustainable social and economic development of mountain territories.

In addition to wider initiatives on the maintenance of readiness for disasters and mitigation of their consequences, Kyrgyzstan supports initiatives on the creation of a worldwide early warning system on acts of nature. As a mountain country Kyrgyzstan constantly collides with regular and often repeating acts of nature—earthquakes, landslips, avalanches, flooding of cities and settlements. Our long experience on liquidation of consequences of similar disasters takes huge sums from economic and social development and thus highlights the importance of strengthening ecological security. As a first step, Kyrgyzstan suggests the use of its territory as a pilot area for the prevention and mitigation of consequences of such kind of natural disasters.

Mr. Chairman, I would like to express also support to the proposal on the establishment of a Committee of the regional organizations under the United Nations. It will allow the involvement of unused potential of the regional and sub-regional organizations in the prevention and settlement of conflicts and also other important regional problems. The regional structures having the corresponding potential and effectively acting at the present moment should play a complementary role before new threats and challenges. Kyrgyzstan supports participation in work of this Committee of such organizations, as the Shanghai Cooperation Organization, the Organization of the Treaty on Collective Security, the Euro-Asian Economic Union and the Organization of the Central Asian Cooperation.

We also support the measures directed to an increase of efficiency of peace-making operations; in this regard we welcome the proposal of the Secretary General on the establishment of strategic reserves for activity of the United Nations on maintenance of the world and reserve potential of civil police of the United Nations.

The Kyrgyz Republic is the only state in Central Asia that participates in peace-making efforts of the United Nations, having directed military observers and staff officers in the Missions of the United Nations in Liberia, Burundi, Sierra Leone, Serbia and Montenegro (Kosovo) and Sudan. We are proud that we bring our contribution to the efforts of the United Nations to these countries and are fully determined to give support to such noble activity.

Kyrgyzstan actively supports efforts of the international community on restoration and strengthening of the world in Afghanistan and has given its territory for accommodation of forces of the Antiterrorist coalition and the Organization of the Contract about collective safety, providing measures on maintenance of safety in region.

Kyrgyzstan actively supports efforts of the international community on restoration and strengthening of the peace in Afghanistan and has given the territory for accommodation of forces of the Antiterrorist coalition

and the Organization of the Treaty on Collective security, providing measures on maintenance of security in region.

We remain devoted to the establishment of the nuclear Free Zone in the Central Asia. Now the text of the relevant Treaty is coordinated by five countries of region and we are glad that the depository of the Treaty will be the Kyrgyz Republic. We believe that it is testimony of high trust and a recognition of the contribution of our republic in the implementation of the initiative establishing a Nuclear-free Zone. I am firmly convinced that the establishment of a Zone free from nuclear weapons in our region will promote the strengthening of global security and regional stability. We hope to obtain corresponding support of the world community.

In conclusion Mr. Chairman, I would like to note that the world community experiences a complex period of formation of a new system of international affairs. Already, it is clear that it will be a long process. The states—members of the United Nations should affirm their readiness to achieve practical solutions to the most essential problems of our time: to struggle with poverty, famine, illnesses, to provide sustainable development. The 60th session of the General Assembly should remain with us in memory as the session of reforms. Thank you for your attention.

LEGISLATION TO PROHIBIT STATES FROM TAXING RETIREMENT INCOME OF NONRESIDENTS

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. CANNON. Mr. Speaker, I am introducing today legislation to clarify Public Law 104–95, adopted by the Congress in 1995, prohibiting States from taxing the retirement income of nonresidents. Public Law 104–95, enacted in 1996, precludes States, other than the State in which a retiree resides, from taxing certain retirement benefits. The law defines ''retirement income'' as any income from specified types of qualified pension plans or from a nonqualified deferred compensation plan that meets certain payment requirements. Nonqualified deferred compensation plans are defined by reference to section 3121(v)(2)(C) of the Internal Revenue Code (the ''Code''), which relates to employment taxes. Specifically, any income of an individual who is not a resident of the taxing State from any plan, program, or arrangement described in section 3121(v)(2)(C) is exempt from that State's income tax provided the income received from such plan is part of a series of substantially equal periodic payments made (not less frequently than annually) over the life expectancy of the recipient, or for a period of not less than 10 years. Neither the statute nor the related committee reports provide guidance as to what constitutes a substantially equal periodic payment; they merely require that the payments be made for at least 10 years.

Unfortunately, at least one State tax revenue department has taken the position that Public Law 104–95 does not preclude state taxation of nonqualified retirement benefits paid by a partnership to its retired nonresident partners. Specifically, the State has construed the reference to section 3121(v)(2)(C) of the Code to limit the exemption to payments made only to retired employees, i.e., those individuals subjected to FICA tax, since the provision is written in the context of employment taxation. Under this view, nonqualified retirement benefits paid by a partnership to its retired partners who are not residents of the State would not be exempt from nonresident State income taxation because there is no specific reference to retired partners in P.L. 104–95, section 3121(v)(2)(C) of the Code, or subsequently issued Treasury Regulations for that section.

In addition, at least one State tax revenue department has taken the position that the periodic benefits provided under the plan fail the ''substantially equal periodic payments'' test if the plan provides for benefit reductions pursuant to a pre-determined formula capping total disbursements. Under a similar analysis, periodic benefits that are subject to adjustment pursuant to a plan provision providing cost-of-living adjustments could also fail to qualify as ''substantially equal periodic payments.'' Because businesses are not permitted to prefund nonqualified deferred compensation benefits on a tax-favored basis, some businesses find it prudent to cap total disbursements under a pre-determined plan formula, such as a percentage of the business's overall income. This cap operates to keep retirement costs within a reasonable range sustainable by the business, in effect protecting the business from unusual demands triggered by demographic variations. Similarly, many plans provide for cost-of-living adjustments to retirement benefits. Any such adjustments made as a result of a pre-determined plan formula do not change the nature of the retirement benefit and should not cause the retirement benefits to fail to meet the ''substantially equal periodic payments'' test.

The application of the ''substantially equal periodic payments'' test is unclear when retirement benefits include components from both qualified plans (no substantially equal periodic payment requirement) and nonqualified plans. Consider a plan in which total annual payments to a retiree do not change from year to year, but the payments are required to come first from a Keogh (i.e., qualified plan) until depleted and then from the general assets of the business (i.e., nonqualified plan). Under a predetermined plan formula, the total annual payment remains the same and is part of a series of substantially equal periodic payments. However, the sources underlying the total payment will change as the qualified plan is depleted and nonqualified payments are increased to maintain annual payments at the same level.

This legislation would clarify that States may not impose an income tax on retirement income of nonresidents received under certain nonqualified deferred compensation plans, including plans for retired partners (treated as such under applicable tax laws). This would also clarify that retired partner equivalents, that is retired principals, will be treated as retired partners for purposes of this provision. This legislation would also clarify that benefit reductions pursuant to a pre-determined formula capping total disbursements, or benefit adjustments pursuant to a plan provision providing cost-of-living adjustments are permitted, and do not cause the periodic benefits provided under the plan to fail the ''substantially equal periodic payments'' test. It is also my intent to clarify that the ''substantially equal periodic payments'' test is satisfied when payments include components from both qualified and nonqualified plans. Because this legislation merely clarifies Congressional intent with respect to current law, it would apply as of the effective date of P.L. 104–94, that is to amounts received after December 31, 1995.

These changes are intended to make it clear that, when Congress originally passed this legislation, it did not want to allow States to tax retirement income, other than the State where the retiree resides, whether the retirement payments are made to a retired employee or a retired partner. The present bill merely confirms Congressional intent to prohibit State taxation of retirement payments made to nonresidents.

HONORING WISCONSIN'S 2005 OUTSTANDING OLDER WORKER

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. KIND. Mr. Speaker, it is with great pleasure that I rise before you today to honor this year's Outstanding Older Worker for the State of Wisconsin, Norman Gudmundson. Continuing to work at age 78, Norm clearly deserves this recognition.

Norm began violin lessons at the age of eight, and like his father before him, dreamt of being a great violinist one day. Norm had 16 years of private training, and by the time he graduated high school, he was considered one of the most accomplished violinists in the State of Illinois after winning the state competition.

Upon his graduation from high school in 1945, Norm joined the U.S. Army Infantry in the last days of World War II. Upon war's end, he was sent to Germany and served for 2 years rebuilding the war-torn country. After his military service, Norm received a full scholarship to play violin for the University of Miami, Florida's Orchestra. After college, Norm continued his career in music, playing with orchestras in Chicago, Denver, and Milwaukee.

Norm retired from the orchestra but did not give up working. Norm is a dead-on Santa Claus, so it only seemed natural to donate his time to play St. Nick at local department stores around Christmas-time.

Refusing to retire, Norm has recently worked for his own excavating business, repairing telephone lines in Colorado, inspecting cranberries for Ocean Spray, and manufacturing lawn equipment with Toro. Norm now works for Cardinal IG in Tomah, WI.

And so I stand today to honor Wisconsin's Outstanding Older Worker for this year, Norman Gudmundson, who truly is a Renaissance man. For his contribution to the arts, his love of children, and his dedication to his community and America's workforce, I commend Norm for his generous spirit and remarkable commitment to service.

PERSONAL EXPLANATION

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. EVANS. Mr. Speaker, on rollcall No. 512, I was unavoidably detained. Had I been present, I would have voted "yea."

HONORING THE MARINES OF LIMA COMPANY FOR THEIR SERVICE IN IRAQ

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. TIBERI. Mr. Speaker, I rise to honor the brave Marines of Lima Company, 3rd Battalion, 25th Marine Regiment who returned home to Columbus, Ohio this morning after deploying for ten months, eight of which they spent in Iraq.

This reserve Marine Corps infantry unit, which is composed of young men from all walks of life, left home, family, career, and college to respond with honor and courage to the call of service issued by our great nation. Lima Company served in western Iraq in Haditha, in al Anbar Province, one of the most dangerous and insurgent-infested areas of the entire country. They pursued their mission to seek out and engage insurgents in their strongholds to reduce the terrorists' ability to disrupt Iraq's new democratically elected government.

Central Ohioans could not be more proud of their service. These brave young Marines participated in operations "Matador," "New Market" and "Quick Strike," conducting house to house searches for weapons and terrorists. Lima Company engaged in direct combat with the enemy and performed with great honor and distinction fighting side by side with our active duty troops.

It is often said that freedom is not free. Nobody knows the truth of this statement better than the Marines and their families of Lima Company. In the performance of their duties, Lima Company suffered grievous casualties. 16 Marines lost their lives, and 34 Marines were wounded.

I am grateful to the Marines of Lima Company who put themselves in harm's way to make our country safer, and to make the world a better place. I urge my fellow Americans and this Congress to never forget the debt we owe these young heroes and their families. Now that they have returned, they need our help as much as ever to heal from their wounds, to reconnect with their families and resume their lives. And in the case of those families whose Marine did not return home, they need our support and prayers as they face each new day without the one they loved.

We must all work together to help these Marines and their families as they return to civilian life. To the Department of Veterans Affairs, I say give these heroes the best care possible. I ask employers to give these young Marines a chance to serve in your organizations. I urge the people of Central Ohio to help the families of the fallen. Finally to the brave Marines of Lima Company, I simply say thank you and God bless you for your service to our country.

RECOGNIZING BOWATER'S CATAWBA OPERATIONS

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. SPRATT. Mr. Speaker, I rise to recognize Bowater's Catawba Operations, the largest coated paper manufacturing facility in North America. The plant makes paper used in magazines, flyers, inserts, and coupons, and I am proud to say that it is located in my congressional district.

Fifty years ago, when Bowater chose the site for a paper-making plant on the Catawba River in York County, South Carolina, a special session of our General Assembly was called to amend the state constitution so that Bowater, then a British firm, could purchase unlimited timberland acreage.

That plant site has proven its worth many times in the years since then. Now, Bowater's Catawba Operation has been recognized for meeting and surpassing world-class standards in manufacturing, employee programs, community outreach, and environmental stewardship.

The Catawba plant employs 1,000 associates. Most live in York, Chester, and Lancaster counties. And they are the reason that the Catawba plant won Industry Week's 2005 Best Plant competition, one of just 10 plants out of 220 nominated. They are also the reason that Catawba plant was named South Carolina's Manufacturer of the Year for 2004 by the South Carolina Chamber of Commerce and the National Association of Manufacturers.

Industry Week calls the plant a "pacesetter" that will "continue to lead the way in the future."

Bowater's Catawba Operations recently undertook major capital improvements, including the construction of a $175 million state-of-the-art kraft-pulping mill, along with a $106 million paper machine conversion. Both were completed while the mill maintained a full 24–hour production schedule.

The plant's associates and managers not only work hard and smart, they work safely—recently reaching a significant safety milestone by working four million hours without a disabling or lost time injury.

It comes as no surprise to us in South Carolina why the Catawba plant is second to none in its class.

As the editors of Industry Week put it in honoring the Catawba plant and the nine other "Best Plants": "These plants produce different products from one another, operate different machinery, rely on a host of different improvement methods, and face different competitive challenges in their quests to excel at the jobs they do. What they share, however, is a vision of excellence by design, not by accident. They hire the right people and train them well, and they focus continually on improvement. They have leadership that encourages input from all employees and employees who take up the challenge; and they look outside their four walls to their upstream and downstream partners in their efforts to be the best."

Mr. Speaker, I am proud to represent Bowater's Catawba Plant and its outstanding associates, and honored to call them today to the attention of the House.

RECOGNIZING THE MANY ACCOMPLISHMENTS OF RAUL RODRIGUEZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Raul Rodriguez for his work to improve the quality of life in the U.S.-Mexico border region as he prepares to end his tenure as the Managing Director of the North American Development Bank.

The NADBank is jointly operated by the United States and Mexico, financing and developing needed environmental projects in the border region, such as water and wastewater treatment plants. Raul has guided the expanding NADBank since October of 2000.

Under Raul's leadership, the NADBank has grown dramatically. It now provides over $703 million in financing and assistance for 89 infrastructure projects in the U.S.-Mexico border region, including technical and financial assistance projects in border communities that would not otherwise have been feasible.

The North American Development Bank is assisting on a set of projects whose total cost is estimated at over $2.4 billion, a level of investment that may have been impossible to achieve if not for the efforts of the NADBank.

Prior to joining the NADBank, Raul was the Executive Director of the Mexican Foreign Trade Bank, and he served as Mexico's Trade Commissioner in Canada during the NAFTA negotiations. Raul also served as a professor for several years.

Thanks in large part to the contributions of Raul Rodriguez, the NADBank is more able to make a positive impact in the border region than many could have ever imagined. I thank Mr. Rodriguez today for his hard work and dedication, and I wish him the best as he continues to serve our border community.

HONORING ST. PETER'S LUTHERAN CHURCH IN LANCASTER, OHIO

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. HOBSON. Mr. Speaker, I rise today to congratulate St. Peter's Lutheran Church in Lancaster, Ohio, for 1 celebrating its 200th anniversary as a congregation on October 16, 2005.

The history of St. Peter's began in 1804, when a traveling preacher, the Reverend Johannes Stauch, visited Lancaster. A year later, Reverend William Forster was sent to the territory by the Ministerium of Pennsylvania to preach throughout the area, most notably in Fairfield and Perry Counties. The result was the founding of St. Peter's Evangelical Lutheran Church, which is the oldest existing Lutheran congregation in the State of Ohio.

For several years, the church had no regular place of worship. A parcel of land was secured on the banks of the Old Canal, and a cornerstone for the log cabin church was laid in 1819. The congregation worshipped at this site until 1832, when a brick building was constructed as a new home for the church. And

in 1882, the present building at the comer of Broad and Mulberry Streets in Lancaster was dedicated. The current church is listed on the National Registry of Historic Places.

Over the years, members of St. Peter's Church have dedicated themselves to their faith through their worship and involvement in the community. The congregation is involved in a variety of programs that help provide food, clothing and shelter to those in need in the region and throughout the State of Ohio, including the Mid-Ohio Food Bank and the church's "We Care Corner".

In addition, St. Peter's church has also been a part of the Fairfield Heritage Association's annual candlelight tour of churches in downtown Lancaster. The event takes place December and attracts nearly 800 people each year.

Mr. Speaker, I join with the residents of the 7th Congressional District of Ohio in congratulating St. Peter's Lutheran Church for its honored history and its contributions to the religious and community life of the Lancaster area for the past 200 years.

THREATENED AND ENDANGERED SPECIES RECOVERY ACT OF 2005

SPEECH OF

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for others purposes:

Mr. Chairman, the addition of paragraph (6) to the Endangered Species Act section 7(a) is intended to preclude agency actions from being subject to section 7(a) requirements, if those actions implement or are consistent with a conservation habitat plan or agreement incorporated in a permit issued under section 10. The issuance of a section 10 permit is itself an agency action and therefore subject to section 7(a) requirements. This new paragraph allows agency actions authorized in an approved section 10 permit to transpire without having to meet further section 7(a) requirements.

PRESIDENT DISCUSSES WAR ON TERROR AT NATIONAL ENDOWMENT FOR DEMOCRACY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. WILSON of South Carolina. Mr. Speaker, yesterday, President Bush addressed supporters of the National Endowment for Democracy about the War on Terrorism. As he spoke at the Ronald Reagan International Trade Center about our country's continued efforts to spread democracy and defeat terrorism around the globe, I was reminded of the tremendous parallels between the 40th and 43rd Presidents of the United States.

Over 20 years ago, Ronald Reagan advanced the idea of peace through strength. Today, we are witnessing the greatest spread of freedom in the history of the world. I am grateful for President Bush's leadership and his continued commitment to turning Ronald Regan's vision into a reality.

Please see the following copy of President Bush's speech.

THE PRESIDENT: Thank you all. Thank you all. Please be seated. Thank you for the warm welcome. I'm honored once again to be with the supporters of the National Endowment for Democracy. Since the day President Ronald Reagan set out the vision for this Endowment, the world has seen the swiftest advance of democratic institutions in history. And Americans are proud to have played our role in this great story.

Our nation stood guard on tense borders; we spoke for the rights of dissidents and the hopes of exile; we aided the rise of new democracies on the ruins of tyranny. And all the cost and sacrifice of that struggle has been worth it, because, from Latin America to Europe to Asia, we've gained the peace that freedom brings.

In this new century, freedom is once again assaulted by enemies determined to roll back generations of democratic progress. Once again, we're responding to a global campaign of fear with a global campaign of freedom. And once again, we will see freedom's victory.

Vin, I want to thank you for inviting me back. And thank you for the short introduction. I appreciate Carl Gershman. I want to welcome former Congressman Dick Gephardt, who is a board member of the National Endowment for Democracy. It's good to see you, Dick. And I appreciate Chris Cox, who is the Chairman of the U.S. Securities and Exchange Commission, and a board member for the National Endowment of Democracy, for being here, as well. I want to thank all the other board members.

I appreciate the Secretary of State, Condi Rice, who has joined us—alongside her, Secretary of Defense Don Rumsfeld. Thank you all for being here. I'm proud, as well, that the newly sworn-in Chairman of the Joint Chiefs, the first Marine ever to hold that position, is with us today—General Peter Pace. I thank the members of the Diplomatic Corps who are here, as well.

Recently our country observed the fourth anniversary of a great evil, and looked back on a great turning point in our history. We still remember a proud city covered in smoke and ashes, a fire across the Potomac, and passengers who spent their final moments on Earth fighting the enemy. We still remember the men who rejoiced in every death, and Americans in uniform rising to duty. And we remember the calling that came to us on that day, and continues to this hour: We will confront this mortal danger to all humanity. We will not tire, or rest, until the war on terror is won.

The images and experience of September the 11th are unique for Americans. Yet the evil of that morning has reappeared on other days, in other places—in Mombasa, and Casablanca, and Riyadh, and Jakarta, and Istanbul, and Madrid, and Beslan, and Taba, and Netanya, and Baghdad, and elsewhere. In the past few months, we've seen a new terror offensive with attacks on London, and Sharm el-Sheikh, and a deadly bombing in Bali once again. All these separate images of destruction and suffering that we see on the news can seem like random and isolated acts of madness; innocent men and women and children have died simply because they boarded the wrong train, or worked in the wrong building, or checked into the wrong hotel. Yet while the killers choose their victims indiscriminately, their attacks serve a clear and focused ideology, a set of beliefs and goals that are evil, but not insane.

Some call this evil Islamic radicalism; others, militant Jihadism; still others, Islamofascism. Whatever it's called, this ideology is very different from the religion of Islam. This form of radicalism exploits Islam to serve a violent, political vision: the establishment, by terrorism and subversion and insurgency, of a totalitarian empire that denies all political and religious freedom. These extremists distort the idea of jihad into a call for terrorist murder against Christians and Jews and Hindus—and also against Muslims from other traditions, who they regard as heretics.

Many militants are part of global, borderless terrorist organizations like al Qaeda, which spreads propaganda, and provides financing and technical assistance to local extremists, and conducts dramatic and brutal operations like September the 11th. Other militants are found in regional groups, often associated with al Qaeda—paramilitary insurgencies and separatist movements in places like Somalia, and the Philippines, and Pakistan, and Chechnya, and Kashmir, and Algeria. Still others spring up in local cells, inspired by Islamic radicalism, but not centrally directed. Islamic radicalism is more like a loose network with many branches than an army under a single command. Yet these operatives, fighting on scattered battlefields, share a similar ideology and vision for our world.

We know the vision of the radicals because they've openly stated it—in videos, and audiotapes, and letters, and declarations, and websites. First, these extremists want to end American and Western influence in the broader Middle East, because we stand for democracy and peace, and stand in the way of their ambitions. Al Qaeda's leader, Osama bin Laden, has called on Muslims to dedicate, quote, their ''resources, sons and money to driving the infidels out of their lands.'' Their tactic to meet this goal has been consistent for a quarter-century: They hit us, and expect us to run. They want us to repeat the sad history of Beirut in 1983, and Mogadishu in 1993—only this time on a larger scale, with greater consequences.

Second, the militant network wants to use the vacuum created by an American retreat to gain control of a country, a base from which to launch attacks and conduct their war against non-radical Muslim governments. Over the past few decades, radicals have specifically targeted Egypt, and Saudi Arabia, and Pakistan, and Jordan for potential takeover. They achieved their goal, for a time, in Afghanistan. Now they've set their sights on Iraq. Bin Laden has stated: ''The whole world is watching this war and the two adversaries. It's either victory and glory, or misery and humiliation.'' The terrorists regard Iraq as the central front in their war against humanity. And we must recognize Iraq as the central front in our war on terror.

Third, the militants believe that controlling one country will rally the Muslim masses, enabling them to overthrow all moderate governments in the region, and establish a radical Islamic empire that spans from Spain to Indonesia. With greater economic and military and political power, the terrorists would be able to advance their stated agenda: to develop weapons of mass destruction, to destroy Israel, to intimidate Europe, to assault the American people, and to blackmail our government into isolation.

Some might be tempted to dismiss these goals as fanatical or extreme. Well, they are fanatical and extreme—and they should not be dismissed. Our enemy is utterly committed. As Zarqawi has vowed, ''We will either achieve victory over the human race or

we will pass to the eternal life.'' And the civilized world knows very well that other fanatics in history, from Hitler to Stalin to Pol Pot, consumed whole nations in war and genocide before leaving the stage of history. Evil men, obsessed with ambition and unburdened by conscience, must be taken very seriously—and we must stop them before their crimes can multiply.

Defeating the militant network is difficult, because it thrives, like a parasite, on the suffering and frustration of others. The radicals exploit local conflicts to build a culture of victimization, in which someone else is always to blame and violence is always the solution. They exploit resentful and disillusioned young men and women, recruiting them through radical mosques as the pawns of terror. And they exploit modern technology to multiply their destructive power. Instead of attending faraway training camps, recruits can now access online training libraries to learn how to build a roadside bomb, or fire a rocket-propelled grenade—and this further spreads the threat of violence, even within peaceful democratic societies.

The influence of Islamic radicalism is also magnified by helpers and enablers. They have been sheltered by authoritarian regimes, allies of convenience like Syria and Iran, that share the goal of hurting America and moderate Muslim governments, and use terrorist propaganda to blame their own failures on the West and America, and on the Jews. These radicals depend on front operations, such as corrupted charities, which direct money to terrorist activity. They're strengthened by those who aggressively fund the spread of radical, intolerant versions of Islam in unstable parts of the world. The militants are aided, as well, by elements of the Arab news media that incite hatred and anti-Semitism, that feed conspiracy theories and speak of a so-called American ''war on Islam''—with seldom a word about American action to protect Muslims in Afghanistan, and Bosnia, Somalia, Kosovo, Kuwait, and Iraq.

Some have also argued that extremism has been strengthened by the actions of our coalition in Iraq, claiming that our presence in that country has somehow caused or triggered the rage of radicals. I would remind them that we were not in Iraq on September the 11th, 2001—and al Qaeda attacked us anyway. The hatred of the radicals existed before Iraq was an issue, and it will exist after Iraq is no longer an excuse. The government of Russia did not support Operation Iraqi Freedom, and yet the militants killed more than 180 Russian schoolchildren in Beslan.

Over the years these extremists have used a litany of excuses for violence—the Israeli presence on the West Bank, or the U.S. military presence in Saudi Arabia, or the defeat of the Taliban, or the Crusades of a thousand years ago. In fact, we're not facing a set of grievances that can be soothed and addressed. We're facing a radical ideology with inalterable objectives: to enslave whole nations and intimidate the world. No act of ours invited the rage of the killers—and no concession, bribe, or act of appeasement would change or limit their plans for murder.

On the contrary: They target nations whose behavior they believe they can change through violence. Against such an enemy, there is only one effective response: We will never back down, never give in, and never accept anything less than complete victory.

The murderous ideology of the Islamic radicals is the great challenge of our new century. Yet, in many ways, this fight resembles the struggle against communism in the last century. Like the ideology of communism, Islamic radicalism is elitist, led by a self-appointed vanguard that presumes to speak for the Muslim masses. Bin Laden says his own role is to tell Muslims, quote, ''what is good for them and what is not.'' And what this man who grew up in wealth and privilege considers good for poor Muslims is that they become killers and suicide bombers. He assures them that his—that this is the road to paradise—though he never offers to go along for the ride.

Like the ideology of communism, our new enemy teaches that innocent individuals can be sacrificed to serve a political vision. And this explains their cold-blooded contempt for human life. We've seen it in the murders of Daniel Pearl, Nicholas Berg, and Margaret Hassan, and many others. In a courtroom in the Netherlands, the killer of Theo Van Gogh turned to the victim's grieving mother and said, ''I do not feel your pain—because I believe you are an infidel.'' And in spite of this veneer of religious rhetoric, most of the victims claimed by the militants are fellow Muslims.

When 25 Iraqi children are killed in a bombing, or Iraqi teachers are executed at their school, or hospital workers are killed caring for the wounded, this is murder, pure and simple—the total rejection of justice and honor and morality and religion. These militants are not just the enemies of America, or the enemies of Iraq, they are the enemies of Islam and the enemies of humanity. We have seen this kind of shameless cruelty before, in the heartless zealotry that led to the gulags, and the Cultural Revolution, and the killing fields.

Like the ideology of communism, our new enemy pursues totalitarian aims. Its leaders pretend to be an aggrieved party, representing the powerless against imperial enemies. In truth they have endless ambitions of imperial domination, and they wish to make everyone powerless except themselves. Under their rule, they have banned books, and desecrated historical monuments, and brutalized women. They seek to end dissent in every form, and to control every aspect of life, and to rule the soul, itself. While promising a future of justice and holiness, the terrorists are preparing for a future of oppression and misery.

Like the ideology of communism, our new enemy is dismissive of free peoples, claiming that men and women who live in liberty are weak and decadent. Zarqawi has said that Americans are, quote, ''the most cowardly of God's creatures.'' But let's be clear: It is cowardice that seeks to kill children and the elderly with car bombs, and cuts the throat of a bound captive, and targets worshipers leaving a mosque. It is courage that liberated more than 50 million people. It is courage that keeps an untiring vigil against the enemies of a rising* * *.

And Islamic radicalism, like the ideology of communism, contains inherent contradictions that doom it to failure. By fearing freedom—by distrusting human creativity, and punishing change, and limiting the contributions of half the population—this ideology undermines the very qualities that make human progress possible, and human societies successful. The only thing modern about the militants' vision is the weapons they want to use against us. The rest of their grim vision is defined by a warped image of the past—a declaration of war on the idea of progress, itself. And whatever lies ahead in the war against this ideology, the outcome is not in doubt: Those who despise freedom and progress have condemned themselves to isolation, decline, and collapse. Because free peoples believe in the future, free peoples will own the future.

We didn't ask for this global struggle, but we're answering history's call with confidence, and a comprehensive strategy. Defeating a broad and adaptive network requires patience, constant pressure, and strong partners in Europe, the Middle East, North Africa, Asia and beyond. Working with these partners, we're disrupting militant conspiracies, destroying their ability to make war, and working to give millions in a troubled region of the world a hopeful alternative to resentment and violence.

First, we're determined to prevent the attacks of terrorist networks before they occur. We're reorganizing our government to give this nation a broad and coordinated homeland defense. We're reforming our intelligence agencies for the incredibly difficult task of tracking enemy activity, based on information that often comes in small fragments from widely scattered sources, here and abroad. We're acting, along with the governments from many countries, to destroy the terrorist networks and incapacitate their leaders. Together, we've killed or captured nearly all of those directly responsible for the September the 11th attacks; as well as some of bin Laden's most senior deputies; al Qaeda managers and operatives in more than 24 countries; the mastermind of the USS Cole bombing, who was chief of al Qaeda operations in the Persian Gulf; the mastermind of the Jakarta and the first Bali bombings; a senior Zarqawi terrorist planner, who was planning attacks in Turkey; and many of al Qaeda's senior leaders in Saudi Arabia.

Overall, the United States and our partners have disrupted at least ten serious al Qaeda terrorist plots since September the 11th, including three al Qaeda plots to attack inside the United States. We've stopped at least five more al Qaeda efforts to case targets in the United States, or infiltrate operatives into our country. Because of this steady progress, the enemy is wounded—but the enemy is still capable of global operations. Our commitment is clear: We will not relent until the organized international terror networks are exposed and broken, and their leaders held to account for their acts of murder.

Second, we're determined to deny weapons of mass destruction to outlaw regimes, and to their terrorist allies who would use them without hesitation. The United States, working with Great Britain, Pakistan, and other nations, has exposed and disrupted a major black-market operation in nuclear technology led by A.Q. Khan. Libya has abandoned its chemical and nuclear weapons programs, as well as long-range ballistic missiles. And in the last year, America and our partners in the Proliferation Security Initiative have stopped more than a dozen shipments of suspected weapons technology, including equipment for Iran's ballistic missile program.

This progress has reduced the danger to free nations, but has not removed it. Evil men who want to use horrendous weapons against us are working in deadly earnest to gain them. And we're working urgently to keep weapons of mass destruction out of their hands.

Third, we're determined to deny radical groups the support and sanctuary of outlaw regimes. State sponsors like Syria and Iran have a long history of collaboration with terrorists, and they deserve no patience from the victims of terror. The United States makes no distinction between those who commit acts of terror and those who support and harbor them, because they're equally as guilty of murder. Any government that chooses to be an ally of terror has also chosen to be an enemy of civilization. And the civilized world must hold those regimes to account.

Fourth, we're determined to deny the militants control of any nation, which they

would use as a home base and a launching pad for terror. For this reason, we're fighting beside our Afghan partners against remnants of the Taliban and their al Qaeda allies. For this reason, we're working with President Musharraf to oppose and isolate the militants in Pakistan. And for this reason, we're fighting the regime remnants and terrorists in Iraq. The terrorist goal is to overthrow a rising democracy, claim a strategic country as a haven for terror, destabilize the Middle East, and strike America and other free nations with ever-increasing violence. Our goal is to defeat the terrorists and their allies at the heart of their power—and so we will defeat the enemy in Iraq.

Our coalition, along with our Iraqi allies, is moving forward with a comprehensive, specific military plan. Area by area, city by city, we're conducting offensive operations to clear out enemy forces, and leaving behind Iraqi units to prevent the enemy from returning. Within these areas, we're working for tangible improvements in the lives of Iraqi citizens. And we're aiding the rise of an elected government that unites the Iraqi people against extremism and violence. This work involves great risk for Iraqis, and for Americans and coalition forces. Wars are not won without sacrifice—and this war will require more sacrifice, more time, and more resolve.

The terrorists are as brutal an enemy as we've ever faced. They're unconstrained by any notion of our common humanity, or by the rules of warfare. No one should underestimate the difficulties ahead, nor should they overlook the advantages we bring to this fight.

Some observers look at the job ahead and adopt a self-defeating pessimism. It is not justified. With every random bombing and with every funeral of a child, it becomes more clear that the extremists are not patriots, or resistance fighters—they are murderers at war with the Iraqi people, themselves.

In contrast, the elected leaders of Iraq are proving to be strong and steadfast. By any standard or precedent of history, Iraq has made incredible political progress—from tyranny, to liberation, to national elections, to the writing of a constitution, in the space of two-and-a-half years. With our help, the Iraqi military is gaining new capabilities and new confidence with every passing month. At the time of our Fallujah operations 11 months ago, there were only a few Iraqi army battalions in combat. Today there are more than 80 Iraqi army battalions fighting the insurgency alongside our forces. Progress isn't easy, but it is steady. And no fair-minded person should ignore, deny, or dismiss the achievements of the Iraqi people.

Some observers question the durability of democracy in Iraq. They underestimate the power and appeal of freedom. We've heard it suggested that Iraq's democracy must be on shaky ground because Iraqis are arguing with each other. But that's the essence of democracy: making your case, debating with those who you disagree—who disagree, building consensus by persuasion, and answering to the will of the people. We've heard it said that the Shia, Sunnis and Kurds of Iraq are too divided to form a lasting democracy. In fact, democratic federalism is the best hope for unifying a diverse population, because a federal constitutional system respects the rights and religious traditions of all citizens, while giving all minorities, including the Sunnis, a stake and a voice in the future of their country. It is true that the seeds of freedom have only recently been planted in Iraq—but democracy, when it grows, is not a fragile flower; it is a healthy, sturdy tree.

As Americans, we believe that people everywhere—everywhere—prefer freedom to slavery, and that liberty, once chosen, improves the lives of all. And so we're confident, as our coalition and the Iraqi people each do their part, Iraqi democracy will succeed.

Some observers also claim that America would be better off by cutting our losses and leaving Iraq now. This is a dangerous illusion, refuted with a simple question: Would the United States and other free nations be more safe, or less safe, with Zarqawi and bin Laden in control of Iraq, its people, and its resources? Having removed a dictator who hated free peoples, we will not stand by as a new set of killers, dedicated to the destruction of our own country, seizes control of Iraq by violence.

There's always a temptation, in the middle of a long struggle, to seek the quiet life, to escape the duties and problems of the world, and to hope the enemy grows weary of fanaticism and tired of murder. This would be a pleasant world, but it's not the world we live in. The enemy is never tired, never sated, never content with yesterday's brutality. This enemy considers every retreat of the civilized world as an invitation to greater violence. In Iraq, there is no peace without victory. We will keep our nerve and we will win that victory.

The fifth element of our strategy in the war on terror is to deny the militants future recruits by replacing hatred and resentment with democracy and hope across the broader Middle East. This is a difficult and long-term project, yet there's no alternative to it. Our future and the future of that region are linked. If the broader Middle East is left to grow in bitterness, if countries remain in misery, while radicals stir the resentments of millions, then that part of the world will be a source of endless conflict and mounting danger, and for our generation and the next. If the peoples of that region are permitted to choose their own destiny, and advance by their own energy and by their participation as free men and women, then the extremists will be marginalized, and the flow of violent radicalism to the rest of the world will slow, and eventually end. By standing for the hope and freedom of others, we make our own freedom more secure.

America is making this stand in practical ways. We're encouraging our friends in the Middle East, including Egypt and Saudi Arabia, to take the path of reform, to strengthen their own societies in the fight against terror by respecting the rights and choices of their own people. We're standing with dissidents and exiles against oppressive regimes, because we know that the dissidents of today will be the democratic leaders of tomorrow. We're making our case through public diplomacy, stating clearly and confidently our belief in self-determination, and the rule of law, and religious freedom, and equal rights for women, beliefs that are right and true in every land, and in every culture.

As we do our part to confront radicalism, we know that the most vital work will be done within the Islamic world, itself. And this work has begun. Many Muslim scholars have already publicly condemned terrorism, often citing Chapter 5, Verse 32 of the Koran, which states that killing an innocent human being is like killing all humanity, and saving the life of one person is like saving all of humanity. After the attacks in London on July the 7th, an imam in the United Arab Emirates declared, ''Whoever does such a thing is not a Muslim, nor a religious person.'' The time has come for all responsible Islamic leaders to join in denouncing an ideology that exploits Islam for political ends, and defiles a noble faith.

Many people of the Muslim faith are proving their commitment at great personal risk. Everywhere we have engaged the fight against extremism, Muslim allies have stood up and joined the fight, becoming partners in a vital cause. Afghan troops are in combat against Taliban remnants. Iraqi soldiers are sacrificing to defeat al Qaeda in their own country. These brave citizens know the stakes—the survival of their own liberty, the future of their own region, the justice and humanity of their own tradition—and that the United States of America is proud to stand beside them.

With the rise of a deadly enemy and the unfolding of a global ideological struggle, our time in history will be remembered for new challenges and unprecedented dangers. And yet the fight we have joined is also the current expression of an ancient struggle between those who put their faith in dictators and those who put their faith in the people. Throughout history, tyrants and would-be tyrants have always claimed that murder is justified to serve their grand vision—and they end up alienating decent people across the globe. Tyrants and would-be tyrants have always claimed that regimented societies are strong and pure—until those societies collapse in corruption and decay. Tyrants and would-be tyrants have always claimed that free men and women are weak and decadent—until the day that free men and women defeat them.

We don't know the course of our own struggle—the course our own struggle will take—or the sacrifices that might lie ahead. We do know, however, that the defense of freedom is worth our sacrifice. We do know the love of freedom is the mightiest force of history. And we do know the cause of freedom will once again prevail.

May God bless you.

IN MEMORY OF WILLIAM M. RICKMAN

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. CASTLE. Mr. Speaker, it is with great sadness that I rise today to remember and honor the life of William M. Rickman. The embodiment of the American Dream, Bill's life was a rags-to-riches story straight out of the pages of a Horatio Alger novel. He was an avid horseman who loved thoroughbred racing and worked to keep the sport alive in my home state of Delaware.

Bill Rickman was born July 9, 1921 in St. Charles, Virginia. During World War II, he served in the U.S Army and was stationed in Italy. In August of 1983, Bill partnered with William G. Christmas to purchase Delaware Park racetrack, which had been closed at the time due to growing competition from other racetracks in the area. The following spring saw the reopening of Delaware Park, which has been an integral part of the Delaware economy ever since.

In addition to being remembered as a savvy businessman, Bill will always be known as someone who loved horses, racing, and all of the people who worked at his track. He took great pride in both owning and breeding his horses. He owned over 100 horses, as well as two horse-training facilities in Maryland.

Bill considered the people who worked at Delaware Park as his family, and will be remembered for his kindness and generosity. He had a wonderful sense of humor, joking around with his entire staff. His good-natured manner will be sorely missed.

Mr. Speaker, in closing, our thoughts and prayers are with Bill's friends and family as they remember the loss of such a great man. His contributions to Delaware will live on, as will his memory.

HISPANIC HERITAGE MONTH

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mrs. DAVIS of California. Mr. Speaker, I rise today in honor of Hispanic Heritage Month, which commemorates the numerous contributions that Latinos make to our country.

I am proud, honored and privileged to represent California's 53rd District in Congress. The district's rich diversity embodies the vibrant cultural fabric of our country.

During this month of celebration, I would like to recognize the efforts of some ordinary individuals who are doing extraordinary things in San Diego.

GUS CHAVEZ

For thirty years, Gus Chavez helped make the dream of a college degree possible for countless students. Chavez is widely recognized as the heart and soul of the Education Opportunity Program (EOP) at San Diego State University. He transformed a pilot program to attract low-income students into one of the most successful programs in the state's history.

Chavez turned the department into a comprehensive admissions outreach and retention program. He expanded services to include pre-collegiate recruiting and pre-admission advising, academic orientation, tutoring, skills development and test preparation, summer bridge programs for freshmen and transfer students, career counseling and grants.

At his retirement words like ''activist'' ''leader'' ''mentor'' and ''advocate'', easily rolled off tongues. Indeed, many alumni cite Chavez as the person who had the most impact on their educations.

ALBERTO R. CORTÉS

For nearly 18 years, Alberto Cortés has been dedicated to educating people of color about HIV and AIDS. He has worked as a bilingual information specialist and health educator for the San Diego AIDS Project and volunteered for the San Diego AIDS Information Line. Cortés has also been active with the Council of Community Clinics where he helped build HIV awareness and counseled individuals.

Presently, Cortés serves as executive director of Mama's Kitchen, a nonprofit organization that prepares and delivers food to people affected by AIDS. Last year, Mama's Kitchen provided more than 316,000 meals to community members in need.

This year, Cortés was one of five San Diegans honored as a local hero as part of the Union Bank of California and KPBS Hispanic Heritage Month Local Heroes Awards. Awardees are chosen for demonstrating a high level of commitment and community participation.

JOSE MONDRAGON

While some high school students view summer vacation as a time to relax, this 17-year-old used it to coordinate a community meeting with city council members.

Working with Barrios Unidos Hoy Organizados (BUHO), Mondragon was a key organizer for a public meeting that brought together 300 community residents to address issues of concern such as affordable housing and adequate street lighting. Those who worked with him on the community meeting describe Mondragon as ''a true role model.''

Mondragon is currently Commissioner of Community Service for the Associated Student Body at San Diego High School. Despite all of his extracurricular activities, Jose has maintained a 3.81 GPA and hopes to attend Stanford University after high school.

I hope you, Mr. Speaker, and all of my colleagues will join me in honoring these extraordinary individuals and their accomplishments for the Latino community.

COMMEMORATING THE TWENTIETH ANNIVERSARY OF KKLA–FM

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today to pay tribute to 99.5 KKLA–FM, Los Angeles, California's leading Christian-teaching radio station, as it celebrates 20 years of community-oriented broadcasting.

And what an amazing twenty years it has been. From its humble beginnings in a small studio in Hollywood to the multimedia powerhouse it is today, KKLA–FM has always striven to engage Southern California listeners with thought-provoking discussions and family friendly programming. In an age when our media increasingly focuses on violent and offensive material, KKLA–FM has consistently remained committed to providing quality material for listeners of all ages.

Since October 15, 1985, KKLA–FM's first day on the air, the station has been dedicated to its mission of beaming the Lord's word and teachings to Southern California. But it wasn't until 1986, with the debut of ''Live from LA,'' that the station moved to the national forefront as the voice of Southern California's Christian community. Today, KKLA–FM is unquestionably the leader of Christian-themed radio in Southern California.

KKLA–FM's success was twenty years in the making. It was the first Los Angeles radio station and second in the nation to stream their programming on the Internet. And the station was quick to develop other radio outlets, including News/Talk 870 KRLA–AM, 95.9 KFSH–FM (The Fish), News/Talk 590 KTIE–AM and 1190 KXMX–AM. The development of these technologies has helped to grow KKLA–FM's listener base and spread its message of peace, tolerance, and love to listeners around the world.

Much of KKLA–FM's accomplishments can be attributed to the dedication and passion of its owner, Salem Communications Corporation, the leading U.S. radio broadcaster focused on Christian and family themes programming. The company will soon own 106 radio stations, including 67 stations in 24 of the top 25 markets. In addition to its radio properties, Salem owns Salem Radio Network, which syndicates talk, news and music programming to over 1,900 affiliated radio stations; Salem Web Network, the leading Internet provider of Christian content and online streaming; and Salem Publishing, a leading publisher of Christian themed magazines.

I congratulate all the listeners and employees of KKLA-FM, who should be extremely proud of the station they have helped to build. I ask this Congress to join me in wishing the KKLA–FM family a happy 20th anniversary.

AZERBAIJAN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. POE. Mr. Speaker, Azerbaijan is an important strategic ally for the United States. The Country is located in a region that can produce and transport energy products to the West. As well as provide military and intelligence capabilities to the United States.

Azerbaijan is an emerging major non-OPEC oil producer and transit country (i.e, Baku-Ceyhan pipeline), which will supply 1.6 million barrels a day after being operational December 2005. This will stabilize the other energy producing countries (oil and gas) in the region and their ability to get their product to the marketplace without the dependency of Russia or Iran.

Azerbaijan is a front line positioned state for military and intelligence access to Iran. This will act as a stabilizing effect for the region and fight off the aggressive position of Iran. It will also work against terrorist activities spread by fundamental terrorist who have the support of Iran.

Azerbaijan is the first Muslim state to provide troops to the U.S. backed coalitions in Iraq., Afghanistan and Kosovo. To date, they are the only Shiite Muslim state to provide troops.

Azerbaijan is in the vanguard of the emerging democracies from the former Soviet Union. Azerbaijan has parliamentary elections scheduled November 6, 2005, and is moving forward with international support to assure free and fair elections. Azerbaijan has allowed opposition parties the right to organize, protest, and access public television.

Azerbaijan maintains excellent relations with the State of Israel, both, diplomatically and economically including providing crude oil.

Azerbaijan is a strong strategic partner with the United States and is cooperating in United States activities regarding Caspian regional security overseeing Iran (e.g., Caspian Guards program, radar system, fly-over rights and refueling capacity).

Azerbaijan is a strategic asset given its presence as a strong United States-Israel ally next to Iran. Azerbaijan welcomes trade with Israel and stronger ties between the two countries.

Iran has threatened Azerbaijan due to cooperation with Israel and the United States Iran continues to inform Azerbaijan that their strong relations with the United States and Israel will not be beneficial, as Iran is their neighbor.

The Iran military enters Azerbaijan airspace weekly and Iran has made claims on Azerbaijan's offshore oil and gas exploration.

Iran has attempted to spread Madrassas schools in Azerbaijan and Azerbaijan has resisted.

Iran pressures Azerbaijan to abolish visas between the two countries, which would lead to less control and more Iranians infiltration into Azerbaijan. Azerbaijan is resisting this effort.

Occupied Azerbaijan (NK Region) is on the Iranian border, where alleged terrorist camps, narcotic trafficking and weapons trading goes on. Since Armenia has occupied this region of Azerbaijan, almost 16 percent of the total country, this activity has existed with the support of Iran. Azerbaijan is defenseless in trying to stop this activity, as long as Armenia occupies this region.

RECOGNIZING THE EAST TEXANS AGAINST LAWSUIT ABUSE

HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. GOHMERT. Mr. Speaker, on behalf of Texas' 1st Congressional District, I would like to recognize the efforts of the 3,000 members of the East Texans Against Lawsuit Abuse organization and the Citizens Against Lawsuit Abuse in promoting Texas' fourth Lawsuit Abuse Awareness Week from October 3–7, 2005.

East Texans Against Lawsuit Abuse (ETALA) is a respected and effective organization that works to educate consumers about the human and financial costs associated with frivolous lawsuits. This organization has led successful efforts to reform our states medical malpractice system, reduce the number of frivolous lawsuits in Texas, ensure that Texans who are truly injured have access to our court system and educate Texans about how to become wise legal consumers.

ETALA is recognized locally for their efforts to encourage personal responsibility among local school children. For the second year, they are sponsoring a personal responsibility essay-writing contest among local sixth and seventh graders. What is most interesting and encouraging is that our children seem to understand this basic concept that has escaped so many adults.

We support ETALA in their efforts in support of civil justice reform and wish to thank their many supporters, board members and staff in their efforts. Through the courage and dedication of these individuals, what was once only a nice idea, has now become a reality. It has been my pleasure to work with ETALA in the past, and I look forward to working with them in the future.

INTRODUCTION OF THE HURRICANE DISASTER MORTGAGE MORATORIUM ACT OF 2005

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. CUMMINGS. Mr. Speaker, I rise today to introduce The Hurricane Disaster Mortgage Moratorium Act of 2005, which would provide a 6-month moratorium on mortgage payments owed by residential and commercial property owners who reside in the disaster areas of Hurricanes Katrina and Rita. This bill would provide a temporary refuge from payment for those individuals and entities who are unable to make their mortgage payment obligations.

Mr. Speaker, as we know, the devastation wreaked by Hurricanes Katrina and Rita was of colossal proportion. The ensuing fallout of lost jobs, destroyed homes and shattered lives is equally devastating.

Needless to say, the figures that have begun to be compiled in the aftermath of the storm are staggering. Analysts with the National Association of Realtors are projecting that at least 200,000 homes in the Gulf Coast region have been destroyed or will have to be demolished. The U.S. Department of Commerce has estimated that uninsured losses could easily exceed $100 billion. Sadly, up to a million Americans were displaced by the storms and many are still living in temporary shelters.

The Department of Labor job figures released today show that unemployment is up to 5.1 percent for September, up from a 4.9 percent pre-Katrina and Rita level and much higher than the 4.0 percent level we experienced during the 1990s. According to the Joint Economic Committee Democratic staff, the unemployment rate would in fact be 9.0 percent if the figure included those who are marginally attached to the labor force and those who are forced to work part-time because of the weak economy. The Houston Chronicle on October 6, 2005 reported that as a result of Hurricanes Katrina and Rita, at least 363,000 people have lost their jobs. These dismal numbers are likely to remain constant in the short-term as our nation rebuilds this region.

In fact, most of those unemployed as a result of Hurricanes Katrina and Rita are expected to be out of work at least 6–9 months and we should only anticipate the indicators to increase. As we know, just this week we heard Mayor Ray Nagin of New Orleans inform that he has to let go of 3,000 municipal employees because the City cannot afford to pay them. This unfortunate scenario will surely be repeated to some extent throughout the region as municipal and state coffers dwindle from depleted revenue bases.

Whereas the number of job losses for the month of September is surprisingly only 35,000, the Department of Labor reported that last week, it received an additional 74,000 hurricane-related unemployment claims. In fact, nearly one in every five unemployed people—1.5 million Americans have been jobless for more than 26 weeks, the maximum number of weeks for receiving regular unemployment insurance benefits and the Hurricanes will only exacerbate these passive numbers.

The CBO predicts that the Hurricanes could actually cut job growth by between 280,000 and 400,000 jobs. Although it may sound obvious, Americans who have lost everything in a hurricane, who are not working and have little prospects of working in the near future cannot afford to pay their mortgages. This bill would provide them with a reprieve from their mortgage payments. Also, as it does not mandate forgiveness of this debt, this bill reflects the shared burden that our Nation will have to shoulder temporarily during this time of rebuilding.

Mr. Speaker, behind these figures are thousands of home and business owners whose entire livelihoods have been destroyed and who now face the prospect that the properties they have worked a lifetime to purchase could be taken from them when they fall behind in their mortgages. This bill provides a temporary sanctuary from payment and stops the clock for any default or foreclosure proceedings and negative credit reporting.

Needless to say the economic effects of the Hurricanes are being felt in painful increments nationwide. However, for the Americans forced out of their homes by the Hurricanes, the economic effects are not coming in the form of a trickle, but a deluge.

The Hurricane Disaster Mortgage Moratorium Act of 2005 will ensure that during the moratorium, those Gulf Coast residents who cannot afford to pay their mortgages will not lose their homes or suffer the negative attendant consequences from non-payment. Let's not make these Americans suffer needlessly by facing the prospect of losing their homes twice. I urge my colleagues to support this effort.

ON THE 2ND PLACE FINISH OF THE EL PASO HIGH HIGH-Q TEAM AT THE NATIONAL ACADEMIC CHAMPIONSHIP

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. REYES. Mr. Speaker, on June 13, 2005 a group of students from historic El Paso High School in my district of El Paso, Texas, after months of grueling preparation and a hard-fought season, finished second at the National Academic Championship in Chicago.

I congratulate the following El Paso High Tigers for their hard work and dedication: Blain Baurngardt, Trevor Vargas, Alex Neuman, Robert Heyman, Emil Michal, and their coach, named Coach of the Year by the National Academic Championship, Gerard Neuman.

The El Paso High School High-Q Team made it to the final round with a combination of intelligence, teamwork and self-discipline. The team demonstrated the ability to come from behind and showed maturity beyond their years.

Mr. Speaker, on June 13, 2005 the El Paso High Tigers gave us a preview of the excellence we can expect from our city's young generations and showed El Paso is home to some of the best and brightest our Nation has to offer. I invite my colleagues to join me in congratulating the El Paso High-Q team on their second place finish at the National Academic Championship.

HONORING VICTOR AND MAE LOBUE

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. HONDA. Mr. Speaker, I rise today to honor two very special people, Victor and Mae LoBue, who are celebrating seventy-five years of marriage on September 10, 2005.

Victor LoBue and Mae DiSalvo were both born in 1910 in San Jose, in a neighborhood of Italian-American immigrants called ''Little

Orchard'' near the Sacred Heart Church. Both of their families were in the ranching and canning business. Vic and Mae each have three siblings, who all reside in San Jose, and Mae survives her late sister, Dolly.

Vic and Mae have been close since childhood when they met in elementary school. The nuns at school were constantly busy trying to interfere in the couple's endless chase, but to no avail! Vic would chase Mae, and when stopped, Mae would in turn chase Vic.

The couple married on September 10, 1930, at Sacred Heart Church in San Jose when Vic was twenty and Mae was nineteen. They settled into a home on Willow Street, near their cherry orchards, where Vic worked in the family business.

In 1966, when Vic became a partner in the Indian Wells Country Club, home of the ''Bob Hope Classic Golf Tournament'', Vic and Mae moved to Southern California. The couple has homes in Carmel Valley Ranch Country Club and Indian Wells Country Club. They have also maintained a long-time membership to The Thunderbird Club in Rancho Mirage.

Vic and Mae have one child, Victor, Jr. Victor, Jr. and his wife, Jeannie, lived in Gilroy for many years but moved to Indian Wells, California in 1990.

Vic has generously contributed to the Boys and Girls Clubs of San Jose throughout his life. He, along with his brother, Salvador, donated a room at Santa Clara University. Vic was an active member of the Jaycees, the San Jose Chamber of Commerce and the Santa Clara County Horseman's Association. He was also a member of the Sheriff's Posse.

Today, Vic and Mae divide their time between San Jose and Southern California. They have lived a long, healthy and happy life.

Congratulations to Vic and Mae LoBue on the occasion of their seventy-fifth wedding anniversary. Their marriage is a testament to happiness, commitment and fulfillment: What began as a childhood game of chase has become a lifetime of love.

HONORING JERRY L. REPPERT ON BEING NAMED THE NATIONAL NEWSPAPER ASSOCIATION

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing Jerry L. Reppert, who recently was appointed as president of the National Newspaper Association.

The National Newspaper Association, created in 1885, represents owners, publishers and editors of America's community newspapers and is the largest newspaper association in the United States, currently having more than 3,200 members. As President of the NNA, Mr. Reppert will be responsible for protecting, promoting and enhancing America's community newspapers.

Prior to election as President, Mr. Reppert held several other positions within NNA, including Vice President, State Chairman, Regional Director and Government Affairs Director. In addition, Mr. Reppert has made important contributions to the newspaper publishing business in Southern Illinois, having served as president of the Southern Illinois Editorial Association and the Illinois Press Association, where he played a pivotal role in establishing the Illinois Press Foundation, the fund-raising arm of the Illinois Press Association. He continues to serve as the foundation's President to this day.

Jerry L. Reppert first began his career in managing newspapers by becoming editor of the Gazette-Democrat, a community newspaper run by his family, based in Anna, Illinois. Mr. Reppert greatly expanded the small, weekly newspaper into Reppert Publications, which published weekly newspapers throughout Southern Illinois, including the Cairo Citizen in Cairo, the Navigator-Journal and Prairie Post in Grayville and Albion, the Tri-County Record in Dongola. Reppert Publications also published numerous specialty publications, several of which have received honors by the Illinois Department of Natural Resources and Illinois Governor's Conference on Tourism.

In addition to his pursuits in publishing, Mr. Reppert has also been successful in many other enterprises. He is a founder of Anna-Jonesboro Cable TV and constructed a cable television system for it. In 1971 he opened his own furniture company: Reppert Office Furniture. He also served 20 years in the United States Navy Reserve and attained the rank of lieutenant commander.

Mr. Reppert and his wife, Dianne, have two daughters and two grandchildren.

Mr. Speaker, I ask my colleagues to join me in an expression of congratulations to Mr. Jerry Reppert for his election to lead the National Newspaper Association and offer our best wishes during his tenure as President.

CONGRESSIONAL GOLD MEDAL FOR RABBI ARTHUR SCHNEIER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mrs. MALONEY. Mr. Speaker, together with my colleagues Rep. TOM LANTOS and MICHAEL BILIRAKIS, I am introducing a bill to award a Congressional Gold Medal to Rabbi Arthur Schneier, in recognition of his pioneering role in promoting religious freedom and human rights throughout the world, for close to half a century.

A holocaust survivor, and the Founder and President of the Appeal of Conscience Foundation, Rabbi Schneier has devoted his life to overcoming the forces of hatred and intolerance.

He has been a pioneer in bringing together religious leaders to address ethnic or religious conflicts. For example, in Bosnia in 1997, he convened government and religious leaders to promote healing and conciliation between Orthodox, Muslim and Jewish communities. In the Balkans, the Caucasus and Central Asia he worked with the Orthodox Patriarch and the Turkish Government to hold the Peace and Tolerance Conference in 1994 and address religious and ethnic tensions in that area. In the former Yugoslavia, he mobilized religious leaders to halt the bloodshed of the early 1990s, holding the Religious Summit on the Former Yugoslavia and the Conflict Resolution Conference to build support and consensus among religious leaders of different faiths. Since the early 1980s, he has led delegations of religious leaders to China to open a dialogue on religious freedom.

Born in Vienna, Austria, in 1930, Rabbi Schneier lived under Nazi occupation in Budapest during World War II and came to the United States in 1947. He has been the Spiritual Leader of the Park East Synagogue in New York City since 1962.

I hope my colleagues will join us in honoring this distinguished pioneer of religious freedom with a Congressional Gold Medal.

THREATENED AND ENDANGERED SPECIES RECOVERY ACT OF 2005

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes:

Ms. MCCOLLUM of Minnesota. Mr. Chairman, I rise in strong opposition to H.R. 3824. This legislation seeks to undermine one of the most successful and visionary environmental policies, the Endangered Species Act. For 32 years, the Endangered Species Act has been a safety net for wildlife, plants, and fish that are on the brink of extinction.

Since its enactment in 1973, the Endangered Species Act has prevented the extinction of hundreds of species. In fact, 99 percent of the species listed are still with us today, and more than two-thirds of all currently listed species are improving.

Minnesotans have witnessed the success of this Act first hand. In Minnesota, the bald eagle population grew from a dwindling 380 eagles in 1981 to more than 1,400 eagles today. This is more than double the recovery goal of 600 eagles. We have seen the gray wolf population grow from 300 in 1975 to 3,020 in 2004. Again, that is more than double the recovery goal of 1,400 wolves. Minnesota is also home to the dwarf trout lily, which is found nowhere else in the world.

In April 2005, many of my constituents showed their support for endangered species during Aveda Corporation's Earth Month. In Aveda salons and stores across the country, more than 170,000 people signed petitions asking for a strong, fully funded Endangered Species Act. These petitions were delivered to the steps of the Capitol in July. The message is clear. Americans want to protect endangered species for future generations.

Unfortunately, H.R. 3824 makes it harder to protect threatened and endangered species. It repeals one of the most important parts of the act—critical habitat protection. Habitat destruction is the primary reason many animals end up on the Endangered Species List. Species with designated critical habitats recover at twice the rate of endangered species without critical habitat. Yet, this bill provides no alternative to protect the places where vulnerable species live.

This bill also creates a new corporate welfare entitlement for developers. Under this bill,

the U.S. Fish and Wildlife Service would have only 180 days to review proposed developments and their impact on endangered species. If an assessment cannot be reached within this time frame, the project is allowed to proceed. If it is determined that endangered species would be harmed by the project, the Federal Government must pay the landowner the value of the proposed development. This would encourage speculative development schemes aimed at harming endangered species in order to receive windfall payments from the government. A frenzy of fraud and abuse will not help responsible landowners comply with the law, and it will not help species recover.

The use of sound science is also undermined by this bill. It gives political appointees the authority to determine the ''best available science'' without having to consult with recognized scientists and other experts in the field. Under this bill, the use of sophisticated scientific modeling could also be banned. This opens the door to the use of questionable science and politically-motivated findings.

This bill also repeals all Endangered Species Act provisions related to pesticides. Pesticides, such as DOT, have contributed to the decline of many species, including the American bald eagle. Under this bill, the Environmental Protection Agency can approve pesticides without considering their impact on threatened and endangered species. Given the choice between recovery and extinction, this bill appears to favor extinction.

I supported a responsible alternative aimed at recovering species. The Miller/Boehlert substitute amendment contained a more flexible timeline for consideration of projects, clarified the obligation of federal agencies, and provided real landowner incentives for conservation and species recovery. This approach responded to the legitimate concerns of landowners and sportsmen while continuing efforts to recover endangered species. Unfortunately, this amendment was not adopted.

Mr. Speaker, the Threatened and Endangered Species Recovery Act fails to protect vulnerable wildlife and plants and threatens to break the federal bank with a new open-ended entitlement for developers. I urge my colleagues to reject this bill and work together to create a strong, scientific and bipartisan Endangered Species Act.

SALUTING SERGEANT HECTOR R. FELICIANO

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. BACA. Mr. Speaker, I rise to salute and pay tribute to Sergeant Hector R. Feliciano, a 22-year veteran of the Los Angeles Police Department. Sergeant Feliciano is receiving an honorable mention commendation for the annual TOP COPS Award Ceremony, from the National Association of Police Officers. This is a great honor, and reflects the substantial respect and recognition accorded to Sergeant Feliciano by California and national law enforcement. Sergeant Feliciano represents the very best of our outstanding law enforcement officers, previously being selected as Rampart Sergeant of the year 2004, for distinguishing himself as an exemplary leader as well as a tactical expert.

Among his many achievements include developing game plans that targeted narcotics violators who utilized the Mac Arthur Park as a base of operations. He also planned operations to address quality of life issues in and around the park. His operations focused on such concerns as drinking in public, illegal street sales, and gambling. He was also tasked with developing and writing operations plans for special events in and around the park. According to superiors, his operations plans were outstanding, covering all aspects of the event from manpower to street closures to tactical considerations. The reduction in crime and improvement in the quality of life in and around the park has been remarkable. The efforts of Sergeant Feliciano, as well as those officers he supervises, has been the topic of crime strategy seminars throughout the Los Angeles Police Department.

Hector is a highly sought after and well-respected supervisor. Even under great pressure, he has repeatedly proven that his is steadfast and levelheaded. Hector has stepped forward to take command in many situations, thus ensuring the welfare of his officers and the citizens of Los Angeles. A notable example of this occurred on November 9, 2004. Sergeant Feliciano employed decisive and heroic actions during a hostage crisis at the Mexican Consulate. His lifesaving intervention resulted in the successful rescue of a pregnant female who was being held hostage by a gunman.

Mr. Speaker, Hector Feliciano has served our community with great distinction. As a husband, father, and grandparent, I feel secure knowing the safety of my loved ones is entrusted to such a fine individual. An officer's work is never done, and because of that, our families are secure.

And so, we thank Hector, with gratitude and respect for his distinguished service. We wish the very best to him, and his wife, Jeanette, and their other family members who are here this month in Washington, DC. God bless, and congratulations on this great honor.

HONORING JUDGE HORACE WHEATLEY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life and achievements of Alameda County Superior Court Judge Horace Wheatley of Oakland, California. Serving Alameda County on the bench for almost 25 years, Judge Wheatley has been known throughout his career for his unfaltering sense of social justice, and for his unwavering commitment to our young people. Today our community comes together to celebrate his career and achievements on the occasion of his retirement in Oakland, California.

Judge Wheatley was born in Lake Charles, Louisiana, and raised in San Francisco's historic Fillmore district. After graduating from the ''old'' Lowell High School in 1957, he went to College of the Pacific, now known as University of the Pacific, later transferring to Howard University in Washington, DC, where he continued his record as a champion debater. The Civil Rights Act of 1964 had not yet been enacted during his time in college, making some of the challenges he faced in school extend far beyond the realm of academics. When he competed in the National Collegiate Debate Tournament at the University of Oklahoma in 1961, the open and unabated racial discrimination that prevailed in some parts of the country was so severe that the southern colleges who were competing were instructed to walk out of any round in which an African American was competing. Undeterred, Judge Wheatley went on not only to win the tournament, but to be awarded the Pi Kappa Delta gold debate key for his outstanding performance. Following his studies at Howard, Judge Wheatley returned to the University of the Pacific in 1960, where he graduated with a degree in Sociology and Psychology.

Following a successful law school career at Willamette University in Oregon, where he won the school's Moot Court Competition and served as a teaching assistant before earning his Doctor of Jurisprudence degree, Judge Wheatley began serving as Deputy Attorney General for the State of California in 1965. He later went into private practice in Oakland, where he engaged in general litigation practice and was one of the lead attorneys in a precedent-setting class-action lawsuit against the savings and loan industry. In 1972, he became General Counsel for the California Teachers Association, representing the organization's 300,000 members in several noteworthy cases which resulted in precedent-setting rulings in favor of public school teachers' rights and benefits.

Judge Wheatley was appointed as a Judge of the Alameda County Municipal Court on July 1, 1981, by California Governor Edmond G. ''Jerry'' Brown, Jr., and was elevated to the Alameda County Superior Court when all of the courts in Alameda County were unified in 1998. Known for his tendency to give many young defendants the choice to ''Go to school or go to jail,'' Judge Wheatley's career on the bench has been marked by his steadfast commitment to serving the young people in our community who are most in need of guidance.

Judge Wheatley's outstanding dedication and accomplishments have not only impacted countless young lives, but have also been recognized by a number of the professional organizations of which he is a member. He has not only been inducted into the Charles Houston Bar Association's Hall of Fame, but has also received its ''Judicial Excellence Award.'' In addition, he received the Bernard S. Jefferson Award from the California Association of Black Lawyers as its Judge of the Year in 2001, and has also been named the Lend-A-Hand Foundation's ''Man of the Year.'' This past August, he was inducted into the National Bar Association's Hall of Fame in recognition of having practiced law for over 40 years and made significant contributions to the cause of justice. In addition, he was also given the A. Leon Higginbotham Memorial Award by the Young Lawyers Division of the National Bar Association in recognition of his intellectual accomplishments, professional achievements and community contributions.

Today Judge Wheatley's family, friends and colleagues come together to celebrate the impact of his life and work not only on the innumerable lives, particularly young lives, he has touched here in Alameda County, but the lasting effects his rulings and his commitment to

true justice have had and will continue to have on our legal system. On behalf of the 9th Congressional District of California, I salute and thank Judge Horace Wheatley for his invaluable contributions to the people of Alameda County, the 9th Congressional District, the State of California and our entire country.

CONGRATULATING NEW NMA PRESIDENT DR. SANDRA L. GADSON

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. JACKSON of Illinois. Mr. Speaker, it is my privilege to recognize and congratulate one of my constituents and the 106th president of The National Medical Association, Dr. Sandra L. Gadson.

Founded in 1895, the National Medical Association, NMA, is the largest and oldest national organization representing African American physicians and their patients in the United States. The NMA represents the interests of more than 35,000 African American physicians and the patients they serve and is the leading force for parity and justice in medicine and the elimination of health disparities. Throughout its history, the National Medical Association has focused primarily on health issues related to African Americans and medically underserved populations, as well as all ethnic groups.

Many years ago, Dr. Gadson was herself a patient, facing a battle with colon cancer. In her own words, Dr. Gadson stated: ''When my patients curse a rising wave of pain or struggle to give voice to their suffering, I understand because I've been there.'' This experience has not only influenced Dr. Gadson to be a more sensitive and empathetic doctor, but it inspired her to improve the quality of service available to patients everywhere.

While working in the Emergency Room at Methodist Hospital in Gary, Indiana, Dr. Gadson was shocked to learn that the predominately poor, African American city had a high prevalence of kidney failure but no dialysis center. She immediately took action and established the first freestanding dialysis center in northern Indiana.

In her acceptance speech, Dr. Gadson said that as president of NMA, she will work to increase its membership and mentorship, advocate for a national health plan of universal coverage, strengthen partnerships with churches and the media to promote health awareness, and to launch initiatives in kidney disease that encourage transplantation and organ donation. Dr. Gadson, a practicing nephrologist, also made note of the fact that African Americans make up 13 percent of the U.S. population but nearly one-third of all kidney patients. ''The crisis of kidney failure in the African American community mirrors the dilemma of health care disparities,'' Dr. Gadson stated.

Dr. Gadson's contributions to the health community have been enumerable. As president of the NMA, she will continue to help decrease health disparities and increase access to high quality healthcare for all Americans. We are truly fortunate to have her as a part of our community, and I congratulate her on her achievement.

INTRODUCTION OF LEGISLATION WITH GOVERNMENT REFORM TO GIVE DC CITIZENS A PLACE IN STATUARY HALL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Ms. NORTON. Mr. Speaker, I am pleased that Government Reform Committee Chair TOM DAVIS (R–VA) and House Administration Committee Ranking Member JUANITA MILLENDER-MCDONALD (D–CA) are introducing a bill with me today to permit two statues honoring citizens of the District of Columbia in Statuary Hall of the Capitol, just as statues honoring citizens of States are placed in the historic hall. This legislation would allow the city to offer two statues to the Congress on behalf of DC residents. As I introduce this bill, as we have just honored the citizens of New Mexico, I ask the committee to remember that with the placement of their second statute, a bill I was pleased to support, I seek equal recognition for the citizens of the District of Columbia.

The District of Columbia was born with the Nation itself. The city has more than two centuries of its very own rich and uniquely American history. It goes without saying that the almost 650,000 American citizens who live in the Nation's Capital deserve the honor of having two of its history makers represented in the halls of the Nation's Capital just as citizens who live in the 50 States have long enjoyed.

Our bill would allow the Mayor and the City Council to devise the method for determining the identity of the honorees, who must be deceased. Mayor Anthony Williams has already agreed to find funds in the District's budget for these statues upon the passage of this legislation.

Every time we allow the District to be excluded from its place among the 50 States, we undermine the Nation's efforts to spread full democracy around the world. While DC residents have not yet obtained the same political equality and voting rights as the citizens of the States, they have all the responsibilities of the States, including paying all Federal taxes and serving in all wars. Today, when our residents are serving in Iraq, the least we should do is to give this city its rightful and equal place in the Capitol. Among our residents now serving their country, the District lost 44-year-old Lt. Col. Paul W. Kimbrough, an African American engineer who was supporting Operation Enduring Freedom in Afghanistan. I attended the funeral of 21-year-old Specialist Darryl Dent of the DC National Guard who was killed in Iraq. There are more than 100 soldiers still serving in Iraq from Specialist Dent's 547th Transportation Company.

This bill offers District residents the opportunity to enjoy the same pride that all other citizens experience when they come to their Capital—the opportunity to view memorials that commemorate the efforts of deceased local residents who have made significant contributions to American history.

REP. BARBARA LEE HONORED BY THE 100 BLACK MEN OF SILICON VALLEY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Ms. LOFGREN of California. Mr. Speaker, the California Democratic Congressional Delegation is proud to recognize the achievements of our colleague, Rep. Barbara Lee, upon the presentation of the Lifetime Achievement Award by the 100 Black Men of Silicon Valley.

The concept of the 100 Black Men was born in New York in 1963, when a group of concerned African American men gathered to explore ways of improving conditions in their community. These visionaries and industry leaders included David Dinkins, Jackie Robinson, Nathaniel Goldston III, Andrew Hatcher and founding President Dr. William Hayling.

The mission of the 100 Black Men of Silicon Valley is to improve the quality of life of our citizens and enhance educational opportunities for African Americans and minorities, through its chapters, in all communities—with a particular emphasis on young African American males. They do this by focusing on mentoring, education, health and wellness, and economic development.

It is fitting that Representative BARBARA LEE is being honored for her long record of standing for youth and family issues such as criminal justice reform as a member of the Public Safety, Sentencing and Incarceration Reform Caucus. Health and wellness has been at a priority for her in Congress as well. She has fought to establish a United States Health Service and provide health coverage for all Americans. The measure, first introduced in 1978 by her predecessor, Representative Ron Dellums, has been a priority for her since her election in 1998. Representative BARBARA LEE has also been committed to promoting economic development and supporting those who need it most, including working to secure investment in housing, transit systems, roads, clean water, and schools to stimulate the economy and create jobs.

We wish to thank the 100 Black Men for their tireless efforts to enhance the quality of life for all citizens, and to Representative BARBARA LEE for her deeply held commitment to the principle of human rights.

IN HONOR OF DON MILANESE, VICE PRESIDENT OF LAS POSITAS COLLEGE, ON THE OCCASION OF HIS RETIREMENT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor Don Milanese, vice president of Academic Services at Las Positas College in Livermore, who is retiring after 35 years of service to the Chabot-Las Positas Community College District, the Tri-Valley community, and thousands of students.

Don began his career in 1964 as a graduate teaching assistant at the University of California at Davis. Following a 2-year stint in the

Army, he joined Chabot College as an adjunct faculty member teaching political science, while serving as an assistant administrative analyst in the education section of the Legislative Analyst's Office in Sacramento. In 1970, he became the coordinator of Evening and Extension Operations at Chabot College. His warm, supportive manner was felt throughout the campus by faculty, staff and students. After 5 years, Don then became the assistant dean of instruction for Evening and Extension Operations at Chabot College's Valley Campus in Livermore. It was here that Don focused his talents on shaping the vision he shared with other college officials: a college that would serve the Tri-Valley. His hard work, dedication, and ability to dream helped establish Las Positas College. In 1992, he accepted the position of dean of Academic Services at the College, and in 1994 the position converted to the vice president of Academic Services.

Don's talent and wisdom extend beyond community college curriculum and instruction. He has used his skills to create community partnerships to benefit students, the college, and the community. He has been a driving force behind the Tri-Valley Educational Collaborative, which brings together business and education leaders to address issues of mutual interest.

Above and beyond his accomplishments at the colleges of Chabot and Las Positas, Don is revered for his compassionate nature, his ability to know when to lead and when to follow, and his sense of humor. While Don's skills and knowledge will be greatly missed and will leave a void at the college, it is his love of the college, students, faculty, and staff that will be missed the most.

Mr. Speaker, I wish Don Milanese the best of luck in retirement. I hope he finds joy in this next chapter of his life in equal measure to the joy he has given his colleagues in his working life.

A TRIBUTE TO THE PHILADELPHIA MURAL ARTS PROGRAM AND THE SOUTH PHILLY MUSICIANS MURAL

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the Philadelphia Mural Arts Program, which will dedicate the new South Philadelphia musicians mural at 9th and Wharton Streets in my district on Saturday, October 8. As everyone knows, Philadelphia has long been one of the capitols of popular culture. This mural will honor seven of the icons of that culture, Jerry Blavat, Al Martino, Frankie Avalon, Fabian, Chubby Checker, Bobby Rydell and Eddie Fisher.

Mr. Speaker, I am proud that this mural will include one of the pioneers of rock and roll, my dear friend Jerry Blavat. Jerry was attracted to the music business because of his love for the music, not for fame or wealth. He was a dancer on the original Bandstand television program, hosted by Bob Horn. He became a favorite with the viewers and rose to the head of the coveted ''Committee,'' the group of teens responsible for aiding Horn in the direction of the show. Jerry got into radio in 1962 and soon was given the title ''The Geator With The Heator.'' He soon coupled his growing popularity on the air, which by 1963 resulted in regional syndication of his program on small stations throughout the Delaware Valley from Atlantic City to Allentown, with appearances off the air at dances, clubs and events. It was not unusual for Blavat to see 5,000 kids a week in person in the mid sixties, nor too much of a stretch to say he would remember 3,000 of their names the following week. His appearances became so frequent that for a time he needed to use a helicopter just to make it on time from one gig to the next. Today the helicopter is gone, but the frantic schedule is still in place. Throughout the year, he can be found somewhere on virtually any night, and in the summer months he is in weekend residence at Memories At Margate, the New Jersey Shore's hottest night spot which he has owned and operated since 1972.

Al Martino will celebrate his 68th birthday on October 7. The son of Italian immigrants, Martino worked as a bricklayer in his father's construction business before being encouraged to become a singer by his friend Mario Lanza. After singing in local clubs, and winning Arthur Godfrey's Talent Scouts, he recorded ''Here In My Heart'' for the small BBS record label. It shot to No. 1 in the U.S. chart, and sold over a million copies. This disc was also the first ever record to top the New Musical Express UK listings, inaugurated in 1952. He continued his illustrious career on both stage and screen.

Frankie Avalon was the first and most successful of the teen idols from Philadelphia. He was encouraged to perform from the time he was a child, beginning from when he was tutored on the trumpet by his father. By the time he was 12, he had joined Rocco and the Saints, a dance band that featured another boy from the CR Club, drummer Bobby Rydell. The combo played parish bazaars, shows at the Sons of Italy Hall, weekend sock hops in school gyms, and weekend dances at teen clubs. ''Venus'' was Avalon's biggest hit selling more than a million copies in the spring of 1959. Three more million sellers in a row, ''Bobby Sox To Stockings,'' ''Just Ask Your Heart,'' and ''Why'' followed.

In 1960, he co-starred with Alan Ladd in ''Guns of the Timberland'' and appeared in John Wayne's ''Alamo.'' Appearing in a number of other films Avalon did not have a starring role until 1963's ''Drums of Africa.'' In the early sixties there was a nationwide surfing craze and Hollywood did a number of movies on the subject. Avalon, along with Annette Funicello, were leading stars in these movies. Starting in 1963 he appeared in ''Beach Party,'' ''Muscle Beach,'' ''Beach Blanket Bingo,'' etc.

Mr. Speaker, Avalon's friend, Fabian was an overnight singing sensation, a film star with over 30 films to his credit and the producer of his own concert series. Fabian Forte was actually discovered at the age of 14 sitting on his front steps in Philadelphia. At 15, he won the Silver Award as ''The Most Promising Male Vocalist of 1958.'' By the time he was 18, he had recorded dozens of hit singles, eight albums and earned gold records for ''Turn Me Loose'' and ''Tiger'' and a gold album for ''The Fabulous Fabian.'' In 1959, Fabian made his screen debut in ''Hound Dog Man'' opposite Carol Lynley. His role as a homicidal maniac in a TV production entitled ''A Lion Walks Among Us'' directed by Robert Altman solidly established his credentials as a versatile and powerful actor. His impressive acting credits include featured roles with John Wayne, James Stewart, Jack Palance, Tuesday Weld, George Segal and Karen Black.

Chubby Checker was born in South Carolina, but grew up in South Philadelphia. By the time he entered high school, he had learned to play the piano at Settlement Music School. In June of 1959, Chubby recorded ''The Twist.'' Fourteen months later, in the summer of 1960, ''The Twist'' was not only the No. 1 song but it introduced the concept of ''dancing apart to the beat.'' Mr. Speaker, Chubby Checker accomplished many ''firsts'' in the record industry. He is the only artist to have 5 albums in the top 12 all at once; the only artist to have a song to be No. 1 twice—''The Twist'' and the only artist to have nine double-sided hits.

Bobby Rydell, unlike many of the other Teen Idols, was a genuine musician. At the age of 4 or 5, Bobby used to sit in front of the TV set trying to impersonate performers like Louis Prima, Milton Berle, and Johnny Ray. His father recognized Bobby's talent and encouraged him to pursue a show business career. At 5 he began taking lessons on the drums. Three years later he was an accomplished cabaret performer, playing drums and doing imitations. At 9, he was a regular on Paul Whiteman's television show that was broadcast from Philadelphia and performed on it for 3 years. By the time he was a teen, he was playing drums in a dance band Rocco and the Saints. Rydell's million seller, ''Wild One'' was released in early in 1960. ''Swingin' School'' b/w ''Ding-A-Ling'' was a springtime hit and third million seller. That summer ''Volare'' was released. The song had been pulled from a previous unsuccessful session of songs in a big band style to introduce Rydell to an older audience.

Mr. Speaker, Eddie Fisher received his first wide exposure as frequent guest performer on Eddie Cantor's early-fifties TV broadcasts. Later responsible for million-selling records during the fifties, including ''Any Time,'' his signature song, ''O My Papa,'' and many others. In 1953 Eddie Fisher was given his own 15-minute TV show called ''Coke Time,'' sponsored by the Coca-Cola company. This show proved to be so popular that Coke then offered Eddie a $1 million contract to be their national spokesperson. A deal of that magnitude was almost unheard of at this time and helped push Fisher towards being one of the most popular singers by 1954. At the height of his popularity, during the 1950s, Fisher was, along with Perry Como and Elvis Presley, RCA Victor's top-selling pop vocalist. His many hits during this period, all well remembered, include: ''Anytime,'' his first big hit, ''Oh, My Papa,'' ''Wish You Were Here,'' ''I Need You Now,'' ''Dungaree Doll,'' ''I'm Walking Behind You,'' ''Heart,'' ''Games That Lovers Play'' and ''Somebody Like You.''

IN HONOR OF 7TH LANCE CORPORAL JAMES R. SARGENT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. RAHALL. Mr. Speaker, today, 7th Lance Corporal James R. Sargent USMC, was laid to rest at Arlington Cemetery after being listed as missing in action for more than 37 years.

Lance Corporal Sargent, a native of Anawalt, WV, was a true American hero and today marks the end of a long journey for his family and friends.

Lance Corporal Sargent, like so many West Virginians, answered our Nation's call to arms. He wore the uniform and gave his life for freedom's cause.

Lance Corporal Sargent was part of an artillery platoon airlifted to provide support to the 11th Mobile Strike Force, which was under threat of attack from North Vietnamese forces near Kham Duc in South Vietnam. On May 9, 1968, the Strike Force had been directed to reconnoiter an area known as Little Ngok Tavak Hill near the Laos-Vietnam border, in the Kham Duc Province. Their base came under heavy attack by North Vietnamese Army troops, but after a 10-hour battle, all of the survivors were able to withdraw from the area.

LCpl, Sargent, one of 13 Marines killed in this battle, was awarded the Meritorious Unit Commendation for his heroism at Ngok Tavak. The Bible says in the book of John, Chapter 15, Verse 13, "Greater love has no one than this, than to lay down one's life for his friends." Today we honor not only Lance Corporal Sargent, but all of the soldiers, airmen and Marines who, through commitment and courage, have answered the call to protect the ones they love. This is truly the greatest gift one can give.

I would also like to submit for the RECORD The Secretary of the Navy Citation for the Meritorious Unit Commendation—a detailed account of Lance Corporal Sargent's heroism:

The Secretary of the Navy takes pleasure in presenting the Meritorious Unit Commendation to: Detachment, Battery D, Second Battalion, and Thirteenth Marines, First Marine Division (Reinforced)

CITATION

For heroic achievement in action against enemy Viet Cong and North Vietnamese forces during the defense of the Civilian Irregular Defense Group camp known as Ngok Tavak on 10 May 1968. The detachment, consisting of one officer and 43 enlisted men, was tasked with the mission of providing artillery support to the camp. In the early morning, while providing this support to a mixed force of U.S Army Special Forces and Vietnamese irregulars, the detachment's defensive position came under attack by a determined and well equipped enemy force of estimated battalion size. Employing an intense mortar barrage, grenades and heavy small-arms fire, the enemy breached the outer defensive wire in two places and surged through the wire in superior numbers, launching a series of assaults directly against the small defensive perimeter the Marines had formed around their howitzers.

Although seriously depleted by heavy casualties, including the detachment commander and the platoon sergeant, the gallant men of the detachment steadfastly met and contained each assault with withering fire from automatic weapons, grenades, and point-blank individual weapons. On separate occasions, Marines braved the hail of grenade fragments and automatic weapons fire to man a 4.2–inch mortar, an 81mm mortar, and a 30–caliber machine gun belonging to the Special Forces Detachment. Although continually exposed, they brought the fires of these weapons to bear on the attacking enemy and inflicted heavy casualties.

When the survivors of the detachment were ordered to abandon their position, mute evidence of their ferocity as fighting men lay about them in the form of 31 confirmed enemy dead. The successful evacuation of the position was completed under the direct observation and fire of the remaining enemy force. Accompanied by the surviving Civilian Irregular Defense Group forces, the men of the detachment marched for six hours through dense enemy-infested jungle until successfully extracted by helicopter. Of the original detachment, 13 Marines were killed in action and 20 were wounded in action. By their effective teamwork, aggressive fighting spirit, and individual acts of heroism and daring, the artillerymen of this detachment achieved an illustrious record of courage and skill in keeping with the highest traditions of the Marine Corps and the United States Naval Service.

All personnel attached to and serving with Detachment, Battery D, Second Battalion, Thirteenth Marines, First Marine Division (Reinforced), during the cited action, are hereby authorized to wear the Meritorious Unit Commendation Ribbon.

For the Secretary of the Navy, L. F. CHAPMAN, JR., Commandant of the Marine Corps.

CELEBRATING THE LIFE OF CARMEN N. CIQUEIROS TAFOYA PERKINS MULLALY

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to take a few moments to honor my cousin, Carmen N. Ciqueiros Tafoya Perkins Mullaly, from Long Beach, California, whose life was cut short on September 11, 2005.

Carmen was born in Los Angeles, California on September 17, 1926 and was always a proud Angeleno. She attended Hammel Elementary School and Belvedere Junior High, and graduated from Roosevelt High School in Los Angeles.

Early on in life, Carmen developed a belief in the principles of the Democratic Party. An active member of the League of Women Voters, Carmen never missed voting in a single election. My cousin's enthusiasm for Election Day was an inspiration to all those around her, as she often opened her own home to serve as a polling precinct for primary and general elections.

In addition to her allegiance to the Democratic Party, Carmen loved being an Anaheim Angels fan. Carmen enjoyed cheering her favorite team on to victory over the years at the Angel Stadium of Anaheim.

Carmen was beloved by our large family, and we all miss her since her passing. I know that my father, former Congressman Edward R. Roybal, will especially miss his cousin.

Carmen is survived by her children: Virgilia Goodwin of Aurora, Colorado; Jack Perkins of Huntington Beach, California; Dwight Perkins of Woodburn, Oregon; Gayle Rex of Walla Walla, Washington; and Patrick Mullaly of Kennewick, Washington. She is also survived by her sister, Geraldine Overton of Lakewood, California, and by her stepchildren, Tom Mullaly of Irvine, California; Cindy Mullaly of Chicago, Illinois; and Scott Mullaly of San Diego, California. Carmen is also survived by a niece, Geraldine O. Wiese of Cornwall, England. Carmen was preceded in death by her stepson, Mark Mullaly, and her husband Thomas J. Mullaly.

Although my family and I mourn Carmen today, we are also grateful for the many happy moments she brought into the lives of those around her. Today we mourn her death and celebrate her abundant life.

RECOGNIZING THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA) AND ITS DIRECTOR GENERAL, MOHAMED ELBARADEI, JOINT RECIPIENTS OF THE 2005 NOBEL PEACE PRIZE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. MARKEY. Mr. Speaker, I rise to recognize the award of the 2005 Nobel Peace Prize to the International Atomic Energy Agency (IAEA) and its Director General, Mohamed ElBaradei. Today the IAEA and Dr. ElBaradei were jointly awarded this most prestigious of awards for their active efforts against the spread of nuclear arms and against the misuse of nuclear energy for military purposes.

As we know, Dr. ElBaradei and the IAEA were asked by the United Nations, at the urging of the United States, to serve the cause of world peace by engaging in a vigorous effort to find whatever evidence might exist of a Nuclear Weapons program in Iraq through anytime, anywhere inspections. Dr. ElBaradei and the IAEA did their jobs, and the world had an opportunity both to serve the cause of preventing weapons proliferation and heading off a very costly war. Unfortunately, the United States decided to forego this opportunity, and war ensued.

Now, the world is turning once again to the IAEA as the only way to prevent weapons proliferation in Iraq and in North Korea. Will the IAEA be supported this time? The Nobel Committee's decision to recognize the work of the IAEA, and of Dr. ElBaradei, increases the likelihood that such support will be forthcoming. It is needed now more than ever.

I submit below an excerpt from the press release from the Nobel Committee, describing why the important work of the IAEA and Dr. ElBaradei is deserved of such an honor.

At a time when the threat of nuclear arms is again increasing, the Norwegian Nobel Committee wishes to underline that this threat must be met through the broadest possible international cooperation. This principle finds its clearest expression today in the work of the IAEA and its Director General. In the nuclear non-proliferation regime, it is the IAEA which controls that nuclear energy is not misused for military purposes, and the Director General has stood out as an unafraid advocate of new measures to strengthen that regime. At a time when disarmament efforts appear deadlocked, when there is a danger that nuclear arms

will spread both to states and to terrorist groups, and when nuclear power again appears to be playing an increasingly significant role, IAEA's work is of incalculable importance.

In his will, Alfred Nobel wrote that the Peace Prize should, among other criteria, be awarded to whoever had done most for the ''abolition or reduction of standing armies''. In its application of this criterion in recent decades, the Norwegian Nobel Committee has concentrated on the struggle to diminish the significance of nuclear arms in international politics, with a view to their abolition. That the world has achieved little in this respect makes active opposition to nuclear arms all the more important today.

THREATENED AND ENDANGERED SPECIES RECOVERY ACT OF 2005

SPEECH OF

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes:

Mr. COSTA. Mr. Chairman, I rise today to clarify the intent and importance of language in H.R. 3824 regarding the discretionary nature of recovery plans under the ESA. Language in TESRA states that, ''Nothing in a recovery plan shall be construed to establish regulatory requirements.'' This important language will ensure that, as is currently the case, recovery plans cannot be used as a regulatory ''hammer'' on private landowners or others. Let me elaborate.

The ESA § 4(f) states that the Secretaries of Interior and Commerce ''shall develop and implement recovery plans'' for listed species, ''unless . . . such a plan will not promote the conservation of the species.'' This responsibility has been delegated to the U.S. Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration Fisheries Service (NOAA Fisheries) (collectively, the Services).

Thus, as a general matter, the ESA compels the Services to develop recovery plans. While FWS and NOAA Fisheries are under a general duty to develop a recovery plan for listed species, the federal courts are in unanimous agreement that the contents of a recovery plan are discretionary with the Services. Recovery plans do not impose legal obligations or requirements on anyone—not on private landowners, not on local or state government units, and not even on the federal government itself. Rather, the case law makes clear that recovery plans are guidance documents.

For example, the 11th Circuit Court of Appeals rejected the argument of an environmental group that would have ''elevate[d] the 1987 [Florida panther] recovery plan into a document with the force of law.'' *Fund for Animals* v. *Rice*, 85 F.3d 535,547 (11th Cir. 1996). The 11th Circuit wrote that ESA § 4(f):

> ''makes it plain that recovery plans are for *guidance purposes only*. . . . By providing general guidance as to what is required in a recovery plan, the ESA 'breathe[s] discretion at every pore.' ''

Id. (emphasis supplied), citing *Strickland* v. *Morton*, 519 F.2d 467, 469 (9th Cir. 1975)).

FWS itself has taken the position that recovery plans have no binding effect. Courts have agreed with the agency's position. For example, in *Biodiversity Legal Found.* v. *Norton*, 285 F.Supp. 2d 1 (D.D.C. 2003), environmental groups argued that the recovery plan for the Cape Sable Seaside sparrow had a binding impact to compel revisions to the species' critical habitat. FWS asserted that '''the content of Recovery Plans required under ESA § 4(f) is not binding upon the Service, so cannot create a legal duty.'" Id. at 13. The district court, citing the 11th Circuit's opinion in Fund for Animals (discussed above), agreed with FWS. It ruled that the sparrow's recovery plan ''was merely a guidance, which FWS had discretion to follow.'' Id.

Similarly, environmental groups claimed that the recovery plan for certain whale species was deficient because it failed to include substantive, mandatory requirements. The court disagreed, holding that ''[c]ase law instructs that [FWS is] correct in [its] assertion that the content of recovery plans is discretionary.'' *Strahan* v. *Linnon*, 967 F.Supp. 581, 597 (D.Mass. 1997), *aff'd*, 187 F.3d 623 (1st Cir. 1998). The court recognized that FWS is under a statutory duty to develop a recovery plan ''to the extent that it is feasible and possible,'' but that ''requirement does not mean that the agency can be forced to include specific measures in its recovery plan.'' *Id.* at 598. Environmental groups also argued that the recovery plan for the Perdido Key beach mouse *must* include an expansion of the species' critical habitat. The court, aligned with all of the other opinions on the topic, rejected the environmentalists' argument because ''the contents of the [recovery plan] are discretionary.'' *Morrill* v. *Lujan*, 802 F.Supp. 424, 433 (S.D.Ala. 1992).

There is a strong policy justification for finding that recovery plans are discretionary: namely, to allow FWS to allocate its scarce resources as it sees fit. ''Congress recognized that the development of recovery plans for listed species would take significant time and resources. It therefore provided in the ESA that the Secretary could establish a priority system for developing and implementing such plans. This priority system *allows the Secretary broad discretion to allocate scarce resources* to those species that he or she determines would most likely benefit from development of a recovery plan.'' *Oregon Natural Resources Council, supra,* 863 F.Supp. at 1282–83 (emphasis supplied).

To conclude, in a rare show of agreement among court interpretations of the ESA, the federal judges that have addressed this point have all agreed that recovery plans are simply discretionary guidance documents, with no binding effect. It is clearly the intent of H.R. 3824 to not only remain consistent with this established line of precedent, but to codify this important fact.

CONFERENCE REPORT ON H.R. 2360, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of the FY 2006 Homeland Security Appropriations conference report. This bill does not fully address our homeland security needs. Still, it provides vital funds to make our country safer, and so I will support it today.

Total funding in the bill is increased from this year's levels. Specifically, the bill increases funding over the requested levels for immigration and for customs and border protection. The agreement also provides $1.5 billion, 35 percent more than current funding, for science and technology programs.

I am pleased that the conferees adopted an important amendment offered by Rep. DAVID OBEY that requires the Department of Homeland Security (DHS) to provide details on how money appropriated for responding to Hurricanes Katrina and Rita is spent. I am a cosponsor of H.R. 3737, a bill that would create a Special Inspector General for Hurricane Katrina Recovery who would have oversight over all federal Hurricane Katrina emergency funding. While the Obey amendment doesn't go as far as this legislation, it is a significant step forward.

I am also pleased that the conference report includes funding to help states comply with the REAL ID Act. Estimates are that complying with the Act will cost the states between $100 million and $500 million over the next 4 years. Since the majority saw fit to push the REAL ID provisions through Congress, it is important that Congress also provides funding to do the job.

Still, I'm concerned about shortfalls in the bill. It cuts fire grants by $60 million (8 percent) below FY 2005, even as a recent survey found that fire departments all over the country aren't prepared to respond to a haz-mat incident and lack equipment. The bill also cuts State and local domestic preparedness grants by $585 million (19 percent) and Urban Area Security Initiative grants by $270 million (26 percent) below FY 2005 levels. Funding for communications equipment for first responders is cut from the levels in the bill the House passed in May, before Katrina struck—from $27 million to $15 million. The bill does provide additional funding for border patrol, but the number of agents still falls 1,000 short of the 2,000 called for in the Intelligence Reform bill. Since September 11th, just 965 additional border patrol agents have been hired—less than a 10 percent increase in 4 years.

The conference report fails to provide much more than basic funding for the security of rail and public transportation systems because DHS has not yet spent funds it was allocated last year. Despite the fact that passenger rail in the U.S. carries about five times as many passengers each day as do airlines, this bill only includes $36 million for ground transportation security and $150 million for State grants to protect mass transit systems, as compared to $4.6 billion for aviation security. I'm very concerned that crucial security upgrades to our rail and public transportation

systems—especially in light of the bombings in Madrid and London—can't move forward more quickly. The bill also underfunds port security and does not include $50 million for chemical plant security that was included in the House-passed bill.

I'm also concerned that this bill includes DHS Secretary Chertoff's proposal to create a new Preparedness Directory and take that responsibility away from FEMA, making FEMA a standalone office focused on response and recovery only. Secretary Chertoff's proposal was made in July—before Hurricane Katrina hit—and this bill would move it forward. This Administration crippled FEMA by making it just one of many organizational boxes under the Homeland Security Department. Splitting preparedness and response and recovery tasks now would weaken FEMA even further, at a time when we should be focusing on how to learn from the lessons of Katrina.

Instead of making these changes in FEMA, we should remove it from DHS and make it an independent agency under qualified leadership, as would happen under the bill (H.R. 3816) I introduced last month.

Mr. Speaker, much remains to be done to improve our defenses against terrorism. I do not believe this bill sets the right priorities or provides sufficient resources, but it does fund programs that are critical to our homeland security. The conference report is an important step, and I will vote for it.

INDIA'S UNFINISHED AGENDA: EQUALITY AND JUSTICE FOR 200 MILLION VICTIMS OF THE CASTE SYSTEM

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. SMITH of New Jersey. Mr. Speaker, yesterday the Subcommittee on Africa, Global Human Rights and International Operations studied the terrible situation facing India's Dalits and tribal peoples. Taken together, Dalits and tribal peoples constitute as many as 250 million people. The Dalits, whose name means "the oppressed," are much better known as "untouchables," although this demeaning name is not the one they choose for themselves. They are also often referred to in official documents as "Scheduled Castes, and occasionally as "Harijans," or "Children of God," a name given them by Gandhi. The tribal peoples are often referred to as Scheduled Tribes, or Adivasis, which means indigenous or aboriginal inhabitants. The Dalits and tribal peoples are treated as virtual non-humans, and suffer pervasive discrimination and violation of their human rights.

This topic has taken on a special relevance. India's reformist government has made great strides to open its economy, and improve the lot of all its citizens. It has also played a leading role in the Community of Democracies and the U.N.'s Democracy Caucus and the U.N. Democracy Fund. In June and July of this year the U.S. and India announced a series of agreements that represent a quantum leap in cooperation between the world's two most populous democracies after decades of estrangement during the Cold War. On July 18th, U.S. and Indian leaders issued a joint statement resolving to establish a "global partnership" between the two nations through increased cooperation on a wide range of issues. We heartily welcome all of these actions.

However, there is still a long road to travel. Most observers have focused on the nuclear proliferation implications of our announced agreements as potential stumbling blocks to a true strategic partnership between the U.S. and India. But as we seek to develop a strategic partnership, we must not lose sight of India's serious human rights problems. These problems are amply documented in the three current State Department reports: the 2004 Human Rights Report on India, the 2005 Report on Trafficking in Persons, and the 2004 Report on Religious Freedom. All three are massive catalogues of human rights violations which the Government of India condones, ignores, and in some instances, has even promoted.

To quote the 2004 Human Rights Report on India:

> Security force officials who committed human rights abuses generally enjoyed de facto legal impunity . . . violations included: torture and rape by police and other government agents; . . . harassment and arrest of human rights monitors; . . . forced prostitution; child prostitution and female infanticide; trafficking in women and children; . . . serious discrimination and violence against indigenous people and scheduled castes and tribes; widespread intercaste and communal violence; religiously motivated violence against Muslims and Christians; and widespread exploitation of indentured, bonded, and child labor.

Further, the 2005 Report on Trafficking in Persons has this to say. Again I quote:

> India is a source, transit, and destination country for women, men, and children trafficked for the purposes of sexual and labor exploitation . . . Internal trafficking . . . for . . . sexual exploitation, domestic servitude, bonded labor, and indentured servitude is widespread . . . the vast majority of females in the Indian commercial sex industry are currently victims of sexual servitude or were originally trafficked into the sex trade. India is also home to millions of victims of forced or bonded labor.

The Government of India does not fully comply with the minimum standards for the elimination of trafficking.

India was placed on Tier 2 Watch List for human trafficking a second consecutive year in 2005. Many of us believe it should be a Tier III country.

The State Department's 2004 Report on Religious Freedom also had many harsh words for India's respect for religious freedom. It noted that the Indian government, despite India's constitutional commitment to religious freedom and secular government, was often lax in protecting religious minorities from attack, and in punishing their persecutors. Religious extremists have taken such laxity as a signal that they can attack with impunity. Missionaries were often harassed, and the right to freely choose one's own religion was often violated.

Finally, there is abortion. In theory, India only allows abortions for risk to the life of the mother, or "grave risks" to her health, or for "substantial risk" of fetal impairment. Yet like so many countries where the absolute right to life of the unborn child has been disregarded in a misguided attempt to provide a so-called "limited" abortion license, the reality is that there is abortion on demand. Estimates of abortions run as high as 7 million a year. There are some estimates that 17 percent of maternal deaths are due to abortion: so much for "safe, legal and rare."

And abortion is not just at the demand of the mother, but often at the demand of relatives who don't want girl babies. The incidence of "sex-selection abortions" has reached staggering proportions. As many as 50 million girls and women are missing from India's population as a result of infanticide and abortion. In most countries in the world, there are approximately 105 female births for every 100 males. In India, there are less than 93 women for every 100 men in the population. In one wealthier area of the capital of New Delhi, the sex ratio at birth has dropped to 762 girls for every 1,000 boys, one of the lowest in the entire country. The problem is getting worse as scientific methods of detecting the sex of a baby and of performing abortions are improving. These methods are becoming increasing available even in rural areas.

India banned sex-selection abortions in 1996, but the health minister recently admitted that not a single person has ever been convicted or otherwise punished for having carried out sex selective abortions. UNICEF has warned that unless steps are taken to address the problem, India will soon face severe social problems, not least increased trafficking of women, which is already an enormous problem. As more and more girls are aborted or murdered after birth, more and more poor women and girls will be trafficked.

All of this background will provide the context for today's hearing. India's Dalits and tribal peoples are victims of all the human rights violations prevalent in India, and to a far greater extent than most other Indians.

According to India's caste system, Dalits are impure, and even their shadow can pollute. Dalits are discriminated against, denied access to land and forced to work in degrading conditions. Dalit men, women, and children numbering in the tens of millions work as agricultural laborers for a few pounds of rice or less than a dollar a day. Their upper-caste employers frequently use caste as a cover for exploitative economic arrangements. In India's own version of "apartheid," entire villages in many Indian states remain completely segregated by caste. Dalits dare not even walk in the part of the village occupied by higher castes. They may not use the same wells, visit the same temples, drink from the same cups in tea stalls, or lay claim to land that is legally theirs. Dalit children are frequently made to sit in the back of classrooms.

Most Dalits continue to live in extreme poverty, without land or opportunities for better employment or education. India has a policy of quotas in education and government jobs to benefit Dalits and tribal peoples. But most cannot afford primary education, so their literacy rates remain very low and only a small minority can benefit from these quotas.

Dalits are routinely abused at the hands of the police and of higher caste group that enjoys the state's protection. According to India's National Crime Records Bureau, in 2000, the last year for which figures are available, 25,455 crimes were committed against Dalits. Every hour two Dalits were assaulted; every day three Dalit women were raped, two Dalits were murdered, and two Dalit homes were

torched. And most experts believe that these numbers are grossly underreported, since Dalits are afraid to report crimes to police, and when they do, police often refused to register or investigate their complaints. In 2001 Amnesty International estimated that only about 5 percent of sexual assaults were registered, and that police officers dismissed at least 30 percent of rape complaints as false.

Approximately eighty percent of the tribal population lives below the poverty level. Despite constitutional safeguards, the rights of indigenous groups in the eastern parts of the country are often ignored. In recent years, crime against the tribes has risen. Indigenous peoples suffer discrimination and harassment, are deprived of their land, and subjected to torture and to arbitrary arrest. Mob violence, lynching, arson, and police atrocities against tribal persons occur in many states.

Dalits and tribal peoples suffer horribly from human trafficking. Dalit girls have been forced to become temple prostitutes as devadasis, or ''servants of god,'' a practice where they are ''married'' to a deity or temple where they are then forced to have sex with upper caste men and are eventually sold into prostitution. In 2001, more than 40,000 tribal women were forced into situations of economic and sexual exploitation. An estimated 40 million people, most of them Dalits, are bonded workers, many working to pay off debts that were incurred generations ago, according to a 1999 report by Human Rights Watch. These people work under slave-like conditions for less than U.S. $1 per day. Fifteen million are children, and according to UNICEF, the majority are from the lowest castes.

Dalits and tribal peoples are often the targets of Hindu religious extremism as well. Over the years, many Dalits and tribal groups have converted from Hinduism to other faiths to escape widespread discrimination and achieve higher social status. However, such converts often lose benefits conferred by the Government's affirmative action programs because these, according to the Constitution, are reserved only for those having scheduled caste status. Converts to Christianity are particularly targeted.

Christian missionaries have been operating schools and medical clinics for many years in tribal areas and among the very poor, and tribal peoples and Dalits have made great strides as a result. Hindu extremists resent these gains for disturbing the traditional social order, since better educated Dalits and tribals no longer accept their disadvantaged status as readily as they once did. Some Hindu groups fear that Christians may try to convert large numbers of lower caste Hindus, using economic or social welfare incentives. Many acts of violence against Christians stem from these fears, and most go unpunished. Many states have also adopted anti-conversion laws, in violation of India's constitutional protection for religious freedom.

In many cases, India has very good laws to protect the human rights of its citizens, although new and tougher legislation against trafficking is clearly necessary. But the best laws in the world are useless unless there is vigorous enforcement, and all too often, enforcement of laws protecting human rights is weak or non-existent. As an American I can easily understand the difficulty in a democratic, federal system of confronting deeply ingrained social prejudices against a minority, but that difficulty must be faced and overcome in any nation which aspires to its rightful place as one of the great nations in the world. To keep nearly a quarter of one's population in subhuman status is not only a grotesque violation of human rights, but it is a formula for economic and political stagnation as well. Once in America, we deprived African Americans of the most basic rights and opportunities. This was especially true in our Southern states, which were once a byword for poverty and backwardness among people of all races. For a long time we refused to act at a national level to stop lynchings, often arguing that it was a local problem. Yet we all suffered the consequences of shutting off a huge segment of our population from equality and justice. Now, after the civil rights movement ended all legal basis for discrimination, and lynching is only a shameful memory, the Southern states are among the most economically dynamic in America, and all regions of America enjoy unprecedented prosperity. By fulfilling its promises of equality and justice for all, India will also benefit in every way imaginable.

INTRODUCTION OF ALS REGISTRY ACT OF 2005

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. ENGEL. Mr. Speaker, I rise to introduce the ALS Registry Act of 2005 with my esteemed colleague, LEE TERRY of Nebraska. We are proud to have the support of over 40 other bi-partisan members of Congress today as original co-sponsors of this important legislation.

Amyotrophic Lateral Sclerosis (ALS) is a fatal, progressive neurodegenerative disease that affects motor nerve cells in the brain and spinal cord. While the great baseball player, Lou Gehrig, put a national face on ALS over 65 years ago, my own family was devastated by the death of my grandmother, Dora Engel, who passed away from ALS in her 50s. Unfortunately, families across the Nation face the challenges and experience the suffering associated with ALS every single day. 5,600 people in the U.S. are diagnosed with ALS each year, and it is estimated that as many as 30,000 Americans have the disease at any given time. The average life expectancy for a person with ALS is two to five years from the time of diagnosis. The causes of ALS are not well understood and there is no known cure. We must provide hope to change this tragedy today.

Surprisingly, a single national patient registry which collects and stores information on the prevalence and incidence of ALS does not currently exist in the United States today. The legislation I am introducing with Congressman TERRY, would create an ALS registry at the Centers for Disease Control and Prevention and will aid in the search for a cure to this devastating disease. The registry will collect data concerning: the incidence and prevalence of ALS in the United States; the environmental and occupational factors that may contribute to the disease; the age, race or ethnicity, gender and family history of individuals diagnosed; and other information essential to the study of ALS. The registry will also provide a secure method to put patients in contact with scientists conducting clinical trials and scientists studying the environmental and genetic causes of ALS.

We need to provide our Nation's researchers and clinicians with the tools and information they need to make progress in the fight against ALS. The data made available by a national registry will potentially allow scientists to identify causes of the disease, and maybe even lead to the discovery of new treatment, a cure for ALS, or even a way to prevent the disease in the first place. This is good public policy.

The establishment of a registry will bring new hope to thousands of patients and their families that ALS will no longer be a death sentence. I strongly urge the swift consideration and passage of the ALS Registry Act of 2005.

RECOGNIZING RICHARD ''NUB'' BROWN

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. HENSARLING. Mr. Speaker, I would like to recognize Richard ''Nub'' Brown of Winnsboro, Texas, for his effort to fight crime and support law enforcement through the Enough Is Enough Drug Task Force.

On April 18, 2005, in response to a drug-related tragedy in Winnsboro, Nub Brown gathered over 340 members of the community in the high school auditorium and cried, ''Enough is enough!'' Several committees were formed that evening to work with city officials and law enforcement officers to rid Winnsboro of drugs. Today this program is helping educate and inform the community of Winnsboro about drug awareness and to help achieve a safe and drug-free environment.

Nub Brown is an active member of his community, serving as the Youth and Education Minister of Pine Street Baptist Church since 1997. He is also an active member of his community, speaking on drug and alcohol awareness in many schools, civic clubs, youth groups and churches, as well as serving the prison ministry at the Clyde M. Johnston Unit in Winnsboro.

As the father of two children, I appreciate the leadership of Nub Brown and his commitment to rid his community of drugs. Today, I would like to thank him for his public service and for the outstanding contributions he has made to make his community and his country a better place.

70TH ANNUAL TUSKEGEE-MOREHOUSE FOOTBALL CLASSIC

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. BISHOP of Georgia. Mr. Speaker, this Saturday, October 8, 2005, the Golden and Maroon Tigers will face each other on the field at McClung Stadium in Columbus, Georgia for the 70th Annual Tuskegee-Morehouse Football Classic.

The historic clash of these two titans of college football, is more than just a ball game between two rivals, the event itself, themed a ''salute to our military troops'' is an opportunity for us to pause and celebrate the tremendous role that we as African Americans and as former, current and future leaders of men and women play in the success of our great nation.

As many of you know, African-Americans have a proud and rich tradition of service to our nation. From Crispus Attucks, born a slave, who was the first casualty of the Revolutionary War to the oldest Buffalo Soldier and Calveryman, Sergeant Mark Matthews, who fought under General Pershing in the Spanish American War and recently died at age 111; from the Black Union Soldiers who volunteered and fought in America's Civil War, to July 19, 1941, when during World War II, a program began in Alabama to train black Americans as military pilots, a squadron of fighter pilots that we now know as the Tuskegee Airmen.

We honor and recognize those African-American servicemen and women who have served in the Korean War, Vietnam, and Operation Desert Storm, as well as the brave soldiers, sailors and marines who continue to serve in our Nation's global war on terror. Officers and soldiers trained by institutions such as Morehouse College and Tuskegee University have and continue to fight for freedom. We pay tribute to them today, as we honor the courageous men and women, here at Fort Benning and around the world who dedicate their lives for their country.

Therefore, I invite my colleagues in the U.S. House of Representatives, as well as those present at this year's 70th Annual Tuskegee-Morehouse Football Classic to join me in saluting our military troops. We pause in celebration and in recognition of their service and sacrifice on our behalf.

IN RECOGNITION OF TAIWAN

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. HONDA. Mr. Speaker, I rise today to celebrate the anniversary of the Republic of China's (Taiwan) Independence Day, a day commonly referred to as Double 10 Day. Double 10 Day celebrates the start of the Wuchang Uprising on October 10, 1911, which led to the collapse of the Qing dynasty. It is therefore also known in Chinese as National Celebration Day. I am proud to join with the people of Taiwan and their leader President Chen Shui-bian in commemorating the Chinese people's struggle for independence.

Double 10 Day offers those of us in Congress an opportunity to recognize Taiwan's friendship and unwavering alliance with the United States. This strong alliance is predicated in part on shared values. In fact, Taiwan has nurtured a stable democracy and vibrant economy that encourages the entrepreneurial spirit. Taiwan has also become a model society. It has excellent schools, outstanding medical care, a strong economy, and many of its people enjoy one of the highest standards of living. Taiwan's social welfare programs have been making laudable efforts to raise the standard of living for all.

Mr. Speaker, I would also take this opportunity to praise the good work of Taiwan Representative David Tawei Lee. He is a fine diplomat who has kept those of us in Congress well informed and well briefed on all of the latest developments in Taiwan.

Again, congratulations to the people of Taiwan on their Independence Day and I wish the 23 million people of Taiwan continued progress and prosperity.

TRIBUTE TO STEVE SLIGER

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. MICA. Mr. Speaker, my good friend and an outstanding Central Florida businessman, Stephen Blair Sliger, passed away on October 4, 2005.

He is a native of Deland, Florida where was he born on November 21, 1952. Steve Sliger was preceded in death by his brother, Gus A. Sliger. Gus, also a close friend, lost his life 10 years ago in a tragic motorcycle accident. Steve headed Sliger and Associates of Port Orange, FL. founded by his late brother.

A wonderful father and husband, he was dedicated to his family, his community, and his business.

To Steve's wife, Sonia, his sons Adam and Noah, his father Gus A. Sliger, II and all of his family, we extend our deepest sympathy. They have lost a loved one. I have lost a good friend and our community has lost a great American.

HONORING LIMA COMPANY, 3RD BATTALION, 25TH REGIMENT UPON THEIR RETURN HOME FROM IRAQ

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Ms. PRYCE of Ohio. Mr. Speaker, throughout Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan, Ohio has shouldered an enormous share of the sacrifice, but no one has shouldered a greater share than the Marines and families of Lima Company, 3rd Battalion, 25th Regiment, based in my hometown of Columbus. On August 3, 2005, this brave group of soldiers lost nine of their brethren in western Iraq. Since its deployment in March, Lima Company has lost fifteen of its 160 men.

The 3rd Battalion, 25th Marines' reputation is legendary. First activated on May 1, 1943, ''3/25'' captured a key airfield at the Batte of Iwo Jima in the Pacific. The battalion fought heroically in the battles of Kwajalein Atoll, Saipan, Tinian, and Colonel Justice Marino Chambers received the Congressional Medal of Honor for his bravery as Commander of the 3/25 at Iwo Jima. After being deactivated at the end of WWII, the battalion was reactivated in January of this year, and headed to Iraq in March.

It truly is impossible for us to fully comprehend the dangerous mission these valiant Marines have undertaken in Iraq. They've been tasked with the most strategic yet risky assignments, often moving from town to town, door to door, in search of armed insurgents along the Euphrates River. And as desperate insurgents have been staging more frequent and deadly attacks on our armed forces, Lima Company endured the brunt of these attacks on that fateful day in August and laid to rest nine brave soldiers.

When confronted with a loss as great as this, we all search for some perspective, trying to balance the sacrifices made by these brave Marines with the vital mission our soldiers are carrying out in both Iraq and Afghanistan. We take some solace in knowing that because of the commitment and dedication to freedom by America's soldiers and those of our allies, more people in the Middle East region are living in freedom under democratically elected governments than at any point in the history of this region. We have witnessed free elections in Palestine and the election of a leader committed to achieving lasting peace. Saudi Arabia has held elections, and Syria has ended its occupation of Lebanon. Libya's nuclear program has been dismantled, and Egypt is allowing for challengers to compete in a public election against the sitting president. This democratic domino effect portends a safer, freer future for the people of the Middle East and the rest of the world.

As Lima Company returns home to Ohio, the Iraqi people are about to embark on a monumental endeavor—casting a vote on their very own Constitution—drafted by officials they selected just ten months ago in a free and fair election. I have to think that the crossing of these two meaningful events is not coincidental. There is far too much symbolism. This Constitution is a tangible and lasting symbol of freedom and liberty in a part of the world that for centuries has known neither, yet without the brave sacrifices of Lima Company, and all of America's armed forces, they would probably never know. Thank you, Lima Company, for your bravery, heroism, and sacrifice. We welcome you home.

RECOGNIZING MELVIN KREB OF HUMBOLDT COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Melvin Horton Kreb, deputy director of the California Conservation Corps and a distinguished citizen of Humboldt County, CA. He is being honored for his contribution to one of our Nation's most precious rights—participation in the political system. His commitment to the preservation of our political liberty is worthy of appreciation and recognition.

Mr. Kreb, a graduate of Humboldt State University, has served with distinction at the California Conservation Corps since 1980. He began his career as a conservation administrator and spent many years as the district director for northern California. In the past year he was singled out to become the chief deputy director in the State of California.

Mel was a founding member of the Eel River Watershed Improvement Group and the Salmonid Restoration Federation. He has received numerous awards for his restoration

work, including the Renew America Foundation Award and the Chevron Times Mirror Conservation Award. From the Salmonid Restoration Federation he was presented with the distinguished Nat Bingham Restorationist of the Year award.

Mel Kreb has been unflagging in his commitment to his community. In addition to his long and distinguished career in the California Conservation Corps, Mel has served on numerous boards of directors, including the Humboldt State Alumni Association, the Backcountry Horsemen of California and the Humboldt Democratic Central Committee. He was a charter member of the Fortuna Certified Farmer's Market and is active in the Fortuna Kiwanis as well as serving as the chair of the Redcrest Volunteer Fire Department.

Mel's dedication to his community has been shared by his wife Hollis and passed along to their children Gabriel and Helena.

Mel is being recognized this year for his outstanding contributions to the political process by the Humboldt County Democratic Central Committee as the "Democrat of the Year, 2005."

Mr. Speaker, it is appropriate at this time that we recognize Melvin Horton Kreb for his contribution to the ideals and traditions that have made our country a great nation.

TRIBUTE TO MARY RITA GENDRON

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. MEEHAN. Mr. Speaker, I rise today to pay my respects to Mary Rita Downing Gendron. Mary passed away on Wednesday, September 14, 2005, at the age of 84. Mary was born in Lowell on December 24, 1920, the daughter of John and Rose Purcell Downing. For 60 years, she was the beloved wife of the late Arthur W. Gendron, a former Lowell firefighter.

Mrs. Gendron is survived by three daughters and two sons, Geraldine R. McSwiggin and her husband Jack of Dracut, William A. Gendron and his wife Paula Skrekas, Patricia A. Tobin and her husband Kevin, Christine G. Florence and her husband William, and Stephen J. Gendron and his wife Katherine Kijanka, all of Lowell, as well as a son-in-law Bruce G. Johnson, also of Lowell.

She is also survived by four sisters-in-law, and three brothers-in-law, Barbara McSweeney Downing, formerly of Lowell, Leo and Terry Gendron, Francis and Jane Gendron, both of Lowell, and Gerald and Terry Gendron of Salem, NH.

She was the mother of the late Mary R. Gendron Johnson, sister of the late John W. Downing, Harold Downing, Christine Downing Lisien, Gertrude and Madeline Downing, and the sister-in-law of the late Elizabeth Armstrong Downing, Walter Lisien, Gladys Gendron Lowell, Leighton, Leonard and Raymond Gendron.

Mrs. Gendron leaves 20 grandchildren, Meredith Johnson Wall, Kirsten Johnson, Katie McSwiggin Cochran, Laurie McSwiggin Tirado, Maureen and John McSwiggin, Daniel, Tricia and Kristina Tobin, William, Maggie and Patrick Florence, Kathleen, Elena, William, Paul, Stephen, Matthew, Michael and Christopher Gendron, 3 great-grand-children, Julia and Hannah Cochran and Alex Tirado, and many nieces and nephews.

I ask unanimous consent to enter into the CONGRESSIONAL RECORD the eloquent words that Steven Gendron, Mary's son, wrote and delivered at his Mother's funeral.

It is an honor for me to stand here today and share the collective reflections of my brother and sisters, Gerry, Billy, Patty, Chrissie and me, about the life of my Mom. I have to tell you, that everyone of us wanted to do this, but, I'm the baby, and I usually get my way.

I stopped into a photo store a couple days ago to get copies of some pictures that we wanted to display at the wake and funeral. I explained to the saleswoman what I wanted, and I didn't notice an old acquaintance of mine standing at the counter just a few feet away. When the sales lady stepped away, the old friend surprised me by saying ''Are you having a celebration Steve?'' ''Oh Hi,'' I replied, ''No, actually, my Mom passed away yesterday and we just wanted to display some pictures at the wake.'' Now the woman felt bad and said, ''oh, I'm sorry to hear that.'' The sales lady returned and I finished my business, and as I walked out of the store, the old friend said, ''Steve, you know, it will be a celebration . . . a celebration of her life.'' I was touched by the comment and I said, ''you're right, it will be a celebration.''

So, we're happy to see all of you here today, to help us celebrate the life of a woman we all loved.

And Mary loved to celebrate. She loved to dance, and she loved to sing. We can all remember her singing around the house all the time. I have a vivid memory of her when I was about 6 years old, one of those memories that is so clear it's like a little video clip in you're mind. She's walking across the kitchen, while I'm eating breakfast, snapping her fingers and singing, ''Nothing could be finer, than to be in Carolina, in the morning''. I don't think she'd ever been to Carolina, except maybe for a stopover on the drive down to Florida, but she liked the song, singing it made her happy, and it made us happy too.

And she loved to be with her friends. Back in the old days there were the Bon Ton Girls, a group of high school friends that would hang together and go to dances. I saw a few of the Bon Ton Girls last night, and one of them told me how they would run their own fundraisers, to rent a place at the beach during the summer. Kay McCabe can give you more details on that little group if you're interested.

And then there was the ''Club,'' the group of Gendron sisters-in-law, and a few honorary sisters-in-law, that would get together on Saturday evenings when the boys were off playing cards. We can remember them meeting in the ''parlor'', or front room, of our house on A Street. They'd bring their knitting, they'd sit, they'd chat and laugh up a storm.

And then later in life there was the Clark Rd. knitting group that would get together for much the same type of thing on a regular basis.

Mom was completely, and totally dedicated to her family. She could teach our politicians a few things about family values. And she probably learned those from her own close family growing up. Her brother Johnny was like a father to her, and Uncle John and Aunt Sis were like grandparents to us. She adored her sister Tina, and her brother Harold meant the world to her.

In our family, she was our foundation; always in the background—always there to support us. Growing up my brother and sisters and I never really worried about anything. There was no problem that seemed too big, no hurdle that seemed too high, nothing we couldn't accomplish. Because our foundation was strong—Mom was always there to support and encourage us.

Mom taught us many things. She taught us about love and commitment through her relationship with my father. For 60 years most everybody knew her as half of either Mary & Arthur, Ma & Dad or Nana & Grampy. It was a true lifelong love story. She waited for him while he fought the Nazis, and when he returned there was no turning back. Oh, don't get me wrong, they had trying moments like any couple, but in the end they cared more about each other than they did themselves. And there was never any question that they would be together to the end.

Mary was truly a professional wife and mother. She had all the qualifications:

Cooking: Mary would best be termed an Irish Cook. There was never a recipe book in our house, yet there was always a stew or spaghetti in the big silver pot on the stove, and if a few extra people showed up, well a can of soup and a bottle of ketchup could stretch it a long way.

And you know, Arthur was one of those guys who expected dinner to be on the table and hot when he arrived home from work. In the morning, coffee was to be percolated, never that instant stuff. Well, Billy tells the story of how one morning he caught Mom reaching deep into the cabinet for a bottle of Taster's Choice. She gave him a wink and a ''Shhh'' as she poured it into the coffee pot. That morning, and every morning, Arthur thought the coffee was delicious. I wonder how many times it really was fresh brewed.

Sewing: Mom's sewing machine was always humming, but her sewing skills mirrored her cooking skills. She was no seamstress but had functional sewing skills. She was good at modifying what she had, Gerry remembers her hemming and altering everything, and it wasn't uncommon for this year's new dress to be an updated version of last year's.

Ironing: You haven't worn a shirt until you've worn one ironed by Mary Gendron. Never a wrinkle. She even put starch in your underwear. Except there was the time that she burned an iron-sized hole into Chrissie's bridesmaid dress, 2 days before Patty's wedding. Fortunately her functional sewing skills kicked in and she patched it up, and nobody knew the difference.

Home Decorating: With the change of seasons Mom would make new curtains, rearrange the furniture or paint the room. It used to drive my Father crazy because she'd usually end up painting the windows shut.

Shopping: Mom was the ultimate bargain hunter. She loved nothing more to spend the days with Mrs. Barrows or one of her other ''chums'', as she would call them, out sifting through the bins in search of a good deal. She was always in search of something nice for her kids or grandkids at a price that fit her budget.

Typing: My mother was actually an accomplished secretary. She could type like the wind and she was an excellent speller. She never obtained a college degree, but based on the number of college papers she proofread and typed, we figure she's earned at least six.

Mom was so proud of her kids and her grandkids. She'd beam when she told you that we were all college educated and successful in our careers. And her pride only increased as our own families began to blossom. She treated her daughters and sons-in-law as if they were her own, and she always made time for each of her 20 grandchildren and 3 great-grandchildren, making each one of them feel special.

As you all know, for the last 10 years or so, my mother has been a victim of Alzheimer's Disease. It is a terrible disease that my father once termed a ''living death''. At first,

the symptoms she exhibited are those that most people are familiar with, such as forgetfulness and disorientation. But as the symptoms become more debilitating, she became harder and harder to care for. Thank God for my Dad, who truly rose to the occasion, keeping her at home much longer than would normally have been possible. But ultimately, we were forced to provide professional care for her.

This is when we found Life Care Center of the Merrimack Valley. I have to tell you, our first impression of the place was not good. In fact, it was horrible. Mom's transition was painful. She fought every step of the way. There were many tears. But slowly, Mom and the rest of us began to grow accustomed to her new environment.

Slowly, we began to learn about the later stages of this disease and how to cope with it. We learned that Mom and the other residents of the unit, while trapped inside their own bodies, could give you a glimpse of their personalities if you worked at it. Slowly, all of us, children, spouses and grandchildren, learned not to be afraid of these patients, but instead to embrace them and try to make their lives just a little more pleasant. In doing so, we all made new friends. We can't say enough about the caregivers at Life Care. They treat each resident with respect and dignity, while somehow maintaining their sense of humor. They are truly doing God's work on earth. Mom had found a new family there, and so had we.

So, in the final years of her life, nearly helpless, and unable to communicate, Mom still had something else to teach us. This time she taught us about compassion.

And do you know, that even in her challenged condition, she could spell almost any word you asked, she could recite the Lord's Prayer in its entirety, and she could still sing. She could sing When Irish Eyes are Smiling from beginning to end, Let me call you Sweetheart and yes, ''Nothing could be Finer than to be in Carolina in the Morning.'' I guess some memories never fade.

In the end, Mary became as comfortable at Life Care as anyone could in her condition. She became known around the nursing home as Mary, the girl who liked to dance. The last time I saw her, just a week ago, my son Mike and I walked her up and down the halls of the nursing home. At least 15 employees stopped us along the way and gave her a big hello, and some did a little dance with her. Mary gave them all a smile, and it prompted Mike to say, ''Boy Dad, Nana's really popular.'' In fact, one of the nurses told me last night that Mary, was.

In closing, I have to say how proud I am to be a part of this family. During both Mom and Dad's illness, everybody stepped up to the plate. Thank God Chrissie chose to pursue the medical profession, she was always the first phone call, and always there to put the medical jargon in laymans terms. We truly valued her advice. And Gerry is just always there. Whatever you need, whatever you want, Gerry will get it for you, even if it means great inconvenience to her own family. Billy was the father-figure, always there for the heavy lifting, and to take care of the business end of things. And Patty was the principal, the peacemaker, always keeping the communication lines open, and keeping us sane. As Chrissie put it, everybody contributed, and nobody wimped out. I think Mom and Dad are proud of us today.

When you leave today, if you should think about Ma, or Mary, or Nana in the future, we hope you don't think about the woman afflicted with Alzheimer's Disease. We hope you think about the woman who enjoyed the simple things in life, a woman content to be the quiet foundation of the family, a woman who would sing while serving breakfast, and the woman who may well have left us with words from the song that my sisters chose for the back of the program today:

I hope you still feel small when you stand beside the ocean.
Whenever one door closes, I hope that one more opens.
Promise me that you'll give faith the fighting chance.
And if you get the chance to sit it out or dance.
I hope you dance.

IN HONOR OF TED SARBIN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. FARR. Mr. Speaker, I rise today to honor my dear friend Ted Sarbin, who recently passed away at his Carmel home in my Central California district. He was 94. I knew Ted first as a friend of my late father, but the academic world knew Dr. Sarbin as a pioneering research psychologist who helped shape the modern science of psychology.

Born Theodore Ray Sarbin on May 8, 1911, Ted rose from humble beginnings in Cleveland, Ohio, as one of six children of Russian immigrant parents. As a young man, he rode the rails as a hobo, an experience he later said helped him identify with people on the margins of society. In 1941, he earned a Ph.D. from Ohio State University and did further post doctorate work at the University of Chicago. His dissertation used data gathered at the University of Minnesota to examine the relative accuracy of statistical versus clinical prediction of undergraduate success. During this time he also collaborated on research to measure hypnotic depth. This work pioneered research in these fields and framed the questions for hundreds of subsequent studies by psychologists.

In 1949, after a short stint as a clinical psychologist in Illinois and Los Angeles, he joined the faculty at UC Berkeley. In 1969, he left UC Berkeley to join the faculty at UC Santa Cruz. During these academic years, he gained the reputation as an energetic teacher and graduate student mentor, supervising more students than any other faculty member in his department. He also gained the reputation as a prolific author of studies and journal articles. He focused his work on psychopathology—the study of anti-social behavior and its root causes and effects. He became known as ''Mr. Role Theory,'' defending the unorthodox view that the label ''mental illness'' was often used as a moral judgment to express or exert social power over those whose conduct was perceived as unwanted or dangerous.

In the course of his academic career, Ted published over 250 scientific articles and book chapters. He received scores of honors, including both Fulbright and Guggenheim fellowships. He received the Morton Prince Award from the Society for Clinical Experimental Hypnosis, as well as the Henry Murray Award from the American Psychological Association. In 2001, the Western Psychological Association recognized him with a lifetime achievement award. Although Ted officially retired in 1976, he never stopped working. He continued to teach and write throughout his life. Recently in Washington, D.C., Ted presented a new award named in his honor as part of the annual American Psychological Association convention.

Ted was perhaps best known for pioneering work he did on the subject of gays in the military. From 1987 until just before his death, Ted was a researcher for the Defense Personnel Security Research and Education Center at the Naval Postgraduate School in Monterey, California. The Department of Defense founded the Center to study the impact of psychology on national security in the wake of its discovery of a spy ring embedded in the Navy. He had been at the Center less than a year when he co-authored a report which found no evidence to support the idea that gay and lesbian soldiers pose a security risk. The report later became public in 1990 when it was published under the title ''Gays in Uniform: The Pentagon's Secret Reports.''

The Report's publication propelled Ted into the spotlight. However, despite its notoriety, the ''Gays in Uniform'' report simply reflected the theme of Ted's life work: Listen to others and refrain from judgment in reporting the facts. Ted called this narrative psychology—listen to what the patient has to say rather than rush to characterize them.

Ted had a devoted following of former students and colleagues. He established a custom 40 years ago of hosting an annual party where he would present his own award ''Role Theorist of the Year,'' to one of those gathered. He presided over these celebrations with grace and wit. This past August, he hosted his final such banquet which drew over sixty participants.

Ted bought a vacation home in Carmel in the 1950s. He moved to my hometown for good in the 1970s. He loved to golf and played almost every Monday, always aiming to shoot his age, which he achieved at 89. He and his wife, Genevieve, often hosted elaborate costume parties where he always played the part of Don Quixote—a role he often played in his professional life.

Ted is survived by his sons Jim Allen, Ronald Allen, and Theodore Sarbin; sister Ruth Landy; domestic partner Karen Sobeck; four grandchildren: Mathew Allen, Chelsea Allen, Park Allen, and Link Allen; and two great grandchildren: MacKenzie Allen and Delaney Allen; and numerous people who still love and cherish him. His late wife Genevieve Sarbin, died in 1999.

IN HONOR OF THE UKRAINIAN AMERICAN VETERANS, POST #24 OF PARMA, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of the Ukrainian American Veterans, Post #24, of Parma, Ohio, as they will preside over the blessing of a commemorative monument anchoring the ''Walkway of Remembrance'' within the Ohio Western Reserve National Cemetery in Rittman, Ohio.

The newly erected monument will forever symbolize the bravery and sacrifice of the men and women of Ukrainian heritage who heeded the call of duty on behalf of our country. The

individual and collective service of these veterans continues to play a key role in protecting our democracy, during times of peace and times of war.

American veterans of Ukrainian descent continue to be a vital source of strength in every branch of the United States military, dating back to the dawn of America. The deep dedication to justice and significant contribution to American society by Ukrainian American veterans has been, and continues to be, a vital strength within our community, and within our Nation.

Mr. Speaker and colleagues, please join me in honor of the Ukrainian Veterans of America, Post #24, as they commemorate the unwavering service reflected by veterans of Ukrainian heritage; their honorable service within the United States Armed Forces will be remembered always. Let us also recognize United States veterans of every ethnic background, whose united commitment serves to strengthen our entire Nation.

CELEBRATING AND SUSTAINING CHINESE AND AMERICAN CULTURAL CONTRIBUTIONS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. MANZULLO. Mr. Speaker, I rise today to recognize the Festival of China taking place at the Kennedy Center. This festival is the largest in the history of the Kennedy Center and the largest celebration of Chinese performing arts ever undertaken in the United States. Indeed, the Kennedy Center is coordinating the performances of more than 800 artists from China and the United States and is hosting more than 50 events associated with the month-long celebration.

Mr. Speaker, it is well known that significant differences exist between the United States and China in some areas of current policy and practices. This is why it remains important that our government fosters cooperative artistic interaction between our two countries. I am pleased to commend the Kennedy Center and the Chinese Ministry of Culture for collaborating in this vein.

Mr. Speaker, I also want to draw this body's attention to the important role that these cultural exchanges play in the overarching relationship between China and the United States. As Chairman of the US-China Interparliamentary Exchange, I know that it is important that the United States and China continue to work to understand each other on a variety of levels. Mutual cooperation, particularly through U.S.-China exchange programs and cultural events, brings about a deeper understanding and, in turn, can strengthen our bilateral relationship, so we can resolve our differences.

Mr. Speaker, I applaud this exposition as it works to deepen our appreciation for some of China's unique cultural treasures and enhance the friendship between our two countries.

URGING CONGRESS TO SUPPORT DEMOCRATIC ELECTIONS IN COTE D'IVOIRE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. TOWNS. Mr. Speaker, democracy has begun to take hold in Afghanistan and Iraq recently, and today the United States has an opportunity to affirm democracy and democratic principles in another country—Cote d'ivoire.

Congress, along with the Bush administration, must commit the resources that are needed to ensure that this strong U.S. ally can hold its election at the earliest possible date.

Just 5 years ago, 85 percent of the Ivorian people approved a Constitution mandating that Cote d'ivoire's President remain in office until an election result.

Violating this critical provision of the Constitution could render the rest of the document null and void and throw the country into further chaos.

Postponing the election would also reward Cote d'ivoire's anti-government rebels, who have waged a brutal campaign of fear and intimidation. Any peace plan must include the disarmament of these rebels.

Supporting democracy and democratic principles is of particular importance in Cote d'ivoire, which is the economic anchor of West Africa.

I am today introducing a Sense of Congress Resolution urging the Bush Administration and the Congress to declare, unequivocally, that the United States supports a free and fair presidential election in Cote d'ivoire at the earliest possible date, and I encourage my colleagues to cosponsor this measure.

Supporting democracy, not thwarting it, must be a guiding principle of America's relations with nations throughout the world.

CONGRATULATING CRESTHILL MIDDLE SCHOOL

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. TANCREDO. Mr. Speaker, I rise today to congratulate Cresthill Middle School in Highlands Ranch Colorado. Cresthill has been named an Intel School of Distinction in Professional Development. This award recognizes schools in which teachers, administrators, and staff work together to continuously improve student learning.

The Intel School of Distinction award adds to the list of honors bestowed upon Cresthill Middle School, which has also been named a Blue Ribbon School of Excellence. These honors reflect the school's extraordinary commitment to education and speak to the dedication of the teachers, students, and parents.

Mr. Speaker, schools such as Cresthill Middle School that foster academic excellence for its students and professional development for its teachers, deserve recognition. In its mission statement, Cresthill Middle School champions all students in the quest toward achievement and responsible citizenship. I am proud to congratulate the school both for living up to its mission and for being recognized as an Intel School of Distinction.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Ms. LEE. Mr. Speaker, on September 29, 2005, I was unable to vote during rollcall vote No. 504 as I had to attend a funeral in my District. Had I been present, I would have voted against H. Con. Res. 245.

I am increasingly concerned that resolutions like H. Con. Res. 245 are being used to score political points, rather than resolutions that could be well-intended expressions of reasonable patriotism and commitment to our national identity.

Similarly, in the last Congress, we considered legislation (H.R. 2028) that would strip the Federal Courts of jurisdiction over cases involving the Pledge of Allegiance. Though the legislation was intended to ostensibly deal with the "under God" controversy, which was bad enough considering the important role that the Courts play in ensuring that our legislative enactments are permissible in light of the Constitution's protections of our citizens, it unfortunately also had broad implications on cases in which individuals, especially members of religious minorities, would seek enforcement of their constitutional right for religious practice.

I voted against that legislation because it threatened the separation of powers established in our Constitution and undermined the constitutionally established function of the Federal Courts to interpret the law, a principle established in Marbury v. Madison two centuries ago. I believe that H. Con. Res. 245 would similarly be incompatible with the First Amendment's religious protections and would thereby harm religious minorities for whom the recitation of the Pledge is a violation of their faith.

Mr. Speaker, it is the responsibility of Congress to protect the rights of all of our citizens and to pass laws consistent with that great document, The Constitution of the United States, not pass laws that flout its principles. I believe that H. Con. Res. 245 deviates from those responsibilities and that is why, had I been able to attend the day's proceedings, I would have voted, "no."

BROCK PETERS IN MEMORIAM

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Ms. WATSON. Mr. Speaker:

Whereas, It was with great sadness and a deep sense of loss that word was received of the death in Los Angeles of Brock Peters on August 23, 2005, one of America's most distinguished actors of stage and screen, whose deeds in life merit the respectful acknowledgement of his community and nation; and

Whereas, he was born George Fisher on July 2, 1927 in New York City, the child of Sonny and Alma A. Fisher, following a year at the University of Chicago in 1944 and undergraduate study at the City College of New

York from 1945 to 1947, he worked as a YMCA and Parks Department instructor, hospital orderly and shipping clerk in New York while studying for the acting and singing career which was the object of his life-long dreams; and

Whereas, Brock first took the stage at the age of 15 in the 1943 Broadway production of Gershwin's Porgy and Bess, sang bass with the DePaur Infantry Chorus, joined a traveling cabaret act that played in American and Canadian clubs, and was among the first African Americans to break through in television when he sang on The Arthur Godfrey Talent Scouts in 1953; and

Whereas, Brock's film career flowered when he breathed life into some of the most memorable roles in American cinema, playing "Sergeant Brown" in Otto Preminger's Carmen Brown in 1954 and "Crown" in the 1959 film version of Porgy and Bess, yet these villainous portrayals nearly stalled Brock's career until he garnered his most famous role in 1962, that of the innocent but falsely accused "Tom Robinson" vindicated by Gregory Peck's Oscar-award winning performance in To Kill A Mockingbird, henceforth Brock's film characters varied between the noble and the notorious, including "Johnny" in 1962's The L-Shaped Room and "Rodriguez" in 1965's The Pawnbroker, and more than a dozen other films including The Incident (1967), Soylent Green (1972), Lost in the Stars (1974), Two-Minute Warning (1976), Star Trek IV (1986) and Star Trek VI (1991), in between which Brock had a significant television career, playing featured or recurring roles in Roots: The Next Generation (1979), Battlestar Galactica (1979) and the musical Polly! (1989) as well as scores of guest show appearances and film voice-overs, yet Brock never abandoned live theater, where he starred in such hits as Othello (1963), My Children, My Africa (1990), and the stage versions of The Great White Hope (1971), Driving Miss Daisy (1989) and Lost in the Stars; and

Whereas, having married Delores "DiDi" Daniels in 1961, the couple sustained a tireless parallel career as advocates for African American drama and craftsmanship, together founding Delbro Enterprises which produced Five on the Black-Hand Side (1973), and the PBS documentary This Far by Faith (1975), and directing an actors studio specializing in African and African American theater, Brock also became a co-founder of the Dance Theater of Harlem; such artistic leadership garnered numerous honors for Brock Peters including Presidency of the California Arts Commission, induction in the Black Filmmakers Hall of Fame, the Best Actor in a Musical Award from the Drama Desk and Outer Critics Circle Awards, nomination for a Tony Award, and receipt of awards from the National Film Society and the Screen Actors Guild, and;

Whereas, Brock Peters, preceded in death by his beloved wife DiDi in 1990, leaves to cherish his memory his beloved daughter Lisa Jo Peters and a host of family, friends, colleagues and fans; Now, therefore, be it

Resolved, by U.S. Representative Diane E. Watson, that the outstanding artistic achievements and exemplary civic contributions of Brock Peters be Saluted and Memorialized in the Annals of the Congress of these United States of America, with most sincere condolences to his bereaved family and prayers that his soul may now rest in eternal peace.

Attested this 27th Day of August in the Year 2005.

TAIWAN'S NATIONAL DAY

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. WU. Mr. Speaker, on October 10, 2005, Taiwan's National Day, I offer my best wishes and congratulations to the people of Taiwan for building a democratic, peaceful and prosperous island. Taiwan witnessed the first ever peaceful transition of political power in Chinese cultural history in 2000.

Taiwan is also an island with a significant population and a prosperous economy. The two peoples, both Taiwanese and Americans, share a common belief in democracy, the adherence of human rights and the rule of law. I believe it is important that we maintain a free and open relationship. The United States should remain committed to stability in the region. I believe the United States must continue to play a role in guaranteeing the peaceful resolution any destabilizing issues between Taiwan and the People's Republic of China.

It is my hope that there will be enduring peace and stability in the Asia Pacific region, especially in the Taiwan Strait. It is also my hope that both Taiwan and the People's Republic of China will soon resume their dialogue, as it is my belief that negotiation is imperative to any resolution.

DAVIS-BACON SUSPENSION LEAVES LOCALS JOBLESS IN GULF

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. OWENS. Mr. Speaker, the indefinite suspension of Davis-Bacon by President Bush has destroyed the hopes of local residents in the Gulf region—many of whom had already lost everything in the wake of Hurricanes Katrina and Rita. Now Gulf residents who work in construction have to contend with wages even lower than those normally prevailing in Louisiana, Mississippi, Alabama, and several counties in Florida. As documented by an article which appeared in today's Washington Post, the President's suspension of Davis-Bacon and clear preference for political cronies also appears to make Gulf residents last on the list for Katrina reconstruction jobs. Despite rhetoric to the contrary, the President's actions will prove just as devastating to workers in the Gulf region as the destruction wrought by the hurricanes. Mr. Speaker, I ask unanimous consent that this Post article be printed in the RECORD in its entirety.

[From the Washington Post, Oct. 7, 2005]

SMALL BUSINESSES LOSE KATRINA CLEANUP CONTRACTS TO LARGE FIRMS

(By Jonathan Weisman)

When Al Knight received notice Friday that his small company's contract to help wire Louisiana's storm-damaged Alvin Callendar Naval Air Station had been abruptly canceled, he could not have known the reverberations would reach Washington within days.

But the plight of little Knight Enterprises LLP has several compelling factors: a minority owned small business in New Orleans losing out to a big, national firm; local workers, mainly African American, first devastated by Hurricane Katrina and then supplanted by out-of-state, low-wage replacements; questions over White House wage policies; and a name that has haunted the Bush administration since the invasion of Iraq—Halliburton. Little wonder that Sen. Carl M. Levin (D-Mich.) highlighted it yesterday as he grilled the Federal Emergency Management Agency's acting director, R. David Paulison, on the Bush administration's hurricane recovery contracts.

After Katrina hit, most of Knight's electricians found themselves with nothing: homeless, jobless and broke. But when Alabama-based BE&K landed a subcontract to help rebuild the naval air station, it turned to Knight for electricians—he says 75, BE&K says 59 at the peak of work.

BE&K was working for Kellogg, Brown & Root, a subsidiary of Halliburton Co., Vice President Cheney's former company.

When BE&K came to him, Knight said he was told his work would run well into the millions of dollars and stretch out as long as 20 months. His men would be paid the prevailing union wage of $22.09 an hour, plus health benefits.

After three weeks, the initial work was 60 percent completed. Then, on Friday, Knight received a letter informing him that BE&K workers—largely from out of state and, according to Knight, earning $14 to $15 an hour without benefits—could take over from there.

Susan Wasley, a BE&K spokeswoman, said Knight's crew was always there merely to augment the company's own staff of 45 electricians. Knight Enterprises was let go because its work was done.

Knight did not blame BE&K for his disappointment. Instead, he pointed to President Bush's decision last month to suspend the so-called Davis-Bacon federal law that mandates that workers on federal projects be paid the average wage of an area, often the union wage. Once BE&K was forced to compete with nonunion companies for KBR contracts, they could not afford the union electricians that dominate Louisiana, he said. "I can tell you this for sure," Knight said. "If Davis-Bacon wage rates were left alone, then you'd have local Louisiana people working on local projects, and we would be working today."

CORRECTION

Daily Digest

HIGHLIGHTS

Senate passed H.R. 2368, Department of Defense Appropriations.

Senate agreed to the conference report to accompany H.R. 2360, Homeland Security Appropriations.

The House passed the following measure, "Gasoline for America's Security Act of 2005.".

Senate

Chamber Action

Routine Proceedings, pages S11247–S11337

Measures Introduced: Fourteen bills and three resolutions were introduced, as follows: S. 1855–1868, S. Res. 271–272, and S. Con. Res. 58.

Pages S11313–14

Measures Passed:

Department of Defense Appropriations: By a unanimous vote of 97 yeas (Vote No. 254), Senate passed H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, as amended. **Pages S11247–75**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Stevens, Cochran, Specter, Domenici, Bond, McConnell, Shelby, Gregg, Hutchison, Burns, Inouye, Byrd, Leahy, Harkin, Dorgan, Durbin, Reid, Feinstein, and Mikulski.

Page S11275

Community Disaster Loans: Senate passed S. 1858, to provide for community disaster loans.

Pages S11280–85

Social Services Emergency Relief and Recovery Act: Senate passed H.R. 3971, to provide assistance to individuals and States affected by Hurricane Katrina, after agreeing to the following amendment proposed thereto: **Pages S11329–30**

Stevens (for Grassley) Amendment No. 2059, in the nature of a substitute. **Pages S11329–30**

Kosovo: Committee on Foreign Relations was discharged from further consideration of S. Res. 237, expressing the sense of the Senate on reaching an agreement on the future status of Kosovo, and the resolution was then agreed to. **Pages S11331–32**

Permit Processing Fund Extension: Committee on Environment and Public Works was discharged from further consideration of H.R. 3765, to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits, and the measure was then passed, after agreeing to the following amendments proposed thereto: **Page S11332**

Stevens (for Inhofe) Amendment No. 2057, to modify the reauthorization period of a certain water resource program. **Page S11332**

Stevens (for Inhofe) Amendment No. 2058, to amend the title. **Page S11332**

National Character Counts Week: Senate agreed to S. Res. 271, designating the week beginning October 16, 2005, as "National Character Counts Week". **Pages S11332–33**

Honoring Judge Constance Baker Motley: Senate agreed to S. Res. 272, recognizing and honoring the life and achievements of Constance Baker Motley, a judge for the United States District Court, Southern District of New York. **Pages S11333–34**

Use of Capitol Grounds: Senate agreed to H. Con. Res. 161, authorizing the use of the Capitol Grounds for an event to commemorate the 10th Anniversary of the Million Man March. **Page S11334**

Department of Homeland Security Appropriations—Conference Report: Senate agreed to the conference report to accompany H.R. 2360, making

appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, clearing the measure for the President.

Pages S11275–79

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that during this adjournment of the Senate, the Majority Leader, and Senator Warner, be authorized to sign duly enrolled bills or joint resolutions. **Page S11331**

Authorizing Leadership To Make Appointments—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, the President of the Senate, the President pro tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. **Page S11331**

Adjournment Resolution: A unanimous-consent agreement was reached providing that, notwithstanding the adjournment of the Senate, when the Senate receives from the House of Representatives the adjournment resolution, the concurrent resolution be agreed to and the motion to reconsider be laid on the table. **Page S11331**

Transportation/Treasury Appropriations—Agreement: A unanimous-consent agreement was reached providing that at 3 p.m. on Monday, October 17, 2005, Senate begin consideration of H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006. **Page S11329**

Nomination—Joint Referral: A unanimous-consent agreement was reached providing that when the Committee on Homeland Security and Governmental Affairs reports the nomination of Julie L. Myers, of Kansas, to be an Assistant Secretary of Homeland Security, the nomination be referred sequentially to the Committee on the Judiciary for up to 30 calendar days, provided further, that if the nomination is not reported by that time it be discharged automatically from the Committee on the Judiciary and placed on the Executive Calendar. **Page S11331**

Treaties Approved: The following treaties having passed through their various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification were agreed to:

Inter-American Convention Against Terrorism (Treaty Doc. 107–18) with one understanding; and

U.N. Convention Against Transnational Organized Crime (Treaty Doc. 108–16). **Pages S11334–36**

Nominations Confirmed: Senate confirmed the following nominations:

Juliet JoAnn McKenna, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Jan E. Boyer, of Texas, to be United States Alternate Executive Director of the Inter-American Development Bank.

Israel Hernandez, of Texas, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Charles A. Ford, of Virginia, to be Ambassador to the Republic of Honduras.

John R. Fisher, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Kenneth L. Wainstein, of Virginia, to be United States Attorney for the District of Columbia for the term of four years.

Kent R. Hill, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Colleen Duffy Kiko, of Virginia, to be General Counsel of the Federal Labor Relations Authority for a term of five years.

David H. McCormick, of Pennsylvania, to be Under Secretary of Commerce for Export Administration.

Darryl W. Jackson, of the District of Columbia to be an Assistant Secretary of Commerce.

John Hillen, of Virginia, to be an Assistant Secretary of State (Political-Military Affairs).

Kim Kendrick, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development.

Patrick M. O'Brien, of Minnesota, to be Assistant Secretary for Terrorist Financing, Department of the Treasury.

Robert A. Mosbacher, of Texas, to be President of the Overseas Private Investment Corporation.

Mark Langdale, of Texas, to be Ambassador to the Republic of Costa Rica.

Keith A. Nelson, of Texas, to be an Assistant Secretary of Housing and Urban Development.

Patricia Louise Herbold, of Washington, to be Ambassador to the Republic of Singapore.

Stewart A. Baker, of Virginia, to be an Assistant Secretary of Homeland Security.

H. Dale Hall, of New Mexico, to be Director of the United States Fish and Wildlife Service.

Darlene F. Williams, of Texas, to be an Assistant Secretary of Housing and Urban Development.

Keith E. Gottfried, of California, to be General Counsel of the Department of Housing and Urban Development.

Alfred Hoffman, of Florida, to be Ambassador to the Republic of Portugal.

Emil W. Henry, Jr., of New York, to be an Assistant Secretary of the Treasury.

Edward McGaffigan, Jr., of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2010.

George M. Gray, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency.

Barry F. Lowenkron, of Virginia, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

William Paul McCormick, of Oregon, to be Ambassador to New Zealand, and serve concurrently and without additional compensation as Ambassador to Samoa.

Francis Rooney, of Florida, to be Ambassador to the Holy See.

Josette Sheeran Shiner, of Virginia, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development.

Lyons Gray, of North Carolina, to be Chief Financial Officer, Environmental Protection Agency.

Jacqueline Ellen Schafer, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

Brenda LaGrange Johnson, of New York, to be Ambassador to Jamaica.

Alexander R. Vershbow, of the District of Columbia, to be Ambassador to the Republic of Korea.

Thomas A. Shannon, Jr., of Virginia, to be an Assistant Secretary of State (Western Hemisphere Affairs).

John J. Danilovich, of California, to be Chief Executive Officer, Millennium Challenge Corporation.

Jendayi Elizabeth Frazer, Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for the remainder of the term expiring September 27, 2009.

A routine list in the Foreign Service.

Pages S11330–31, S11336–37

Nominations Received: Senate received the following nomination:

Harriet Ellan Miers, of Texas, to be an Associate Justice of the Supreme Court of the United States.

Page S11336

Nominations Withdrawn: Senate received notification of withdrawal of the following nominations:

Philip D. Morrison, of the District of Columbia, to be an Assistant Secretary of the Treasury, which was sent to the Senate on May 26, 2005.

Timothy Elliott Flanigan, of Virginia, to be Deputy Attorney General, which was sent to the Senate on June 20, 2005. **Page S11337**

Messages From the House: **Pages S11304–05**

Measures Referred: **Page S11305**

Petitions and Memorials: **Pages S11305–13**

Additional Cosponsors: **Page S11314**

Statements on Introduced Bills/Resolutions: **Pages S11314–28**

Additional Statements: **Pages S11299–S11304**

Amendments Submitted: **Pages S11328–29**

Notices of Hearings/Meetings: **Page S11329**

Authority for Committees to Meet: **Page S11329**

Record Votes: One record vote was taken today. (Total—254) **Page S11256**

Adjournment: Senate convened at 8:15 a.m. and adjourned at 1:11 p.m., until 2 p.m., on Monday, October 17, 2005, contingent on the action of the Senate on the adjournment resolution from the House of Representatives, that if the Senate does not agree to the adjournment resolution, the Senate will reconvene at 12 noon on Tuesday, October 11, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11336.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the following business items:

An original bill to repeal the increased micropurchase threshold; and

The nomination of Julie L. Myers, of Kansas, to be an Assistant Secretary of Homeland Security.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 44 public bills, H.R. 4012–4055; 1 private bill, H.R. 4056; and 8 resolutions, H. Con. Res. 264–266; and H. Res. 486–490, were introduced. **Pages H8807–09**

Additional Cosponsors: **Pages H8809–10**

Reports Filed: Reports were filed today as follows: S. 1339, to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994 (Rept. 109–246). **Page H8807**

Chaplain: The prayer was offered today by Rev. Henry Holley, Director of Asian Affairs, Billy Graham Evangelistic Association, Marietta, Georgia. **Page H8737**

Journal: Agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 348 yeas to 63 nays, Roll No. 516. **Pages H8737, H8749–50**

Permitting individuals to be admitted to the Hall of the House in order to obtain footage of the House in session for inclusion in the orientation film to be shown to visitors at the Capitol Visitor Center—Order of Business: The House agreed that (1) it shall be in order at any time to consider H. Res. 480, permitting individuals to be admitted to the Hall of the House in order to obtain footage of the House in session for inclusion in the orientation film to be shown to visitors at the Capitol Visitor Center; (2) the resolution be considered as read; (3) the previous question shall be considered as ordered on the resolution to its adoption without intervening motion except ten minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Rules. **Page H8739**

Permitting individuals to be admitted to the Hall of the House in order to obtain footage of the House in session for inclusion in the orientation film to be shown to visitors at the Capitol Visitor Center: The House agreed to H. Res. 480, to permit individuals to be admitted to the Hall of the House in order to obtain footage of the House in session for inclusion in the orientation film to be shown to visitors at the Capitol Visitor Center, with no objections. **Page H8739**

Gasoline for America's Security Act of 2005: The House passed H.R. 3893, to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people (by a recorded vote of 212 ayes to 210 noes, Roll No. 519). **Pages H8750–93**

Rejected the Bishop motion to recommit the bill to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with amendments (by a recorded vote of 200 ayes to 222 noes, Roll No. 518). **Pages H8788–91**

Pursuant to the rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, now printed in the bill and modified by the amendment printed in part A of H. Rept. 109–245, shall be considered as adopted. **Page H8756**

Rejected:

Stupak amendment in the nature of a substitute (printed in part B of H. Rept. 109–245) that sought to give explicit authority to the FTC to define price gouging. It preserves the FTC's existing civil penalty authority and authorizes new civil penalties of up to three times the amount of unjust profits gained by companies who engage in price gouging. It also increases our nation's refinery capacity by establishing a federal Strategic Refinery Reserve which would build upon the success of the Strategic Petroleum Reserve (SPR) by creating a natural extension of the SPR—a refinery reserve (by a recorded vote of 199 ayes to 222 noes, Roll No. 517). **Pages H8778–88**

H. Res. 481, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote 216 yeas to 201 nays, Roll No. 515, after agreeing to order the previous question without objection. **Pages H8739–49**

Agreed by unanimous consent that H. Res. 481 be considered as amended by striking the number 3983 and inserting in lieu thereof the number 3893 in the text. **Page H8739**

Agreed to amend the title so as to read "Providing for the consideration of the bill (H.R. 3893) to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people, and for other purposes.". **Page H8749**

Suspensions: The House agreed to suspend the rules and pass the following measure which was debated on Thursday, October 6:

Honoring the life and work of Simon Wiesenthal and reaffirming the commitment of Congress to the fight against anti-Semitism and intolerance in all forms, in all forums, and in all nations: H. Con. Res. 248, to honor the life and work of Simon Wiesenthal and reaffirming the commitment of Congress to the fight against anti-Semitism and intolerance in all forms, in all forums, and

in all nations, by a yea-and-nay vote of 354 yeas with none voting "nay", Roll No. 520.

Pages H8793–94

Adjournment Resolution: The House agreed to H. Con. Res. 263, providing for the conditional adjournment of the House and conditional adjournment or recess of the Senate. **Page H8794**

Providing for Community Disaster Loans: The House passed S. 1858, to provide for community disaster loans. **Pages H8794–98**

Committee Resignation: Read a letter from Representative Ginny Brown-Waite of Florida wherein she resigned from the Committee on Government Reform and all subcommittees under its jurisdiction as of September 30, 2005. **Page H8799**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representatives Tom Davis of Virginia and Bartlett of Maryland to act as Speaker pro tempore to sign enrolled bills and joint resolutions through October 17, 2005. **Page H8799**

Speaker: Read a letter from the Speaker wherein he appointed Representative Schmidt to act as Speaker pro tempore to sign enrolled bills and joint resolutions on this day. **Page H8806**

Senate Message: Messages received from the Senate today appear on pages H8749, H8778, H8798–99, and H8806.

Quorum Calls—Votes: Three yea-and-nay vote and three recorded votes developed during the proceedings of today and appear on pages H8749, H8749–50, H8787–88, H8791, H8791–92, and H8793. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 4:31 p.m. on Friday, October 7, and pursuant to the provisions of H. Con. Res. 263, stands adjourned until 2:00 p.m. on Monday, October 17.

Committee Meetings

STRENGTHENING THE OWNERSHIP OF PRIVATE PROPERTY ACT OF 2005

Committee on Agriculture: Ordered reported, as amended, H.R. 3405, Strengthening the Ownership of Private Property Act of 2005.

DOE'S EFFORTS TO CONSOLIDATE SURPLUS PLUTONIUM INVENTORIES

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing to review GAO's findings and recommendations regarding the Department of Energy's efforts to consolidate Surplus Plutonium Inventories. Testimony was heard from Gene Aloise, Director, Natural Resources and the Environment, GAO; Charles E. Anderson, Principal Deputy Assistant Secretary, Environmental Management, Department of Energy; and A. J. Eggenberger, Chairman, Defense Nuclear Facility Safety Board.

COMMITTEE BUSINESS

Committee on Homeland Security: Approved a committee resolution creating the Subcommittee on Investigations.

MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported, as amended, H.R. 972, Trafficking Victims Protection Reauthorization Act of 2005.

The Committee also favorably considered and adopted a motion urging the chairman to request that the following measures be considered on the Suspension Calendar: H. Con. Res. 252, amended, Expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political and social forces in the Republic of Nicaragua toward an immediate and full restoration of functioning democracy in that country; H. Res. 192, amended, Expressing the sense of the House of Representatives encouraging the active engagement of Americans in world affairs and urging the Secretary of State to take the lead and coordinate with other governmental agencies and non-governmental organizations in creating on online database of international exchange programs and related opportunities; H. Res. 368, Congratulating the State of Israel on the election of Ambassador Dan Gillerman as Vice-President of the 60th United Nations General Assembly; and H. Res. 472, amended, Recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith.

OVERSIGHT—FEDERAL ROLE AFTER CATASTROPHIC EVENTS AFFECTING FOREST LANDS

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing entitled "Restoration after Recent Hurricanes and other Natural Disasters: Federal Role in Recovery after Catastrophic Events Affecting Forest Lands." Testimony was heard from Lynn Scarlet, Assistant Secretary, Policy, Management, and Budget, Department of the Interior; Dale Bosworth, Chief, Forest Service, USDA; Everard Baker, Acting Forester, State of Mississippi; Max Peterson, former Chief, Forest Service, USDA; and public witnesses.

NOAA HURRICANE FORECASTING

Committee on Science: Held a hearing on NOAA Hurricane Forecasting. Testimony was heard from the following officials of NOAA, Department of Commerce: David L. Johnson, Director, National Weather Service; and Max Mayfield, Director, Hurricane Center.

SMALL BUSINESS AND HURRICANE KATRINA: REBUILDING THE ECONOMY

Committee on Small Business: Held a hearing entitled "Small Businesses and Hurricane Katrina: Rebuilding the Economy." Testimony was heard from Hector V. Barreto, Administrator, SBA; and public witnesses.

GAINSHARING—ALIGNMENT OF PHYSICIAN AND HOSPITAL INTERESTS

Committee on Ways and Means: Subcommittee on Health held a hearing on Gainsharing. Testimony was heard from Lewis Morris, Chief Counsel to the Inspector General, Department of Health and Human Services; and public witnesses.

Joint Meetings

EMPLOYMENT

Joint Economic Committee: Committee concluded hearings to examine the employment-unemployment situation for September 2005, after receiving testimony from Philip Rones, Deputy Commissioner, John Galvin, Associate Commissioner for Employment and Unemployment Statistics, and John Greenlees, Associate Commissioner for Prices and Living Conditions, all of the Bureau of Labor Statistics, Department of Labor.

Next Meeting of the SENATE

2 p.m., Monday, October 17

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 3 p.m.), Senate will begin consideration of H.R. 3058, Transportation, Treasury, HUD, Judiciary, DC Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, October 17

House Chamber

Program for Monday: To be announced.

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