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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 3, 2005.

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

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

PRAYER

The Reverend Lonnie Mitchell, Sr., Pastor, Bethel African Methodist Episcopal Church, Spokane, Washington, offered the following prayer:

God of mercy, God of grace, pour out Your spirit upon those chosen to conduct the business of this great Nation in this legislative body.

We come to You, Lord, with deep reverence and confidence in Your power to sustain equality and justice for all through those who swore to uphold the Constitution of the United States of America.

We commend to Your care and guidance each member of the executive, legislative, and judicial branches of our government. Order their steps in Your word of truth that You may accomplish Your will.

Lord, we pray for those who have lost their lives from war or natural disaster. We pray for poverty-stricken lives all over this world. We pray for all families affected by life's calamities.

Lord, let freedom reign in the hearts and minds of our national leaders to bring about the ideology of the Founding Fathers: One Nation Under God.

Respectful of all faiths, I humbly ask this in the name of Jesus. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. WESTMORELAND 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.

WELCOMING REV. LONNIE MITCHELL, SR.

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

Mr. REICHERT. Madam Speaker, I rise today on behalf of Congresswoman CATHY MCMORRIS in honor of Pastor Lonnie Mitchell, Sr. He has shepherded the people of Bethel AME Church in Spokane, Washington, for 14 years, overseeing numerous efforts to love and serve the people of Spokane. His church stands as a beacon in one of Spokane's neediest neighborhoods, truly striving to be a cathedral of love where everybody is somebody in Spokane and Jesus is the center of the attraction.

Under the direction of Pastor Mitchell, Bethel AME is changing the face of its surrounding community through many ministries, including the Richard Allen Youth Academy, the Richard Allen Apartments, Allen Enterprises, the GED education programs, the Neighborhood Networks Program, the Equal Justice Program, and others.

Pastor Mitchell and the Bethel AME family have recently stepped out again on a new mission to help the people of Spokane through the Emmanuel Family Life Center. This project will continue to help families and individuals receive the help they need to succeed and live freely.

In addition to being dedicated to his church family, Lonnie Mitchell is also a man devoted to his wife, Elisha, and his three children, L.J., ChaeAnna, and Camille.

Madam Speaker, I rise today to honor a man who is leading a church to reach out to those who need it most. I know Congresswoman MCMORRIS is honored to have Pastor Mitchell in her home district and to know that he will always be laboring to help and love others in their community.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain additional 1-minute speeches, up to 10 per side.

JOURNALIST NEAL PIERCE

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

Mr. BLUMENAUER. Last night, friends and colleagues gathered to honor 30 years of outstanding journalistic accomplishments of Neal Pierce, a founder of the National Journal, editor of the Congressional Quarterly, a prolific writer on public affairs, a syndicated columnist, and author of a dozen books.

His most important contribution has been his keen observations about State and local governments, especially about America's regions, our metropolitan areas that have been the location of the growth and cultural and economic progress that has made such an impact on America.

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He has not merely chronicled these developments. His insightful analysis has helped make communities better. That is the ultimate role of the journalist and is deeply appreciated by his many friends, admirers, and readers, to say nothing of millions of Americans who have benefited from his analysis. We thank you, Neal.

STEPHEN F. AUSTIN, FATHER OF TEXAS

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

Mr. POE. Madam Speaker, on this day 212 years ago, the Father of Texas, Stephen F. Austin, was born. Austin, only 27 years of age, organized, financed, and led the first legal colony of Americans to settle a portion of Mexico called Tejas, or Texas as we call it.

In 1822, 300 families entered Texas, this fantastic frontier on the plains of civilization. Although the settlers were loyal to Mexico, a new Mexican Government soon began abolishing the civil rights of the colonists, so Austin went to Mexico to voice concerns over the abuses, but he was imprisoned for over 2 years.

After finally being released, Austin and other Texans decided to go their own way. Texas declared independence from Mexico. Thousands of well-trained Mexican troops poured into Texas to stop the rebellion. The outnumbered Texas volunteers and settlers fought and died at the brutal battles of Goliad and the Alamo, but ultimate victory occurred at the battle of San Jacinto in 1836. Austin and others, like Crockett, Travis, Bowie, and Houston, finally won the day for freedom. Texas was free, a new nation, a new republic. The rest, they say, is Texas history.

MISPLACED PRIORITIES

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Madam Speaker, on Wednesday of last week, the Education and the Workforce Committee, of which I am a member, passed the single largest cut to student aid in history.

By taking $15 billion out of the Federal aid programs, the Republican leadership proved again that its agenda is replete with misplaced priorities. When we had the choice to lift up a generation of young Americans by helping them achieve the dream of a college education, we chose instead to give more comfort to the already very comfortable. Our differences are profound. It appears that so are our values and what we perceive to be America's priorities.

Future generations of Americans are entitled to a basic education, but they will not be able to afford it after we reconcile how to pay for the hurricane damage, the wars in Iraq and Afghanistan, and even two more tax cuts that have not yet begun to take effect and will not even benefit 97 percent of American families.

Madam Speaker, we cannot afford to hold sacred the tax cuts for the wealthiest Americans at the expense of the values, priorities, or needs of the middle class. Americans deserve better.

NEED FOR BUDGET RECONCILIATION

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

Mr. MCHENRY. Madam Speaker, I rise today to support our House Republican leadership and their pledge to control government spending through deficit reduction. We must restore fiscal discipline to the Federal Government, ensuring our children and grandchildren live in a society based on opportunity, not dependence on a bloated Federal bureaucracy swimming in greater debt.

It comes as no surprise to hear Democrats cry: raise taxes; spend more. I feel like Bill Murray in ''Ground Hog Day,'' that great movie. Regardless of the day, regardless of the problem, Democrats have no new ideas, just crying: more taxes; more spending.

Higher taxes are a problem, not a solution, and always lead to larger, more intrusive governments, and larger budgets. As elected officials, Madam Speaker, we must make prudent decisions to reduce the deficit. I urge my colleagues to support deficit reduction and work constructively to control government spending.

REPUBLICAN BUDGET PRIORITIES

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

Mr. DEFAZIO. Well, the government is in a fiscal crisis. We are borrowing $1.2 billion a day to run the government under the Bush administration and the Republican leadership. They have raised the national debt to $8 trillion in 5 short years, but now they are newly born as fiscal conservatives, and they want to cut $50 billion.

From where? Student loans, the school lunch and breakfast programs, those kids are eating too much, foster care and child support enforcement to help the deadbeat dads. They will, unfortunately, more than overspend their cuts to those struggling people and those good programs. They want $70 billion of tax cuts, $20 billion more added to the sea of red ink that is drowning America in tax cuts for, guess who, the wealthy because trickle-down is the highest form of achievement in Washington, D.C. these days. They want to bleed struggling Americans to float the yachts of the wealthy on a sea of red ink one more time while lying about what they are doing.

THE AMAZING AMERICAN ECONOMY

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

Mr. PRICE of Georgia. Madam Speaker, if you were to listen to many folks in this Chamber, you would think there was absolutely no good news to be heard anywhere. With the challenges this Nation has faced over the past couple of months, the economy ought to be in awful shape. Right?

Madam Speaker, there is news that you just will not see on the major television stations or read in the newspapers, the one success of our economy, the amazing American economy. The gross domestic product, the most clear measure of our economic activity, rose by 3.8 percent in the third quarter. That is an increase of 3.8 percent. That is in spite of Katrina and Rita and all the damage that they brought to our shores. The past 10 quarters have been phenomenal. That is 2½ years. Growth during that time has been greater than 3 percent in every quarter and more often more than 4 percent. That is good news.

And the deficit? Well, that has improved as well, decreasing nearly $100 billion in the last fiscal year alone. That is good news.

Madam Speaker, Republicans have a plan to reform the government in order to achieve savings for the American people. I urge my colleagues to embrace the good news in our plan.

REGARDING IRANIAN PRESIDENT'S DISTURBING REMARKS

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute.)

Mr. MEEKS of New York. Madam Speaker, the world is much smaller today than it was; and when we particularly focus in on the Middle East, we need peace. However, I am deeply disturbed by the remarks of the new Iranian President, Mahmoud Ahmadinejad, when he was addressing 4,000 students, using the language of Ayatollah Khomeini, where he says and threatens: ''Anybody who recognizes Israel will burn in the fire of the Islamic nation's fury.''

Who is this guy? We cannot allow this kind of language to stand in this day and age. We must make sure that we condemn this kind of language and those kinds of acts. Here is a guy with a questionable background. Some of our hostages say that he is the individual who was there when they were held in Iran. The international community must come together and make sure that there are no nuclear reactors there. We must make sure that it is clear that we are going to stand by our friends and allies in Israel in this regards and that we are going to be the ones that are going to force peace to be in the Middle East and we are not going to have this kind of rhetoric language continuing. We cannot allow this

man with this questionable background to continue to go unchecked.

PRIVATE PROPERTY RIGHTS

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

Mr. WESTMORELAND. Madam Speaker, Republicans are moving forward to protect one of the most foundational rights we cherish, the right to own private property. One of our great former Presidents, John Adams, said: ''Property is surely a right of mankind as real as liberty.'' The first Chief Justice of the United States Supreme Court said: ''No power on Earth has a right to take our property from us without our consent.''

We have seen our Supreme Court rule that property can be taken from one private owner and given to another. Republicans in Congress are taking action to fix this problem with legislation we will consider today on the House floor. Government should not and must not have the authority to take property away from private landowners for the sole sake of giving it to another private landowner.

Madam Speaker, I applaud the efforts of the majority in bringing forward this important legislation and look forward to supporting it on the floor this afternoon.

ADVANCE DIRECTIVES

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

Mr. GINGREY. Madam Speaker, I rise today in support of the 27th annual National Hospice and Palliative Care Month. This month health organizations all around the country will be educating individuals on what it means to have an advance directive, or living will. So today I am joining with these organizations to encourage everyone to take a moment and discuss with their loved ones what their wishes would be in a health care situation where they were unable to communicate them.

Madam Speaker, the term ''advance directive'' describes two types of legal documents that can enable you to plan for and communicate your end-of-life issues in the event you are unable to convey them yourself.

First, Madam Speaker, is a living will. It allows you to document your wishes concerning medical treatments at the end of life. The second is a medical power of attorney, or health care proxy, which allows you to appoint a person you trust as your health care agent. This person would be authorized to make medical decisions on your behalf.

Madam Speaker, living wills and medical powers of attorney are valuable tools to help communicate wishes about future medical care. Thoughtfully prepared advance directives can ease the burden on those who must make health care decisions for us.

In conclusion, I want to encourage all Americans to set aside time to have what may very well be one of the most important conversations that a family can have.

□ 1015

US VERSUS THEM

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

Mr. EMANUEL. Madam Speaker, an esteemed colleague recently said, it is much better to be us than to be them. He is probably right. It is better to be us than a middle-class family burdened with high energy costs, rising health care inflation and $8 trillion in national debt. It is probably better to be a Republican Member of Congress than a college student whose loans are about to be cut, or a child who has lost their health care because of a Republican Congress.

After years of reckless spending, the Republican Congress has left the Nation $3 trillion further in the hole.

But rather than going after corporate welfare, like the $16.5 billion handouts to oil and gas companies, this Congress is about to cut $50 billion from investments in middle-class families. They are eliminating nearly 40,000 children's nutritional programs. And while the average year of tuition at a State university is now $15,000 a year, the Republican Congress is cutting student loan programs by $14 billion. They are slashing $12 billion from Medicaid, affecting nearly 20,000 children currently covered by the program.

For what? So the Republican Congress can cut taxes for the wealthiest 1 percent. There is no question, it is better to be a Republican Member of Congress than a middle-class family.

Madam Speaker, the American people deserve better. We can do better. We need a new set of priorities, a change in the status quo.

SUPPORT FOR THE WAR IN IRAQ

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

Mrs. BLACKBURN. Madam Speaker, night after night we watch the left come to the floor and beat the drums of retreat on the war on terrorism. They want us out of Iraq, they want us out of the Middle East, and they want us to end our aggressive war on terrorism.

I have to admit in my heart I would like to see the troops home, but my intellect tells me we cannot afford to leave our children a world in which Middle Eastern terrorists have free reign.

I want our troops to know that they have a grateful Nation behind them, regardless of what they may hear from some in this body. I want our Tennessee National Guardsmen, our Fort Campbell families and, as we approach Veterans' Day, all of our Nation's patriotic veterans to know we appreciate their service and their commitment.

As of October 4, 2005, a total of 206,500 Iraqi security forces have been trained and equipped. That is progress, and the American people can be confident that progress is being made.

So do not believe the ranting of the left when they tell you all is lost, that hope is pointless and that we are losing. We are not.

EXPRESSING CONCERN ABOUT WAR IN IRAQ

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

Mr. McGOVERN. Madam Speaker, I rise today to once again express my deep concern about this war in Iraq, which is a violent, endless quagmire. Those of us who dissent on this war support our troops. We honor our troops. We respect our troops. In fact, one of the things that we have tried to do is urge the other side of the aisle to provide budgets that actually support our troops when they come home.

It is shameful that our veterans' budgets get slashed each and every year. If Members of Congress are going to send young men and women over to Iraq to fight in this war, we had better make sure that when they come back they have the resources they need to get on with their lives.

We have lost 2,000 Americans in this war. There is no end in sight. There have been no weapons of mass destruction. There was no imminent threat. There was no nuclear threat. There was no tie to al Qaeda.

This war has nothing to do with the War on Terror. In fact, it has diverted important resources from the overall war on terror. We need to get our priorities straight. We need to focus on the war on terror. Let us end this war in Iraq.

HONORING PLAYERS, STAFF AND PARENTS OF COUNCIL ROCK-NEWTOWN LITTLE LEAGUE TEAM

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

Mr. FITZPATRICK of Pennsylvania. Madam Speaker, it is my honor and privilege this week to host the players, staff and families of Bucks County, Pennsylvania's own Council Rock-Newtown Little League team to our Nation's Capital.

This past August, the CR-Newtown team defeated the Toms River American Little League team of Toms River, New Jersey, to qualify for a seat at the 59th Little League World Series. Their victory marked the first mid-Atlantic championship for Pennsylvania since 1960, and their 20 post-season victories

that led the team through the series has made Bucks County as well as Pennsylvania proud of their achievement.

I know that the team will remember this summer's season for the rest of their lives. They put their all into their sport, suffering injury and playing the underdog. Every one of the players on the team has done a wonderful job, and I am proud to acknowledge their achievement today.

Madam Speaker, I ask my colleagues to join me in congratulating them on their historic season.

AN OPPORTUNITY FOR APEC AND AMERICA

(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, next week, President Bush will attend the Asia-Pacific Economic Cooperation Forum in Pusan, Korea, with representatives from 21 other member governments. His attendance at this forum will highlight the significance of the APEC region, which now accounts for nearly 40 percent of the world's population, over half of world trade, approximately 60 percent of the world's gross domestic product and creates millions of American jobs.

By discussing his efforts to maintain a robust trade, security and global health agenda, President Bush will strengthen our valuable partnership with APEC countries.

As co-chair of the Mongolia Caucus, I am particularly proud that President Bush will be the first American President ever to visit the 800-year-old nation of Mongolia, a true ally in the global war on terrorism. Mongolia has troops courageously serving in Iraq and Afghanistan. The President's visit will be a fitting way to express our sincere appreciation for Mongolia's partnership for freedom.

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

IN SUPPORT OF JUDGE SAMUEL ALITO

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

Ms. FOXX. Madam Speaker, I rise today in support of President Bush's well-qualified Supreme Court nominee, Judge Samuel Alito.

Judge Alito has extensive experience in the American legal system. During nearly 30 years of public service, he has handled difficult and complex legal issues. He began his distinguished career with 15 years of service at the U.S. Department of Justice, where he served as an Assistant U.S. Attorney and Assistant to the Solicitor General.

Judge Alito has argued 12 Supreme Court cases and argued at least two dozen court of appeals cases. After being unanimously confirmed by the Senate, Judge Alito served on the Third Circuit Court of Appeals for 15 years. He is widely respected for his fairness and even temperament.

Judge Alito is committed to the rule of law and understands the proper role of a judge in our society. His record as a Federal judge demonstrates that he strictly interprets the law and does not legislate from the bench or create new policies based on personal opinion.

Madam Speaker, Judge Alito has shown a deep commitment to justice and equality, a mastery of the law and strong personal character. I urge the Senate to study his record, hold fair hearings, and give him an up or down vote as soon as possible.

THE WAR IN IRAQ IS JUST

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

Mr. PENCE. Madam Speaker, it has been an extraordinary series of days: closed door sessions in the United States Senate, accusations and recriminations by a former President of the United States.

President Jimmy Carter said in the last 24 hours that intelligence was ''manipulated'' in the runup to the war in Iraq. And yet, as the Wall Street Journal reports today, Madam Speaker, four separate independent investigations found otherwise.

Let me say from my heart, I was here the night we voted to give the President the authority to go to war, and it was a combination: Saddam Hussein's rejection of over a dozen United Nations resolutions, an appalling record on human rights, and the complete agreement of every intelligence service in the western world that he possessed weapons of mass destruction, a confidence that was derived from the fact that he not only had possessed them before, but Saddam Hussein had used weapons of mass destruction against his own people, killing thousands in the early 1990s.

There was no manipulation. The war in Iraq was just, is just, and the freedom of the teeming millions who established a constitutional republic 1 week ago supports that conclusion.

PROVIDING FOR CONSIDERATION OF H.R. 4128, PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

Mr. GINGREY. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 527 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 527

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4128) to protect private property rights. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed 90 minutes, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. GINGREY. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), 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.

Madam Speaker, House Resolution 527 is a structured rule. It provides 90 minutes of general debate, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking member of the Committee on Agriculture.

It waives all points of order against consideration of the bill. It provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary and now printed in the bill shall be considered as an original bill for the purpose of amendment, and shall be considered as read. It makes in order only those amendments that are printed in the Rules

Committee report accompanying the resolution. It provides that the amendments printed in the report may be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered as read, debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. This resolution waives all points of order against the amendments printed in the report, and it provides one motion to recommit, with or without instructions.

Madam Speaker, I rise today in full support of House Resolution 527 and the underlying bill, H.R. 4128, the Private Property Rights Protection Act of 2005. I would like, first, to express my personal pleasure in seeing this important piece of legislation come before the House for consideration.

Since the Supreme Court's now infamous Kelo decision, homes and small businesses across the country have been placed in grave jeopardy and threatened by the government wrecking ball.

□ 1030

Madam Speaker, I also want to take this opportunity to commend Representative SENSENBRENNER, the distinguished chairman of the Judiciary Committee and the author of this legislation; Ranking Member CONYERS; Representative GOODLATTE, the chairman of the Agriculture Committee; and Ranking Member PETERSON not just for the underlying bill, but also for the thorough and expeditious way in which the committees have moved to legislatively address this Kelo decision.

With a margin of only one vote, a very divided Supreme Court struck down over two centuries' worth of precedent and constitutional protections for property owners across this great Nation. In response to the deplorable Kelo decision, this body passed House Resolution 340 that I proudly sponsored along with 78 other Members from both sides of the aisle; and on June 30, 2005, we passed this resolution by a wide margin of 365 to 33.

Madam Speaker, the very last subparagraph of House Resolution 340 states: ''Congress maintains the prerogative and reserves the right to address, through legislation, any abuses of eminent domain by State and local government in light of the ruling in Kelo, et al v. The City of New London, et al.''

Well, Madam Speaker, the day of reform is at hand, and this Congress has an excellent opportunity to set the record straight and to reaffirm the traditional meaning of the fifth amendment that guarantees no private property shall be taken except for public use and with just compensation.

Accordingly, H.R. 4128 will prohibit State and local governments from taking property from one private party and giving it to another private party. If a court determines that a State or a local government violates this prohibition, that State or local government will become ineligible for Federal economic development funds for a period of 2 years.

Nevertheless, any government found in violation of this provision will have an opportunity to restore fully the private property owner in order to preserve Federal economic development dollars; and by ''fully,'' I mean completely restore to its original state prior to the government taking of this property. Additionally, this bill expressly prohibits the Federal Government from exercising its power of eminent domain for economic purposes. So not just the State and local governments, but the Federal Government, as well, is prohibited.

Madam Speaker, while the title of this bill, the Private Property Rights Protection Act, fits this legislation to a tee, one could also accurately call it the Private Property Rights Enhancement Act, for this bill will ensure that private property owners can take States and local governments to court in order to enforce the provisions of this act. And this bill also allows a prevailing property owner to recoup legal and expert fees for litigation involving the enforcement of this bill.

H.R. 4128 answers the call of almost every American and a diverse, expansive array of interest groups who have railed against the Kelo decision and its judicial encroachment on our rights. Listen to these, Madam Speaker: the National Association For the Advancement of Colored People, the NAACP; the American Association of Retired Persons, AARP; the American Farm Bureau; and various religious groups that include the Becket Fund for Religious Liberty are just a few of the organizations who stood up in the face of Kelo to fight for the rights of the disadvantaged who might lose their home, business, or yes, even house of worship to some well-connected developer's sweetheart deal.

These organizations have stood up for the rights of rural America which grows our food and sustains our country. They have stood up for the rights of our houses of worship that should not have to fear because God does not pay enough in taxes. Madam Speaker, I am proud to say that today we in this House stand with them in defense of the private property rights of every American.

In closing, Madam Speaker, I want to again express my gratitude that this House has the opportunity to consider such a fundamentally important and fundamentally just piece of legislation. By a one-vote margin, the Kelo decision ripped from the Constitution the private property rights of the fifth amendment, and we are going to put them back. Madam Speaker, I look forward to the discussion of this rule, and I urge my colleagues to support it and the underlying bill.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. MCGOVERN. Madam Speaker, today I rise in support of the underlying legislation.

H.R. 4128, the Private Property Rights Protection Act, demonstrates that a bipartisan, collaborative effort can produce sound legislation. This bill is directly aligned with H. Res. 340, a resolution passed by this House on a vote of 365 to 33, which expressed Congress's disapproval of the Supreme Court's decision in the case of Kelo v. The City of New London.

In taking the next step, H.R. 4128 contains appropriate measures to ensure the protection of private property and addresses the potential for abuse under the power of eminent domain. By providing effective deterrents to abuse, H.R. 4128 protects the constitutional and legal rights of private property owners.

The majority in the Kelo decision found that the City of New London, Connecticut, could condemn and take property as part of its economic revitalization plan. Essentially, this decision grossly expanded the use of eminent domain as granted by the fifth amendment.

Madam Speaker, this decision legitimized an abuse of the fifth amendment, specifically, the takings clause. According to the Constitution, the government's taking authority over land that is restricted for public use. Expanding the government's ability to strong-arm private property, not necessarily for public use, sets a troubling precedent.

Thankfully, H.R. 4128 discourages States and localities from exploiting eminent domain. Overall, this legislation will prohibit State and local governments from receiving Federal economic development funding should they use eminent domain to seize land for private economic development purposes. Federal funding will be lost for 2 fiscal years if a court determines that eminent domain was used improperly.

Madam Speaker, Congress, through its spending powers, is authorized to impose policies on State and local governments through appropriations of Federal funds. In the case of eminent domain abuse, it is the duty of Congress to intercede to protect the property rights of all Americans.

Protecting the constitutional rights of our citizens should continue to be on the forefront of our concerns. Economic development is clearly crucial for every community in this country, but economic development can and must be achieved without compromising our constitutional rights.

I believe that the Kelo case was wrongly decided. Eminent domain

must not grant State and local governments the power to take private property away from one and give it to another, all in the name of economic development. Economic development takings are not necessarily in the essence of public use and, therefore, do not constitute the use of eminent domain.

As Justice Sandra Day O'Connor wrote in her dissent in the case: ''The specter of condemnation hangs over all property. Nothing is to prevent the States from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory.''

Madam Speaker, as Members of Congress, we all took oaths to uphold and defend the Constitution. By supporting this bill, Members are fulfilling their constitutional obligations.

This bill, Madam Speaker, is not perfect; but it is needed and it is necessary. I am pleased that the Rules Committee made amendments by our colleagues, Congressman NADLER and Congressman WATT, in order. They and other Members have real concerns with this bill, and their perspectives deserve to be debated and deserve an up-or-down vote.

Madam Speaker, while I would prefer an open rule and I, quite frankly, cannot understand why we do not have an open rule here, the Rules Committee did make all the germane amendments in order, so we are not going to object to this rule.

I have no further speakers. I urge my colleagues on both sides of the aisle to support the underlying bill and to support the rule, and let us move on and get this thing done.

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

Mr. GINGREY. Madam Speaker, I will close the debate by again thanking both the Committees on the Judiciary and Agriculture for all the hard work in bringing this bill to the floor today. H.R. 4128 would restore the centuries-old protections guaranteed by the fifth amendment's takings clause. Property rights have been fundamental to the foundation of our society and have been one of the pillars that have supported our form of government and enabled our Constitution to endure the test of time. While it has only been 4 months since the Kelo decision, 4 months without these fifth amendment protections is 4 months too long; and one abuse of the eminent domain power is one abuse too many.

Therefore, Madam Speaker, following the passage in the House of Representatives today, I would encourage the other body to take up this legislation quickly and to pass it so that we can get it to the President's desk.

I also want to encourage all Members on both sides of the aisle to support this rule and the underlying bill. Let us get this done for the American people because it is simply the right thing to do.

Madam 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 (Mrs. MILLER of Michigan). The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. WALSH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the motion to instruct on H.R. 2528.

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

There was no objection.

MOTION TO GO TO CONFERENCE ON H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2006

Mr. WALSH. Madam Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. WALSH).

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Madam Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Obey moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill, H.R. 2528, be instructed to insist on the House level to support force protection activities in Iraq.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from New York (Mr. WALSH) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Madam Speaker, I yield myself 9 minutes.

Madam Speaker, let me say that this motion to instruct is, I think, fairly straightforward and simple, although the context in which it is offered is certainly not.

What this motion attempts to do is simply insist that the $50 million contained in the House bill, but not contained in the Senate bill, for the purpose of retrofitting existing facilities and constructing special overhead cover devices to protect soldiers in bases throughout Iraq, is maintained.

□ 1045

That overhead cover system would provide protection from artillery, rocket-propelled grenades and missile attack up to and including 122 millimeter rockets. That is virtually exactly what this does.

But let me, in the context of offering this proposal, make a few observations. Even if this motion is adopted, and I would certainly expect that it would be, I think that we still must face the fact that our troops will not be adequately protected, nor will American citizens abroad be adequately protected so long as our Government is still taking actions which discredit this Nation and this Congress is continuing to neglect its oversight responsibilities with respect to those actions.

Let me give three examples. In 2003, it came to the Nation's attention that the Secretary of Defense had established an operation known as the Office of Special Programs, the primary purpose of which was to vet intelligence and advise Pentagon leadership and the White House on plans for invading Iraq. That office was staffed by a select group handpicked by then Under Secretary of Defense Douglas Feith and Deputy Secretary Wolfowitz.

It was charged with developing the rationale for invading Iraq, and it was created out of a frustration on the part of the Vice President and the Secretary of Defense and their allies within the administration, their frustration that the normal intelligence operations in our Government were not being ''sufficiently forward leaning,'' as the Secretary of Defense put it, in finding weapons of mass destruction and in building a case for going to war in Iraq.

The problem is that that office was established to provide information outside of the normal channels, and it was even designed to go around the Department of Defense's own intelligence operation unit.

The problem with that Office of Special Programs is that it relied on so-called intelligence from like-minded true believers, primarily Ahmad Chalabi and his allies in Iraq.

At the time, we asked that the Surveys and Investigations staff of the Appropriations Committee look into this matter and determine what the facts were surrounding the creation of this operation. We obtained some support from the majority party but not sufficient support under the rules of the House in order to allow that surveys and investigation study to proceed, and so it never took place.

Second, earlier this year, the committee became aware of intelligence actions that the Department of Defense was taking, actions of an under-the-table nature, which a number of us felt were highly inappropriate and highly dangerous, classified activities which cannot be discussed in public.

We tried to offer language to assure that in the future such actions would not be undertaken without proper notification to the Congress and to this committee. The fact is that when I offered language to try to do that, I received a phone call from Andy Card, the President's Staff Chief, and in that phone call he told me that if I would withdraw that language he would assure me that this matter would be worked out to the satisfaction of both the executive and legislative branches.

In fact, while we have made some small progress in reaching an understanding on this matter, there are still two very important issues that have not been resolved, that the administration has not agreed to, and they are key issues, including whether or not this Congress will be informed of those activities in a timely fashion so that the information provided to the Congress is, in fact, meaningful.

We are still being stonewalled on that matter, and the Congress still, in my view, has not lived up to its oversight responsibilities on that matter.

Now, yesterday, we see in the Washington Post a story which says CIA holds terror suspects in secret prisons. It notes that close to $100 million evidently was spent to establish these secret compounds at which detainees were evidently subjected to torture-related activities, including water-boarding, and yet we are told that not a single member of the Appropriations Committee and not a single member of the staff have been told by the CIA that that had been going on.

This committee has an obligation to protect the power of the purse. In my view, until we take action on this matter, we stand vulnerable to the justifiable charge that Congress is ignoring its responsibilities to protect taxpayers' money and to protect the reputation of the United States internationally; And when we do that, we put at risk the very troops that we are trying to protect through this motion this morning.

Madam Speaker, I would hope that this language would be supported by the majority. But I would also hope that this Congress understands that even if it is, we are failing our fundamental responsibility to the American taxpayer if we do not exercise considerably more vigorously than we have up to date our responsibilities to see to it that matters related to Iraq are being handled in a manner which makes certain that the Congress knows what is going on, and gives the Congress an opportunity to try to make certain that what is going on is consistent with American values.

That certainly is not the case when we see these kinds of horrific headlines in the paper, and I would associate myself with the remarks contained in the editorial in the Washington Post this morning.

Mr. Speaker, I include in the RECORD at this point the editorial which makes clear that Congress has not in any way, shape or form lived up to its responsibilities, and, in my view, they have enabled the administration to continue to cover up its activities with respect to Iraq, its activities with respect to manipulating intelligence, its activities with respect to allowing agencies to engage in conduct not at all consistent with American values or American interests.

[From the Washington Post, Nov. 3, 2005]

REBELLION AGAINST ABUSE

Last month a prisoner at the Guantanamo Bay military base excused himself from a conversation with his lawyer and stepped into a cell, where he slashed his arm and hung himself. This desperate attempted suicide by a detainee held for four years without charge, trial or any clear prospect of release was not isolated. At least 131 Guantanamo inmates began a hunger strike on Aug. 8 to protest their indefinite confinement, and more than two dozen are being kept alive only by force-feeding. No wonder Defense Secretary Donald H. Rumsfeld has denied permission to U.N. human rights investigators to meet with detainees at Guantanamo: Their accounts would surely add to the discredit the United States has earned for its lawless treatment of foreign prisoners.

Guantanamo, however, is not the worst problem. As The Post's Dana Priest reported yesterday, the CIA maintains its own network of secret prisons, into which 100 or more terrorist suspects have ''disappeared'' as if they were victims of a Third World dictatorship. Some of the 30 most important prisoners are being held in secret facilities in Eastern European countries—which should shame democratic governments that only recently dismantled Soviet-era secret police apparatuses. Held in dark underground cells, the prisoners have no legal rights, no visitors from outside the CIA and no checks on their treatment, even by the International Red Cross. President Bush has authorized interrogators to subject these men to ''cruel, inhuman and degrading'' treatment that is illegal in the United States and that is banned by a treaty ratified by the Senate. The governments that allow the CIA prisons on their territory violate this international law, if not their own laws.

This shameful situation is the direct result of Mr. Bush's decision in February 2002 to set aside the Geneva Conventions as well as standing U.S. regulations for the handling of detainees. Under the Geneva Conventions, al Qaeda militants could have been denied prisoner-of-war status and held indefinitely; they could have been interrogated and tried, either in U.S. courts or under the military system of justice. At the same time they would have been protected by Geneva from torture and other cruel treatment. Had Mr. Bush followed that course, the abuse scandals at Guantanamo Bay and in Afghanistan and Iraq, and the severe damage they have caused to the United States, could have been averted. Key authors of the Sept. 11, 2001, attacks, such as Khalid Sheikh Mohammed and Ramzi Binalshibh, could have been put on trial, with their crimes exposed to the world.

Instead, not a single al Qaeda leader has been prosecuted in the past four years. The Pentagon's system of hearings on the status of Guantanamo detainees, introduced only after a unanimous ruling by the Supreme Court, has no way of resolving the long-term status of most detainees. The CIA has no long-term plan for its secret prisoners, whom one agency official described as ''a horrible burden.''

For some time a revolt against this disastrous policy has been gathering steam inside the administration and in the Senate; it is led by senators such as John McCain (R-Ariz.) and by the same military officers and State Department officials who opposed Mr. Bush's decision to disregard the Geneva accords. Their opponents are a small group of civilian political appointees circled around Mr. Rumsfeld and Vice President Cheney. According to a report in the New York Times, the military professionals want to restore Geneva's protections against cruel treatment to the Pentagon's official doctrine for handling detainees. Mr. McCain is seeking to ban ''cruel, inhuman and degrading'' treatment for all detainees held by the United States, including those in the CIA's secret prisons.

There is no more important issue before the country or Congress. Yet the advocates of decency and common sense seem to have meager support from the Democratic Party. Senate Democrats staged a legislative stunt on Tuesday intended to reopen—once again—the debate on prewar intelligence about Iraq. They have taken no such dramatic stand against the CIA's abuses of foreign prisoners; on a conference committee considering Mr. McCain's amendment, Democratic support has been faltering. While Democrats grandstand about a war debate that took place three years ago; the Bush administration's champions of torture are quietly working to preserve policies whose reversal ought to be an urgent priority.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, addressing the substance of this motion, the House included $50 million in the military quality of life bill for overhead cover systems to support force protection in Iraq. This money provides additional construction funds for protecting soldiers from indirect fire attacks, such as mortars and rockets.

This funding, along with funding that was included in the supplemental bill passed earlier this year for the same purpose, provides the amount the Department of Defense says is needed for these activities.

Unfortunately, the other body did not see fit to include these funds. We still believe additional money is necessary, and we will go into conference supporting the House position.

Madam Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I rise to support my colleague from Wisconsin in his effort to shed some light on a large array of questions that are before us.

This cover-up theme of the cover-up Congress is so pervasive, and it is not just in this body, it seems to be in the other body. The other body in fact recently took some rather extreme parliamentary measures to force the issue, and some called it a gimmick. But it seemed to be the only way to break

through this cover-up, to get answers to questions that we have in our oversight role in the U.S. Congress, to provide a balance of power, to be able to serve the American people as we need to do.

I, for example, have introduced resolutions requesting information about the disclosure of identities of covert agents; and eight times in eight votes here in the House of Representatives those resolutions have been turned down in various committees. Eight times in eight separate votes in various committees, these efforts to get the information that we need in order to exert the oversight, to protect the men and women that we have asked to do dangerous jobs around the world.

Of course, some things clearly have to be kept quiet for the sake of the safety and effectiveness of our troops overseas and so forth. But Congress has a very important oversight role under the Constitution; and in order to exert that role, we need information.

I applaud the gentleman for doing all that he does to try to break through this cover-up theme.

Mr. WALSH. Mr. Speaker, I continue to reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. WAXMAN), the ranking member on the Government Reform Committee.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, my colleagues, one of the most important jobs for Congress is not just to pass laws but to see how the laws are working. We need to do oversight and to have investigations. The Constitution envisioned we would do this when they had us as a separate branch, and this is a way to provide the checks and balances that our Government was supposed to have in order to avoid the concentration of power in any one branch of Government.

We have an executive branch that wants to act as secretly as possible. They do not want openness. They do not want transparency. They do not even want to hear alternative points of view.

I believe that the President of the United States surrounds himself with people who tell him exactly what he wants to hear, and the Republicans who run the Congress are abetting that. They are helping him avoid getting a full discussion of the issues when Congress does not pursue oversight and investigations.

Now there are many things that this Congress has failed to do. They have failed to look at the manipulation of intelligence by the President and others working for him in the prelude to the war. We have not had any hearings on that.

They have failed to look at the issues of how we are spending the taxpayers' money on some of these contracts in Iraq, for Katrina and others. They really are not doing the diligent job that needs to be done.

□ 1100

The Congress of the United States has even refused to look at and find out why we were not given information from the executive branch about the costs of the Medicaid prescription drug bill. A civil service actuary in the administration was prohibited from giving Congress that information. You would think that Democrats and Republicans would be outraged. Yet the Republicans who run the Congress refuse to hold hearings on this.

Oversight is very important, and it stands today in stark contrast to the way they are behaving with the way the Republicans handled oversight when President Clinton was in power. There was not an accusation too small for them to ignore. They ran and called hearings. They issued subpoenas. They brought people into a private room to take depositions. The Congress of the United States held more days, I believe it was over a week of public hearings, on whether President Clinton misused his Christmas card list for political purpose. Yet we cannot get them to hold a hearing on the manipulation of intelligence to get us into a war.

I think that when a Congress does not do its oversight, in effect what they are doing is covering things up. They are not letting the American people know what its government is doing. This is not the government of the Republican Party. This is not the government of President Clinton. It is a government that belongs to the people of the United States, and our democracy cannot work if there is no accountability and transparency.

We have never heard of anyone in this administration fired for doing a poor job. In fact, if they do a poor enough job, they get elevated. They even get a Medal of Freedom award. No one was fired, no one was held accountable for the failure to have accurate intelligence before we went into the war. No one has been fired for anything that is been done improperly by this administration. It is as if it did not happen.

I think the Republicans believe if you do not have oversight, no one knows about the problem; therefore, the problem never existed. Well, I think it is wrong. We have a responsibility and it is time that we speak out loudly and clearly to insist that the Congress of the United States live up to that responsibility.

Mr. Speaker, I support the motion of the gentleman.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, a moment ago I cited the Washington Post editorial which appeared in the paper today. I would like to read just a portion of that editorial. The editorial reads as follows:

''As The Post's Dana Priest reported yesterday, the CIA maintains its own network of secret prisons into which 100 or more terrorist suspects have 'disappeared' as if they were victims of a Third World dictatorship.''

When I see references to the disappeared, my mind goes back to President Pinochet in Chile and the ''Disappeared'' under his regime. And I wonder whether or not many Americans and many Members of this Congress are comfortable with our White House being tossed into the same terminology, into the same basket as the outrageous conduct of the Chilean Government a number of years ago.

The editorial goes on to say that under the policies of the CIA with respect to these institutions ''prisoners have no legal rights, no visitors from outside the CIA, and no checks on their treatment, even by the International Red Cross. . . . President Bush has authorized interrogators to subject these men to 'cruel, inhumane and degrading' treatment that is illegal in the United States and that is banned by a treaty ratified by the Senate. The governments that allow the CIA prisons on their territory violate this international law, if not their own laws.''

It then goes on to point out that despite all of this, ''not a single al Qaeda leader has been prosecuted in the last 4 years.'' It then goes on to say ''the CIA has no long-term plans for its secret prisoners whom one agency official described as 'a horrible burden.' ''

Then it notes that a congressional rebellion against this kind of activity is being led in the Senate by Senator MCCAIN and that his main opponents are ''a small group of civilian political appointees circled around Mr. Rumsfeld and Vice President Cheney.''

The editorial then goes on to say, ''According to a report in the New York Times, the military professionals want to restore Geneva's protections against cruel treatment to the Pentagon official doctrine for handling detainees. Mr. McCain is seeking to ban cruel, inhumane and degrading treatment for all detainees held by the United States, including those in the CIA secret prisons.''

So I would submit, Mr. Speaker, that in addition to passing this motion today, this House needs to stand as one; every single Member of this House ought to be willing to support the retention of the McCain amendment on the defense appropriations bill. And I would hope that we would see this House finally face up to its obligations on that score.

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

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. SKELTON), the distinguished ranking member of the Armed Services Committee.

Mr. SKELTON. Mr. Speaker, I thank my friend for yielding. I rise in support of the motion.

Mr. Speaker, I left the Armed Services Committee hearing a moment ago and I heard Command Sergeant Major Citola in a very eloquent discussion of the troops in Iraq say that we are a Nation of laws. It was heartening to hear that. Then the report from The Washington Post to which the gentleman from Wisconsin refers is a dagger in that thought.

Our men and women in uniform are serving with tremendous distinction around the world in Iraq, Afghanistan, the Horn of Africa, Korea, Germany, and many other places; and they deserve the best protection and support we can give them.

We in Congress are tasked with ensuring these troops and our veterans have all they need. They deserve the very best. Part of our job comes in providing them with the best equipment, training, and benefits. Another part is providing oversight of the policies of the administration. One of the questions that I had earlier was when the Armed Services Committee did not adopt a subcommittee on oversight or investigations.

Hearken back to the days when the Chairman of the Joint Chiefs of Staff, David Jones, raised the issue that the Joint Chiefs of Staff is not working well and that there is a lack of jointness within our military. It was the committee on investigations under the gentleman from Alabama, Bill Nichols, that worked for some 4 years and came up with the landmark law that we now call Goldwater-Nichols. That was oversight.

By oversight, we must ensure that our military forces are employed appropriately; when there are problems, that they are investigated fairly and properly, as they were in Chairman Nichols' work.

I have supported calls for more vigorous investigations of the failure in prewar intelligence on weapons of mass destruction and for a likely post-war situation in Iraq. I have also supported a Truman-like commission to look at contracting problems in Iraq. Unfortunately, those efforts have not been undertaken; and they, sadly, fell on deaf ears.

In my own Armed Services Committee there have been many efforts that have been undertaken in a bipartisan manner. This is good. A noble example is our joint effort to ensure that more up-armored Humvees and other force protection equipment reached the field despite the failure to plan adequately for their needs. That is a very positive step we did. Yet even in our committee, we need to do better when it comes to oversight in key areas of our policy relating to Iraq and the war on terror. Notably, I feel there must be additional policy and additional oversight of our treatment of detainees in theaters around the world.

The question I have, Mr. Speaker, in regard to the article to which the gentleman from Wisconsin refers, was there any connection between what the allegations are by the CIA and the Department of Defense or anyone therein. That, I think, is a matter of oversight and one that we need to at least have a briefing or a hearing thereon.

Increased oversight will allow us both to understand the systematic causes of these cases of abuse, the right solutions to be enacted into law. That is our job. The Constitution charges the Congress with raising and maintaining the military; and you cannot raise and maintain unless you oversight, unless you understand the problems that we can cure by law. That is our job. And I think we could do a much, much better job.

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

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, in keeping with the spirit of this motion to instruct, the purpose of which is to protect American troops, I want to simply say that no matter how hard we try, we are going to have a difficult time doing that unless we change some unpleasant facts on the ground in Iraq. When more than 80 percent of Iraqis tell pollsters that they want America to leave their country, when almost one-half of Iraqis respond to pollsters by saying that they believe that terrorist attacks on U.S. troop are justified, we have a serious problem.

In my view, we are not going to be able to turn that around until we make clear that our policies are consistent with our interests and our professed values. We need to get to the bottom of how we got into Iraq and how we are conducting this operation in Iraq now. We need to get to the bottom of that. We need to determine who is responsible for some of the stories that we have seen in the papers the past few days; and if we do not do that, we are going to continue to invite the kind of negative opinion around the world that is plaguing our ability to succeed in Iraq. I would hope that this House would recognize that responsibility.

Mr. WALSH. Mr. Speaker, as I stated at the outset, we believe that the House position to provide an additional $50 million in the Military Quality of Life Subcommittee appropriations bill to provide additional overhead cover system is essential. And we would go into the conference hoping that the Senate would see the wisdom of what the House has done and retain the House position.

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

□ 1115

Mr. OBEY. Mr. Speaker, I yield the balance of my time to the distinguished minority leader (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman for yielding and for his leadership on this issue.

I am pleased to join the gentleman from Missouri (Mr. SKELTON) in saluting our troops. Wherever they are serving, at home or abroad, we owe them a deep debt of gratitude for their courage, for their patriotism, for the sacrifices they are willing to make for our country. We are very, very proud of them, and when they come home, we want to honor their service by giving them what they need as veterans, and those needs will be large.

Mr. Speaker, I strongly support the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY). We must provide those we send in to fight in Iraq with everything they need to serve, to keep them safe and so that they can return as safe as possible.

It is tragic that more than 2½ years after the invasion of Iraq, that long a time, we are still encountering such appalling needs in the area of force protection. History will not treat kindly those who embarked on a war of choice without making sure that our troops were properly equipped. Not enough body armor, not enough jammers for protection against explosive devices, not enough armored vehicles, not enough overhead cover systems, the list goes on and on.

Once again, Congress must deal with the consequences of the Bush administration's bad planning. We have had to do it before in the appropriations bills, and we are doing it here today with the gentleman from Wisconsin's motion to instruct.

Congress has a responsibility to find out why so many things about Iraq have gone so terribly wrong. This Republican cover-up Congress has never lived up to the oversight responsibility to ask the questions.

One of the essential elements of the force protection, for example, is good intelligence. Our Nation spends billions of dollars each year on intelligence programs and activities, and when they do not produce timely and reliable intelligence, we make the American people less safe, and Congress has a duty to find out why.

The intelligence used as the justification for the administration's decision to go into war in Iraq was wrong. That Iraq possessed weapons of mass destruction, that was wrong. I said at the time that the intelligence did not support the threat that the administration was describing, but, nonetheless, the intelligence that they were using was wrong.

Given the enormous consequences of that decision, more than 2,000 American soldiers have been killed; more than 15,000 wounded, many of them permanently; more than a quarter of a trillion dollars spent; and enormous damage done to the reputation of the United States in the eyes of the world. The cost of lives and limbs and taxpayer dollars and reputation is enormous.

Congress has an obligation to identify and correct the problems that led to the production of false intelligence. Our troops are at risk until that is done; and yet, as we address other force protection issues, there is no sense of urgency to undertake a thorough review of what went wrong with the intelligence. Neither the issue of the quality of the intelligence nor the equally important issue of whether intelligence was politicized have been investigated by this Congress.

That is why shortly I will offer the House a chance to do more for force protection than provide the $50 million in this motion to instruct, as important as that money is.

Democrats have continually asked for investigation of pre-war intelligence, and those requests have been repeatedly denied. The same is true for requests to investigate the other matters related to the war in Iraq: The prison abuse scandals, the no-bid Halliburton reconstruction contracts, the misuse of classified information to discredit administration critics.

Each of these matters has national security implications that need to be examined, particularly on the issue of going to war and the conduct of war. Congress has an obligation to make sure that decisions were made properly and that these decisions are based on truth and trust.

Until the Congress examines fully issues like whether intelligence was politicized, we have failed in a fundamental way to protect our troops and maintain a level of trust with the American people.

I urge the House to support both the Obey motion to instruct and my subsequent resolution on Iraq.

The SPEAKER pro tempore (Mr. GINGREY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

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

The motion was agreed to.

QUESTION OF PRIVILEGES OF THE HOUSE

Ms. PELOSI. Mr. Speaker, because the Republican-led Congress has not conducted any investigations of abuses by the Republican administration's decision to go to war in Iraq, and because the over 2,000 American soldiers have lost their lives and more than 15,000 have been wounded, therefore, pursuant to rule IX, I rise in regard to a question of privileges of the House, and I offer a privileged resolution.

The SPEAKER pro tempore. The Clerk will report the resolution. The Clerk read the resolution, as follows:

PRIVILEGED RESOLUTION ON IRAQ

Whereas the war in Iraq has resulted in the loss of over 2,000 American lives and more than 15,000 wounded soldiers, and has cost the American people $190 billion dollars;

Whereas the basis for going to war was Iraq's alleged possession of weapons of mass destruction (WMD) and the President made a series of misleading statements regarding threats posed by Iraq, but no weapons of mass destruction have been found;

Whereas the Republican Leadership and Committee Chairmen have repeatedly denied requests by Democratic Members to complete an investigation of pre-war intelligence on Iraq and have ignored the question of whether that intelligence was manipulated for political purposes;

Whereas the Vice President's Chief of Staff Lewis Libby has been indicted on five counts of perjury, obstruction of justice, and making false statements in connection with the disclosure of the identity of a CIA operative, and that disclosure was part of a pattern of Administration efforts to discredit critics of the Iraq war;

Whereas four separate requests to hold hearings on the disclosure of the CIA operative were denied in the Government Reform Committee, and Resolutions of Inquiry were rejected in the Intelligence, Judiciary, Armed Services, and International Relations Committees;

Whereas the American people have spent $20.9 billion dollars to rebuild Iraq with much of the money squandered on no-bid contracts for Halliburton and other favored contractors;

Whereas Halliburton received a sole-source contract worth $7 billion to implement the restoration of Iraq's oil infrastructure, and a senior Army Corps of Engineers official wrote that the sole-source contract was ''coordinated with the Vice President's office'';

Whereas despite these revelations, on July 22, 2004 the Republican controlled Government Reform Committee voted to reject a subpoena by Democratic Members appropriately seeking information on communications of the Vice President's office on awarding contracts to Halliburton;

Whereas prisoner abuses at Abu Ghraib prison in Iraq, Guantanamo, and Afghanistan have seriously damaged the reputation of the United States, and increased the danger to U.S. personnel serving in Iraq and abroad;

Whereas the Republican Leadership and Committee Chairmen have denied requests for hearings, defeated resolutions of inquiry for information, and failed to aggressively pursue serious allegations, including how far up the chain of command the responsibility lies for the treatment of detainees;

Whereas the oversight of decisions and actions of other branches of government is an established and fundamental responsibility of Congress;

Whereas the Republican Leadership and the Chairmen of the committees of jurisdiction have failed to undertake meaningful, substantive investigations of any of the abuses pertaining to the Iraq war, including the manipulation of pre-war intelligence, the public release of a covert operative's name, the role of the Vice President in Iraqi reconstruction, and the Abu Ghraib prisoner abuse scandal: Therefore be it

Resolved, That the House calls upon the Republican Leadership and Chairmen of the committees of jurisdiction to comply with their oversight responsibilities, demands they conduct a thorough investigation of abuses relating to the Iraq War, and condemns their refusal to conduct oversight of an Executive Branch controlled by the same party, which is in contradiction to the established rules of standing committees and Congressional precedent.

The SPEAKER pro tempore. Does the minority leader wish to offer argument on the parliamentary question whether the resolution presents a question of the privileges of the House?

Ms. PELOSI. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman from California (Ms. PELOSI) is recognized.

Ms. PELOSI. Mr. Speaker, I do not hear an objection to my motion.

The SPEAKER pro tempore. The gentlewoman is recognized to offer argument on whether the resolution is privileged.

Ms. PELOSI. Mr. Speaker, I will reiterate some of what I said in the motion to instruct.

For the past 2½ years since our country has gone to war, we have paid a big price for a bad policy based on faulty intelligence which was wrong, based on a false premise without proper planning and putting our young people at risk. In that period of time, that 2½ years, over 2,000 Americans have lost their lives. Every single one of them is precious to us, but, as the toll mounts, the grief does as well. Over 15,000 of our young people have lost their limbs, 15,000 have been injured, many of them permanently, many with loss of limb and sight, at a cost of over $250 billion, a quarter of a trillion dollars, to the taxpayer and just endless cost to our reputation in the world.

I think it begs the question, are we safer in America because of this war? What is this war doing to the preparedness of our troops? I think that the answer to both of those is negative, and I think it calls for an examination of what the intelligence was to get us there in the first place. Was it manipulated? Why was there no plan for us to go into Iraq, a post-war plan for after the fall of Iraq, as well as an exit strategy?

The American people love freedom for ourselves and for people throughout the world, but we have to examine what the cost of this war is and why even the Republican Department of Defense has said——

Mr. YOUNG of Alaska. Mr. Speaker, regular order.

The SPEAKER pro tempore. The Chair must ask the distinguished minority leader to confine her comments to the rule IX question.

Ms. PELOSI. Mr. Speaker, I thought there was no objection and that we were just speaking on the resolution. Is that a mistake? My impression from what you said when you yielded to me was that there was no objection, and did I wish to speak on the motion.

The SPEAKER pro tempore. The minority leader was recognized on the question of whether or not her resolution presents a question of the privileges of the House.

Ms. PELOSI. Mr. Speaker, then I will just conclude by saying, can the Chair please explain why it is not in order to discuss on the floor of this House, of this great democratic institution, a situation where our young people are in harm's way, the death toll mounts, the injuries mount, the cost to the taxpayer mounts, the cost to our reputation mounts, and we have a cover-up Congress that will not investigate, will not ask any questions about the intelligence which was wrong, which got us into war in the first place and the lack of a plan providing for our troops, what they need to serve and to come home safely and soon? Why is that not in order on the floor of the House?

The SPEAKER pro tempore. The question is not whether such a debate is in order but whether the resolution is a question of privilege.

Under rule IX, questions of the privileges of the House are those ''affecting the rights of the House collectively, its safety, its dignity [or] the integrity of its proceedings.'' A question of the privileges of the House may not be invoked to effect an interpretation of the

rules of the House, or to prescribe an order of business for the House, or to establish a norm for the conduct of business by the House or its committees.

In some circumstances, the manner in which business is conducted might properly be arraigned by a question of the privileges of the House. But the Chair must maintain a distinction between, for example, an allegation of willful malfeasance by a Member, officer, employee, or committee of the House, on one hand, and an allegation that a Member, officer, employee, or committee of the House failed to follow a course of action that the proponent of the resolution or others consider advisable.

As Speaker pro tempore Cox noted in the decision of September 20, 1888 (which is recorded in Hinds' Precedents at volume 3, section 2601), there need be an allegation of, at least, impropriety.

□ 1130

The Chair must hold that the resolution offered by the distinguished minority leader does not affect the rights of the House collectively, its safety, its dignity, or the integrity of its proceedings within the meaning of rule IX. As such, the resolution does not constitute a question of privilege.

Mr. OBEY. Mr. Speaker, I must confess I am confused about where we are at this point. I thought I heard the Speaker——

The SPEAKER pro tempore (Mr. GINGREY). The gentleman is not recognized for debate.

Ms. PELOSI. Mr. Speaker, is it not appropriate for a Member to speak on a point of order? Is it not appropriate for the gentleman from Wisconsin to be able to speak on a point of order that was lodged by the other side?

The SPEAKER pro tempore. The Chair has ruled. The question of order has already been disposed of.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. OBEY. Mr. Speaker, I thought I just heard you indicate that for the motion to be in order one of the questions that might have to be present was the question of the dignity of the House. When we are told that $100 million of taxpayers' money has been slipped into an appropriation bill for an illegal purpose, is that not, in fact, a challenge to the dignity of the House?

The SPEAKER pro tempore. That is not an appropriate parliamentary inquiry at this stage.

Ms. PELOSI. Mr. Speaker, I think it brings shame to the House for this Congress to be engaged in a cover-up when it comes to reviewing what is happening in Iraq, and I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, shall the decision of the Chair stand as the judgment of the House.

MOTION TO TABLE OFFERED BY MR. WALSH

Mr. WALSH. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion that the appeal be laid on the table.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table will be followed by a 5-minute vote on adoption of House Resolution 527.

The vote was taken by electronic device, and there were—yeas 220, nays 191, not voting 22, as follows:

[Roll No. 562]

YEAS—220

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

NAYS—191

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
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
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—22

Bishop (UT)
Boswell
Boyd
Brady (PA)
Brown-Waite, Ginny
Butterfield
Chabot
Cummings
Davis (FL)
Hall
Hastings (FL)
Istook
King (NY)
McMorris
Norwood
Pombo
Roybal-Allard
Schiff
Serrano
Tiahrt
Towns
Weldon (PA)

□ 1158

Mr. HIGGINS, Ms. ESHOO, Mr. DAVIS of Tennessee, Ms. WASSERMAN SCHULTZ, Messrs. GORDON, GENE GREEN of Texas, ABERCROMBIE, PASTOR, and RUSH changed their vote from ''yea'' to ''nay.''

Messrs. McHENRY, PENCE, SOUDER, and Mrs. BLACKBURN changed their vote from ''nay'' to ''yea.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4128, PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

The SPEAKER pro tempore (Mr. FOSSELLA). The pending business is the vote on adoption of House Resolution 527 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 11, not voting 21, as follows:

[Roll No. 563]

YEAS—401

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
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
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schmidt
Schwartz (PA)
Schwarz (MI)
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
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—11

Grijalva
Holt
Jones (OH)
McDermott
Nadler
Olver
Pastor
Rothman
Sabo
Taylor (MS)
Wu

NOT VOTING—21

Bishop (UT)
Boswell
Boyd
Brady (PA)
Brown-Waite, Ginny
Butterfield
Chabot
Davis (FL)
Hall
Hastings (FL)
Istook
King (NY)
McCarthy
McCaul (TX)
McMorris
Norwood
Pombo
Roybal-Allard
Schiff
Tiahrt
Towns

□ 1207

Mr. JACKSON of Illinois changed his vote from ''nay'' to ''yea.''

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.

PERSONAL EXPLANATION

Mr. BUTTERFIELD. Mr. Speaker, on rollcall No. 562, had I been present I would have voted "nay." On rollcall No. 563, had I been present I would have voted "aye."

APPOINTMENT OF CONFEREES ON H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore (Mr. FOSSELLA). Without objection, the Chair appoints the following conferees: Mr. WALSH, Mr. ADERHOLT, Mrs. NORTHUP, Messrs. SIMPSON, CRENSHAW, YOUNG of Florida, KIRK, REHBERG, CARTER, LEWIS of California, EDWARDS, FARR, BOYD, BISHOP of Georgia, PRICE of North Carolina, CRAMER, and OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBERSTAR moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, be instructed to insist on section 603 of the House bill.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, we will not take anywhere near the time allotted. I will take a few moments to explain the motion which the gentleman from Alaska, the chairman of our committee, and I have discussed previously.

The subject of this motion is summed up by a committee hearing held earlier this year on the tragedy that occurred November 26, 2004. The *Athos*, 750-foot single-hull tank vessel, hit a submerged object in Delaware Bay just

south of Philadelphia, spilling 265,000 gallons of heavy crude oil.

In January of this year, our Subcommittee on Coast Guard and Maritime Transportation held a field hearing on this marine casualty in Philadelphia. The Coast Guard estimated that the costs of cleanup and natural resources damages resulting from the grounding of the *Athos* I could be in the range of $200 million. Under current law, the owners of the vessel would be liable for costs of only up to $45 million.

At that hearing, the Chairman, the gentleman from New Jersey (Mr. LOBIONDO), and our newly elected Member, the gentlewoman from Pennsylvania (Ms. SCHWARTZ), raised the concern that the limits of the vessel owner's liability for response, cleanup, and restoration to the damages caused by this spill were relatively modest, set when the Oil Pollution Act of 1990 was enacted over 15 years ago. The Chairman and I both remember, when we served on the Merchant Marine and Fisheries Committee, we were part of setting that oil pollution liability limit. We have not increased those limits since that time even though inflation has actually overtaken.

With the leadership of the chairman of the subcommittee and the gentlewoman from Philadelphia and to ensure that the limits do not again become out of date, Section 603 directs the President to adjust limits of liability. First, Section 603 adjusts the liability limits to account for the inflation of the past 15 years, since the Oil Pollution Act was enacted. Secondly, the provision requires that the President adjust these liability limits not less than every 3 years to reflect changes in the Consumer Price Index since the last adjustment.

I thank the chairman of the Subcommittee on Coast Guard and Maritime Transportation, the gentlewoman from Philadelphia (Ms. SCHWARTZ), and especially our chairman who has concurred, and we worked together in crafting this language to ensure that the Coast Guard reauthorization bill includes this provision and the other provisions of H.R. 1412, the Delaware River Protection Act of 2005. I think it is an important step forward for the environment, for the taxpayers, and for safety of the future.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of the gentleman's motion to instruct.

H.R. 889, which was passed unanimously by this House, includes a provision that would increase liability limits by approximately 50 percent for double-hull tank vessels and would, for the first time, establish higher liability limits for single-hull tank vessels.

This legislation was developed through the regular committee process on a completely bipartisan basis.

Further, this bill is supported by the oil and shipping industries as a commonsense measure that both increases the industries' responsibilities and maintains the protections of the Oil Spill Liability Trust Fund to deal with any other major oil spills in the future.

Mr. Speaker, this motion to instruct is one I agree with and, therefore, I urge that we accept it.

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

Mr. OBERSTAR. Mr. Speaker, there is no comparable provision that I am aware of, and that is why I think it is important for the House to insist on this language, a position that I know the Chairman will stoutly defend, and we will have unanimous support on our side. We will have a bipartisan position.

Mr. LOBIONDO. Mr. Speaker, I rise in strong support of the gentleman from Minnesota's motion to instruct.

As the gentleman knows, this provision was originally included in H.R. 1412, the Delaware River Protection Act, which I introduced and which passed with unanimous support in the House. I thank Chairman YOUNG, and Ranking Member OBERSTAR for including the provisions of that bill as part of H.R. 889, the Coast Guard and Maritime Transportation Act of 2005.

I thank the co-sponsors of the original legislation for their assistance in crafting this provision: Mr. SAXTON, Mr. CASTLE, Mr. ANDREWS and Ms. SCHWARTZ, and I urge my colleagues to support the motion to instruct and the underlying bill as we move to conference with the Senate.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. OBERSTAR).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Chair will appoint conferees at a later time.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 14 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DOOLITTLE) at 2 p.m.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE SUPPLEMENTAL REPORT ON H.R. 4128, PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be allowed to file a supplemental report to accompany H.R. 4128, the Private Property Rights Protection Act of 2005, prior to its passage today.

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

There was no objection.

MESSAGE FROM THE SENATE

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4128.

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

There was no objection.

PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 527 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4128.

□ 1402

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4128) to protect private property rights, with Mr. KLINE in the chair.

The Clerk read the title of the bill.

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

General debate shall not exceed 90 minutes, with 60 minutes equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman

from Michigan (Mr. CONYERS) each will control 30 minutes and the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Minnesota (Mr. PETERSON) each will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin.

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

Mr. Chairman, I rise in support of H.R. 4128, the Private Property Rights Restoration Act, overwhelmingly bipartisan legislation I introduced along with Agriculture Committee Chairman GOODLATTE and Judiciary Ranking Member CONYERS.

On June 23, the Supreme Court in a 5 to 4 decision in the case of Kelo v. City of New London transformed established constitutional principles when it held that the fifth amendment's public use clause permitted government to seize the private property of one small homeowner and to give it to a large corporation for a private business use.

As the dissent in that case made clear, under the majority's opinion: ''Any property may now be taken for the benefit of another private party. The government now has the license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result.''

Reaction to the Kelo decision has united strong opposition from across the political, ideological, and socioeconomic spectrum. The NAACP and the AARP faulted Kelo's failing reasoning by stating: ''The takings that result from the Court's decision will disproportionately affect and harm the economically disadvantaged and, in particular, racial and ethnic minorities and the elderly.''

Representatives of religious organizations have also condemned the failed logic of the Kelo Court, stating: ''Houses of worship and other religious institutions are, by their very nature, nonprofit and almost universally tax exempt. These fundamental characteristics of religious institutions render their property singularly vulnerable to being taken under the rationale approved by the Supreme Court.''

Public reaction to the Kelo decision has also been swift and strong. The protection of private property rights is the number one issue that concerns Americans today, according to a Wall Street Journal/NBC News poll; and by an 11-to-1 margin, Americans say they oppose the taking of private property for private uses, even if it is for the public economic good.

According to an American Survey poll: ''Public support for limiting the power of eminent domain is robust and cuts across demographic and partisan groups.'' Even Justice John Paul Stevens, who authored the Court's 5 to 4 decision, recently acknowledged that if he were a legislator, he would oppose the results of his own ruling by working to change current law. That is what we are doing here today, working to change current law.

A week after the Supreme Court's now notorious Kelo decision, I introduced H.R. 3135, the Private Property Rights Protection Act, to help restore Americans' property rights the Supreme Court took away. On October 25, I introduced an even stronger version of the bill which we are considering today, which has benefited greatly from the contributions of Ranking Member CONYERS, Ms. WATERS, Mr. GOODLATTE, and others, including Mr. CANNON and Mr. FLAKE.

H.R. 4128 helps restore the property rights of all Americans by establishing a penalty for States and localities that abuse their eminent domain power by denying those States and localities that commit such abuse all Federal economic development funds for a period of 2 years. Under this legislation, there is a clear connection between the Federal funds that would be denied and the abuse Congress is intending to prevent. If States and localities abuse their eminent domain power by using economic development as a rationale for a taking, they shall not receive Federal economic development funds that could contribute to similarly abusive land grabs.

I am very mindful of the long history of eminent domain abuses, particularly in low-income and often predominantly minority neighborhoods, and the need to stop it. I am also very mindful of the reasons we should allow the government to take land when the way in which the land is being used constitutes an immediate threat to public health and safety. I believe this bill accomplishes both goals.

The legislation contains an express private right of action to make certain that those suffering injuries from a violation of the bill will be allowed to access the State or Federal court to enforce its provisions and includes a fee-shifting provision, identical to those in other civil rights laws, that permits the recovery of attorney and other litigation fees to prevailing property owners. The legislation gives the States and localities the clear opportunity to cure any violation before they lose any Federal economic development funds by either returning or replacing the improperly taken property to the property owner.

H.R. 4128 also includes carefully crafted refinements of the definition of ''economic development'' that specifically allow the types of takings that, prior to the Kelo decision, had achieved a consensus as to their appropriateness. These include takings in which the public itself owns the property, where the property is used by a common carrier or public utility, and for related infrastructure like pipelines, and where the property is abandoned.

Finally, in order to facilitate State compliance with its terms, the bill will not become effective until the start of the first fiscal year following enactment of the legislation, nor would it apply to any project for which condemnation proceedings have begun prior to its enactment.

Mr. Chairman, I urge all of my colleagues to join me in supporting this vital bipartisan legislation that will protect the property rights of the most vulnerable in our society and limit the effect of the now notorious Kelo decision.

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

Mr. CONYERS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in support of the measure before us today, the Private Property Rights Act of 2005. I am pleased to join with my chairman, Mr. SENSENBRENNER; the gentlewoman from California (Ms. WATERS); and the gentleman from Virginia (Mr. SCOTT) in support of this measure.

This legislation was introduced in response to the Supreme Court's decision in Kelo in June of this year, which shocked most Americans because if State and local governments can transfer property from one private owner to another based on a judgment which will produce the most taxes and jobs, then, in essence, no one's property is safe. Increasingly, governments across the country are taking private property for public use in the name of ''economic development.'' Under the guise of economic development, private property is being taken and transferred to another private owner, so long as the new owner will use the property in a way that the government deems more beneficial to the public.

In fact, in Detroit, Michigan, we have faced the same kinds of issues that arose in the Kelo case. The infamous Poletown decision in the Michigan Supreme Court in 1981 allowed the City of Detroit to bulldoze an entire neighborhood, complete with 1,000 or more residences, 600 or more businesses, and numerous churches in order to give the property to General Motors for an automobile plant. This case set a precedent, both in Michigan and across the country, for widespread abuse of the power of eminent domain. In Detroit, eminent domain was subsequently used to make way for casinos.

Fortunately, the Michigan Supreme Court reversed its decision. Citizens in most other States, though, have not been afforded the same protection and have witnessed an increase in takings for economic development that has been rationalized in Kelo. As a result, a Federal legislative response to Kelo is warranted; and today I am pleased to say that we take up a response with friends on both sides of the aisle.

This act before us now will afford our citizens greater protections against governments' forced takings for private development. First, the State and local government will not be able to any longer exploit eminent domain for private development without consequence. Second, a more traditional view of public use is advanced so that we protect property interests as well as meet contemporary challenges. Third, we set an example for States and cities as to how our citizens' property rights must be protected.

Our measure before us is clear and states in no uncertain terms that State and local governments will lose economic development funding if they take someone's home or business for private commercial development.

□ 1415

Homeowners can also bring suit against those States and cities that want to continue violating their property rights. We are making the financial gains that come with replacing residential areas with commercial districts less attractive.

This legislation advances a more traditional view of public use. By restricting the use of eminent domain powers for economic development, we reserve those powers for projects that have traditionally been considered public use.

We can justify a State or city's takings when the taking is for a road, a school, a public utility, but we cannot agree with a State or city's takings when it is done for private uses like condominiums and shopping malls.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me time.

Mr. Chairman, I support the Private Property Rights Protection Act.

Two hundred years ago, our Founders wrote into the Bill of Rights a guarantee of the right to private property. Such a right lies at the foundation of a democracy where citizens have the freedom to buy, sell, exchange or make a profit on all forms of property.

In recent years, it has become more and more common for the government to seize private property under the guise of eminent domain for public use.

Last year, the Supreme Court gave landowners more reason to worry. They decided that State and local governments can take property from a private landowner in order to give or sell it to another private owner. This 5 to 4 decision in Kelo v. City of New London threatens the legitimate rights of landowners. We must act to protect those rights.

In the months following the Kelo decision, several different bills aimed at preventing eminent domain abuses were introduced. The Private Property Rights Protection Act is a fair and sensible combination of all of those bills.

It prevents States or localities that seize private property in order to transfer it to other private owners from receiving economic development funding from the Federal Government for 2 years. But the bill is not automatically applied. It gives a State or locality the opportunity to correct any abuse of power by returning all property to the landowner or replacing any property that has been damaged. If the State or locality does so, they will still be allowed to obtain Federal funding.

Mr. Chairman, the right to private property ownership is one of the cornerstones on which this country was founded. H.R. 4128 will make sure that right continues to be protected.

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

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to oppose the legislation, which is the congressional response to the Supreme Court decision Kelo v. City of New London. By enacting this legislation, we are undermining the States' rights and assuming the role of a city council. We should not change Federal law every time Members of Congress disagree with the judgment of a locality when it uses eminent domain for the purpose of economic development. We were elected to the United States Congress, not to local city councils.

Mr. Chairman, it is impossible for Congress to draw a bright line principle separating those cases in which economic development is appropriate for a particular area and when it is not. The Constitution does require that the taking be for public use. It is the role of a city council to weigh the needs of a particular community and consider when the government should use eminent domain.

Sometimes that might mean taking property for the purpose of economic development. Sometimes it may not. Sometimes we will agree with the judgment of the locality. Sometimes we will disagree.

I cannot think of a more fitting example of the quagmire this bill presents than the situation we have right here in Washington, D.C., where they are trying to build a baseball stadium. I find it ironic that, at the same time we are marking up the bill, Washington, D.C. is using eminent domain to build a baseball stadium.

The debate on this bill has already exposed the shortcomings of the legislation. For example, we found that if a stadium were built and owned by the city at taxpayer expense, it would clearly be allowed under the bill. On the other hand, if the owner offered to build a stadium at his own expense, that might not be allowed.

The bill requires public access to the stadium as ''a matter of right.'' Does that mean that the skyboxes must be put to public auction, or can the owner pick and choose which businesses can acquire rights to skyboxes?

Anybody who surveys baseball or football stadiums around the country will find all kinds of public and private and joint public-private ownership combinations. Could some use eminent domain, while others be prohibited from using eminent domain based on the fact that they want to limit access to skyboxes or how the title of the stadium is held?

Mr. Chairman, the World Trade Center and Lincoln Center in New York, the Baltimore Inner Harbor, even President Bush's baseball stadium in Houston, Texas, were all made possible by eminent domain takings for the purpose of economic development. And although we might agree or disagree with the wisdom of these projects, most would agree that they should not have been illegal. These are political decisions that ought to be left to the localities within the confines of their State legislature's parameters.

If Congress cannot leave eminent domain to the States, then we should focus on the real issues involved in eminent domain. We should require, for example, that just compensation should include replacement cost, not just technical appraisal value. We should require that relocation expenses be paid to owners and tenants.

As written, the bill does nothing to ensure that displaced individuals receive reasonable compensation for the replacement value and relocation expenses. The bill does nothing to ensure compensation for loss of goodwill of a business, nothing to ensure that due consideration is given for the length of time a family or business has been at a particular location. Nothing in the bill deals with the fact that the poor and minorities are usually the victims of eminent domain abuses. Let us put some protections in the bill so that those who are relatively weak politically can be protected from unfair use of eminent domain.

Mr. Chairman, I would like to place in the RECORD at this point letters from the National League of Cities, the National Conference of State Legislatures and the National Association of Housing and Redevelopment Officials.

Mr. Chairman, I believe that the decision-making power of eminent domain should remain at the State and local level and that congressional attempts to define when eminent domain is reasonable and when it is not will cause more problems than they solve. Therefore, I urge my colleagues to oppose the bill.

NATIONAL LEAGUE OF CITIES,
Washington, DC, October 27, 2005.

Hon. JAMES SENSENBRENNER,
Chair, House Judiciary Committee, Rayburn House Office Building, Washington, DC.

Hon. JOHN CONYERS, Jr.,
Ranking Member, House Judiciary Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER AND RANKING MEMBER CONYERS: The National League of Cities (NLC) strongly opposes H.R. 4128, the Private Property Rights Protection Act of 2005. NLC is the country's largest and oldest organization serving municipal government, with nearly 1,600 direct member cities and 49 state municipal leagues, which collectively represent more than 18,000 United States communities.

NLC acknowledges the spirit underlying this bill and does not condone abuse of eminent domain power that violates state law. However, NLC believes this bill, or any anti-eminent domain bill pending in Congress, is unnecessary at this time because of the ongoing actions of state legislatures and the absence of direct evidence confirming that alleged abuses of eminent domain authority

are of a national scope and scale that demand immediate federal action.

Despite fearful rhetoric in the press, the Supreme Court's decision in Kelo v. City of New London did not expand the use or powers of eminent domain. The Kelo decision confirmed that eminent domain, a power derived from state law, is not a one-size-fits-all power. The Court declared that this power is one best left to the states and their political subdivisions. The Kelo Court, affirming federalism, did not preclude ''any state from placing further restrictions on its exercise of the Takings power.'' Approximately 30 states are already reviewing or planning to review their eminent domain laws during upcoming legislative sessions, with the majority focused on just compensation and comprehensive planning process modifications. Since June 2005, Alabama, Texas, and Delaware enacted laws that tighten the application of eminent domain power in each state.

NLC urges Congress to let state governments act on their own eminent domain laws and not move forward with federal legislation.

Many aspects of H.R. 4128, led by the proposed definition at Section 8 of ''economic development,'' trouble NLC. Economic development is a process, not the concrete act of taking private property from A and giving it to B for a ''commercial enterprise carried on for profit.'' If enacted, the bill could have the unintended consequence of preventing hurricane-damaged communities from rebuilding. In those communities, eminent domain may be necessary to assemble land and help with negotiations associated with comprehensive redevelopment plans. Implementing those comprehensive redevelopment plans would ''increase tax revenue, tax base, employment, or general economic health,'' violating the bill's further definition of economic development.

Moreover, the bill at Section 2(b) grants final authority to the appointed—not elected—judiciary to determine what constitutes ''economic development.'' Curiously, this was an important argument against the Kelo decision raised by property rights activists.

The practical effects from this bill, including its loose definition at Section 8 of ''Federal economic development funds'' and its creation of a private right of action at Section 4 that invites forum shopping, would not chill, but rather freeze the process of economic development across the country.

Eminent domain is a powerful tool for local governments—its prudent use, when exercised in the sunshine of public scrutiny, helps achieve a greater public good that benefits the entire community.

Again, NLC opposes H.R. 4128 for the reasons stated in this letter. Please weigh carefully the unintended consequences from a rush to pass federal legislation in response to unsubstantiated fears over the Supreme Court's decision in Kelo v. City of New London.

Sincerely,

DONALD J. BORUT
Executive Director.

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
Washington, DC, October 25, 2005.

Subject: H.R. 3135.

Hon. JAMES SENSENBRENNER,
Chair, Judiciary Committee, House of Representatives, Washington, DC.

Hon. JOHN CONYERS,
Ranking Member, Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER AND RANKING MEMBER CONYERS: On behalf of the National Conference of State Legislatures (NCSL), I write in strong opposition to H.R. 3135 the ''Private Property Rights Protection Act of 2005'' which is scheduled to be marked up on October 26. This ill-advised bill would severely chill state and local revitalization efforts, preempt state and local land use laws, and curtail many valid and constitutional state and local projects that require the use of the eminent domain power by prohibiting any federal funding that goes to the states from being used for ''any activity, including increasing tax revenue, other than making private property available in substantial part for use by the general public or by an entity that makes the property available for use by the general public, or as a public facility, or to remove harmful effects.'' This means that if a state or locality were to use the power of eminent domain for economic development purposes, even if such action was completely in accordance with its own statutes and land use development ordinances and regulations, the state could lose all applicable federal funding. This piece of legislation amounts to federal blackmail of states for using a completely constitutional and valid state power.

The power of eminent domain has always been, and should remain, a state power. The Kelo v. New London Supreme Court decision did not expand state authority to condemn private property for economic development. It merely reaffirmed existing law on the subject. There is substantial Supreme Court case law dating as early as 1954 which upholds the power of state and local governments to take and retransfer property, upon payment of just compensation, in order to promote economic development.

It is also important to be aware that in the aftermath of the Kelo decision, twelve states—Alabama, California, Delaware, Illinois, Michigan, Minnesota, New Jersey, New York, Ohio, Oregon, Pennsylvania, and Texas—have already introduced bills, and three of these states—Alabama, Delaware, and Texas—have already enacted legislation in special session to address the power of eminent domain in their state. We expect to see many more states address the issue of eminent domain in their next legislative session. All of our state materials on eminent domain can be found on NCSL's Web site: *www.ncsl.org/programs/natres/EMINDOMAIN.htm*

Again, I urge you to oppose H.R. 3135. If you have any questions, please contact Susan Pamas Frederick, Senior Committee Director at 202–624–3566, *susan.frederick@.ncs1.org*. Thank you.

Respectfully,

Representative JANICE L. PAULS,
Kansas House of Representatives, Chair, NCSL Committee on Law & Criminal Justice.

NATIONAL ASSOCIATION OF HOUSING
AND REDEVELOPMENT OFFICIALS,
Washington, DC, November 3, 2005.

DEAR MEMBER OF CONGRESS: I am writing to convey the National Association of Housing and Redevelopment Officials' (NAHRO's) strong opposition to HR 4128, the ''Private Property Rights Protection Act of 2005.'' NAHRO is the nation's oldest and largest association of housing and community development professionals and the leading advocate for adequate and affordable housing and strong, viable communities for all Americans—particularly those with low- and moderate-incomes.

The bill in its current form is unacceptable to our members. NAHRO acknowledges three amendments we understand will be considered. First, within the context of this bill, Congressman Michael Turner's proposed amendment to HR 4128 creates a broader and more reasonable scope of activities for which eminent domain takings would be appropriate. Second, Congressman Jerrold Nadler's amendment removes the bill's unreasonable and disproportionate penalty provisions, which would lead to unprecedented fiscal uncertainty for State and localities by forcing them to pursue community revitalization under the constant threat of losing all Federal economic development funding. Finally, Congressman Melvin Watt's amendment would remove most of the bill's objectionable content while still providing the Congress with an opportunity to express its sense that abuses of eminent domain are unacceptable and that eminent domain as a strategy for pursuing economic development deserves careful, ongoing scrutiny.

Although NAHRO believes that these amendments improve the legislation to varying degrees, I want to make clear that HR 4128, even if amended, would still undermine important community and economic development activities across the nation and should not be adopted.

NAHRO believes that eminent domain should properly remain an instrument of last resort. In those rare instances when eminent domain is needed, it must be used prudently. Nevertheless, eminent domain remains an important community and economic development tool that allows State and local governments to respond to community needs, and it must remain available to our nation's housing and community and economic development professionals as they work to revitalize American communities. It is therefore essential that the Congress not place new and overly burdensome restrictions on traditionally permissible, Constitutional uses of eminent domain employed by State and local agencies for the purpose of community and economic redevelopment.

The recent decision of the U.S. Supreme Court in Kelo v. City of New London broke less legal ground than many reports in the popular media would have led the reader to believe. The decision did uphold the ability of local governments to exercise the power of eminent domain to achieve economic development. However, the opinion of the Court did not provide carte blanche authorization for go vernments to take private property merely to hand it over to other private owners. To the contrary, the Court emphasized that the property at issue was taken pursuant to a carefully considered plan that would act as a catalyst for much needed job creation and further development. The Court also made it clear that its decision would establish only the constitutional permissibility of such takings under the Fifth Amendment.

Importantly, the Court in Kelo held that States and local governments are free to narrow the circumstances under which the power of eminent domain may be exercised. At least 31 States have recently taken steps to avail themselves of that right. NAHRO therefore believes this bill is unnecessary at this time. Indeed, instead of allowing States to exercise their rights in this area, HR 4128 in its current form would instead severely undermine state and local community revitalization efforts by placing every state and locality in permanent fiscal peril and bringing community and economic development to a grinding halt.

Again, while NAHRO acknowledges the efforts of some to improve the legislation, we believe the most responsible course of action would be to vote against HR 4128. Eminent domain policy remains a complex issue area and deserves careful ongoing scrutiny, not overly broad legislation that would leave a cloud of financial uncertainty hanging over nearly every local government in the nation. Congress should not, in an effort to preemptively redress speculative future consequences of the Kelo decision, trample the

concept of federalism embodied in the Constitution and the traditional prerogatives of local governments that exist under that system.

Sincerely,

SAUL N. RAMIREZ, Jr.,
Executive Director.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentlemen from Ohio (Mr. CHABOT).

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

Mr. Chairman, I first want to thank the chairman of the Judiciary Committee, the gentleman from Wisconsin, and also the ranking member, the gentleman from Michigan, for their leadership in this area.

This is a very important issue before Congress, and I am very pleased that Congress is acting. The idea that a person's home or business can be taken by the government and transferred to another private entity simply to allow the government to collect additional tax revenue seems anathema to the values that Americans cherish. But the Supreme Court has now thrown its weight behind this distinctly un-American ideal by ruling that economic development can be a public use under the fifth amendment's takings clause.

Few would question the Constitution provides a legitimate role for eminent domain when the purpose is a true public use and the property owner receives just compensation. That happens all of the time, and that is appropriate. Properly used, eminent domain should give communities an option of last resort to complete the development of roads and schools and utilities and other essential public infrastructure projects.

As a former Cincinnati city councilman and Hamilton County commissioner myself, I would be remiss if I did not mention my concern for some unintended consequences that congressional action could have on communities if we do not act carefully, and I think we have acted carefully in this bill, and I thank, again, the chairman and the ranking member for doing that.

We had testimony by the mayor of Indianapolis. I also want to commend the former mayor of Dayton, Congressman MIKE TURNER, who is the head of the Saving America's Cities Working Group, who has worked diligently to try to make this a better bill as well. Many people have worked on this.

I am very pleased that Congress is going to take this action to make sure that eminent domain is not used in an inappropriate purpose. If Kelo was left as it was ruled by the Supreme Court, it could be used in a way that could be dangerous, that could be to the detriment of communities all around this country.

So I am very pleased that we are acting on this today, and again want to commend the chairman and Congress for acting.

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

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman yielding me the time and permitting me to speak on this legislation.

Mr. Chairman, I understand the frustration that we have heard on the floor, the reaction to the Kelo decision which I personally looked at those circumstances. I was troubled in terms of what was proposed in that city.

But I am concerned that we have the big picture in mind, because we have been dealing with eminent domain for decades. We do not have a national crisis here. What we had was a State and local government that did not do their job appropriately.

The Supreme Court, appropriately, indicated that this was not a constitutional issue. There are tools. There are remedies.

I am a former local official. I dealt for years, as public works commissioner for the City of Portland, with things that dealt with redevelopment. We rarely if ever used eminent domain. The fact that it was there made a difference to be able to do things the public wanted.

I hope that Members reflect on the dangers of having the Federal Government rush into something that is appropriately the province of State and local affairs. Think about what the approach you are advocating here would have had on cleaning up Times Square. This was an area that for years was a center of violence and vice. Eminent domain was used to transform Times Square with the crime rate plummeting and change the face of that area.

There are communities around the country where this has been done. Look at the Roxbury neighborhood in Boston or look out the door here of the Capitol at Pennsylvania Avenue, where eminent domain was used in the 1960s and 1970s to reformulate the face of it.

I understand the sensitivity. We do not want it abused. But, for heavens sake, we should be careful before we rush in with a Federal solution which may have unintended consequences.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Chairman, I so much appreciate the chairman and the proponents of this bill bringing it to the floor. What brings this about is one more reason why it is critical that we do not have Supreme Court justices who read the Constitution while they are having visual hallucinations.

That is what has been happening. There is no way to read this, ''Nor shall private property be taken for public use without just compensation,'' that is in the fifth amendment without realizing that means public use. It does not mean taking property from someone who has lived there for generations or some farmer that has been farming the land, to give it over to some developer just because he is going to give a bigger kickback to the local government.

That goes back to the days of King George when he says, gee, you have been a good friend, you have paid taxes, but this guy over here has promised me a bigger kickback, so I am kicking you off your property. We had a revolution to try to stop that kind of thing.

Anyway, I just want to put this question to my friends across the aisle. I know I have heard them express their concerns about constituents and the poor and those who cannot help themselves, and we ought to be helping them. Do you really want to go back to your constituents, do you really want to tell voters that you support this ridiculous Supreme Court notion that a government can take their property, not property that is a threat to the community, not that it is blighted, but take their property against their will to give it over to someone richer who is going to pay more taxes, and that is the only reason?

That is not the American way. That is not what the supporters and proponents of this bill want to see happen. We are sending a loud message, that is not what the Constitution says, it is not what is intended, it is not what we fought a revolution to end; and we will not stand by and allow a ridiculous Supreme Court decision to overrule that.

□ 1430

Ms. WATERS. Mr. Chairman, I yield 2½ minutes to the gentleman from Tennessee (Mr. DAVIS).

(Mr. DAVIS of Tennessee asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Tennessee. Mr. Chairman, I rise today in strong support of H.R. 4128.

Mr. Chairman, the people of my home State of Tennessee know the stories of eminent domain all too well. They know the stories of when the Corps of Engineers and TVA condemned property of hard-working farmers to impound lakes. The folks I represent were willing to give up their land for the benefit of the valley.

They knew the public works projects would bring about much needed economic opportunity. They knew that the readily available cheap power would spawn new industries and provide good jobs for hard-working individuals. Although the promised benefits did become a reality, many of my ancestors, like my grandfather, felt the government takeover of land was wrong. Often I would hear stories of dissatisfaction about the loss of lands that have been in families since their families moved to the Appalachians.

I firmly believe that if the taken property had been given to another property owner, my ancestors would have felt like declaring war on the government. Fortunately, my grandfather and others were able to accept that the taking of their land was good for the public.

Mr. Chairman, there is no doubt in my mind that the Court's decision in Kelo is wrongheaded and wrong-hearted. One of the basic founding principles of this country is the right to own private property. Since our founding, governments have had the leverage needed

to encourage capital and economic development for our communities, while still recognizing the intrinsic value of a family's private property.

Mr. Chairman, I know that without a constitutional amendment our actions today are about as far as this Congress can go to dehorn the impact of the Kelo decision. Although this bill addresses and puts in place compelling penalties to cities, counties, and States that violate private property rights, I really think it needs to go further.

It is my hope that some day we can bring about stricter penalties to local governments who choose to run roughshod over the property rights of private landowners. I know that is what my grandfather would have expected of me, and I hope that is what we can expect of this Congress as we work to solidify the intrinsic value of people who own private property.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the fifth amendment to the Constitution states that ''no person shall be deprived of life, liberty or property without due process of law, nor shall private property be taken for public use without just compensation.''

Thomas Jefferson said: ''The true foundation of republican government is the equal right of every citizen in his person and property and in their management.''

However, that was then. We have heard a lot of talk about the Founding Fathers; and they are not turning in their graves, Mr. Chairman, they are spinning.

Jefferson warned: ''A government big enough to give you everything you want is a government big enough to take away everything you have.''

It looks like we are at that stage.

A school does not generate tax revenue. A church does not generate any tax revenue, but that does not mean that a school ought to become a Starbucks and that a church ought to become the next Costco.

Thanks to the recent Supreme Court decision on eminent domain, the fifth amendment has been vastly expanded. In the past, public use meant projects for the common good, not for the bottom line. With this decision, no citizen's property is safe and the American dream of owning your own home is now at risk. Private ownership of property is a pillar of our freedom and our prosperity.

The Private Property Rights Act, H.R. 4128, will begin to right the wrong that was wrought on our Nation this past June. I urge all Members of this House to support this important legislation.

Ms. WATERS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in very strong support of H.R. 4128.

I was one of those individuals who was shocked at the Supreme Court decision. On June 23, 2005, Kelo v. The City of New London, the Supreme Court held in a 5 to 4 decision that the city's use of eminent domain to implement its area's redevelopment plan aimed at invigorating a depressed economy was a public use satisfying the U.S. Constitution, even though the property would be turned over from private homeowners and businesses to private developers.

Never in my wildest imagination did I think there would be a Supreme Court ruling that would take private property and give it to private individuals for private use.

This decision was born out of what took place with the giant pharmaceutical company Pfizer. Pfizer built a plant next to an area called Fort Trumbull, and the city determined that someone else could make better use of the land than the people who actually lived there: the Fort Trumbull residents. The city handed over its power of eminent domain, that is, the ability to take private property for public use, to the New London Development Corporation, a private body; and that private body then exercised eminent domain to take the entire neighborhood for private development.

The Supreme Court decision is wrong, and I cannot see how any Member of the House of Representatives could support the taking of private property for private use. Someone spoke of this as being a pillar of democracy. It is a strong American value that we hold dear, and I do not think that we should not do something, exercise our power in this House to deny the Supreme Court decision to be used by all of these cities and redevelopment agencies and other entities. I believe that we have to protect the American people.

As a matter of fact, one Member came and said, well, you know, this is an isolated case. It is not. I have over 125 cases throughout the United States where cities and other entities, community redevelopment agencies, in those cities where they can give the eminent domain rights to private developers, such as they did in this Kelo decision, are taking people's private property.

What is more, many of these entities are trying to take private property, take homes and businesses to give over to the big-box developers who need a lot of land to put down these big-box shops.

I do not believe we can stand by and not do something. There are those who would argue that the Federal Government should not be involved. If not us, who will protect people? We know that you are getting lobbied, Members are getting lobbied by Members of city councils, even by mayors; but many of them are lying with these developers. They have relationships; money is changing hands. They are in bed with the very developers who want to take the private property for private development.

Again, we cannot afford to let this happen. What we do here today will help to slow down this taking of private property for private use. As far as I am concerned, the bill could have even been stronger because we have got a few exceptions in the bill that I question.

I wanted a pure bill with no exceptions. My chairman who worked so hard on this bill made a case for some takings for certain kinds of very, very important public use of private lands. And even though I am supporting the bill, I could support an even stronger bill because I think there should be no exceptions, none, zilch, zero, no exceptions. I do not believe in taking private property to give to someone else for private use to make money off of.

You will hear this described in any number of ways, the taking of private property to get rid of blight. Whose blight? By whose definition? The taking of private property by economic development. What kind of economic development? Who is going to make the money? Who is going to suffer?

Your home is your castle. And for those people who save their money and invest in their homes, raise their children, that home should be their castle in toto. That home should never be in jeopardy because some city government, some redevelopment agency decides that they want to take it. I do not care what for. The gentleman from Virginia (Mr. SCOTT) came and talked about the taking for ballparks. I disagree with that.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, while I do not have any problems with the bill at this time, there is some concern that the bill may adversely affect the transportation projects, including those constructed under public and private partnerships.

There is also a concern that the bill may have unintentional effects on the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970.

I would like to thank the gentleman for including the language changes that we have suggested in the manager's amendment to help fix these problems. These changes are meant to clarify that this bill does not have any adverse impacts on issues under the jurisdiction of the Transportation and Infrastructure Committee.

Mr. Chairman, I ask that if we discover any additional problems with this legislation for transportation projects, you will agree to work with me in conference on a mutually agreeable solution.

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

Mr. YOUNG of Alaska. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. If unintended transportation consequences

are discovered, I would be happy to work with the gentleman from Alaska (Mr. YOUNG) to fix them in conference.

Mr. YOUNG of Alaska. I agree with the gentleman's goals and look forward to working with the entire delegation to meet the goals of this conference. I thank the gentleman for doing this.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. POE).

Mr. POE. As a former judge, I want to thank the chairman for leading the fight to protect private property rights.

One reason we started this country was because back in the days of England, the king and the nobles owned all the land, and regular folks like us had to work the land, but we could never own the land. That is one reason this country got started, because of the desire to own private property.

John Locke, the great philosopher who was influential in much of the law that came into our Constitution, said that we are all born with the right of life, liberty, and property. And Thomas Jefferson incorporated that concept in the Declaration of Independence when he said that we are given by our creator life, liberty, and the pursuit of happiness. And then we put in our Constitution in the fifth amendment that basic right, that we all have life, liberty, and property and it will not be taken without due process of law.

That simple phrase that is in that fifth amendment, that private property shall not be taken for public use without due compensation, it is the American dream to own a part of America, own a part of the land. More Americans own land and houses than ever before in our history. Then the Supreme Court came around and misinterpreted this very simple rule in our Constitution, allowing private property to be taken by local governments so they can give it to somebody else all in the name of money. It is all about the money. It ought to be all about what is right.

This law will prevent government land-grabbing authorized by the Supreme Court. Their ruling was an error in judgment of constitutional proportions and hopefully the Supreme Court will find its way and reverse this absurd ruling.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank my good friend, the gentlewoman from California (Ms. WATERS).

I must rise to object to this bill. I think it is too broad. The period of time within which you can take legal action is too long, and in some specific cases it is too restrictive. It will be subject to the law of unintended consequences.

My views, I have to acknowledge, are formed by having been mayor of Alexandria, Virginia. We did at times use the power of eminent domain primarily to help lower-income people to restore blighted areas of the city. In those situations, the improvement of those rundown areas could not have happened without government intervention because the private sector simply was not willing to make the investment.

We were able to establish scattered site public housing throughout the city. We were able to achieve substantial economic improvements along the Alexandria waterfront which had been relegated to a place of neglect where only people of the lowest income lived. And now people of all incomes are able to take advantage of public use in these areas, and we have expanded the availability of affordable housing.

We could not have done it without this power. And, in fact, if our constituents did not like what we were doing, they had the ability to take us out of office through the normal democratic process. I understand that this is a power that can be abused, but that possibility does not warrant its elimination.

□ 1445

In fact, if you want it restricted, the proper place to do so is not at the Federal level. It is at the State and local level.

I have an amendment that will correct this bill so that it will not be subject to the law of unintended consequences. I intend to introduce that amendment shortly.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I rise today in support of H.R. 4128, a bill that seeks to undo the damage wrought by one of the worst Supreme Court decisions in my memory.

The court in Kelo decided that the fifth amendment of the Constitution can be hijacked by a rogue, private developer to take homes or private property from hardworking Americans to build new shopping malls and luxury resorts in their place to increase tax revenues.

Our Constitution, which every Member of this body has sworn to uphold and protect, has, in essence, been changed by five people who are charged only with interpreting the Constitution, not rewriting it.

I am not sure how many ways there are to interpret the clause: ''nor shall private property be taken for public use without just compensation.''

Mr. Chairman, it seems pretty clear to me that an office building owned by a private party that restricts its use to only those who pay rent is not a public use facility; or that a public use is a highway, not a high-rise; or that a public use is a park, not a private parking lot; or that a public use is a courthouse, not a condo.

A society that allows its big developers to take the private property of ordinary citizens in the name of economic development is not a free society.

The potential for greater profits and higher tax revenue is not what our Founding Fathers envisioned as public use.

Importantly, Mr. Chairman, one of those constitutional provisions is the protection of private property. The Founders of this great Nation knew that a government that can take a citizen's property on a whim is a government that can take away everything else as well.

H.R. 4128 offers a reasonable solution, and I urge my colleagues to support this bill.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. HENSARLING).

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

Mr. Chairman, private property has been among the most sacred rights of the American people since our founding as a Nation. Likewise, the government's duty to protect private property has remained among its most sacred responsibilities.

John Adams once wrote, ''The moment the idea is admitted into society that property is not as sacred as the laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence.''

Well, Mr. Chairman, the recent Supreme Court decision in Kelo v. New London has commenced the tyranny. It is laying siege to the idea that a man's home is his castle.

While it is true that the principle of eminent domain is established in our Constitution, it exists for an extremely limited purpose.

The dissenters in the Kelo case correctly note that the Court has abandoned a ''long-held basic limitation on government power. Under the banner of economic development, all private property is now vulnerable to being taken and transferred to another private owner.''

The Court essentially now gives local governments the power to seize property to simply generate tax revenue. Under their ruling, your local city council can now take your home and give it to Starbucks so they can sell vente mocha lattes. Mr. Chairman, are we still in America?

By passing the Private Property Rights Protection Act, Congress can help secure this most sacred right. H.R. 4128 will rightfully increase the penalties for States. We should stand for freedom and private property and support this act.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Chairman, I am proud to be a cosponsor of H.R. 4128, and I strongly urge my colleagues to support this bill on behalf of property owners across our Nation.

This legislation clearly prohibits economic development as a public use, period, with no room for misunderstanding. Eminent domain, for the purpose of economic development, is absolutely opposite our belief as Americans of our right to own private property.

Our role as Members of Congress is to protect the public. We have a responsibility to use legislative powers to clearly define private property rights.

I would like to thank the sponsors of the bill, the chairman and committees that have worked on it, and I urge my colleagues to vote in favor of H.R. 4128.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, the power of eminent domain should never be abused to take private property for the private benefit of another, and I agree with the concept of the bill, but it is very poorly drafted. It goes too far and not far enough.

It will permit many of the abuses and injustices of the past, while bankrupting State and local governments.

It would allow highways to cut through communities and all the other public projects that have historically fallen most heavily on the poor and powerless.

It does nothing to protect displaced renters. They get no compensation, no day in court, but absentee slumlords, they get their day in court.

It allows a taking to give property to a private party ''such as a common carrier, that makes the property available for use by the general public as of right.''

Does that mean a stadium? It seems to me that is privately owned. It is ''available for use by the general public as of right'' at least as much as a railroad; you can buy a seat. Does that mean a shopping center? You do not even need a ticket. So this would not even prevent the use of public domain, apparently, for sport stadiums and shopping centers.

The World Trade Center, on the other hand, could not have been built under this law. It was publicly owned, but leased as office and retail space.

Affordable housing, like the Hope VI program would be prohibited.

Local governments under this bill would risk all their economic development funding for 2 years, even for unrelated projects. The financial cloud this would place over all cities would ensure that they could never issue a bond, for any purpose, and companies doing business with the city would face the threat of bankruptcy.

If we really want to help property owners, we should give them the right to stop the taking before it happens. This bill makes them wait until after the condemnation and offers them no damages. People do not want to bankrupt their communities. They want to keep their homes. This bill does not do that. I will offer an amendment that will at least change this part of the bill and solve that problem.

A bill to prevent takings for improper purposes makes sense. It does not make sense to say that if the government makes a mistake, instead of giving private injunctive relief in advance to prevent that mistake to help the property owner, you put a cloud on the future finance of the State or city as they can never issue bonds for any purpose.

Let us protect property owners but not destroy our communities. We should do this right.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for bringing this bill to the floor as chairman of the Judiciary Committee which I have the privilege of serving on.

I rise today in support of the Private Property Rights Protection Act.

This spring, the Supreme Court put a ''For Sale by Government'' sign in front of every American home, farm and business. It does not matter how many coats of paint you put on your house or how much landscaping you do, no amount of your investment and upkeep can match the tax base provided by corporate America. If the government thinks that it can get more tax revenue from your property when put to a different use, a bigger house, a new factory, you are out of luck and out of your home.

We were taught as children and read in the Constitution that eminent domain meant that government could take property only for public use, like roads and railroads, but the 15 Connecticut citizens who had their homes and businesses taken away from them in the Kelo case found out that public use now means whatever the powerful want to do with your home, as long as it might bring in more tax dollars.

Whatever happened to our rights to life, liberty and property, which were the very rights so important to the people who founded this country?

Mr. Chairman, the Supreme Court took that right away. The Framers had no intention of allowing Federal judges to impart their wisdom on this issue. That is why they put the eminent domain clause directly into the Constitution by the Bill of Rights.

The Constitution here in my pocket says, ''nor shall private property be taken for public use without just compensation.''

If we do not act today, the consequences of that Supreme Court decision will not be hard to foretell. The winners are those with great influence, wealth and power. What happens when the potential buyer of a property is a foreign-owned entity? Or if a Nevada church is bulldozed to make room for a brothel?

Americans will not stand for usurpation of their constitutional rights by the Court. Today, we have the opportunity to restore those rights that we fought so hard for. I urge my colleagues to support H.R. 4128.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I want to thank my colleague from California because not only is she supportive of this legislation but she has been speaking out consistently since the Kelo decision against that decision and the consequences.

Mr. Chairman, I have grown concerned with the increasing rate of eminent domain abuse cases across the country, so I appreciate that we will be able to vote on this bill today.

Many of us in Congress were shocked by the Supreme Court's 5–4 decision in Kelo, allowing the town of New London, Connecticut, to seize 15 homes so a developer could build offices, a hotel and convention center. This set a disturbing precedent and raised serious concerns about whether there are any limits to the government's power under the takings clause of the Constitution.

I believe the Private Property Rights Protection Act, this legislation, is a strong first step in the fight against eminent domain abuse. However, I think we can do better. I think we need to pass stronger legislation to ensure that we curb all abuses of eminent domain, not just those in areas where Federal funds are being used for a project.

That is why I have introduced my own legislation to curb the inappropriate use of eminent domain. The Protect Our Homes Act simply states that there should be no taking of homes for economic development unless there are rare and exceptional circumstances involving a public health or safety crisis. This legislation would render any State or local government that does otherwise ineligible for Federal financial assistance under any HUD program. It would also put in place appropriate safeguards to ensure that any eminent domain process is fair and transparent.

We have an obligation to protect our citizens as we revitalize our aging neighborhoods. We should not sit idly by and tolerate abuses of eminent domain in the name of economic revitalization. It is time to strengthen the Federal law to guarantee that homeowners throughout this great country are protected.

I am pleased to support the legislation before us which will send a strong message that taking private homes for generating revenue will not be tolerated. There is still much more for Congress to do to prevent eminent domain abuse, however, and I look forward to this bill passing and to working with my colleagues on both sides of the aisle.

It is very refreshing to see that this legislation has bipartisan support and that we are moving on this legislation today.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, the question before us today is not really whether we agree or disagree with the Supreme Court's interpretation of the term ''public use,'' but, rather, who we stand with and what we stand for. Do we stand with large private developers or with ordinary private citizens? Do we stand for government assistance for the powerful economic interests, at the expense of ownership of small interests?

Let it be clear, this debate is about condemnation of property. Will we condemn our constituents by allowing their land to be taken without just cause? Will we condemn small business owners by allowing their stores to be removed simply because a big developer has a different idea for what the economy should look like? Or will we stand with our constituents and condemn the idea that their property can be sacrificed for the sake of a big corporate company's development plans?

The Declaration of Independence holds that all people are endowed with the right to life, liberty and the pursuit of happiness. The Supreme Court's Kelo decision would limit the right to the pursuit of happiness to large corporate developers at the expense of small businesses and private citizens.

We must take a stand today and reaffirm the unalienable rights of citizens and stand for our constituents and declare that everyone has the right to pursue happiness, and we cannot and will not take that right away.

I urge my colleagues to join me in standing with our constituents to support this bill.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentlewoman for the time.

I am very pleased to join my colleagues who are aware of the need to fix an issue that is broken. I join the chairman of this committee and thank the gentlewoman for her leadership, and I am glad to be an original cosponsor.

□ 1500

Mr. Chairman, the reason we are on the floor today is that the Supreme Court, some would say rightly so, relied upon State law in Connecticut that allowed for the taking of private property for economic development. In essence, a public entity sanctioned private developers in taking private property for an economic enhancement. I am here to say that the fifth amendment's due process and the protection of property rights, to the extent that we protect those who cannot speak for themselves, should allow this Congress to fix the problem.

I am also concerned that this very tool will be utilized to go into communities, poor communities, and have them succumb, if you will, to untoward and unwelcomed investment or development without their input and without the opportunity to build communities that would embrace all economic levels.

The Kelo decision needs to be fixed by this Congress, and I welcome this legislation so that we can fix it and provide due process to all.

Mr. Chairman, I rise in support of the base bill before the Committee of the Whole today, H.R. 4128, the Private Property Rights Protection Act of 2005. It pleases me to join the Gentlemen, Chairman SENSENBRENNER and Ranking Member CONYERS in supporting this legislation, H.R. 4128, just as I was enthusiastic about co-sponsoring the resolution introduced by the Gentleman on the Floor of the House on June 30, 2005 that denounces the holding of the Supreme Court of the United States in Kelo v. City of New London.

The Supreme Court, with its five-member majority, made a wrong decision and ratified the unconstitutional acts of a local government, the City of New London, Connecticut.

The bill before this body rejects the act of the Supreme Court majority in giving these elected officials carte blanche to abuse the rights of the property owners in that case. Our highest court should stop the violation of constitutional rights. Our job is to address whether or not government can decide that there is a public purpose for a taking of private property and thereby make it so. There should exist better protection for the individual with less economic power—the individual that has only his or her land as an asset. The Framers of the Constitution were careful in addressing that issue, careful in the sense they wanted to make sure that the ruling powers that be could not come in and say, ''I am going to take your property.'' That was not what the Framers envisioned free America.

A recently published law journal note stated our dilemma quite well: ''But still more unsettling to many than the notion that property might be taken for an obvious general public benefit is the suggestion that this power might be used to transfer private property for another private owner's profit, along with all the traditional rights that permit sale, use, rental, disposition, and other choices of fee simple ownership. Seemingly, if property can be forcibly passed from one private owner to another, 'public use' is a phrase with no meaning and no end.''

''If property can be forcibly passed from one private owner to another, 'public use' is a phrase with no meaning and no end.'' This legislation allows us as legislators to draw a thicker line of demarcation between private property and property that is truly intended for public use. The threshold must be higher for the ownership rights of individuals to be usurped—when the underlying objective is merely to engorge the pockets of developers.

I would hope that my colleagues will support me in the amendment that the Rules Committee made in order Mr. Chairman, as No. 12. Kelo held ''economic development'' to be a ''public use'' under the Fifth Amendment's Taking Clause. The Takings Clause states that ''nor shall private property be taken for public use without just compensation.''

In the 1990's, a state agency declared that New London, CT was a ''distressed municipality'' after its unemployment numbers hit double the rate in the rest of Connecticut. The holding by the Supreme Court purported to defer to the city's judgment and that the development would be a ''catalyst to the area's rejuvenation.''

The land use situation in the areas most affected by Hurricane Katrina presents the situation that is most ripe for eminent domain takings under the guise of ''economic development.'' My amendment seeks to add the legislative intent to H.R. 4128 that the law seeks to put the people first even in the face of post-disaster reconstruction.

I thank the Chairman of the Committee on the Judiciary for his support of this amendment. It is critical that we continue the spirit of bi-partisanship that was started with the resolution disapproving the Kelo decision, of which I was an original co-sponsor, the Private Property Rights Protection Act of 2005, H.R. 3135.

New Orleans will be the center of a reconstruction project that will have a price tag in excess of $200 billion. Eminent domain will play a major role in the local governments' ability to assemble properties to carry out their plans—whether the residents like it or not. NAACP representative Hillary Shelton stated that ''the eminent domain process mostly targets racial and ethnic minorities because cities often want to redevelop areas with low property values and because minorities have less political clout and are less able to fight back.'' My amendment seeks to clarify that, in redefining the boundaries of the federal government's Taking power, unfair practices will not be tolerated and that the rights of property owners will be given the highest regard.

Mr. Chairman, I ask that the Committee colleagues support this amendment.

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

Mr. Speaker, as you can see, this is not a Democrat-Republican issue. The people who care about property rights, the people who respect homeownership, the people who believe that this is an important value are standing up for the citizens of this country. Folks who believe that somehow the government has a right to take private property for private use are standing on the side of the developers.

While I respect Members on both sides of the aisle, I have had some Members on this side of the aisle talk about what they have done for poor people, and you will hear people talk about what they do for minorities, that they are doing this to get rid of blight, to create better communities. Well, on this one, I would like to say to all of my would-be friends who are helping poor communities and minority communities, we do not need you on this one.

We need you to respect the right of those minorities and those poor people to hold on to whatever it is they own, whether it is a little, small business or whether it is a two-room shack or a one-room shack or whatever it is. It is theirs. They have a right to it. And no one, no mayor, no city council member, no one has the right to think they know better; that they can take that property for a private use.

I think it is unconscionable for anybody that is elected by the people to

undermine the people by supporting the taking of private properties for private use. I would hope even those Members who have been past mayors, who have been past city council members who agreed with the developers, indeed listen to this debate here on the floor today and agree that if we want to do anything to support the right of citizens to own property, we will support this bill.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I thank the gentlewoman from California for being so gracious in yielding me this time.

Mr. Chairman, our Nation's eminent domain laws exist to help our communities, not to deprive Americans of their businesses and homes. For 11 years, Harry Pappas and his family battled to win back property taken from them in downtown Las Vegas, property which they rightfully owned and that was home to seven shops the family leased to other businesses for more than 40 years. This was a 40-year holding of one family in Las Vegas.

In 1994, the Las Vegas Redevelopment Agency notified Mrs. Pappas that they were condemning her property. At a hearing only 7 days later, it was decided that the agency would take immediate possession of the property, and the family business promptly demolished.

The Pappases' dreams were torn down with the building they lost that day, and their dignity was taken from them as they were forced to watch as a for-profit parking garage was built on their family property.

The Pappas family took their case all the way to the United States Supreme Court, hoping that the justices would recognize their fundamental rights under our Constitution. But they were turned away by the Supreme Court, and their case seeking justice was dismissed.

So now it is up to us, the United States Congress, to protect other families against the injustice that has been done to the Pappases as a result of the ever-growing expansion of eminent domain. Voting to limit the use of eminent domain for economic development will restore the rightful limits on this power that have been eroded by time. It is time to protect the Harry Pappases of the world.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I rise to engage in a colloquy with the chairman.

As the chairman knows, I have offered an amendment in the Rules Committee to address the problem of legal fees for property owners faced with the exercise of eminent domain by State and local governments. Homeowners in particular do not have the money to pay lawyers. Their main asset is tied up in a legal fight, so they cannot afford a challenge to the taking itself.

In addition, most eminent domain lawyers operate on contingency for a percentage of the eventual price of the property condemned, so it is hard to get anybody to challenge the taking, and you certainly cannot get it without paying.

The idea of the amendment is that owners are supposed to be no worse off after the condemnation than they were before. But if they have to pay their lawyer, whether by the hour or as a percentage of the sale price, they will always be worse off.

Would the chairman be willing to work with me on this issue in conference in a way to address the needs of private property owners without encouraging frivolous lawsuits?

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

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

Mr. SENSENBRENNER. The answer is absolutely.

Mr. FLAKE. I thank the chairman.

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

Mr. Chairman, very briefly, this bill attempts to do what the Federal Government can to reverse the impact of the Kelo decision, and the heart of this bill is to deny Federal economic development funds for 2 years to any States or locality that attempts to use its condemnation powers to take private land for essentially a nonpublic use purpose and to turn around and resell it to another private developer who will bring in more tax revenue.

We have heard time and time and time again on this floor during the last hour that this is wrong. But the Supreme Court has said that it is not wrong if a developer can convince a majority of one on a city council or local governing board to authorize the local attorney to go and commence condemnation actions. That is true if somebody has lived in a house for all their life and the city council puts them in the cross hairs; it is true for a church that has got a prime piece of property on the corner of a busy intersection that a developer wants to build a strip mall on; and it is true for someone who has run a small business in a prime area of town and has made a lot of money but does not pay a lot of property taxes because they have a small shop, and they can be put out of business even for a competition that wants to have a larger and, thus, more tax-yielding facility on that piece of property.

Everything I have said is wrong, and everything I have said can be done with the use of Federal economic development funds under the Kelo decision. What we need to do now is pass this bill to right this wrong.

And I would just remind the membership, Mr. Chairman, that the author of the majority opinion in Kelo, Justice John Paul Stevens, recently spoke to a local bar association in Nevada and said that if he was a legislator rather than a justice of the United States Supreme Court, he would have ruled the other way. So if Justice Stevens were sitting here as a representative in Congress today, he would be supporting this bill, too, and I think that is the reason why this bill should receive overwhelming support. We all should vote for it.

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

The Acting CHAIRMAN (Mr. SIMPSON). All time for general debate by the Committee on the Judiciary has expired.

It is now in order for general debate by the Committee on Agriculture, 30 minutes equally divided.

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

Mr. Chairman, I rise in strong support of this important piece of legislation. I want to thank Chairman SENSENBRENNER for his leadership on this issue. I also appreciate the hard work of Congressman HENRY BONILLA, who introduced the STOPP Act, legislation that passed out of the Agriculture Committee, and Ranking Member PETERSON on the Agriculture Committee, as well as Ranking Member CONYERS on the Judiciary Committee.

I especially want to thank my colleague from South Dakota (Ms. HERSETH) who was the first Democrat to take a leading role on this issue in introducing the STOPP Act, and it is in part due to her leadership that we will have a very strong bipartisan vote on this legislation today.

Private ownership of property is vital to our freedom and our prosperity, and it is one of the most fundamental principles embedded in our Constitution. The Founders realized the importance of property rights when they codified the takings clause of the fifth amendment to the Constitution, which requires that private property shall not be taken for public use without just compensation.

This clause created two conditions to the government taking private property: that the subsequent use of the property is for the public and that the government gives the property owners just compensation.

However, the Supreme Court's recent 5–4 decision in Kelo v. City of New London is a step in the opposite direction. This controversial ruling expands the ability of State and local governments to exercise eminent domain powers to seize properties under the guise of economic development when the public use is as incidental as generating tax revenues or creating jobs, even in situations where the government takes property from one private individual and gives it to another private entity.

By defining public use so expansively, the Court essentially erased any protection for private property as understood by the Founders of our Nation. In the wake of this decision, State and local governments can use eminent domain powers to take the

property of any individual for nearly any reason. Cities may now bulldoze private citizens' homes, farms, and small businesses to make way for shopping malls or other developments.

For these reasons, I joined with Chairman SENSENBRENNER to introduce H.R. 4128, the Private Property Rights Protection Act. This important piece of legislation represents a merger between two pieces of legislation, H.R. 3135, introduced by Chairman SENSENBRENNER, and H.R. 3405, the STOPP Act, which I introduced along with the gentleman from Texas (Mr. BONILLA) and the gentlewoman from South Dakota (Ms. HERSETH) and which passed the House Committee on Agriculture by a strong bipartisan vote of 40 to 1.

I am pleased that H.R. 4128 incorporates many provisions from the STOPP Act. Specifically, this new legislation would prohibit all Federal economic development funds for a period of 2 years for any State or local government that uses economic development as a justification for taking property from one person and giving it to another private entity. In addition, this new legislation would allow State and local governments to cure violations by giving the property back to the original owner. Furthermore, this bill specifically grants adversely affected landowners the right to use appropriate legal remedies to enforce the provisions of the bill.

H.R. 4128 also includes a carefully crafted definition of economic development that protects traditional uses of eminent domain, such as taking land for public uses like roads, while prohibiting abuses of eminent domain powers.

No one should have to live in fear of the government snatching up their home, farm, or business; and the Private Property Rights Protection Act will help to create the incentives to ensure that these abuses do not occur in the future.

I urge my colleagues to support this important piece of legislation.

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

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

I rise in strong support of the Private Property Rights Protection Act of 2005. I want to thank the Judiciary Chairman SENSENBRENNER and Ranking Member CONYERS, as well as Agriculture Committee Chairman GOODLATTE and Ranking Member PETERSON, for their hard work in moving this legislation to the floor today.

I would also like to acknowledge and thank the Agriculture Appropriations Subcommittee Chairman HENRY BONILLA for his strong leadership on this very important issue as well as the work of Chairman POMBO and Congresswoman WATERS who have been steadfast in their advocacy for private property rights in light of the threat posed by the Kelo decision.

This legislation is a priority for farmers and ranchers and landowners across my home State of South Dakota. I am extremely pleased that the Agriculture Committee acted swiftly on the legislation originally introduced by the gentleman from Texas (Mr. BONILLA) and myself, the Strengthening the Ownership of Private Property, or STOPP Act, and that Chairman GOODLATTE made reporting out the bill from the Agriculture Committee a priority.

I am equally pleased by the determined, thoughtful attention demonstrated by the Judiciary Committee and the collaborative approach taken as we put together the Private Property Rights Protection Act. It is important, commonsense legislation that deserves our attention.

As my colleagues know, the Supreme Court's decision in Kelo v. City of New London dealt a serious blow to the fundamental rights of property owners in the United States. The House overwhelmingly expressed its disapproval shortly after the decision by a vote of 365 to 33. This court ruling allows governments to take private property from one landowner and give it to another private individual so long as some economic development justification is given. In short, it means that governments can take your property and give it to someone else.

□ 1515

I have been impressed by the widespread support for the proposition that this decision requires prompt congressional action.

As I have said before, South Dakotans from all walks of life are outraged about the Supreme Court's Kelo decision. As I have repeatedly noted in previous discussions of the case and as noted by Chairman SENSENBRENNER earlier today, even Justice John Paul Stevens, the author of the Kelo decision, has expressed the feeling that the use of eminent domain by the City of New London was unwise as a matter of policy. And I agree.

I am pleased to have been part of the effort to craft a good bipartisan response that addresses these policy shortcomings by discouraging State and local governments from arbitrarily taking land from private landowners and giving that land to another private party. I felt compelled to take a lead in this process because of the people I represent and my roots on my family's farm in South Dakota. South Dakota is a rural State, and our population's livelihood is deeply tied to the land. This is true for virtually all of the State's citizens, whether they live in town or whether they live on the farm.

Because of this, the belief in private property rights runs strong and deep, and everyone I have talked to back home on this matter has delivered the same message: Landowners should not be vulnerable to the whims of a government that decides to take their land and often their livelihood just to give it to someone else who the government decides would deliver more in tax revenues. I am pleased to say that many of my colleagues agree with this, which is why in the short term since its introduction, this act and other initiatives have garnered broad bipartisan support, because the legislation makes sense.

As many of you know and as Chairman GOODLATTE was discussing, Chairman BONILLA and I, along with Chairman GOODLATTE, drafted H.R. 3405 to provide a strong response to the Kelo decision. At the time we introduced the STOPP Act, other legislation which took a similar approach by withholding some Federal funds when eminent domain is used to facilitate a private-to-private transfer of property for economic development purposes left open the possibility that a creative community or State could essentially shift funds within its budget to render the Federal response less effective.

In the words of Bob Stallman, president of the American Farm Bureau, in his testimony before the Agriculture Committee: ''All of the Federal bills introduced thus far take this approach. The differences among them are the degree to which such funding is withheld. While we support all the approaches taken in these bills, H.R. 3405 seems to offer the most effective deterrent to abuses of eminent domain.''

The Private Property Rights Protection Act of 2005 incorporates the core components of the STOPP Act, namely, the withholding of all Federal economic development assistance for 2 years if communities choose to use eminent domain to take private property from one landowner and give it to another private individual for the purposes of economic development.

I think this development is a testament to the hard work of individuals like Chairman BONILLA, Chairman GOODLATTE, Congresswoman WATERS, Chairman POMBO, and others to define, develop, refine, and promote a strong commonsense approach to the situation presented by the Kelo decision.

As I have said, I am happy to have been a part of these important efforts, and I encourage my colleagues to join with me today in passing this important bill.

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

Mr. GOODLATTE. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BONILLA), the chairman of the Agriculture Appropriations Subcommittee and the author of the STOPP Act, which was passed out of the Committee on Agriculture.

Mr. BONILLA. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, this is a rare moment in this town when we have a major issue that has widespread bipartisan support. I want to thank the gentlewoman from South Dakota, my original partner in this cause, who just spoke about this and gave a little history as to how we got this bill rolling several months ago; and also Chairman GOODLATTE under whose jurisdiction

this bill originally fell, the STOPP Act that we filed, because so many of the programs that we are talking about here today that are funded come through the Agriculture Committee.

We would not have been able to come this far without this partnership with Ms. HERSETH and Chairman GOODLATTE; and I want to thank both of them, not just personally, but I know there are a lot of people out there that are very grateful for the support they have given this and have brought us to this day where we have a bill that, again, was reported out of the Agriculture Committee by a vote of 40 to 1 and then out of the Judiciary Committee with only three people voting against it. That is a profound statement across partisan lines in this Congress.

It also has widespread support among groups like the NAACP, the AARP, religious organizations, and the American Farm Bureau. I think people understood the impact this bill could have because it is very simple, Mr. Chairman. It says to communities that if they do not care about property rights, they are not going to get their money. No property rights, no money for 2 years. And that is going to make any local government or any State think long and hard before they take that first step toward trying to take someone's property for private gain.

This bill, of course, does not do anything to infringe on the community's rights and the constitutional history in this country of communities taking private property for public use, i.e., airports, roads, bridges, et cetera. It does not touch that at all. So I believe that is why we were able to come to this state. We have gone through the process, worked through regular order. We had our hearings. Attorneys scrubbed the bill. People asked questions, what if this happened, what if that happened. And we tried to address every issue that has come to us thus far.

Again, it is a great day when we have two committees coming together, two parties coming together. People from all over the country, whether they live in a rural area or whether they live in an urban area, have the same concern about property rights after the Kelo decision.

I look forward to a resounding victory today for the people of this country.

Ms. HERSETH. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. ZOE LOFGREN).

(Ms. ZOE LOFGREN of California asked and was given permission to revise and extend her remarks.)

Ms. ZOE LOFGREN of California. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, as a member of the House Judiciary Committee I had the opportunity to review quite carefully this bill. While I disagreed with the Supreme Court decision, I must confess that the bill before us today is not drafted as carefully and clearly as I would have hoped. There will, in all likelihood, be litigation if this bill becomes law because the exemptions are written in such a way that reasonable people may disagree as to their meaning.

I hope that I can help clarify the application of this bill in at least one area: The meaning of the bill as it relates to affordable housing.

What follows are the concurring views in the Committee Report accompanying this bill. It is my hope that by including them here today during our floor debate that in the future this clarification will be of value to public entities, litigants and the courts.

At markup, I intended to offer an amendment to this legislation creating an exception to the definition of "economic development" for the development of affordable housing for low-income residents. I ultimately decided not to offer this amendment, however, based on my recognition, and the apparent recognition of my colleagues, that this bill as introduced does not in any way limit the ability of States and local governments to exercise their eminent domain powers for the building of affordable housing for low-income residents. In fact, during markup, I pointed this out and received no objections from my colleagues.

The provision of low-income housing, whether by a for-profit or a non-profit entity, should not constitute "economic development" under the definition in this bill because such activity constitutes neither "commercial enterprise" nor an activity designed to "increase tax revenue, tax base, employment or general economic health." Rather, the development of affordable housing for low-income residents constitutes a traditional public purpose for which eminent domain powers have long been recognized. Given that this bill will not in any way limit the exercise of eminent domain powers for the development of affordable housing, I concur in the Committee's report.

Ms. HERSETH. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Chairman, I thank the gentlewoman from South Dakota for yielding me this time.

Mr. Chairman, in my district, the values of faith, family, and commitment to community are sacred. We also hold sacred the right to own property without fear of its being taken away by government.

Unfortunately, local governments are seizing property in the name of economic development and transferring ownership to other private individuals. American citizens are losing their homes in the interest of building strip malls or big-box stores. Even more disheartening is the fact that the U.S. Supreme Court has endorsed this behavior in what I feel is a misinterpretation of the takings clause of the fifth amendment to the Constitution.

I voted to prohibit this kind of action when I was a State representative in Colorado, and I have also voted my disapproval of the ruling in the case of Kelo v. New London.

I rise today in support of H.R. 4128, the Private Property Rights Protection Act. I am a cosponsor of this bill, and I supported passage of the STOPP Act, H.R. 3405, in the Agriculture Committee just last month.

This important legislation will help prevent local governments from abusing their power of eminent domain. While local governments may be well intentioned, the fact is that people are losing their homes because of misguided economic development principles.

I urge my colleagues to join me in supporting this measure; and I thank Chairman SENSENBRENNER, Ranking Member CONYERS, Chairman BONILLA, and Congresswoman HERSETH for their dedication to persevering and protecting property rights.

The right to own property is a fundamental right of this country, and I will do whatever I can to ensure that it is preserved.

Mr. GOODLATTE. Mr. Chairman, I yield 2½ minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I rise in support of H.R. 4128, the Private Property Rights Protection Act. The Supreme Court decision of Kelo v. City of New London is one of the most unpopular decisions ever rendered. I believe more than 90 percent of United States citizens oppose this ruling, and it may be that the other 10 percent do not fully understand it. So it has been certainly roundly denounced.

The Court states that "any property may now be taken for the benefit of another private property." So if one party has a project that will yield more tax revenue than is currently provided by a piece of property, that property may be taken. This gives local governments broad powers. This creates great concern in the Agriculture Committee, as has already been noticed. Farm and ranch land can be taken very easily because a golf course, a shopping mall, an amusement park can easily be classified as being more important as far as economic development than agricultural land. Nonprofits, such as churches, Salvation Army, Goodwill Industries, shelters, are very vulnerable. They generate little or no tax revenue. So almost any project can supersede them in this regard.

Small businesses are very vulnerable. I had a farmer athlete who played for me who had worked very hard to develop a small business in an old building, a restaurant, and a new hotel was coming into the area. The local city council was thinking about shutting him down, destroying the building, building a new hotel, which would be economic development. And this person was essentially very vulnerable. His whole life savings, his whole investment was going to be gone. So this bill would prevent that.

H.R. 4128 prevents States and local governments from receiving Federal economic development funds if they abuse their powers of eminent domain. These are important protections.

I would like to thank Chairman GOODLATTE, Chairman SENSENBRENNER, and others who have worked so hard on this bill; and certainly I urge adoption of it.

Ms. HERSETH. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, I thank the gentlewoman from South Dakota for yielding me this time. It is a pleasure to work with her on this, and I appreciate the opportunity to speak on this important issue on the House floor today.

As we all know, on June 23, 2005, the Supreme Court handed down its decision in the case of Kelo v. The City of New London. In Kelo, the Court addressed the city's condemnation of private property to implement its redevelopment plan aimed at invigorating a depressed economy. By a 5–4 decision, the Court held that the condemnation satisfied the fifth amendment requirement that property condemnations be for a ''public use,'' notwithstanding that the property, as part of the plan, might be turned over to private developers.

The Supreme Court decision was indeed a wake-up call, Mr. Chairman, for many communities; and I have heard loud and clear from my own constituents in Georgia that they are worried that their property rights are in jeopardy. Today we are going to remedy this wrongful application of the law of eminent domain and restore important property rights to private citizens. This is very important, Mr. Chairman, what we are doing today. And as a cosponsor of H.R. 4128, the Private Property Rights Protection Act, I believe that passage of this legislation will ensure that no Federal dollars will be used to unjustly take any property at the local and State levels. In addition, I will continue to support efforts to curtail the power of eminent domain in an effort to protect private property rights.

H.R. 4128 is important, and I support it because it prohibits State and local governments that receive Federal economic development funds from using eminent domain to seize land for economic development purposes, except for the construction of public facilities such as hospitals or military bases, and for use by a public utility, aqueduct, or a pipeline.

In conclusion, Mr. Chairman, the States and local governments that take lands for private development could not receive Federal economic development funds for those years. I am therefore very pleased that the House is voting on this important bill today.

Mr. GOODLATTE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

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

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

Mr. Chairman, this is a rare moment of bipartisanship in Congress, and it bears some reflection as I rise in strong support of the Private Property Rights Protection Act. I think that agreement springs from our oath of office, which we take at the beginning of every Congress. It provides: ''I do solemnly swear/affirm that I will support and defend the Constitution of the United States against all enemies foreign and domestic and that I will bear true faith and allegiance to same.''

And I believe that is what Republicans and Democrats are doing today is bearing true faith to the Constitution, which in its fifth amendment provides that no person shall be deprived of life, liberty, or property without due process of law nor shall private property be taken for public use without just compensation.

The Private Property Rights Protection Act by virtue of its outstanding authorship, Chairman SENSENBRENNER, Chairman GOODLATTE, Chairman BONILLA, fulfills this oath of office in a profound way. In the wake of the June 2005 Kelo decision by the U.S. Supreme Court, which held that economic development could be a ''public use'' under the fifth amendment's takings clause, Congress and every Member of Congress, in my judgment, has a duty under that oath to support and uphold and defend the Constitution. Indeed, John Adams remarked: ''The moment the idea is admitted into society that property is not as sacred as the law of God and that there is not a force of law and public justice to protect it, anarchy and tyranny commence.''

As a Member of the House Agriculture Committee, I can say that the fear of development and the unbridled appetite of urban areas against rural areas makes this an especially important initiative of the Agriculture Committee and its distinguished chairman.

□ 1530

In the discharge of our duty to support and defend the fifth amendment to the Constitution, I urge my colleagues very humbly, say no to Kelo, say yes to the Private Property Rights Protection Act.

Ms. HERSETH. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I thank my colleague for yielding me time.

Mr. Chairman, I am proud to be a cosponsor of H.R. 4128 and glad to rise in support of it.

The Private Property Rights Protection Act prohibits States and localities from using eminent domain powers for economic development purposes if the State or local governing jurisdiction received Federal economic development funds during the same year.

In the past, governments were only able to acquire property from private owners if the property was going to be used for real public use, highways, roads, schools, parks, or to eliminate that property from endangering the public. These transactions have typically not occurred when the government buys a property by the power of eminent domain from a private owner and then sells the property to a different private owner under the premise that the property would benefit the community with increased economic development.

We all support economic development, but if a community wants to do that, they need to go to that individual landowner and say, this what we want, we want to buy your property, and this is what we are going to do with it. We should not take it under the cloud of eminent domain.

The fifth amendment to the Constitution states that ''private property shall not be taken for public use without just compensation.'' This did not seem to matter when the Kelo decision was made.

The Kelo ruling has essentially stripped the public of the constitutional right to own that property if someone thought they had a better use for it than they did. I think that is what bothers so many people on a bipartisan basis, rural, urban. The fact that a small business or home can be taken away from a private citizen simply to increase tax revenues is disturbing and shows a blatant disregard I think for the constitutional rights of our citizens.

In Texas, our State legislature has already taken steps to correct the decision, at least under State law, by passing legislation that would prohibit the local government or private entity from taking private property through eminent domain for private benefit or economic development purposes, and we should do the same, at least as much as we can do under our Federal laws.

So this bill does give us that opportunity to defend our fundamental constitutional rights of our constituents.

Mr. GOODLATTE. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX), another member of the House Agriculture Committee.

Ms. FOXX. Mr. Chairman, Chairman GOODLATTE and Chairman SENSENBRENNER are to be applauded for the excellent, prompt work they have done on this outstanding bill.

Fundamentally, this bill is truly one of the most important pieces of legislation that this Congress has or will consider. The Supreme Court's eminent domain decision contradicts the very ideals of liberty and property rights that have for 229 years defined the greatest government on earth.

Our forefathers put their lives on the line and took up arms to obtain the liberties and independence we enjoy. They left their wives and families to shed blood so their children would not be subject to British taxation, invasion of privacy and wrongful seizures of property.

The Framers of our Constitution clearly defined the rights to speak and worship freely, bear arms and hold personal property when they crafted the greatest form of government the world has ever known.

Property rights are a hallmark of what separates America from nations whose citizens live in fear of their own government. In fact, property rights and the opportunity for homeownership are principal reasons that citizens come from other nations desperately to America. However, as a result of the atrocious decision made by the Supreme Court, those exact rights became jeopardized.

As Members of Congress, we have a responsibility to uphold the Constitution and protect the rights of our constituents. We also have the responsibility to carefully monitor the actions of the judicial branch.

The bipartisan support this bill has both in Congress and in our districts loudly proclaims the widely held opposition to the Supreme Court's un-American eminent domain decision. I am proud to help ensure that such an appalling ruling will not be made again.

I hope and pray the newly appointed Supreme Court justices will never rule as irresponsibly as those five justices who supported the eminent domain decision did. We cannot let courts or local governments trample on property rights.

I urge all my colleagues to support this bill.

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

Mr. GOODLATTE. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Ohio (Mrs. SCHMIDT), the newest Member of Congress, who is standing up on this important issue.

(Mrs. SCHMIDT asked and was given permission to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Chairman, I rise today in strong support of H.R. 4128, of which I am a cosponsor, legislation to protect private property of all Americans. As my fellow Ohioan William Howard Taft, the only person to serve as President and Chief Justice of the Supreme Court, said, ''Next to the right of liberty, the right of property is the most important individual right guaranteed by the Constitution.''

When the Supreme Court decided in Kelo that the State and local governments can require homeowners to vacate their property to make way for commercial development, it failed property owners' rights and our Constitution.

This legislation is important to me because of residents in Norwood, Ohio. In Norwood, Ohio, these residents are suing right now saying that it misused the power of eminent domain by declaring a neighborhood was blighted and turning the property over to a private company for the development of a shopping center. The Ohio Supreme Court is taking this matter. We hope there is a better resolution than the one in Kelo.

I want to commend Chairman SENSENBRENNER and Chairman GOODLATTE for their good work and their courageous effort in this most needed legislation.

Ms. HERSETH. Mr. Chairman, let me just conclude by commenting in my remaining time on some of the testimony that we heard in Chairman POMBO's Committee on Resources, on which I also sit, about the compelling testimony of individuals, business owners, who have been victims of abuses of eminent domain for the purpose of a private-to-private transfer.

So not only have we heard these compelling stories from individuals, families who have been affected, both in cities and in the country, but we have also had good bipartisan work in drafting sessions, our legislative hearings, our markups, in the Agriculture Committee, in the Resources Committee, now the Judiciary Committee. The bill that is under consideration today, that has attempted to respond in the most effective way to a ruling, as I mentioned, that received strong disapproval from this body shortly after the Supreme Court's ruling and on which even the opinion's author and, as I understand, even another member of the court who recognized that this is something the legislatures should contend with. And that is precisely what we are doing today on the House floor.

Congress needs to take action. We need to take it immediately. Our hope is certainly that we can make this bill law in short order, because, as some of the testimony before the Resources Committee last week also indicated, certain municipalities and other local units of government moved quickly after the Supreme Court's decision in Kelo to exercise their eminent domain powers for purposes of economic development for a public purpose, public benefit, beyond the plain language of the United States Constitution that limits the eminent domain power to public use. This has been a broad trend for a number of years, culminating in the Supreme Court's decision in Kelo, that requires the action of this body.

I urge my colleagues to support final passage of this bill that is a well-crafted, careful, thoughtful attempt to address a serious problem for property owners across the country.

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

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

Mr. Chairman, I would like to start by thanking some people who do not always get thanked, and that is the diligent, hard-working staff of the Agriculture Committee on both sides of the aisle, the Judiciary Committee on both sides of the aisle and my congressional office staff. They worked very, very hard on what I think is a comprehensive and carefully crafted piece of legislation.

We are going to begin to entertain some amendments, and some of those amendments could have a devastating impact, a gutting effect on this legislation, and I urge my colleagues to follow that debate closely and help us defeat amendments that would open this back up to the same kind of court misinterpretation that has been a problem here.

Finally, let me say that the United States Constitution protects private property rights as a fundamental right, and we need to make sure that we respond to a Supreme Court decision that has cast private property rights in America into question by passing this important legislation today.

Mr. TIAHRT. Mr. Chairman, I am pleased the House of Representatives is again taking action to curb further abuse of eminent domain for economic development purposes. Ever since the infamous Kelo v. City of New London Supreme Court decision in June, Kansans have voiced their strong opposition to this ruling.

I agree fully with my constituents that governments should not be given the authority to transfer private land from one owner to another for economic development purposes. Securing the right of individuals to own and manage their own property is provided for in the U.S. Constitution. The Fifth Amendment states, ''nor shall private property be taken for public use without just compensation.''

Every constituent who talks with me about this issue strongly believes the Supreme Court went too far when it said that a government can transfer private land from one owner to another if the second owner will supposedly generate more tax revenue. The court's decision does not pass the common sense test.

The court's flawed reasoning is precisely what the original Supreme Court, warned against at its inception in 1789 when it called eminent domain a ''despotic power.'' Unfortunately, we have been forced to respond to the 2005 Supreme Court's decision with legislation to deter future land grabs by greedy local governments.

The Private Property Rights Protection Act of 2005, H.R. 4128, would deny federal economic development assistance to any State or local government that chooses to use the power of eminent domain for economic development purposes.

I strongly support H.R. 4128 and congratulate Chairman SENSENBRENNER for his leadership on this important land-rights issue. I support the bill's passage and am hopeful the Senate will act quickly so we can get it to the President for his signature.

Americans have relied on constitutional protection against abusive land transfers from one person to another for more than two centuries. History reminds us that nations that disregard the rights associated with private property ownership disregard other fundamental rights of the citizenry.

We have recognized there are times when governments need to purchase private land to build a road or construct a school for use by the general public. Occasionally, this has to be done against a landowner's wishes. But our Founders believed only under extreme circumstances should property be taken from a land owner for the greater public good. The idea that a government would use its eminent domain power to take land from one private owner and transfer it to another land owner for economic development is an abuse of the public good definition.

H.R. 4128 will prohibit States and local governments from exercising eminent domain for

economic development, or for property that is subsequently used for economic development, if the State is a recipient of Federal economic development funds that fiscal year. If a State or local government is in violation of this provision, it would be ineligible for Federal economic development assistance for 2 fiscal years following a final judgment.

Many farmers in my district have expressed particularly how harmful this court ruling could be to them if a local government wants to take their land for development. Many farms have been in the same family for generations. Under the Supreme Court's ruling, a government could forcefully take all or a portion of the family farm so more tax revenue could be generated by a developer. This scenario is a real possibility that demands the Congress take action to prevent such an unjust land grab.

The same situation could arise for a house of worship or other non-profit organization. Entities that do not generate tax revenue are particularly vulnerable to land grabs by governments interested in generating more tax dollars.

Small businesses are also in support of this bill because it protects their property from being handed over to a larger company, or even a competitor. Small shop owners that may be struggling to survive would be an easy target for a local government. It is important we pass legislation that helps protect small businesses. H.R. 4128 does just that by alleviating the threat a local body could pose to small businesses when it comes to supposed economic development.

I look forward to seeing this bill passed and signed into law. Support for this bill is support for home owners, small businesses, farmers, ranchers, houses of worship and anyone who believes in private property rights.

Ms. WOOLSEY. Mr. Chairman, today the House passed H.R. 4128, a bill that makes states and local governments ineligible for Federal economic development funds for 2 years if they exercise eminent domain in the name of economic development.

Protecting the rights of individual property owners is of the utmost importance. However, there are certain circumstances when the best interest of a town is served by the responsible use of eminent domain. As a former City Council Member, I know how effective this tool can be when it is used judiciously. In my State of California there are restrictions on local governments' use of eminent domain to ensure that situations like that of Kelo v. City of New London do not happen.

We have to trust local authorities to use this power responsibly and respectfully and only when it truly benefits the community at large and when property owners are fairly compensated. By restricting the use of eminent domain, we take away our local governments' ability to serve and improve their jurisdictions. As the leaders of our neighborhoods and towns, we must trust they know best how to use the resources and assets that are available.

Mr. Chairman, by restricting the use of eminent domain we have in fact impeded our local governments' ability to make necessary progress.

Mr. BLUMENAUER. Mr. Chairman, the Supreme Court Ruling in Kelo v New London sparked many fears among citizens that their property was at risk of being taken away by the government. These fears, however, are unwarranted and stem from a fundamental misunderstanding of eminent domain.

Eminent domain is a power granted local governments by the Fifth Amendment. The Supreme Court decision in no way precluded the rights of States to place further restrictions on eminent domain and to more narrowly define public use. The court leaves these rights to local officials and citizens for public debate. In my experience as a local elected official, eminent domain was the absolute last resort, but it was an important tool to have if was absolutely necessary.

In the discussion on the House floor today, my colleagues failed to recognize the many benefits we experience thanks to eminent domain. Twenty years ago, Times Square was a notoriously dangerous neighborhood in New York City. Eminent domain was used to take 13 acres of land, condemning 56 lots and moving 404 tenants. The public-private redevelopment included a highly successful mixture of for-profit and non-profit theaters, retail facilities, hotels, and office buildings. What was once a blighted, unsafe neighborhood is now a safe and vibrant city center.

Connecting the U.S. Capitol and the White House, Pennsylvania Avenue is one of this country's most important thoroughfares. Fifty years ago, however, it was a street bordered by many problematic land uses and buildings that significantly detracted from its role in the life of Washington, D.C. and America. In 1972, Congress created the Pennsylvania A venue Development Corporation, which in turn exercised the power of eminent domain to revitalize this important avenue of American life.

This bill is a hasty political response to a narrow Supreme Court decision. I am concerned that it is overly broad and will have many unintended consequences for our States and communities and hamper their ability to build safer, healthier and economically secure neighborhoods. I urge my colleagues to defeat this bill and allow local governments to reform eminent domain laws in manners consistent with their communities' needs.

Miss McMORRIS. Mr. Chairman, I rise today to offer my support of H.R. 4128 the Private Property Rights Protection Act of 2005.

I am pleased the House of Representatives recognizes the importance of protecting private property rights, and clarifying legitimate takings by the Federal Government and discouraging takings for private development.

Without a doubt, I am a strong defender of private property rights. Uncompensated regulatory takings of private property have become an immense problem across our Nation. As Federal, State, and local regulations have increased in number and scope, property owners have increasingly found themselves unable to use their property and unable to recover the losses that result.

In Kelo v. City of New London, decided June 23, 2005, the Supreme Court ruled 5–4 that the city's condemnation of private property, to implement its area redevelopment plan aimed at invigorating a depressed economy, was a "public use" satisfying the U.S. Constitution—even though the property might be turned over to private developers. The majority opinion was grounded on Supreme Court decisions holding that "public use" must be read broadly to mean "for a public purpose."

This decision does not take into sufficient account the distinction between projects where economic development is only an instrumental or secondary aspect of the project, and those where economic development is the primary interest. I am concerned by this decision.

Our founding fathers believed so much in the sanctity and importance of private property that they felt it needed to be protected in the Constitution. However, due to the recent ruling, government officials can confiscate private property if they simply argue the local community will receive an economic benefit to do so. In fact, the Institute for Justice estimates that over 10,000 homes nationwide are in danger of being destroyed by aggressive local governments. Now officials can seize the homes of private citizens to generate more tax income to fuel big government spending programs.

Justice O'Connor had it right when she stated, "under the banner of economic development, all private property is now vulnerable to being taken and transferred to another private owner, so long as it might be upgraded—given to an owner who will use it in a way that the legislature deems more beneficial to the public—in the process."

Property rights are civil rights. There can be no individual freedom without the power of an individual to control their own autonomy through the free use of their own property. The Supreme Court's decision poses an immediate threat to that essential freedom, and the most likely victims will be the most vulnerable in our society if Congress does not act.

Mr. RUPPERSBERGER. Mr. Chairman, I rise today in support of this bill, H.R. 4128.

What we witnessed as a result of the Supreme Court's ruling in Kelo vs. City of New London was unfortunate.

I know that all across the country local governments are looking for ways to revitalize their communities. I believe these efforts are important and necessary to help their neighborhoods and families thrive, however, I believe that the City of New London acted inappropriately.

The Supreme Court's ruling in the case went too far and made governments' eminent domain powers too broad.

I am extremely concerned with the apparent disregard by a majority of the Supreme Court regarding the purpose of the Takings Clause under the Fifth Amendment. The Kelo ruling would allow the taking of private property for the benefit of another private entity.

When I was County Executive I put forward a plan to use eminent domain for the purpose of public safety although there were private entities that would have benefited. My goal was to revitalize a deteriorating community and I felt that eminent domain was a tool I needed to address revitalization of an area with high levels of poverty and a high crime rate.

As a consequence of the public debate on that experience, I have come to better appreciate the severity of the government intervening to benefit one private entity to the detriment of another private entity. I believe that using eminent domain to take private property should only be used in situations where there is an overwhelming public benefit such as roads, schools, hospitals, and public safety needs. I understand this legislation as preventing the use of eminent domain for economic development and that any use of eminent domain for the purposes of public safety is still permitted.

By prohibiting the Federal Government from using strictly economic development as a justification for condemnation of private property;

and by prohibiting States and local governments that receive Federal economic development funds from taking private property for strictly economic development purposes, the supporters of this legislation hope to prevent another New London.

This legislation would not prevent the Federal, State or local governments from exercising eminent domain for public facilities or other uses defined as public use.

It is vital that we protect the property rights of all Americans from arbitrary application of eminent domain by passing this legislation.

I urge my colleagues to support the bill.

Mr. MURPHY. Mr. Chairman, the Private Property Rights Protection Act would hopefully, once and for all, prohibit Federal, State and local use of eminent domain to take private property for economic development.

The Fourteenth Amendment's due process clause gives eminent domain authority to States and localities if seizing property for a ''public use.'' However, in the Kelo decision, the Supreme Court ruled that New London, Connecticut's redevelopment plan was constitutional and, in fact, for a ''public use''—largely ignoring the reality that the property, as part of the plan, would be turned over to private developers.

The Fourteenth Amendment also contains what's known as the equal protection clause, which states: ''No State shall make or enforce any law which shall . . . deny to any person within its jurisdiction the equal protection of the laws.'' But the Kelo ruling deliberately declares that heretofor, certain persons and their property will in fact be protected UNequally. Or, in the case of Kelo, not at all.

In addition to prohibiting any level of government from using economic development as a reason for exercising its power of eminent domain, H.R. 4128 would also provide assurances that those who are victimized by eminent domain property seizures will get their day in court. Eminent domain victims suffering injuries from a violation of the protections in H.R. 4128 will be allowed access to State or Federal court to enforce its provisions.

Mr. Chairman, the home ownership rate is at the highest level in our Nation's history. Owning one's home and property is the cornerstone of the American Dream. The Kelo decision sets a precedent that can turn the American Dream into a nightmare for victims of eminent domain.

I salute Chairman SENSENBRENNER and Chairman SMITH of the Judiciary Committee and Chairman GOODLATTE of the Agriculture Committee for developing this strong, bipartisan legislative defense of private citizens. I am proud to cosponsor the legislation, and urge all Members to support this prudent bill.

Mr. STARK. Mr. Chairman, I rise in opposition to H.R. 4128, which bars local governments from using eminent domain for economic development.

The urban renewal of the last decade has benefited every part of the country and many cities in the 13th Congressional District. The very purpose of government is to make tough decisions that benefit the community, and I cannot support Congress taking away this essential government function.

This bill would also extend the Federal Government ever further into matters in which it doesn't belong—in this case—real estate planning and development. City councils are elected and empowered to make the difficult choice when private property should be utilized for the good of the community. Congress cannot and should not tie the hands of locally elected leaders to do what they believe is in the best interest of their communities. If those local officials make the wrong choices, voters will no doubt respond.

Mr. LEVIN. Mr. Chairman, the bill before the House today is a good example of a legislative cure that is worse than the underlying disease.

I want to say at the outset that there have been some very questionable uses of eminent domain. The fifth amendment to the Constitution clearly states that private property may not be taken except for public use, and then only after just compensation has been paid to the property owner. In many cases, the use of eminent domain is justified, but it is invariably controversial. I remember the controversy that attended the construction of the Walter Reuther Freeway in my home State during the 1960s and 1970s. Some communities were furious over the project, but there was no doubt in anyone's mind that the road served a clear public use.

Other uses of eminent domain are much more questionable. In Washington, as in so many other cities, a decision has been made to spend hundreds of millions of taxpayer dollars to build a new stadium for the benefit of Major League Baseball and the future owner of the Washington Nationals. Indeed, the District Government filed court papers the other day to seize $84 million worth of property from its current owners. Are stadium deals like this a legitimate public use? Evidently, they must be since the legislation before the House contains an exception that would seem to allow the use of eminent domain to build such facilities.

While lucrative stadium deals apparently enjoy protection under this bill, there is a blanket prohibition placed on the use of eminent domain for economic development purposes. States and localities that take land for private, for-profit projects or those designed to increase the tax base or employment stand to lose all their Federal economic development funding for 2 years. The penalty would extend to all economic development funds, even those going to meritorious projects that do not use eminent domain. The language of this legislation is so broadly written, and the penalties are so severe, that it will tie our cities and States in knots. Any use of eminent domain could conceivably trigger the overly broad penalties contained in this legislation. The potential liability facing cities and States that use eminent domain is open-ended and could extend for years or even decades into the future.

Land use planning is primarily a State and local function. Members of Congress frequently pay lip service to States' rights and local control, but this bill would overrule the limitations that many States have placed on eminent domain and land transfers to private entities for economic development purposes. In the case of my own State, in 2004, the Michigan Supreme Court limited the use of eminent domain by narrowly interpreting the State constitution's takings clause in County of Wayne v. Hathcock.

There is a lot of room for improvement in the use of eminent domain. Unfortunately, the legislation before the House is an unreasonable and unworkable solution.

Mr. ORTIZ. Mr. Chairman, I rise today is support of the Private Property Rights Protection Act of 2005. I was disturbed—as were so many Americans—both by the decision of a local Connecticut community to seize private property for area economic development and the Supreme Court's upholding their right to do so.

While I believe our Constitution allows for State and local governments to execute the power of eminent domain for those purposes that specifically serve the public good, condemning property solely to implement economic development plans is not serving the public good. Private property rights matter in this country, and violating those rights insults a very basic tenet of American fairness. For my constituents, owning a home is the culmination of many years of hard work and the realization of the American Dream. At no time should a local entity take those years of hard work solely to increase their tax revenue.

I am proud to support this bipartisan legislation.

Mr. MENENDEZ. Mr. Chairman, the Constitution and the fifth amendment allows the government to use ''eminent domain'' to condemn and take private property only if the owner receives ''just compensation'' and only if the property is taken for ''public use.'' Common sense and Supreme Court decisions tell us that public uses are schools, roads, parks, railways, hospitals, and military bases. That is something that we all know and realize.

Unfortunately, earlier this year, in Kelo v. City of New London, the Supreme Court empowered the government to seize private property, including someone's own home, and transfer it to another private owner as long as the transfer would provide an economic benefit to the community.

The hope of one day owning a home is the backbone of the American Dream. The house is the single most important purchase most Americans will ever make. The average family invests more in their homes than they invest in the stock market, the money market, or their retirement savings plans. There's a good reason for that. Housing has been a safe, leveraged investment, and one of the best investments one can make.

That is why government must not have a green light to seize our homes just because it believes it would be more profitable as something else. While eminent domain has been used successfully throughout our history to advance important public projects, it should never be manipulated to solely support the interests of private developers.

Increasingly, local governments are exploiting eminent domain powers to take property for retail, office or residential development. In my State of New Jersey, some localities have abused eminent domain so that beachfront homes can be replaced by luxury townhouses and condominiums.

That is why I support H.R. 4128, the Private Property Rights Protection Act. This legislation would deny States and localities from receiving any Federal economic development funds if they abuse their eminent domain power. H.R. 4128 also bars the Federal Government from exercising eminent domain for economic development.

Mr. Chairman, over 200 years ago, James Madison said that ''Government is instituted to protect property of every sort . . . This being the end of government, that alone is a just government which impartially secures to every man, whatever is his own.''

That is why this bill is so needed. I urge my colleagues to support H.R. 4128 to not only protect homeowners, but to also ensure that homeownership remains the hallmark of American life.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today sharing the concerns of my colleagues about the dangerous expansion of the eminent domain power and the Supreme Court's decision in Kelo v. City of New London. I firmly believe there need to be safeguards against the excessive and unfair use of the government's eminent domain power. Governors and State legislators across the country, including those in my home State of Connecticut, are currently grappling with this important issue. As a former State legislator, I understand that these issues are best reviewed and addressed at the local level. The Federal approach is overly broad and although well intentioned, falls short of protecting the communities it purports to protect.

Let me make my position clear, private property is one of the most fundamental rights our founding fathers safeguarded in the Constitution. Property rights deserve the utmost protection from governmental intrusion. As a lifelong resident of Connecticut, I am saddened by the Supreme Court's decision in the Kelo case and like many in Connecticut and across the country, feel vulnerable to the potential abuse of eminent domain authority. However, I do not feel this bill brings justice to communities or comprehensively secures property rights from the misuse of the local and State government taking authority.

By attempting to narrow the scope of eminent domain through broad and vague terms, Congress is assuming to identify what does and does not constitute a local public need—a job historically left to our towns, cities and States. These local municipalities would risk losing much-needed economic development funds should they exercise eminent domain authority that goes outside the ambiguous Federal standard set in this bill. Unfortunately, the people most affected by this punitive measure are not the local and city governments making the decisions or the ones at the bargaining table, it is individuals and families living in communities throughout the city, in neighborhoods that depend on federally funded economic development projects for decent housing and livable communities. These are the ones who will truly be penalized by this bill.

Eminent domain is a careful balance of protecting private rights and local public needs. This bill is not yet there. Because of the work still ahead of us, I am voting against this legislation today in the hope that these issues will continue to be addressed during conference with the Senate and that it will work to clarify these remaining questions.

Mr. UDALL of Colorado. Mr. Chairman, I will vote for this legislation.

The bill responds to the decision of the U.S. Supreme Court in the case of Kelo et al. v. New London et al., a case that involved the question of the scope of a local government's authority to use the power of eminent domain, and in particular whether local governments may condemn private houses in order to use the land for uses that are primarily commercial.

Earlier this year, I voted for a resolution expressing disapproval of that decision. I did so because it is my strong view that, as the resolution stated, ''State and local governments should only execute the power of eminent domain for those purposes that serve the public good . . . [and that for them to do otherwise] constitutes an abuse of government power and an usurpation of the individual property rights as defined in the fifth amendment.''

In voting for that resolution, I also noted my endorsement of its statement that ''Congress maintains the prerogative and reserves the right to address through legislation any abuses of eminent domain by State and local government.''

That is the purpose of this legislation.

The bill prohibits Federal agencies from using the power of eminent domain for the kind of economic development project that was involved in the Kelo case. It also would deny Federal economic development assistance to any State or local entity that uses its eminent domain authority in that way.

Specifically, the bill would penalize any State or local government that takes private property and conveys or leases it to another private entity, either for a commercial purpose or to generate additional taxes, employment, or general economic health. A State or local government found to have violated this prohibition would be ineligible for certain Federal economic development funds for 2 years, but could become eligible by returning or replacing the property.

The bill also would give private property owners the right to bring legal actions seeking enforcement of these provisions and would waive States' immunity to such suits.

This is strong medicine, but I think the prescription is appropriate.

I found persuasive the views of Justice O'Conner who, dissenting in the Kelo case, warned that the decision could make more likely that eminent domain would be used in a reverse Robin Hood fashion—taking from the poor, giving to the rich—and that ''The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms.''

The bill is intended to make this less likely.

It does not do so by attempting to replace State and local authority with Federal law. I do not think the Constitution gives us that power, and it would not be right to do it even if we could.

Instead, it would require the States and local governments to decide whether they are prepared to sacrifice certain Federal assistance for 2 years as the price for exercising their authority in ways covered by the bill.

It is important to note that the bill would apply only to cases involving the taking of private property, without the consent of the owner, in order to conveyor or lease it to another private person or entity for commercial enterprise carried on for profit, or to increase tax revenue, tax base, employment, or general economic health.

Thus, the bill would not apply to the types of takings that have traditionally been considered appropriate public uses, and it also includes exceptions for the transfer of property to public ownership, to common carriers and public utilities, and for related things like pipelines. It includes exceptions for the taking of land that is being used in a way that constitutes an immediate threat to public health and safety and makes exceptions for incidental use of a public property by a private entity—such as a retail establishment on the ground floor in a public property; for the acquisition of abandoned property; and for clearing defective chains of title.

During the debate on the resolution about the Kelo decision, I noted that the States, through their legislatures or in some cases by direct popular vote, can put limits on the use of eminent domain by their local governments and that I thought this would be the best way to address potential abuses.

That is still my view, and I think the view of many Coloradans. Already, members of our State's legislature are acting to curb potential abuses in the use of the eminent domain power—an effort I support—and some have suggested that as a result there is no need for this bill.

I think there is some merit to that argument, and I have given careful consideration to the points made by some of its most thoughtful and respected proponents, such as Sam Mamet of the Colorado Municipal League, who are concerned about the potential that Congress could put unnecessary constraints on the ability of local governments to address the needs of our communities.

However, after careful consideration, I have concluded that Congress should act to provide an effective deterrent to abuse of eminent domain, while still allowing its use in appropriate circumstances. And I think this bill, while certainly not perfect, does strike a fair balance and deserves to be supported.

Mr. HEFLEY. Mr. Chairman, this bill attempts to right a great wrong.

The Supreme Court's June 23 ruling in the case of Kelo v. the City of New London struck at the heart of American liberties, effectively eliminating the pursuit of happiness or property as a basic unalienable right.

I think events since then have proven that the Court was wrong, at least in the eyes of the American people.

According the Institute for Justice, eminent domain reform legislation will be considered in 35 states over the next year.

Justice John Paul Stevens, who wrote an opinion in favor of the Kelo decision, recently said he was troubled by the policy implications of the ruling and that, if he were a legislator, he would work to change it.

And, in a final stroke of justice, New London City Council recently fired the New London Development Corporation that was at the heart of the Kelo case. Unfortunately, this action came after $73 million in public dollars were spent and after it had razed virtually the entire Fort Trumbull neighborhood.

Akhil Reed Amar, a Yale law professor and author of the book America's Constitution, recently observed that the Supreme Court's exalted status as the infallible interpreter of the Constitution is a fairly recent phenomenon and that the Court has been proven wrong before. He pointed to the Dred Scott decision as one example.

This is another.

And when the Supreme Court is wrong, it is the duty of this body, the Congress, to correct it.

This bill goes a long way toward doing that. I'd like to see it go further. Because while I am a supporter of States' rights, I do not know whether individual States have the right to abrogate basic freedoms.

But I'll settle for this. We all took an oath to defend the Constitution and that's what this bill tries to do. Therefore, I urge its support.

Mr. WELDON of Florida. Mr. Chairman, I rise today in strong support of H.R. 4128, legislation to address the U.S. Supreme Court's June 23, 2005, decision in Kelo v. City of New London. This ruling by the Court deeply concerns me, and that is why I rise in strong support of this bill.

It has long been established that the United States may invoke its power of eminent domain to take private property if it is for "public use." However, in its Kelo decision, the U.S. Supreme Court has broken dangerous, new ground by redefining public use. Under Kelo, no longer is the government limited in its acquisition of private property to the creation of roads, military bases, parks, and so forth. Instead, the takings clause has been reinterpreted to allow a government to seize private property from one individual and give it to another private individual, if the local government deems that such condemnation and transfer of property serves a public purpose.

The result of such a decision played out to its logical extreme was seen days after the ruling, when Logan Clements took initial steps to seize the Weare, NH, home of Supreme Court Justice David Souter. On that site, he hoped to build "The Lost Liberty Hotel," which would leave copies of Ayn Rand's Atlas Shrugged in each room, and have a museum exhibit on the loss of freedom in America.

While this may have been done more to make a point than with serious intent or concern for the economic development of Weare, NH, it does illustrate the dangers of the Kelo decision. There is nothing to prevent a local planning board from seizing homes, businesses, churches, or other property if, in the opinions of some, a more economically productive purpose for that land may be pursued. Private property rights are drastically eroded by Kelo and they must be restored.

Government should not be permitted to take property from one individual and give it to another. Thanks to the precedent of Kelo, the private property guarantee the Founders placed in the U.S. Constitution is no more. Legislation, like H.R. 4128, is needed to preserve the right to own private property, and I encourage my colleagues to vote for this bill.

Mr. SENSENBRENNER. Mr. Chairman, I submit the following jurisdictional letters of exchange for inclusion in the CONGRESSIONAL RECORD during floor consideration of H.R. 4128, the "Private Property Rights Protection Act."

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, November 2, 2005.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: I understand that you will shortly bring H.R. 4128, as amended, the Private Property Rights Protection Act of 2005, to the House floor. This legislation contains provisions that fall within the jurisdiction of the Committee on Energy and Commerce.

I recognize your desire to bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a referral. By agreeing to waive its consideration of the bill, however, the Energy and Commerce Committee does not waive its jurisdiction over H.R. 4128. In addition, the Energy and Commerce Committee reserves its right to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this or similar legislation. I ask for your commitment to support any request by the Energy and Commerce Committee for conferees on H.R. 4128 or similar legislation.

I request that you include this letter in the Congressional Record during consideration of H.R. 4128. Thank you for your attention to these matters.

Sincerely,

JOE BARTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 2, 2005.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BARTON: Thank you for your recent letter concerning the Committee on Energy and Commerce's jurisdictional interest in H.R. 4128, the "Private Property Rights Protection Act." This legislation was introduced on October 25, 2005, and referred solely to the Committee on the Judiciary. The Committee on the Judiciary conducted a mark up and ordered the bill reported on October 27, 2005. I appreciate your willingness to waive further consideration of H.R. 4128 to expedite consideration of the legislation, and acknowledge the Committee on Energy and Commerce's jurisdictional interest in the legislation.

I agree that by foregoing consideration of H.R. 4128, the Committee on Energy and Commerce does not waive any jurisdiction it may have had over subject matter contained in this legislation. In addition, I agree to support representation from the Committee on Energy and Commerce for provisions of H.R. 4128 determined to be within its jurisdiction in the event of a House-Senate conference on the legislation.

Finally, as requested, I will include a copy of your letter and this response in the Congressional Record during floor consideration of this legislation.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, October 28, 2005.

Hon. JAMES SENSENBRENNER,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Congratulations on your successful markup of H.R. 4128, the Private Property Rights Protection Act of 2005. As you are aware, I have been a vocal advocate for the protection of private property since coming to Congress 13 years ago. You should be commended for your leadership in marshaling this important private property rights legislation through your committee.

I have reviewed the legislation and discovered provisions that are within the jurisdiction of the Committee on Resources. Because of the importance of moving this legislation to the floor quickly, I will not seek a sequential referral of H.R. 4128 based on their inclusion in the bill. Of course, this waiver does not prejudice any future jurisdictional claims over these provisions or similar language. I also reserve the right to seek to have conferees named from the Committee on Resources on these provisions, should a conference on H.R. 4128 or a similar measure become necessary.

Once again, it has been a pleasure to work with you and your staff. I look forward to seeing H.R. 4128 enacted soon.

Sincerely,

RICHARD W. POMBO,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 2, 2005.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN POMBO: Thank you for your recent letter concerning the Committee on Resource's jurisdictional interest in H.R. 4128, the "Private Property Rights Protection Act." This legislation was introduced on October 25, 2005, and referred solely to the Committee on the Judiciary. The Committee on the Judiciary conducted a mark up and ordered the bill reported on October 27, 2005. I appreciate your willingness to waive further consideration of H.R. 4128 to expedite consideration of the legislation, and acknowledge the Committee on Resources' jurisdictional interest in the legislation.

I agree that by foregoing consideration of H.R. 4128, the Committee on Resources does not waive any jurisdiction it may have had over subject matter contained in this or similar legislation. In addition, I agree to support representation from the Committee on Resources for provisions of H.R. 4128 determined to be within its jurisdiction in the event of a House-Senate conference on the legislation.

Finally, as requested, I will include a copy of your letter and this response in the Congressional Record during floor consideration of this legislation.

Sincerely,

F. JAMES SENSENBRENNER, JR.,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, November 3, 2005.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, Rayburn Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Transportation and Infrastructure Committee in matters being considered in H.R. 4128, the Private Property Rights Protection Act of 2005.

Our Committee recognizes the importance of H.R. 4128 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over certain provisions of the bill, I will agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Transportation and Infrastructure Committee, and that a copy of this letter and of your response acknowledging our valid jurisdictional interest will be included in the Congressional Record when the bill is considered on the House Floor.

The Committee on Transportation and Infrastructure also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House Senate conference.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 3, 2005.

Hon. DON YOUNG,
Chairman, Committee on Transportation, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: Thank you for your recent letter concerning the Committee on Transportation's jurisdictional interest in H.R. 4128, the ''Private Property Rights Protection Act.'' This legislation was introduced on October 25, 2005, and referred solely to the Committee on the Judiciary. The Committee on the Judiciary conducted a mark up and ordered the bill reported on October 27, 2005. I appreciate your willingness to waive further consideration of H.R. 4128 to expedite consideration of the legislation, and acknowledge the Committee on Transportation's jurisdictional interest in the legislation.

I agree that by foregoing consideration of H.R. 4128, the Committee on Transportation does not waive any jurisdiction it may have had over subject matter contained in this legislation. In addition, I agree to support representation from the Committee on Transportation for provisions of H.R. 4128 determined to be within its jurisdiction in the event of a House-Senate conference on the legislation.

Finally, as requested, I will include a copy of your letter and this response in the CONGRESSIONAL RECORD during floor consideration of this legislation.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, November 1, 2005.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: On October 27, 2005, the Committee on the Judiciary ordered reported H.R. 4128, the Private Property Rights Protection Act. This bill protects private property rights by prohibiting eminent domain abuse by States or the Federal Government through limiting the use of ''Federal economic development funds.'' This term is broadly defined in the bill to mean any Federal funds designed ''to improve or increase the size of the economies of States or political subdivisions of States.'' This bill will be considered by the House shortly, and I want to confirm our mutual understanding with respect to consideration of this bill.

Under rule X of the Rules of the House of Representatives, the Committee on Financial Services has jurisdiction over legislation involving financial aid to commerce and industry as well as urban development. This jurisdiction has been exercised in a number of ways. The term Federal economic development funds as defined in this bill would apply to a number of programs developed by this Committee. For example, these programs would include Community Development Block Grants, Brownfields Economic Development Initiative, Economic Development Initiative, Renewal Communities, Empowerment Zones and Enterprise' Communities and the Section 3 Program of the Housing and Urban Development Act of 1968. The term would also apply to the Economic Development Administration, Delta Regional Authority and the Appalachian Regional Commission. Had time permitted, this Committee would have asked for, and likely would have received, a sequential referral of the bill. However, given the desire to expedite consideration of the bill, I will forego making that request. I do so with the understanding that this will not prejudice the Committee on Financial Services with respect to its prerogatives on this or similar legislation. I further request that you support appropriate representation from this Committee in the event of a House-Senate conference.

I will conclude by requesting that you place a copy of this letter and your response in the CONGRESSIONAL RECORD during consideration of the bill. Thank you for your assistance.

Yours truly,

MICHAEL G. OXLEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 2, 2005.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Resources, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OXLEY: Thank you for your recent letter concerning the Committee on Financial Service's jurisdictional interest in H.R. 4128, the ''Private Property Rights Protection Act.'' This legislation was introduced on October 25, 2005, and referred solely to the Committee on the Judiciary. The Committee on the Judiciary conducted a mark up and ordered the bill reported on October 27, 2005. I appreciate your willingness to waive further consideration of H.R. 4128 to expedite consideration of the legislation, and acknowledge the Committee on Financial Service's jurisdictional interest in the legislation.

I agree that by foregoing consideration of H.R. 4128, the Committee on Financial Services does not waive any jurisdiction it may have had over subject matter contained in this or similar legislation. In addition, I agree to support representation from the Committee on Financial Services for provisions of H.R. 4128 determined to be within its jurisdiction in the event of a House-Senate conference on the legislation.

Finally, as requested, I will include a copy of your letter and this response in the CONGRESSIONAL RECORD during floor consideration of this legislation.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

Mr. CANNON. Mr. Chairman, I rise today in support of H.R. 4128, legislation that would prohibit State and local governments that exercise eminent domain for economic development purposes from receiving federal funds.

John Adams once said ''Property must be secured or liberty cannot exist.'' I join my colleagues in taking action to secure private property rights.

The recent Supreme Court decision Kelo v City of New London eviscerated one of our most fundamental constitutional rights. This case dealt a serious blow to property rights and it is incumbent upon Congress, a co-equal branch of government, to remedy this erroneous decision.

Eminent domain, or the ''despotic power,'' as Justice William Patterson called it in 1795, is the power to force citizens from their homes and small businesses. The Members of the Constitutional Convention were cognizant to the possibility of abuse and that's why the Fifth Amendment provides the simple restriction and remedy: ''nor shall private property be taken for public use, without just compensation.''

The expansion of eminent domain began with the urban renewal movement in the 1950's and it continues today. A recent study by the Institute for Justice found nearly 10,000 cases from 1998 to 2002 of local governments in over 40 States using or threatening to use eminent domain to transfer home and properties from one private owner to another.

Simply put, this abuse has to stop!

Three months prior to the Kelo decision, lawmakers in my home state of Utah passed Senate Bill 184, preventing the exercise of eminent domain authority by redevelopment agencies, which otherwise has the power to transfer land from one private entity to another.

This legislation effectively took the matter out of the courts by placing a higher value on the private property rights of individuals than a city's desire to increase tax revenues.

Just as this legislation served as a wake-up call to redevelopment agencies throughout Utah, I believe the Kelo decision woke America up to the fact that over time, our property rights have quietly been eroded like a stream of water slowly erodes its bank. Fortunately, this erosion has not gone unnoticed by westerners or those they've sent to Washington to represent them.

Private property rights have long been held close to the heart by families and landowners in the Western United States and for good reason. Their farms and ranches have been their livelihood and part of our national heritage since the frontier was closed and the West was settled.

Today many westerners not only have to fight for their economic survival but also have to worry whether their property will be around for them to pass on to future generations. The Federal Government owns more than 50 percent of all land in the West and the population continues to grow.

I am Chairman of the Congressional Western Caucus, and one of our core principles is ''the necessity to protect private property.'' It is the Caucus' position that property rights are the foundation of a free society; that landowners should be compensated when their land is taken or when regulations deprive them of the use of their property.

In H.R. 4128, Chairman SENSENBRENNER and the Committee have produced a bill that represents an important step towards revitalizing basic property rights in this country.

I also believe there is more that can be done to help stem the long-term trend away from property right protections. I, along with my western colleagues, plan to introduce a broad, comprehensive piece of property rights legislation in the near future that will restore much of what has been lost. We believe this bill, in addition to H.R. 4128, will help breathe life into the property rights movement.

The property rights issue is not a class issue. It's not a partisan issue. It's an issue that concerns every property owner in the United States. As Justice Sandra Day O'Conner said in her dissent, ''The specter of condemnation hangs over all property, nothing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory.''

I urge my colleagues to join with me in supporting H.R. 4128 to prevent further abuse of government power.

Mr. KIND. Mr. Chairman, I rise in support of the Eminent Domain Property Act offered by my colleague from Wisconsin, Chairman SENSENBRENNER. This bipartisan-supported bill was introduced in response to the Supreme

Court's 5–4 decision in Kelo vs. City of New London, which condoned the use of eminent domain to take private property and transfer it to another private entity for the stated purpose of economic development.

Mr. Chairman, the Kelo decision put homeowners, small business owners, and farmers all across the country at risk of losing their property to this expansion of the government's eminent domain powers.

The Fifth Amendment of the U.S. Constitution allows local government to use eminent domain powers to condemn private property. The only requirement is that owners are given ''just compensation'' and that the land in question goes to a ''public use.'' Traditionally, the ''public use'' requirement in eminent domain cases allowed the local government to condemn property to build railroads, or bridges, or highways. But in a 1954 case, Berman v. Parker, the Supreme Court found that ''public use'' could include condemning blighted neighborhoods to build better ones as a means to raise more tax revenue. But, whereas the Berman case was predicated on the property being 'blighted,' the Kelo decision goes further down the slippery slope and rests solely on whether the condemnation would improve tax revenues.

I would assert, as Justice Scalia did in the Kelo case, that any conceivable commercial development that replaces a church, house, or farm will produce more tax revenue, and that once condemned land is passed off to private developers, it is no longer going to ''public use.'' That is why I strongly believe Congress must act to limit States' eminent domain actions if the only requirement is that the proposed project improves the tax base.

The Eminent Domain Property Act of 2005 will prohibit the Federal Government from using eminent domain for private economic development and also prohibits States from using eminent domain for private economic development if the State receives any Federal economic development funding. A violation by any State will result with the State being ineligible for a Federal economic development for two years. By denying municipalities all Federal development funds when they abuse their eminent domain authority, H.R. 4128 provides a strong economic disincentive to prevent municipalities and local governments from taking private property for the purpose of private economic development.

Lastly, Mr. Chairman, my district in western Wisconsin is largely rural and dependent on the agricultural economy of its many small family farmers. As the sense of Congress portion of this legislation points out, the unfortunate truth is that agricultural lands are particularly vulnerable to the abuse of eminent domain power. Agricultural lands tend to have a lower fair market value than surrounding commercial and residential properties, making them a prime target for growing communities.

It is hard enough, for our struggling farmers who are facing softening commodity prices and weather related disasters, to also have to contend with losing their way of life so that others can have yet another shopping mall.

Mr. Chairman, I commend my colleague, Chairman SENSENBRENNER on crafting this bipartisan legislation and I urge it's adoption and support.

Mr. COSTELLO. Mr. Chairman, today I rise in strong support of H.R. 4128, the Private Property Rights Protection Act. The bill is in response to the recent Supreme Court decision, Kelo v. City of New London, which condoned the use of eminent domain to take private property and transfer it to another private entity for the stated purpose of economic development. This decision puts all property owners at risk. In rural communities and in urban communities, our livelihood is deeply tied to the land and our belief in private property rights runs strong and deep. Landowners should not be vulnerable to the whims of a government that decides to take their land away.

I am opposed to the ruling because it threatens to make all private property subject to the highest bidder. In response to the Supreme Court decision, I am pleased to lend my support to this legislation because it protects Americans' constitutional rights and punishes those who abuse those rights.

The bill does not change state law, nor does it affect the traditional use of eminent domain for the construction of roads, military bases, hospitals, or other truly public uses. Rather, H.R. 4128 provides an effective deterrent against states using their eminent domain authority for private economic development and I urge my colleagues to support its passage.

Mr. POMBO. Mr. Chairman, H.R. 4128, the ''Private Property Rights Protection Act'' is a timely response to the horrendous Kelo decision. I am supportive of this bill and call for its expedited passage. I want to thank Chairman SENSENBRENNER for his leadership on this issue and look forward to working with him and others to see this bill as it moves through the House and Senate.

Property rights are the heart of the individual freedom and the foundation for all other civil rights guaranteed to Americans by the Constitution. Without the freedom to acquire, possess and defend property, all other guaranteed rights are merely words on a page.

The Fifth Amendment holds that private property shall not be taken by the government for public use without compensation. These safeguards have been under assault for decades and until now, the typical victims were family farmers and ranchers in the West.

The Supreme Court's decision in the Kelo v. City of New London case to allow local governments to declare eminent domain in this case goes beyond compensation; it wholly perverts the intent of public use, and in so doing, may turn the American dream of home ownership into a nightmare. It has delivered the property rights assault from rural America right to the doorsteps of suburbia.

In New London, Connecticut, city planners essentially decided that evicting 15 homeowners from their homes was in the ''greater good'' as a ''public use'' for an office park and new condos. But the public, to be directly served in this case, was a private corporation. Whether they were newly wed couples in their first home or life-long residents who owned their homes outright, whether it is farmers and ranchers which have been on their land for generations or urban and suburban communities with the promise of fellowship, this appalling behavior cannot be tolerated any more. The Supreme Court's decision to allow local government to declare eminent domain turns the Fifth Amendment on its head. However, we cannot forget about rural America. Rural America has been fighting this fight for decades and deserves praise for their unshakable stance on protecting private property.

No longer will public use correctly be defined as a road, bridge, or hospital. Now it can be defined as an abstract good, such as increased tax revenue or economic development. Private property can now be taken at will by government and reallocated to another private entity if it runs afoul of a local bureaucrat's notion of public use and greater good. H.R. 4128 would greatly discourage this behavior and the total disregard for private property protections.

Fortunately, Congress maintains the power over the purse strings. We will act to minimize the effects of this ruling to the greatest extent possible. This bill will prevent States and localities from ever doing this again by withholding economic development funds. However, many States and local communities alike are recognizing the importance of private property rights and beginning to act to protect themselves from this decision. This will assist their efforts.

On the other hand, I do believe this legislation can be improved. Under this bill, if a State or locality takes property in violation of this legislation they will incur a 2 year prohibition of economic development funds. That is not long enough. We need to hold States and localities to a higher standard. By withholding Federal economic development funds for a longer period of time, if not permanently, States and localities will rethink the taking of private property, or remedy their previous egregious actions. They need to know there will be consequences. By withholding these funds for an extended period of time, if not indefinitely, they will understand the seriousness of our intentions.

We have a chance at real reform here and this legislation should be passed. Again, I would like to thank Chairman SENSENBRENNER for bringing this to the Floor as quickly as you did and I look forward to working with you in every step of the process to see this commendable legislation enacted. I have been fighting these injustices since before I was elected to this body and will continue to do so in the future.

Mr. BOEHNER. Mr. Chairman, I rise today in support of H.R. 4128, the Private Property Rights Protection Act of 2005.

I was alarmed by the United States Supreme Court's 5–4 decision to allow private property to be seized in the name of ''economic development.'' On June 23, 2005, the Court ruled that the City of New London, Connecticut could seize a series of privately owned homes, offer the homeowners ''just compensation'' and re-sell those properties to private entrepreneurs as part of a city-approved plan aimed at raising the land value and increasing the city's tax base. The court justified the ruling by arguing that the city had the right to seize the private property under the ''public use'' clause of the United States Constitution's 5th Amendment. The 5th Amendment reads as follows:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

No one has ever denied the fact that in certain rare cases, a government (federal, state, or local) must exercise its Constitutionally limited power to seize land in order to complete a public project like a road, school, military base, or court house. That power is known as ''eminent domain.'' America's Founding Fathers acknowledged it as an unfortunate, but sometimes necessary, evil and it has historically been pursued in America with great reservation. According to a majority of the Court however, seizing private property in the name of ''public use'' does not necessarily mean that the property seized must be used for the public. Instead, the land seized could merely be used in the name of a ''public purpose.'' While the concurring justices never actually define what constitutes a ''public purpose,'' they write that the elected politicians on the local, state, and federal level are more than capable of making such determinations on their own. In this particular case, the ''public purpose'' happened to be a pharmaceutical research facility, a waterfront hotel, and a series of new commercial and residential buildings.

As a result of the Court's 5–4 ruling, any government body (city council, state assembly, Congress) with a good enough lawyer or simply a one vote majority can now take any citizen's private property, offer ''just compensation,'' and dispense with it as it sees fit. In other words, your property is now only your property so long as the government wants it to be.

John Adams once said, ''The moment that the idea is admitted into society that property is not as sacred as the Laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence. Property must be sacred or liberty cannot exist.'' Allowing a man's property to be so easily taken at the whim of a legislative body represents a complete departure from the very core value upon which America was founded—your natural human right to your property. America's Founding Fathers considered property to be the one sacred right above all others. They knew that true freedom came not from a political declaration or a legislative promise but from the ability of each and every citizen to dispense with his property as he saw fit. Those who would take that right away often try to assure us that by surrendering the freedom to control the supposedly less important aspects of our lives, we shall somehow obtain freedom in the pursuit of higher values. I could not disagree more. The ability to control your own property, whether it be your home, your car, or even a simple trinket, is not simply some marginal aspect of life which can be separated from the rest. It is the means to express your values and strive for your dreams. It is the ability to offer shape to your highest ideals and reject those that conflict. In short, it is freedom.

Now the human right to property seems relegated to a mere afterthought. The Institute for Justice, which represented the New London residents in court, released a study showing some 10,000 cases between 1998 and 2002 where local governments in 41 states used or threatened to use eminent domain to take property from one private owner and give it to another. The New York State Supreme Court forced a man off of property his family had owned for more than a hundred years to make way for the new headquarters of The New York Times. Several cities in Ohio have already seized homes in the name of ''economic development''—be it a shopping mall or a new factory. And now the highest court in the land has confirmed that this is all completely legal.

The Kelo decision merely confirmed a depressing trend where those who think ''government knows best'' gain and property rights and therefore liberty yield. I believe that government which governs best is that which governs least. I believe in property rights and the rule of the written law that is the Constitution.

I am proud to support the Private Property Rights Protection Act of 2005. But this bill is merely a first step. The only truly effective way to stop these abuses of power is for every American citizen to remain vigilant in observing that every government official that has sworn an allegiance to uphold the written law of the Constitution remains true to his word. That fight however, begins here, today. I urge my colleagues to take the first step toward once again defending every American's basic human right to his or her property by voting for this important bill.

Mr. POMBO. Mr. Chairman, as a fourth generation rancher, my life has been shaped by the traditions and values associated with proper stewardship of the land. Our Constitutional rights put property ownership of capital importance in the Fifth Amendment.

The right to own property is the backbone of our free-market system. With eminent domain becoming an expanding practice, a bipartisan approach bridging urban, suburban, and rural communities is necessary to uphold the rights of the individual.

The regulatory takings that have been plaguing America's family farmers and ranchers have now spread to suburban neighborhoods, as the decision in the Kelo v. City of New London made absolutely clear. Congress has an inherent responsibility to uphold the Constitution, and on the property rights of United States citizens, the Constitution is clear. The need for H.R. 4128 has never been greater.

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

The Acting CHAIRMAN (Mr. SIMPSON). All time for general debate has expired.

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

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

H.R. 4128

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 ''Private Property Rights Protection Act of 2005''.

SEC. 2. PROHIBITION ON EMINENT DOMAIN ABUSE BY STATES.

(a) IN GENERAL.—No State or political subdivision of a State shall exercise its power of eminent domain, or allow the exercise of such power by any person or entity to which such power has been delegated, over property to be used for economic development or over property that is subsequently used for economic development, if that State or political subdivision receives Federal economic development funds during any fiscal year in which it does so.

(b) INELIGIBILITY FOR FEDERAL FUNDS.—A violation of subsection (a) by a State or political subdivision shall render such State or political subdivision ineligible for any Federal economic development funds for a period of 2 fiscal years following a final judgment on the merits by a court of competent jurisdiction that such subsection has been violated, and any Federal agency charged with distributing those funds shall withhold them for such 2-year period, and any such funds distributed to such State or political subdivision shall be returned or reimbursed by such State or political subdivision to the appropriate Federal agency or authority of the Federal Government, or component thereof.

(c) OPPORTUNITY TO CURE VIOLATION.—A State or political subdivision shall not be ineligible for any Federal economic development funds under subsection (b) if such State or political subdivision returns all real property the taking of which was found by a court of competent jurisdiction to have constituted a violation of subsection (a) and replaces any other property destroyed and repairs any other property damaged as a result of such violation.

SEC. 3. PROHIBITION ON EMINENT DOMAIN ABUSE BY THE FEDERAL GOVERNMENT.

The Federal Government or any authority of the Federal Government shall not exercise its power of eminent domain to be used for economic development.

SEC. 4. PRIVATE RIGHT OF ACTION.

(a) CAUSE OF ACTION.—Any owner of private property who suffers injury as a result of a violation of any provision of this Act may bring an action to enforce any provision of this Act in the appropriate Federal or State court, and a State shall not be immune under the eleventh amendment to the Constitution of the United States from any such action in a Federal or State court of competent jurisdiction. Any such property owner may also seek any appropriate relief through a preliminary injunction or a temporary restraining order.

(b) LIMITATION ON BRINGING ACTION.—An action brought under this Act may be brought if the property is used for economic development following the conclusion of any condemnation proceedings condemning the private property of such property owner, but shall not be brought later than seven years following the conclusion of any such proceedings and the subsequent use of such condemned property for economic development.

(c) ATTORNEYS' FEE AND OTHER COSTS.—In any action or proceeding under this Act, the court shall allow a prevailing plaintiff a reasonable attorneys' fee as part of the costs, and include expert fees as part of the attorneys' fee.

SEC. 5. NOTIFICATION BY ATTORNEY GENERAL.

(a) NOTIFICATION TO STATES AND POLITICAL SUBDIVISIONS.—

(1) Not later than 30 days after the enactment of this Act, the Attorney General shall provide to the chief executive officer of each State the text of this Act and a description of the rights of property owners under this Act.

(2) Not later than 120 days after the enactment of this Act, the Attorney General shall compile a list of the Federal laws under which Federal economic development funds are distributed. The Attorney General shall compile annual revisions of such list as necessary. Such list and any successive revisions of such list shall be communicated by the Attorney General to the chief executive officer of each State and also made available on the Internet website maintained by the United States Department of Justice for use by the public and by the authorities in each State and political subdivisions of each State empowered to take private property and convert it to public use subject to just compensation for the taking.

(b) NOTIFICATION TO PROPERTY OWNERS.—Not later than 30 days after the enactment of this Act, the Attorney General shall publish in the

Federal Register and make available on the Internet website maintained by the United States Department of Justice a notice containing the text of this Act and a description of the rights of property owners under this Act.

SEC. 6. REPORT.

Not later than 1 year after the date of enactment of this Act, and every subsequent year thereafter, the Attorney General shall transmit a report identifying States or political subdivisions that have used eminent domain in violation of this Act to the Chairman and Ranking Member of the Committee on the Judiciary of the House of Representatives and to the Chairman and Ranking Member of the Committee on the Judiciary of the Senate. The report shall—

(1) identify all private rights of action brought as a result of a State's or political subdivision's violation of this Act;

(2) identify all States or political subdivisions that have lost Federal economic development funds as a result of a violation of this Act, as well as describe the type and amount of Federal economic development funds lost in each State or political subdivision and the Agency that is responsible for withholding such funds;

(3) discuss all instances in which a State or political subdivision has cured a violation as described in section 2(c) of this Act.

SEC. 7. SENSE OF CONGRESS REGARDING RURAL AMERICA.

(a) FINDINGS.—The Congress finds the following:

(1) The founders realized the fundamental importance of property rights when they codified the Takings Clause of the Fifth Amendment to the Constitution, which requires that private property shall not be taken ''for public use, without just compensation''.

(2) Rural lands are unique in that they are not traditionally considered high tax revenue-generating properties for State and local governments. In addition, farmland and forest land owners need to have long-term certainty regarding their property rights in order to make the investment decisions to commit land to these uses.

(3) Ownership rights in rural land are fundamental building blocks for our Nation's agriculture industry, which continues to be one of the most important economic sectors of our economy.

(4) In the wake of the Supreme Court's decision in Kelo v. City of New London, abuse of eminent domain is a threat to the property rights of all private property owners, including rural land owners.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the use of eminent domain for the purpose of economic development is a threat to agricultural and other property in rural America and that the Congress should protect the property rights of Americans, including those who reside in rural areas. Property rights are central to liberty in this country and to our economy. The use of eminent domain to take farmland and other rural property for economic development threatens liberty, rural economies, and the economy of the United States. Americans should not have to fear the government's taking their homes, farms, or businesses to give to other persons. Governments should not abuse the power of eminent domain to force rural property owners from their land in order to develop rural land into industrial and commercial property. Congress has a duty to protect the property rights of rural Americans in the face of eminent domain abuse.

SEC. 8. DEFINITIONS.

In this Act the following definitions apply:

(1) ECONOMIC DEVELOPMENT.—The term ''economic development'' means taking private property, without the consent of the owner, and conveying or leasing such property from one private person or entity to another private person or entity for commercial enterprise carried on for profit, or to increase tax revenue, tax base, employment, or general economic health, except that such term shall not include—

(A) conveying private property to public ownership, such as for a road, hospital, or military base, or to an entity, such as a common carrier, that makes the property available for use by the general public as of right, such as a railroad, or public facility, or for use as a right of way, aqueduct, pipeline, or similar use;

(B) removing harmful uses of land provided such uses constitute an immediate threat to public health and safety;

(C) leasing property to a private person or entity that occupies an incidental part of public property or a public facility, such as a retail establishment on the ground floor of a public building;

(D) acquiring abandoned property;

(E) clearing defective chains of title; and

(F) taking private property for use by a public utility.

(2) FEDERAL ECONOMIC DEVELOPMENT FUNDS.—The term ''Federal economic development funds'' means any Federal funds distributed to or through States or political subdivisions of States under Federal laws designed to improve or increase the size of the economies of States or political subdivisions of States.

(3) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

SEC. 9. SEVERABILITY AND EFFECTIVE DATE.

(a) SEVERABILITY.—The provisions of this Act are severable. If any provision of this Act, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of the Act not so adjudicated.

(b) EFFECTIVE DATE.—This Act shall take effect upon the first day of the first fiscal year that begins after the date of the enactment of this Act, but shall not apply to any project for which condemnation proceedings have been initiated prior to the date of enactment.

SEC. 10. SENSE OF CONGRESS.

It is the policy of the United States to encourage, support, and promote the private ownership of property and to ensure that the constitutional and other legal rights of private property owners are protected by the Federal Government.

SEC. 11. BROAD CONSTRUCTION.

This Act shall be construed in favor of a broad protection of private property rights, to the maximum extent permitted by the terms of this Act and the Constitution.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109–266. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to an amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SENSENBRENNER

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109–266 offered by Mr. SENSENBRENNER:

Page 9, strike lines 1 through 7, and insert the following:

(A) conveying private property—

(i) to public ownership, such as for a road, hospital, airport, or military base;

(ii) to an entity, such as a common carrier, that makes the property available to the general public as of right, such as a railroad or public facility;

(iii) for use as a road or other right of way or means, open to the public for transportation, whether free or by toll;

(iv) for use as an aqueduct, flood control facility, pipeline, or similar use;

Page 8, line 7, after ''States.'' insert the following: ''The taking of farmland and rural property will have a direct impact on existing irrigation and reclamation projects. Furthermore, the use of eminent domain to take rural private property for private commercial uses will force increasing numbers of activities from private property onto this Nation's public lands, including its National forests, National parks and wildlife refuges. This increase can overburden the infrastructure of these lands, reducing the enjoyment of such lands for all citizens.''.

Add at the end the following new section:

SEC. ___. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this Act may be construed to supersede, limit, or otherwise affect any provision of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from Wisconsin (Mr. SENSENBRENNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

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

Mr. Chairman, the manager's amendment simply makes clear that private roads and those that are open to the public, free or by toll, and flood control facilities are covered under the exceptions of the bill. It also includes a savings clause making clear that nothing in the legislation shall be construed to affect the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, which requires the Federal Government to pay the displacement costs of those adversely affected by the Federal Government's use of eminent domain.

The manager's amendment also incorporates into the bill's sense of congress section some language provided by the Resources Committee regarding the effect of the abuse of eminent domain on irrigation and reclamation projects and on public lands.

I urge my colleagues to support the improvements made by this manager's amendment.

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

Ms. WATERS. Mr. Chairman, I am not opposed to the amendment, and I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The Acting CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Wisconsin.

This amendment does not change the bill in any substantive way. Rather, this amendment seeks to clarify some of the exceptions that provide for the use of eminent domain for those uses that have traditionally been considered for a public purpose.

This amendment also enhances the sense of congress provision and points out that the bill does nothing to restrict the Federal Government from fulfilling its obligation under current law when it exercises eminent domain.

Most importantly, this amendment serves to reflect the bipartisan interests of the various committees that have been at the forefront of this issue, Agriculture, Resources and Judiciary. I am pleased that we have been able to work together on what I feel is an appropriate response to the Kelo decision.

I just want to say to Chairman SENSENBRENNER, you know how strongly I feel about this issue. And while I offered some amendments in committee so that there would be absolutely no exceptions, I think that if we are able to pass this bill today we will have taken a giant step to stop what I think is a wrongheaded decision by the Supreme Court. So I am willing to certainly support the chairman's amendment, and if we have to continue to work on this issue to get to where I want to be with no exceptions, then I will look forward to working with the gentleman in the future on it.

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

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

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

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. NADLER

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109–266 offered by Mr. NADLER:

Page 2, line 8, strike ''(a) IN GENERAL.—''.

Page 2, strike line 16 and all that follows through line 17 on page 3.

Page 4, beginning in line 1, strike ''to enforce any provision of this Act'' and insert ''to obtain appropriate injunctive or declaratory relief,''.

Page 4, beginning in line 6, strike ''Any'' and all that follows through line 16.

Page 4, line 17, strike ''(c)'' and insert ''(b)''.

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from New York (Mr. NADLER) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from New York.

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

Mr. Chairman, my amendment is very straightforward and, in my opinion, will better protect the rights of property owners than the way the bill is designed.

Under the bill, if the government takes your property for a prohibited purpose, you could sue, and if you win your lawyers get paid and your town gets bankrupted. You get no damages, and if you think the town will bulldoze the new downtown and rebuild your house, you are fooling yourself.

□ 1545

Instead, you should have the right, and my amendment grants you the right, to go to court and stop the government in the first place dead in its tracks. Americans do not want to bankrupt their towns; they want to keep their homes.

Keep in mind the economic threat the penalties of this bill would pose to every single State and local government in the country.

Any property owner under this bill could sue for 7 years after the conclusion of the condemnation proceeding, or at any time in the future if a public facility is later used for a private purpose.

This is an open-ended and catastrophic threat. No financial institution would underwrite a bond or extend any financing to a city or State because the risk is too great. No private company would take a public contract because the city could lose 2 years' funding in the future. If the current city administration does not want to use eminent domain for any improper purpose or, for that matter, any proper purpose, it will still have trouble floating bonds because maybe its successor 10 years from now will use eminent domain improperly, they will lose 2 years of all the Federal revenue, and they will not be able to repay the bonds. Therefore, the bond counsel now will instruct the people not to lend to the city. No bank would do business with a public contractor for the same reason.

This is absurd. We should protect our homes. The way to do that is to establish in this bill, as it does, a substantive right not to have eminent domain used against your home or property for the prohibited purposes, and then give you the right to enforce that by an injunction, with attorneys' fees paid in advance, that stops it. You do not need the ability of someone in the future to go to court and punish the city which does not even get the property owner help.

So my amendment would say no penalty for the State or city later, that is unnecessary, because we are granting you the right to get an injunction, a permanent injunction to stop the taking in the first place. That is the proper protection.

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

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

Mr. Chairman this is a gutting amendment. It is a gutting amendment because it removes the constitutional hook that this Congress and the Federal Government have to prevent the abuses that have been sanctioned by Kelo, and that is the Federal funds that have been used for economic development.

The amendment strikes out all the penalty in the bill that would prevent the government officials from abusing eminent domain. No penalty, no tap on the wrist. We say you should not do it; but if you go ahead and do it, then you are not going to be penalized. Without these penalties in the bill, the government could take private property from one person and simply give it to a wealthy corporation. Because this amendment guts the entire bill, it ought to be opposed.

Under this legislation, there is a clear connection between the Federal funds that would be denied and the abuse that Congress is intending to prevent. The policy is that States and localities that abuse their eminent domain power by using economic development as a rationale for a taking should not be trusted with Federal economic development funds that could contribute to similarly abusive land grabs.

There is an entirely appropriate connection in the base bill between the Federal policy of protecting private property rights from eminent domain abuse and making sure that the Federal Government does not subsidize eminent domain abusers. The amendment should be defeated for these reasons.

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

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

Mr. Chairman, this is not a gutting amendment. The constitutional basis for granting the injunction against the taking is the fact that the State is accepting Federal funds. The bill, on lines 12 through 15 on page 2, says clearly: ''if that State or political subdivision receives Federal economic development funds during any fiscal year in which it does so.'' That is the constitutional basis for saying, you cannot do certain kinds of takings as this bill prohibits and, if you do, you can establish penalties or injunctive relief.

All I am saying is, we are using the Federal jurisdictional hook that the chairman mentioned and instead of penalizing later, which does not help the homeowner who has lost his home, you say you can stop it now, get an injunction for stopping it now, because the State has agreed not to use its power in this way as a condition of taking Federal funds. There is well-established constitutional law that we can condition Federal funds on that.

That being the case, you can go into Federal or State court and get an injunction if you do my amendment. With the injunction, you do not have the taking, you do not have to worry about punishing anybody 10 years later, because there is no taking in the

first place. It is a much better protection for the property owner. We prohibit the taking. The court says you cannot do it. There is no constitutional problem with that.

It does not gut the bill because it says you do not have to punish what cannot have occurred. It cannot have occurred because the bill would now say you may not do it; and if you may not do it, the court will prohibit you from doing it, because we are establishing the right to go into court in advance and get an injunction against it.

So total protection of the property owner against the improper taking. You do not have to worry about fouling up the State or city's ability to float bonds or the State or city finances later; you do not punish all the citizens of the city because the mayor is paying off some campaign contributor with a private taking, just prohibit the mayor from doing so in the first place and enforce that by letting the property owner get an injunction, period.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I respectfully offer this statement against the amendment offered by the gentleman from New York. Essentially, this amendment eliminates the teeth of this bill: the denial of Federal funds for 2 fiscal years to those States and cities that have violated this act. The denial of Federal economic development funds should serve as a real deterrent for those States and cities that want to exercise eminent domain for development, that is, the taking of private property for private use. Without this provision, this bill will not be taken seriously, and the eminent domain abuses that many in this country are complaining about will continue.

I just waved before my colleagues a list of over 125 cases of the taking of private land for private use, or attempts to do that; and I think the bill that we have before us today will stop this kind of abuse of eminent domain.

Mr. NADLER. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, the fact is, this does not gut the bill, as the gentlewoman from California said. It takes out the penalty, but you do not need the penalty because you establish the right of the court and the duty of the court to stop it in the first place. There will be no private taking for the prohibited use because you give the rights to the landowner to get an injunction against it in the first place. It is a much better protection than worrying about punishing the city later. You do not have to punish the city because you protect against it in advance, 100 percent.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, we do not know if the gentleman from New York's approach is constitutional. That has not been tried before, and it would be a case of first impression in the courts.

We know that the provision of denying Federal funds in the base bill is constitutional, because it was done by this Congress 20 years ago where we denied States transportation funds that did not raise the drinking age to 21. So the constitutional precedent was set 20 years ago in the transportation area. The base bill does that. The gentleman's amendment does not. That is why it ought to be rejected.

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

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

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

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

AMENDMENT NO. 4 OFFERED BY MR. SODREL

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109–266 offered by Mr. SODREL:

Page 4, line 6, after ''jurisdiction.'' insert ''In such action, the defendant has the burden to show by clear and convincing evidence that the taking is not for economic development.''

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from Indiana (Mr. SODREL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

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

I thank the chairman and ranking member for bringing this bill forward, a bill that I was proud to cosponsor.

H.R. 4128 is a good bill. It addresses a new-found power of government that frightens every homeowner and small businessman, the possibility of having their home or business involuntarily taken to be given to someone else to build some other business or development that government may prefer. Compounding that fear is the fear of having to go to court and pay to prove that the government violated the provisions of this bill, having to pay a lawyer and possibly hire experts to prove that the taking of their property is for economic development in violation of the act.

My amendment clarifies that the burden of proof is on the State or the agency seeking to take the property, and the evidence it has provided must go beyond merely saying so. This issue is important enough that a court reviewing the taking should not give deference to the government assertions that the ultimate use of the property is for other than economic development as outlined in the act. The burden of proof should rightly be placed on the government entity that initiated the action, not on the property owner. I urge the adoption of this amendment.

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

Mr. SENSENBRENNER. Mr. Chairman, I will claim the time in opposition, even though I am not opposed.

The Acting CHAIRMAN. Without objection, the gentleman from Wisconsin will control the time in opposition.

There was no objection.

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

Mr. Chairman, this amendment would help property owners by putting the burden of proof on the government to show that it is not abusing eminent domain by taking private property for a private use. It is a good amendment, and I support it.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I support this amendment also. I am tired of poor people and working people having to go and find lawyers and pay them. Who can afford $250 and $300 an hour? The average poor person certainly cannot. So you are right, let us put it on the entity that is trying to pull these tricks in the first place to take these properties away from these citizens.

So I support the amendment.

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

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

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 109–266 offered by Mr. MORAN of Virginia:

Page 8, strike line 17 and all that follows through line 19 on page 9 and insert the following:

(1) ECONOMIC DEVELOPMENT.—The term ''economic development'' means taking private property, without the consent of the owner, and conveying or leasing such property from the taking authority to a private person or entity, or from such private person or entity to another private person or entity, where the grantee or lessee person or entity is to use the property for commercial enterprise carried on for profit, or where the conveying or leasing is for the primary purpose of increasing tax revenue, tax base, employment, or general economic health, except that such term shall not include—

(A) conveying private property for a public use, such as—

(i) for a road, hospital, or military base;

(ii) for use by the general public as of right, such as a railroad or public facility; or

(iii) for use as a right of way, aqueduct, pipeline, utility or similar use;

(B) removing harmful uses of land provided such uses constitute an immediate threat to public health and safety;

(C) leasing property to a private person or entity that occupies an incidental part of public property or a public facility, such as a retail establishment on the ground floor of a public building;

(D) acquiring abandoned property; and

(E) clearing defective chains of title.

Page 4, beginning in line 15, strike ''and the subsequent use of such condemned property for economic development''.

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from Virginia (Mr. MORAN) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

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

Well, here we have those folks who are considered to be on the far left and those on the far right and those just left of center and those just right of center; everybody agrees that this bill should be passed. It reminds me of a comment or observation that Plato once made: ''The minority are oftentimes wrong, but the majority always are.''

Now, I can understand why we are reflexively doing this bill, but I cannot understand why we would make this bill so broad with such an interminably long period of time with which to take any grievance to the courts, that it will create unintended consequences which will cause very severe consequences and economic problems for localities all over our country.

We do not have one dictatorship at the local level of American government. Every single official at every single level of local government is elected, so all of them are responsible to the voters; and that is where this should be decided.

But I am going to suggest two changes that will be achieved by my amendment. They address the two major deficiencies of this bill: first, it is much too broad; and, secondly, the period of time within which a government can be sued is much too long.

The broad definition of ''economic development'' in section 8 includes a conveyance or lease of property that is ''to increase tax revenue, tax base employment, or general economic health.''

Unfortunately, practically every conveyance of condemned property can have at least an incidental or secondary purpose and effect of increasing taxes, creating jobs, or otherwise producing a positive economic impact, virtually everything that a local government may need to do even though that might not be the primary purpose of the taking.

□ 1600

So the bill has the potential of prohibiting virtually every taking which occurs as part of public-private partnerships that are not for economic development purposes at all, for example, the conveyance or lease of condemned property as part of a public-private partnership to a private entity that could be used for a waste-to-energy facility.

The processing of solid waste would be prohibited under this. Delivering recreational services in a public area, a public park. Supplying affordable housing. I could give you any number of examples that would have been precluded under this. Providing a parking facility in a downtown that is desperately needed in many communities.

These projects may well produce tax revenues, new jobs, a healthier economy, but that is not the primary purpose of these projects. Their primary purpose is simply to deliver a service that the local community needs and to do so by partnering with a private for-profit entity. Yet the broad language of the bill would prohibit virtually all such public-private partnerships.

My amendment addresses this problem by making clear that the bill reaches the conveyance or lease of condemned property definition only when the primary purpose of the transaction is the increase of taxes, jobs or economic benefits. That is a change that is very much needed to this legislation.

Secondly, the time to file suit under the bill is much too long. Under the bill, a cause of action must be brought no later than 7 years following the conclusion of condemnation proceedings and the subsequent use of such condemned property for economic development. So where you have a property that was condemned, say, next year, in 2006, and the owner believes its economic development use begins in 2011, the owner has until 2018, 12 years after the property's condemnation, to challenge its validity. In many cases, the statute could extend the right to sue for generations to come.

There is no need or reason to provide such a lengthy statute of limitations. The validity of a condemnation action has to be put to rest in some reasonable time; and the Judiciary Committee has, in other contexts, agreed with that principle.

The 7 years should be measured from the conclusion of the condemnation proceeding. At this time, a property owner knows whether his or her property has been taken, knows the reasons for the taking, and can judge whether the taking is subject to the bill's prohibition. My amendment would reduce the statute of limitations to 7 years from the end of the condemnation proceeding, not 7 years after the property's economic development.

Mr. Chairman, this bill needs additional clarification, and I do think this amendment would provide it. I have substantial problems with this bill. So I am reluctant to fix it, but I know it is going to pass. If it passes, it should be a bill that does not cause the kind of unintended consequences this bill will impose on every locally elected government.

Third, the bill defines "economic development" as conveying or leasing condemned property from one private party to another private party—but not from the condemning government to a private party. However, in the "real world," many economic development projects involve the conveyance of condemned property from the condemning authority to a private person or entity—a project the bill does not reach. For instance, the bill would not reach the conveyance by a city or county of 10 acres of taken property to, say, the Marriott Corporation for the use as a convention center, even though the primary purpose of the conveyance is the production of increased tax revenue and jobs.

The amendment addresses this problem by including in the definition of "economic development" conveyances and leases from the condemning government to a private party. In addition, the bill makes some corresponding technical changes to the definition of economic development in light of the other changes I have just explained.

Mr. Chairman, to conclude, this bill is too broad, too unclear, and overreaching. I urge you to adopt this amendment.

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

Mr. Chairman, unlike the characterization that my friend from Virginia has made in this bill, this is a bill that is supported by the mainstream of Members of Congress. And how many times in anybody's congressional career would you see Jim Sensenbrenner and Maxine Waters supporting the same bill? That means that we have a very, very big tent of people who are supporting it, because it is the right thing to do.

The amendment should be defeated because it would gut the bill. Because it completely goes back to the definition of public purpose that the Supreme Court allowed this terrible miscarriage of justice to occur in the Kelo case.

The Kelo decision held that the term public use could actually mean a private use such that the government can take perfectly fine property from one person just to give it to another wealthier person. And the amendment would put back into the bill an exception for any public use, I would submit, as defined by a majority vote of the city council, which in the wake of the Kelo decision means a private use as well.

This amendment would put property owners everywhere back to where they were before the Kelo decision, and that is way behind the eight ball, subject to the mercy of a majority vote of their city council. The whole point of this legislation is to counter the Supreme Court's reading of public use in a way that includes private use as well, and the amendment guts the bill by allowing exceptions for private uses as well as public uses. Because this amendment is a giant step backwards in the protection of property rights, it should be soundly defeated.

With respect to the comments the gentleman made on the statute of limitations, yes, it is a long statute of limitations. Because the city has the time and the money to wait out the property owner simply by putting it on the shelf until the time expires. And we should have a longer statute of limitation, rather than a shorter one, so that the city cannot be tempted by the siren song of using its power and using its money to run roughshod over the owner of a piece of private property.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I respectfully offer this statement against the amendment offered by the gentleman from Virginia (Mr. MORAN).

Mr. Chairman, this amendment seeks to prohibit a taking of private property only when the taking's primary purpose is economic development, maybe for the parking lots he described.

I am fearful that such an amendment would create a loophole for States and cities, allowing them to take property in a manner that is inconsistent with this Act, by arguing that the economic benefits of the taking were incidental rather than primary.

Also, this amendment seeks to confine property owners to a 7-year period in which they must bring a suit under this Act. This means that an owner who has had his or her property taken better hope that the State or the city puts the property to use in 7 years. If a State or city takes property for a public purpose, sits on it for 8 years and then puts it to use for economic development, the owner has no recourse.

Mr. Chairman, I do not think that you can argue that the statute of limitations is too long. These people, citizens buy their homes, and they expect to live in them for life. They do not expect someone to come along and say that we have decided that we are going to give it to someone else, a developer to develop for private purposes to make money on.

So I would ask my colleagues to reject this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I would say very quickly to the gentleman from Virginia, the majority that he mistrusts is about the business of protecting the minority that he values, because a private property owner facing eminent domain powers being used to take their property for private economic development purposes is very much alone, and he needs this kind of weight of authority behind him or her to protect their private property rights.

If the gentleman's amendment is adopted, it will reopen exactly the kind of confusing and controversial court decisions that we are about trying to address here today. The specificity in the bill is superior to the gentleman's amendment.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

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

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

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

AMENDMENT NO. 6 OFFERED BY MR. TURNER

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 printed in House Report 109–266 offered by Mr. TURNER:

Page 9, beginning in line 8, strike ''provided'' and all that follows through line 10 and insert '', including a property or preponderance of properties which constitute a threat to public health and safety by reason of dilapidation, obsolescence, overcrowding, lack of ventilation, light, and sanitary facilities, excessive land coverage, deleterious land use, obsolete subdivisions, or because it constitutes a brownfield, as that term is defined in the Small Business Liability Relief and Brownfields Revitalization Act (42 U.S.C. 9601(39))''.

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from Ohio (Mr. TURNER) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

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

Mr. Chairman, the Supreme Court in Kelo v. City of New London went too far in allowing the taking of private property for private development. Congress must take action to protect property rights of individuals. However, we must be careful not to prohibit traditional pre-Kelo justifications for eminent domain.

Mr. Chairman, my amendment enumerates harmful effects which constitute a threat to public health and safety. These harmful effects are traditional justifications for cities, municipalities and other governmental entities to acquire property to protect public health and safety. In fact, the list of harmful effects in my amendment includes elements from several State laws.

The amendment is derived from the State definitions from Wisconsin, the home of Chairman SENSENBRENNER; Texas, the home of our President; Illinois, the home of our Speaker; Missouri, the home of Majority Leader BLUNT; and Virginia, the home of Chairman GOODLATTE.

I have also included an exception for brownfields in my amendment. Brownfields, which are contaminated properties, are a dangerous problem for cities and must be redeveloped to protect the current residents of these communities and also bring people back into our cities.

This amendment, in order to protect public health and safety, has been endorsed by the National Association of Home Builders, the International Council of Shopping Centers, the National Association of Industrial and Office Properties, the International Economic Development Council, the Building Owners and Management Association International, the Real Estate Roundtable, the American Institute of Architects, the American Planning Association, the National Association of Local Government Environmental Professionals, the United States Conference of Mayors, the International City County Management Association, and the National League of Cities.

This amendment, Mr. Chairman, is necessary. Without this amendment, our States will lose their pre-Kelo authority.

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

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

Mr. Chairman, this amendment must be defeated because it uses undefined terms that would gut this vital legislation designed to protect the property rights of all Americans from abuse of Government land grants.

The list of organizations that the gentleman from Ohio read off in support of his amendment shows why it ought to be defeated, if we want to stand up for the property rights of individual landowners.

The terms used in this amendment are broad in their scope; and, consequently, the amendment would subject just about any property owner in America to the threat of having their property taken by a government official willing to abuse the power of eminent domain to take property from one private citizen and give it to another wealthier developer.

The amendment would allow the taking profit for ''excessive land coverage,'' ''lack of ventilation,'' ''lack of light,'' and ''obsolescence,'' just to name a few. None of these terms are defined in the amendment, and each would be subject to tremendous abuse. No home in the country would be safe if a government official were allowed to use those concepts to take private property.

If a government bureaucrat thinks your porch is too big, they can take your whole house and all of your land under the amendment. If your barn has only one light bulb in it or no artificial light at all, then your barn and all of the farm land surrounding it could be confiscated by the government. Webster's Dictionary defines obsolete, which is one of the terms used in this amendment, as of a kind or style no longer current. Under the amendment, then, if the design of your house is out of fashion in the eyes of government officials, you could lose both your house and your property; and that is wrong.

The base bill already includes a reasonable exception that allows the government to take property when property is being used in a way that imposes an immediate threat to the public health and safety. And the base bill does absolutely nothing, absolutely nothing that prevents States and localities from enforcing public nuisance laws under its police powers and tearing down an unsafe building.

But the amendment goes much further in a way that threatens low-income and minority communities, and for that reason I join the NAACP in opposing this amendment. Listen to what actual practitioners in the field have to say about it. This is from the Institute for Justice, the public interest law firm that represented Suzette Kelo and the other New London homeowners who took their fight to keep their homes from being taken for private commercial development all the way to the Supreme Court.

The Institute for Justice states, ''In our experience litigating eminent domain cases all over the country, we have seen each of the terms in the amendment applied in such a way as to allow the use of eminent domain on perfectly normal residential and business neighborhoods. Dilapidation can mean that a building has chipped mortar or needs a new handrail. Obsolescence can be a single-family home that lacks three bedrooms, two full bathrooms and a two-car attached garage. Both overcrowding and lack of ventilation, light and sanitary facilities were routinely used during urban renewal to remove poor and minority communities from their neighborhoods. Deleterious land use can mean a combination of residences and businesses in a single area, even though many planners think that such neighborhoods are ideal. Time and time again, the terms found in this amendment have served as vehicles for the abuse of eminent domain for private commercial development''. From the Institute.

This gutting amendment should be defeated.

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

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

Mr. Chairman, wow, light bulbs burnt out, paint peeling, those are scary things that the chairman has said would be used for eminent domain. But not in America. That is not what the eminent domain pre-Kelo has been in America.

The 49 States who have definitions of harmful effects that are in this amendment are from States that have litigated over this issue and that have taken into consideration the issue of property rights, the issue of the property rights of individuals that live next to abandoned factories, the people who have children that are in neighborhoods that have property that is near them that has an impact on the public health and safety. The ability for them to enjoy their property and to enjoy it where they are living next to public health and safety threats are what the amendment would rise to.

□ 1615

It does not permit anybody to take any property because a light bulb is burned out. In fact, again it is based on 49 States and the exact language that is used by them in defining harmful effects. The chairman's own State's language includes, from Wisconsin, dilapidation, obsolescence, sanitation, light, air. These are not terms of burned-out light bulbs. These are issues where they rise to the level of a safety and health threat to the individuals of the communities, of the people whose properties are next to them. It is not Kelo.

We all believe that Kelo has gone too far and that an individual's property rights of his home should be protected. But similarly, the home that stands next to a property that is abandoned and is a health threat or the property that is next to a factory for which there are health and safety issues for a community needs to be addressed. Forty-nine States have passed legislation permitting eminent domain in public safety and health threats. Certainly we should acknowledge this and not take away from these communities the pre-Kelo rights of eminent domain.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Ohio (Mr. TURNER). This is the most dangerous of all the amendments that have been offered today.

We take up the Private Property Rights Protection Act today in an effort to provide all property owners with greater protections. The Turner amendment will essentially create a blight exception. By prohibiting the use of eminent domain for economic development in almost all instances except blight, we make blighted communities an easy target for States and cities.

This is why the NAACP supports this bill also. Too many of our communities, the minority, the elderly and the low-income have witnessed an abuse of eminent domain powers. Given this history of abuse, we would like all legislative responses to Kelo to be sensitive to that.

Historically and today, it has been too easy to characterize minority, elderly or low-income communities as blighted for eminent domain purposes and subject them to the will of the government. If legislative proposals contain language that could potentially excluding these communities from protection against eminent domain abuses, we have failed to be sensitive to the interests of this constituency.

These communities should be afforded the same rights and protections all homeowners, business owners, and other property owners will be afforded in a Federal policy response to Kelo.

The Acting CHAIRMAN (Mr. SIMPSON). The gentleman from Ohio has 1 minute remaining.

Mr. TURNER. Mr. Chairman, I yield 45 seconds to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I have mixed emotions about this bill, but I see it as an environmental bill. This is a great bill. This stops growth, particularly the section of the sense of Congress on the use of eminent domain funds to take farmland or other real property for economic development. It just says you cannot do that.

But what really bothers me in this bill is the fact that the terms of Federal economic development means any Federal funds distributed to or through States or political subdivision of the States under Federal laws designed to improve or increase the size of economies of the State or political subdivisions.

As I look at it, those laws mean all the BRAC money that comes to reuse of military bases. It means transportation monies. It means sewer and water monies. It essentially is a no-growth bill. For those on the environmental side this is good. For those who want to see some economic development, we need this amendment.

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

Mr. Chairman, in communities all across this country, there are buildings that represent a public health and safety threat to a community. Many times people drive by those buildings and they say to their elected officials, someone ought to do something about that. It is not a Kelo decision of saying we ought to have something better. It is saying that there is something damaging to our community and damaging to our neighborhoods.

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

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

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

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

AMENDMENT NO. 7 OFFERED BY MR. GARY G. MILLER OF CALIFORNIA

Mr. GARY G. MILLER of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 printed in House Report No. 109–266 offered by Mr. GARY G. MILLER of California:

Page 9, line 17, strike ''and''.

Page 9, line 19, strike the period and insert ''; and''.

Page 9, after line 19, insert the following:

(G) redeveloping of a brownfield site as defined in the Small Business Liability Relief

and Brownfields Revitalization Act (42 U.S.C. 9601(39)).

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from California (Mr. GARY G. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARY G. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding.

The amendment would simply make an exception for the taking of property that is categorized as a brownfield under Federal law, meaning it is a site that contains or is perceived to contain hazardous contaminants. I support the adoption of the amendment and commend the gentleman from California for introducing it.

Mr. GARY G. MILLER of California. Reclaiming my time, I rise to offer a modest amendment to ensure the Federal Government continues to work with local communities to promote and encourage brownfield redevelopment in America.

The bill has a list of exemptions that recognizes eminent domain is sometimes used for legitimate purposes. These exemptions in H.R. 4128 are not sufficient to address brownfield sites. While the bill is an important step to protect private property rights, it could have the unintended consequence of inhibiting redevelopment of brownfield sites.

My amendment corrects the oversight by adding brownfield redevelopment as specifically defined in the Small Business Liability Relief and Brownfield Revitalization Act of 2001. Owners of brownfield sites are frequently unwilling to sell them for fear of cleanup and cost of contamination they find. Eminent domain can often help break through legal and procedural barriers to the sale of the land.

To address this, local governments can take advantage of the liability protection in CERCLA for acquiring potentially contaminated sites ''through the exercise of eminent domain authority by purchaser or condemnation.''

Without using eminent domain as provided for in CERCLA, a local government would be held strictly liable for all costs and cleanup of polluted land as the owner and operator of the site.

I want to stress strongly that brownfield sites are not residential properties. They are abandoned, idle, or underused industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

Let us make sure the cities have the tools they need to clean up brownfield sites. It is a reasonable amendment, and I ask for an ''aye'' vote.

I rise today to offer a modest amendment to ensure the Federal Government continues to work with local communities to promote and encourage Brownfields redevelopment in America.

PROTECTING PRIVATE PROPERTY RIGHTS IS IMPORTANT

There is no question that the right to own private property is one of the cornerstones of American freedom.

Governmental regulatory takings are becoming more and more prevalent in today's society and Congress must do everything possible to ensure that lands acquired by private means are protected. As more and more Americans are working to purchase property and become homeowners, the threat of governmental takings must not overshadow the pursuit of the American dream.

The recent United States Supreme Court decision set the precedent that local governments may be afforded wide latitude in seizing property for land-use decisions. I strongly disagree with the implications of this decision. Private property has been the foundation of our society, and I believe it is unwise for government to deprive citizens of this most basic tenet of the American dream.

I am pleased that we have a bill before us today to respond to the Supreme Court's ill-advised decision. While the bill is an important step to protect private property rights, it could have the unintended consequence of inhibiting the redevelopment of Brownfields sites.

BILL'S EXEMPTIONS DO NOT COVER BROWNFIELDS

The bill has a list of exemptions that recognize that eminent domain is sometimes used for legitimate purposes. However, Brownfields redevelopment is not part of this list.

The current exemptions in H.R. 4128 are not sufficient to address Brownfields sites. Brownfields are not always ''abandoned'' and may not ''impose an immediate threat to health or safety.'' My amendment corrects this oversight by adding Brownfields redevelopment as specifically defined in the Small Business Liability Relief and Brownfields Revitalization Act.

BROWNFIELDS REDEVELOPMENT IS IMPORTANT

Experts estimate that the United States has more than 450,000 vacant or underused industrial sites as a result of environmental contamination caused by chemical compounds and other hazardous substances. These sites are known as Brownfields.

Brownfields represent more than just eyesores—they threaten our groundwater supply, cost our local communities jobs and revenue, and contribute to urban sprawl. Returning the nation's Brownfields sites to productive economic development could generate more than 550,000 additional jobs and up to $2.4 billion in new tax revenues for cities and towns.

We must not inhibit or stymie the ability of localities to responsibly exercise eminent domain authority for the redevelopment of Brownfield sites. The redevelopment of Brownfield sites has proven to revitalize distressed neighborhoods, while fostering economic growth, creating jobs, increasing local tax revenues, and reducing public service demands.

This amendment will ensure that the use of eminent domain to redevelop Brownfield sites will remain available.

BROWNFIELDS POSE OBSTACLES TO REDEVELOPMENT THAT SOMETIMES CAN ONLY BE OVERCOME BY EMINENT DOMAIN

Owners of Brownfield sites are frequently unwilling to sell them for fear of the cleanup costs of any contamination found. Eminent domain can often help break through legal and procedural barriers to the sale of the land.

To address this, local governments can take advantage of the liability protections in CERCLA for acquiring potentially contaminated sites ''through the exercise of eminent domain authority by purchase or condemnation.'' Without using eminent domain as provided for in CERCLA, a local government would be held strictly liable for all costs of cleaning up polluted land as an ''owner or operator'' of the site. As a result, local governments would be less likely to redevelop a Brownfield site.

BY PROMOTING BROWNFIELDS REDEVELOPMENT, WE ARE NOT THROWING PEOPLE OUT OF THEIR HOMES

Brownfields are not Residential Properties. They are abandoned, idle, or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

CITIES WILL NOT BE ABLE TO ABUSE THE BROWNFIELDS EXCEPTION

The Brownfields Revitalization Act creates a specific scientific standard for determining whether a former industrial site is a potential Brownfield site.

The real problem is that when a property is a Brownfield, it is in legal limbo. It is the ''possibility'' of contamination alone that results in the lack of redevelopment. The land might not be contaminated, but if the owners have reason to believe it might be, it will likely sit, unused.

Without the city's ability to exercise eminent domain, many contaminated properties that can be redeveloped would instead continue to impose heavy environmental, financial, and social burdens on communities.

CONCLUSION

We must give cities the opportunity to minimize urban sprawl and preserve existing green space by allowing communities to work with local developers and builders to utilize previously developed properties.

This amendment preserves the ability of cities to take ownership of Brownfields and work with their development community to design projects that utilize existing infrastructure.

Most importantly, it is estimated that up to $2.4 billion in new tax revenues can be generated through Brownfields redevelopment. Let's make sure cities have the tools they need to clean up Brownfields sites.

I urge my colleagues to support this crucial amendment to demonstrate that we support Brownfields redevelopment.

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

Ms. WATERS. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Mr. Chairman, I claimed this time to raise some concerns about the amendment offered by the gentleman from California. I believe the gentleman from California and the gentlewoman from Texas have a sincere interest in furthering this Nation's development of brownfields, land that is difficult to expand because of environmental contamination. However, I believe that such development is already protected under the bill.

First, this bill will provide an exception for removing harmful uses of land

provided such uses constitute an immediate threat to health and safety. If land truly constitutes a brownfield, then it meets this exception.

Second, brownfields are often acquired by clearing title on, for example, old industrial property where ownership exchanged numerous times without proper recording. The bill creates an exception for clearing defective claims of title; and, again, brownfields would be protected.

Brownfields are also protected under the abandoned property exception that is in the bill. Owners often abandon these properties to escape liability. I am confident that there are sufficient protections in this bill for brownfields in question if an additional exception needs to be created.

We do not want cities to now use the brownfields label as an excuse to take private property and turn it over to a private business or developer. Worse yet, we do not want brownfields to become the modern-day blight exception.

You can see that we have heard requests for any number of exceptions, and if we stayed on this floor for 24 hours or 48 hours, more Members, perhaps, could think of reasons why you should take private land for private use. I maintain that if you want to package land or you want to acquire land, you have to work within the marketplace to do it. You have to go out, you have to find the owners, you have to negotiate market rates, you ''have'' to convince people it is for good uses. You have to work. And you have to engage in order to acquire land. You cannot simply come up with every excuse that is convenient to mayors and city council members and to developers to take people's private land.

If it is private, if it is owned, whether it is residence or business or ''vacant'' land, whatever, it belongs to somebody, somebody paid for it. They have a right to it. The government does not have the right to take it. And so I would simply be opposed to yet another request for an exception to this very good bill that is put forth to protect the citizens of the States.

I commend the chairman and those of us on both sides of the aisle for stepping forward in the manner that we have in a timely fashion to say no.

I have often criticized my friends on the opposite side of the aisle for accusing courts and the Supreme Court of creating law, of creating legislation. They did it on this one. They absolutely did. The Constitution simply says that you must compensate for the taking of land for public use.

We are not opposed to eminent domain for public use. I question it from time to time, but that is not what this is all about. This is about the taking of private land for private use.

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

Mr. GARY G. MILLER of California. Mr. Chairman, I yield 2¼ minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I proudly join the gentleman from California in supporting this amendment.

I appreciate the response that H.R. 4128 is attempting to convey. We just feel that there is a possibility that it might have some unintended consequences.

In 2002, President Bush signed the Small Business Liability Relief and Brownfields Revitalization Act, and that bill authorized $200 million annually for Federal assistance to States and local communities to assess brownfield sites and to conduct cleanup where the assessment indicates the cleanup was warranted.

The measure represented the centerpiece of the administration's environmental agenda. It was widely praised and received broad bipartisan support, and rightfully so. According to the Government Accountability Office, there are well over 500,000 brownfields in communities around the country; and brownfields represent the economic opportunity wherever they exist.

These abandoned and underused industrial sites pose heavy economic, financial, and social burdens on the community. These burdens include blight, deterioration of neighboring properties and property values, neighborhood health hazards from contamination, and increased need for fire and police protection to limit the nuisance effect of brownfields, and increased sprawl as individuals and families and businesses relocate to the suburbs, farmland, and open space.

Over the past decade, communities across the country have realized that responsible brownfield redevelopment can transform environmentally impaired property into productive property and positively impact distressed communities.

The city of Dallas that I represent was one of the first cities to be designated as a brownfield showcase community by the Environmental Protection Agency. Dallas has used assessment and remediation grant programs to redevelop 35 sites in the core of the city.

Although the city has not used eminent domain to date in its brownfield redevelopment projects, they have shared with me that they certainly can anticipate perhaps a situation where the city might want to do this to acquire. I fully and strongly support the amendment.

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

Mr. GARY G. MILLER of California. Mr. Chairman, I yield myself the balance of my time.

The gentlewoman from California said a few things that I think I have to address. She said she believed this is included within the bill. It is not. The other thing she said is that the cities should work within the marketplace to acquire these properties.

The problem you have with cities doing that is without eminent domain that is provided for in CERCLA, a local government would be held strictly liable for all costs of cleanup of the polluted land as the owner-operator of the site. That is a complete different liability that the city would accept through eminent domain.

By not having eminent domain through CERCLA, a city then would not want to have a piece of property that was a brownfield because they then are accepting the total liability of the owner. This is going to shut down development in local communities. The problem we have with the bill, there is no immediate threat to health because, as you know, brownfields are usually fenced in. They are sites that are not being used. The owners generally do not want to know if they are contaminated because then they have to accept liability.

It is a reasonable amendment. I thank the chairman for accepting it.

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

□ 1630

Ms. WATERS. Mr. Chairman, I yield myself the balance of the time.

I respect the gentleman's request for yet another exception, but I oppose it. I think that the chairman and the framers of this legislation have been very responsible in the way that we have tried to advance a piece of legislation to protect the citizens of this Nation from a bad Supreme Court decision.

A lot of people may be inconvenienced by our bill, people who want to acquire property, people who want to take private property for a development, people who want to make money, people who will use any means necessary by which to gain property that they think will help to bring them additional profits. There are a lot of reasons why people will be inconvenienced by this bill.

The bottom line is we do not wish to continue to abuse and inconvenience, marginalize and deny property owners of this country. We feel that our number one responsibility is to the property owners. We are elected to represent our citizens in the best way possible. There is no better way to represent citizens than to say we stand with you in the ownership of the land that you have bought, that you have inherited, that you have invested in.

We know a lot of people may not like it. It may inconvenience some people. You may not be able to build that parking lot, you may not be able to develop that shopping center, but we stand with the people against those kind of inconveniences. We ask for a ''no'' on the gentleman's amendment.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from California (Mr. GARY G. MILLER).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. GINGREY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 printed in House Report 109–266 offered by Mr. GINGREY:

Add at the end the following new section:

SEC. 12. RELIGIOUS AND NONPROFIT ORGANIZATIONS.

(a) PROHIBITION ON STATES.—No State or political subdivision of a State shall exercise its power of eminent domain, or allow the exercise of such power by any person or entity to which such power has been delegated, over property of a religious or other nonprofit organization by reason of the nonprofit or tax-exempt status of such organization, or any quality related thereto if that State or political subdivision receives Federal economic development funds during any fiscal year in which it does so.

(b) INELIGIBILITY FOR FEDERAL FUNDS.—A violation of subsection (a) by a State or political subdivision shall render such State or political subdivision ineligible for any Federal economic development funds for a period of 2 fiscal years following a final judgment on the merits by a court of competent jurisdiction that such subsection has been violated, and any Federal agency charged with distributing those funds shall withhold them for such 2-year period, and any such funds distributed to such State or political subdivision shall be returned or reimbursed by such State or political subdivision to the appropriate Federal agency or authority of the Federal Government, or component thereof.

(c) PROHIBITION ON FEDERAL GOVERNMENT.—The Federal Government or any authority of the Federal Government shall not exercise its power of eminent domain over property of a religious or other nonprofit organization by reason of the nonprofit or tax-exempt status of such organization, or any quality related thereto.

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

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

I rise today in support of this amendment I have offered to H.R. 4128, the Private Property Rights Protection Act of 2005.

Mr. Chairman, from Matthew 22:17, we know that the Pharisees tried to trap Jesus regarding allegiance to the Roman government; and, of course, Jesus said, Render to Caesar the things that are Caesar's but render to God the things that are God's.

Mr. Chairman, for over 2,000 years God has owed no taxes to the government, but that all changed on June 23, 2005.

Mr. Chairman, my amendment would add an additional section to this bill to ensure that our houses of worship and other nonprofit organizations are not penalized because they are tax-exempt and, therefore, provide no revenue to the treasuries of State and local governments. Thus, they became low-hanging fruit, ripe for the taking.

In the wake of the Kelo decision that gutted the property protections of the fifth amendment, the properties of religious organizations and other nonprofits have indeed become potential prime targets for the government wrecking ball.

State and local governments should never target, or even contemplate targeting, our houses of worship or nonprofit organizations simply because another use of the property would almost certainly build up their tax base.

Mr. Chairman, I believe my amendment turns this unique vulnerability into an asset for our houses of worship and nonprofit organizations. Its chilling effect will force State and local governments to think twice before they contemplate buying gasoline for a steamroller to plow down our houses of worship.

Mr. Chairman, I want to encourage my colleagues on both sides of the aisle to support my amendment and the overall bill to strengthen private property rights for the sake of all Americans.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman from Georgia for yielding.

What the Kelo decision has said is that the land that the house of God is built on belongs to Caesar and Caesar can go condemn the land that the house of God is built on to turn it to into a strip mall or hotel or whatever will bring in more tax base, and that is wrong.

The amendment that the gentleman from Georgia has offered simply states that the tax-exempt status of a religious or nonprofit organization cannot be used for a taking under the Kelo case. The amendment is a good one. It ought to be supported, and I am happy that he offered it.

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

Mr. GINGREY. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding, and I am going to acquiesce with the chairman on the amendment, but I want to express some reservations.

It appears that it is the author's intention that nonprofit and religious organizations not be singled out by local governments due to their tax-exempt status alone. Is that correct?

Mr. GINGREY. That is correct.

Mr. GOODLATTE. Mr. Chairman, is it also the gentleman's intention that this provision would not trump the other provisions of the bill that provide additional protections to nonprofits by prohibiting takings from private entities for other economic development reasons to give to other private entities?

Mr. GINGREY. That is correct. The gentleman is correct.

Mr. GOODLATTE. Mr. Chairman, to the extent that the language in the bill could be confusing in the amendment, would the gentleman be willing to work with the chairman of the Judiciary Committee and myself and others to ensure in conference that his intentions are accurately reflected in the amendment language?

Mr. GINGREY. Mr. Chairman, certainly we would be glad to work with both chairmen in regard to that in the conference if there is any confusion regarding the amendment.

Mr. GOODLATTE. I appreciate the gentleman's willingness to work with us; and, on that basis, we will support the amendment.

Mr. GINGREY. Mr. Chairman, with the indulgence of the chairman of the Judiciary Committee, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT), who has asked for time on this amendment.

Mr. BARTLETT of Maryland. Mr. Chairman, I urge my colleagues to support the Gingrey amendment.

Before Kelo, a Christian church, after spending 5 years acquiring property, had the city intercede when it learned there would be a church built on the property. The city initiated eminent domain to give the land to Costco. The church prevailed, but that was before Kelo.

In Justice O'Connor's Kelo dissent, she warned that in expanding the definition of ''public use,'' the majority had come close to embracing ''the absurd argument that any church might be replaced with a retail store.'' She continued to state that this ''is inherently harmful to society.''

Because of Kelo in general and in this situation in particular, the fifth amendment takings clause has been stretched beyond the bounds that the Framers intended. By expanding the fifth amendment's definition of ''public use,'' it could limit the scope of the ''free exercise'' of religion guaranteed in the first amendment.

Kelo shattered our private property rights. Today, by passing H.R. 4128, Congress will help pick up the pieces. Congress must act to prevent the demolition of our rights, our homes, our businesses and our houses of worship.

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

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. CUELLAR

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 printed in House Report 109–266 offered by Mr. CUELLAR:

Add at the end the following:

SEC. 13. REPORT BY FEDERAL AGENCIES ON REGULATIONS AND PROCEDURES RELATING TO EMINENT DOMAIN.

Not later than 180 days after the date of the enactment of this Act, the head of each Executive department and agency shall review all rules, regulations, and procedures and report to the Attorney General on the activities of that department or agency to bring its rules, regulations and procedures into compliance with this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I thank the gentleman from Wisconsin and the gentlewoman from California for this opportunity to present this amendment. I believe this amendment is acceptable to the chairman and the gentlewoman from California.

Chairman SENSENBRENNER and Congresswoman WATERS, thank you for this opportunity to present my amendment to H.R. 4128, the Private Property Rights Protection Act of 2005.

I will not spend much time describing my amendment, which is acceptable to the Chairman and Congresswoman WATERS, because the concept is simple. My amendment will require all Federal agencies and departments to submit a report to the Attorney General verifying that all rules, regulations, and procedures of that agency are in compliance with the provisions of H.R. 4128.

There is a saying in business: "what gets measured gets done." H.R. 4128 is an important and timely bill, and it will do a great deal to help protect private property rights in this country. My amendment will strengthen H.R. 4128, by making sure that the practices and procedures of Federal agencies are quickly and uniformly brought into compliance with the new law.

My amendment will require all Federal agencies and departments to review their practices with regard to eminent domain, and to submit a report to the Attorney General verifying that all rules, regulations, and procedures of that agency are in compliance with the provisions of H.R. 4128. This amendment will help to make the transition clearer, and will introduce an added dimension of accountability into the process.

As a believer in responsible government, I always have and will continue to hold our bureaucracy accountable for knowing the law and following it correctly. This simple reporting requirement will ensure that it is done in a timely fashion. H.R. 4128 is a good bill, and my amendment will help to ensure that it is enforced quickly, uniformly, and fairly.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I am happy to accept the amendment because it requires the Federal Government agencies do whatever they need to do to come into compliance with the bill's prohibition on abuse of eminent domain. It is a good amendment, and I hope we accept it.

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

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

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 printed in House Report 109–266 offered by Ms. JACKSON-LEE of Texas:

Add at the end the following:

SEC. ___. SENSE OF CONGRESS.

It is the sense of Congress that any and all precautions shall be taken by the government to avoid the unfair or unreasonable taking of property away from survivors of Hurricane Katrina who own, were bequeathed, or assigned such property, for economic development purposes or for the private use of others.

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

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

Might I just for my colleagues read very briefly the language of this amendment, and I hope that we can join in a bipartisan manner in the spirit of this underlying legislation.

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentlewoman for yielding.

I am happy to accept this amendment that amends the sense of Congress section of the bill that says that victims of Hurricane Katrina cannot have their property condemned simply because it was damaged by the hurricane. Unless the amendment is adopted, then victims of Hurricane Katrina end up getting penalized twice. That is twice too many times. We can take away one of those times by adopting the amendment, and I urge the House to support it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I cannot thank you enough, and I would ask your kind indulgence if I could reclaim my time to put these items in the RECORD, and I would like to yield a moment to the gentlewoman from California, but let me just say this.

The chairman is so very right. Let me make these points. It is legislation to, in fact, make a very pronounced statement that we are very much watching and seeking to protect the Hurricane Katrina survivors from unreasonable taking of property away from them for economic development or for private use.

Let me share this paragraph: New Orleans will be the center of a reconstruction project that will have a price tag in excess of $200 billion. Eminent domain will play a major role in the local government's ability to assemble properties to carry out their plans, whether residents like it or not.

The NAACP, which the chairman cited in another debate, stated that the eminent domain process mostly targets, in many instances, racial and ethnic minorities because cities often want to redevelop areas with low property values because minorities have less political clout and are less able to fight back. That is one aspect, but the rural community and the surrounding areas in New Orleans and Gulfport and other areas are equally victims, and so this amendment speaks to the wholeness of the region that will be under attack for economic development.

Might I close by these words: ''South-of-Boston residents, especially those in coastal towns, need to confront the nasty implications of the recent Supreme Court decision in a post-Katrina era. If a Category 5 hurricane wipes houses from Houghs Neck, Minot, Humarock, Marion, or Mattapoisett, might not the remaining citizens take kindly to an offer to replace the houses with a resort hotel?''

I want to remind my colleagues that the eminent domain theory came when the British soldiers wanted to place their soldiers in American homes or colonial homes, and so this has the underpinnings of a long history. This is an important step for us to take for the Katrina survivors, and I thank the chairman for supporting it.

Mr. Chairman, I have an amendment to H.R. 4128, the Private Property Rights Protection Act of 2005, that has been reported by the Committee on Rules, #12 as printed in the Congressional Record and captioned as Jackso.177. This legislation seeks to curtail the decision handed down by the U.S. Supreme Court in Kelo v. City of New London on June 23, 2005. Kelo held ''economic development'' to be a ''public use'' under the Fifth Amendment's Taking Clause. The Takings Clause states that ''nor shall private property be taken for public use without just compensation.''

In the 1990's, a state agency declared that New London, CT was a ''distressed municipality'' after its unemployment numbers hit double the rate in the rest of Connecticut. The holding by the Supreme Court purported to defer to the city's judgment and that the development would be a ''catalyst to the area's rejuvenation.''

To lay the foundation for the relevance of my amendment, I cite an article in the Tulsa World:

> The situation in New London is a time-extended version of the crisis in New Orleans . . . New Orleans saw its demise in the course of days, not decades. There was no choice but to create a package of initiatives that would bring the private sector in on the rebuilding effort. In some areas, eminent domain may be the only answer. The urgency of government planning, however, is offset by the fact that the first contracts have gone out to some of the usual suspects—namely, corporations with strong ties to the administration In Washington.

The land use situation in the areas most affected by Hurricane Katrina presents the situation that is most ripe for eminent domain takings under the guise of ''economic development.'' My amendment seeks to add the legislative intent to H.R. 4128 that the law seeks to put the people first even in the face of post-disaster reconstruction.

I thank the Chairman of the Committee on the Judiciary for his support of this amendment. It is critical that we continue the spirit of bi-partisanship that was started with the resolution disapproving the Kelo decision, of which I was an original co-sponsor, the Private Property Rights Protection Act of 2005, H.R. 3135.

New Orleans will be the center of a reconstruction project that will have a price tag in excess of $200 billion. Eminent domain will play a major role in the local governments' ability to assemble properties to carry out their plans—whether the residents like it or not. NAACP representative Hillary Shelton stated that "the eminent domain process mostly targets racial and ethnic minorities because cities often want to redevelop areas with low property values and because minorities have less political clout and are less able to fight back." My amendment seeks to clarify that, in redefining the boundaries of the federal government's Taking power, unfair practices will not be tolerated and that the rights of property owners will be given the highest regard.

Mr. Chairman, I ask that my colleagues support this amendment.

Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I would first like to thank Chairman SENSENBRENNER for accepting the gentlewoman's amendment, and I would like to thank her for this very timely amendment.

While we began to work on this simply because of the Supreme Court decision and the danger that American citizens' homes and lands were placed in with this decision, the gentlewoman is absolutely right: We have to take another step to protect those victims of Katrina.

There has been a lot of discussion from homeowners and others who are observing what is going on and what could possibly happen, wondering if there are not schemes already going on that would deny these homeowners who have lost their homes the ability to hold on to that land, whether or not the speculators are cooking up schemes with those in local government even. So this amendment would protect the victims of Katrina, and they will be very grateful for this, and they will be very, very thankful that the gentlewoman provided the leadership in thinking about them as this legislation was winding its way through the government of the United States of America.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask my colleagues to support this amendment, and it lays further precedent for the victims of Hurricanes Rita and Wilma. I thank the chairman for accepting it, and I yield back my time.

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

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. WATT

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 printed in House Report 109–266 offered by Mr. WATT:

Page 2, strike line 3 and all that follows through line 25 on page 6.

Page 8, strike line 15 and all that follows through line 4 on page 11.

Page 7, strike line 1 and insert the following:

SECTION 1. SENSE OF CONGRESS.

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from North Carolina (Mr. WATT) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. WATT. Mr. Chairman, I yield myself 1 minute.

First of all, I am fully aware that it is a dangerous combination to be opposing both the chairman of the full Judiciary Committee and the gentlewoman from California (Ms. WATERS), but I simply think this bill is an overreaction.

This amendment would strike all the provisions of the bill except the sense of Congress which I believe adequately conveys the legitimate concerns with the decision of the Supreme Court in Kelo and does what we should appropriately do, express our concern about it and any possible abuse of it but not go so overboard as this bill does in my opinion.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 15 seconds.

The amendment guts the bill by striking out every provision of it except the sense of Congress and the report requirement. If we are for the bill, we ought to vote against the amendment.

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

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

Mr. BLUMENAUER. Mr. Chairman, we can all agree that Federal powers should not be used to enrich the powerful and the wealthy, but the first response to Kelo should be from responsible local and State governments, not the United States Congress. One narrow Supreme Court decision should not be the basis for an overbroad Federal amendment that will have many unintended consequences.

Earlier I asked what would be the impact if this legislation had been passed for the revitalization of Times Square, where eminent domain transformed one of the most notorious places in America or the Dudley Street neighborhood initiative in the Roxbury Dorchester area in Boston or just outside our window where we have had Pennsylvania Avenue restored using eminent domain.

□ 1645

I would strongly suggest that the gentleman from North Carolina's approach is a more reasonable and prudent one. We do not have a crisis at this point. State and local governments should be dealing with this in an appropriate fashion. We should not have overbroad legislation that could have many unintended consequences.

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

First of all, I want to thank the gentleman from Oregon for his thoughtful approach to this and express my desire to have all of the Members of the Congress have an equally thoughtful approach to it.

The Kelo decision was met with a tremendous uproar, with many echoing the view that all private property is now vulnerable to condemnation as long as the new use of the land will produce additional tax revenue. While I appreciate that concern and share the view that private property should not be taken solely for the purpose of increasing State coffers or local coffers with additional tax revenue, I do not believe that the Court's decision leads to that result.

What is even more important is I do not believe that this bill does much, if anything, to address that concern even if it did do that. Unless we get down to a definition of what removal of blight is, and this bill does nothing to do that, local communities are still going to be able to condemn property, as they should, for public purposes. There really is nothing inconsistent with that in the Kelo decision.

Flexibility by local communities in determining whether the public use requirement has been served by ensuring that condemned property creates a public benefit or advantage has long existed, and I believe should continue to exist, as the gentleman from Oregon (Mr. BLUMENAUER) has so eloquently stated. I feel like State and local officials have as much intellect and discretion and are as accountable, probably even more so, to their constituents than Members of Congress; and they should be answering to their constituents on these issues.

Again, while I believe that the power of eminent domain must be exercised judiciously, I think this bill goes too far in limiting the power of States and local governments. In addition, the punitive measures included in the bill will visit additional harms on the very distressed communities that are often the target of eminent domain proceedings.

I would just point out that apparently after this bill is passed, if it is passed, a local government, a State government could still condemn blighted property. The problem now is that it would just have to sit there vacant with nothing developed on it, otherwise they would be in violation of the provisions of this bill if there were any kind of private development, even a public-private partnership.

So I think we are going too far and we need to take a giant step back, take a deep breath, and pass the sense of

Congress part of this resolution expressing our concern, but not the bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Judiciary Committee.

Mr. CONYERS. Mr. Chairman, I thank the chairman of the committee for yielding me this time.

This is an unusual note to end the debate on a very important subject like this, because the last amendment from my friend from North Carolina is to strike everything in the bill except the sense of Congress provisions expressing support for property rights. Well, that is a vote on the bill. Why do we not just have a vote on final passage and skip this? Because that is what this is.

And I would like to emphasize the fact that the people, the citizens, are in support of this amendment. I am proud that we have the civil rights organizations supporting me and not my friend from North Carolina. The NAACP is not known to take issues against the majority of ordinary people. That is what it was founded on. We support the NAACP in everything. Here is the thing. Here is the point. The NAACP says, support this bill, and my friend and I, who support the NAACP, tells me, let us have a vote before final passage that strikes every blooming thing from the bill.

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

Mr. CONYERS. I yield briefly to my friend from North Carolina, contrary to my best instincts.

Mr. WATT. I just want to clarify for the gentleman that the NAACP has advised me that they are concerned about the abuse of eminent domain, as everybody else is, and the sense of Congress part of the resolution would continue to express that concern. They do not endorse the bill, however.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I thank the gentleman, but this is an unusual division.

Here I am supporting many of my friends on the other side of the aisle, but we have this unusual division here. What I am saying is that the concept of not using private takings for private use should not be allowed. We know that casinos benefit from these takings. We know that hotels and private developments benefit. And all I am saying, and I thought that everybody would mostly agree with this in the Congress, is that that is wrong. That is a misuse. That is an abuse.

So let us be careful. Let us control this. Let us not overdo it, but let us support the measure of 4128, which tries to finally answer what happened to us in Detroit. Our experience was that we had thousands of residences, businesses, and churches that were taken to develop an automobile plant. That is not what my idea of an eminent domain should be about. That is all we are saying here. It is not that complicated.

Now, I am not pitting somebody's intellectual abilities at the local level versus the national level or who is more dedicated. I am dealing with a Supreme Court case that has forced us into this action. This measure would not have been here if the Supreme Court had not given us one of the most shocking rulings that just came out this year. So I urge that not only my friend from North Carolina's amendment be rejected but that this bill be supported on final passage.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT).

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

Mr. WATT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. NADLER of New York.

Amendment No. 5 by Mr. MORAN of Virginia.

Amendment No. 6 by Mr. TURNER of Ohio.

Amendment No. 11 by Mr. WATT of North Carolina.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. NADLER

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 63, noes 355, not voting 15, as follows:

[Roll No. 564]

AYES—63

Abercrombie
Ackerman
Aderholt
Bishop (NY)
Blumenauer
Brown (OH)
Brown, Corrine
Capuano
Case
Cleaver
DeGette
Delahunt
Dicks
Dingell
Emanuel
Engel
Farr
Fattah
Hinchey
Holt
Hooley
Hoyer
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Larson (CT)
Levin
Lowey
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McKinney
Meeks (NY)
Miller (NC)
Miller, George
Moran (VA)
Nadler
Neal (MA)
Oberstar
Olver
Owens
Pastor
Payne
Pelosi
Rangel
Rothman
Ryan (OH)
Sabo
Sánchez, Linda T.
Schakowsky
Schwartz (PA)
Scott (VA)
Serrano
Slaughter
Solis
Thompson (CA)
Towns
Watt
Weiner
Woolsey

NOES—355

Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Eshoo
Etheridge
Evans
Everett
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Kelly
Kennedy (MN)
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Obey
Osborne
Otter
Oxley
Pallone
Pascrell
Paul
Pearce
Pence

Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Sanders
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Boswell
Boyd
Brown-Waite, Ginny
Buyer
Davis (FL)
Hastings (FL)
Lewis (GA)
McMorris
Norwood
Ortiz
Pombo
Roybal-Allard
Schiff
Sullivan
Tiahrt

□ 1723

Messrs. GRIJALVA, AL GREEN of Texas, BONILLA, CARDOZA, SKELTON, WYNN, RYUN of Kansas, WAXMAN, BECERRA, Ms. LORETTA SANCHEZ of California, and Ms. VELÁZQUEZ changed their vote from ''aye'' to ''no.''

Ms. SCHWARTZ of Pennsylvania and Mr. ABERCROMBIE changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ADERHOLT. Mr. Chairman, on rollcall No. 564. I inadvertently voted "aye." I would like the record to reflect that I meant to vote "no."

AMENDMENT NO. 5 OFFERED BY MR. MORAN OF VIRGINIA

The Acting CHAIRMAN (Mr. DAVIS of Kentucky). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. MORAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 49, noes 368, not voting 16, as follows:

[Roll No. 565]

AYES—49

Baird
Blumenauer
Brady (PA)
Capuano
Carson
Case
Cleaver
DeGette
Delahunt
Dingell
Emanuel
Engel
Fattah
Hinchey
Holt
Hooley
Jackson (IL)
Jefferson
Kanjorski
Kennedy (RI)
Larson (CT)
Levin
Lowey
Markey
McGovern
Miller (NC)
Moran (VA)
Murtha
Nadler
Neal (MA)
Olver
Payne
Pelosi
Price (NC)
Rangel
Rothman
Sabo
Schakowsky
Schwartz (PA)
Scott (VA)
Shays
Sherman
Slaughter
Smith (WA)
Watt
Waxman
Weiner
Woolsey
Wynn

NOES—368

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carter
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—16

Boswell
Boyd
Brown-Waite, Ginny
Buyer
Davis (FL)
Feeney
Hastings (FL)
Lewis (GA)
McMorris
Norwood
Ortiz
Pombo
Roybal-Allard
Schiff
Sullivan
Tiahrt

□ 1734

Mr. BAIRD and Mr. ENGEL changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. TURNER

The Acting CHAIRMAN (Mr. DAVIS of Kentucky). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. TURNER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 56, noes 357, not voting 20, as follows:

[Roll No. 566]

AYES—56

Baker
Beauprez
Bishop (GA)
Blumenauer
Blunt
Boehlert

Capuano
Case
Chabot
Chocola
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
Ehlers
Eshoo
Farr
Fortenberry
Gerlach
Granger
Green, Gene
Hobson
Jackson (IL)
Kanjorski
Kelly
Kennedy (RI)
Langevin
Larson (CT)
LaTourette
McDermott
McGovern
Miller (MI)
Miller (NC)
Miller, George
Moran (VA)
Neal (MA)
Oxley
Pascrell
Pickering
Pryce (OH)
Regula
Rothman
Sanchez, Loretta
Schmidt
Souder
Sweeney
Tiberi
Tierney
Turner
Udall (CO)
Watson
Weller
Wicker
Woolsey
Wynn
Young (FL)

NOES—357

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Blackburn
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Lantos
Larsen (WA)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Pallone
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schwartz (PA)
Schwarz (MI)
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
Spratt
Stark
Stearns
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Towns
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)

NOT VOTING—20

Bishop (UT)
Boswell
Boyd
Brady (TX)
Brown-Waite, Ginny
Buyer
Davis (FL)
Dingell
Green, Al
Hastings (FL)
Hunter
Lewis (GA)
McMorris
Norwood
Ortiz
Pombo
Roybal-Allard
Schiff
Sullivan
Tiahrt

□ 1742

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GREEN of Texas. Mr. Chairman, on roll-call No. 566, I was detained. Had I been present, I would have voted "no."

AMENDMENT NO. 11 OFFERED BY MR. WATT

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 44, noes 371, not voting 18, as follows:

[Roll No. 567]

AYES—44

Ackerman
Blumenauer
Brady (PA)
Capuano
Carson
Case
Clay
Cleaver
DeGette
Delahunt
Dingell
Emanuel
Fattah
Hinchey
Jackson (IL)
Kanjorski
Larson (CT)
Levin
Lofgren, Zoe
Lowey
Markey
Matsui
McDermott
Miller (NC)
Miller, George
Moran (VA)
Nadler
Neal (MA)
Olver
Pastor
Payne
Pelosi
Rangel
Rothman
Sabo
Schakowsky
Schwartz (PA)
Scott (VA)
Slaughter
Stark
Visclosky
Watt
Waxman
Wynn

NOES—371

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carter
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Paul

Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanders
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—18

Boswell
Boyd
Brown-Waite, Ginny
Buyer
Davis (FL)
Harris
Hastings (FL)
Lewis (GA)
McMorris
Norwood
Ortiz
Pombo
Roybal-Allard
Sanchez, Loretta
Saxton
Schiff
Sullivan
Tiahrt

□ 1750

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mr. DAVIS of Kentucky). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TERRY) having assumed the chair, Mr. DAVIS of Kentucky, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4128) to protect private property rights, pursuant to House Resolution 527, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 376, nays 38, not voting 19, as follows:

[Roll No. 568]

YEAS—376

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
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
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
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
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wu
Young (AK)
Young (FL)

NAYS—38

Ackerman
Blumenauer
Boehlert
Brady (PA)
Capuano
Case
Cleaver
DeGette
Dingell
Emanuel
Fattah
Hinchey
Jackson (IL)
Larson (CT)
Levin
Lowey
McDermott
Meeks (NY)
Miller (NC)
Miller, George
Moran (VA)
Nadler
Neal (MA)
Olver
Pastor
Pelosi
Rothman
Sabo
Schakowsky
Schwartz (PA)
Scott (VA)
Stark
Turner
Visclosky
Watt
Waxman
Woolsey
Wynn

NOT VOTING—19

Bachus
Boswell
Boucher
Boyd
Brown-Waite, Ginny
Buyer
Davis (FL)
Ehlers
Hastings (FL)
Lewis (GA)
McMorris
Norwood
Ortiz
Pombo
Roybal-Allard
Schiff
Sullivan
Tiahrt
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1808

Ms. WOOLSEY changed her 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.

Stated for:

Mr. POMBO. Mr. Speaker, I was unable to make votes today on the House floor because of an untimely and unexpected need requiring me to be back home with my family in California. I take my responsibility to vote very seriously.

Had I been present, I would have voted "yea" on H.R. 4128, the Private Property Rights Protection Act of 2005.

PERSONAL EXPLANATION

Mr. BACHUS. Mr. Speaker, I was unavoidably detained during rollcall 568. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, due to business in my district, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 564: "No."
Rollcall No. 565: "No."
Rollcall No. 566: "No."
Rollcall No. 567: "No."
Rollcall No. 568: "Yes."

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, on November 3, I was unavoidably detained and missed rollcall vote Nos. 562, 563, 564, 565, 566, 567 and 568.

Rollcall vote No. 562 was on the motion to table the appeal of the ruling of the Chair. Had I been present, I would have voted "yea."

Rollcall vote No. 563 was on agreeing to the resolution H. Res. 527. Had I been present, I would have voted "yea."

Rollcall vote No. 564 was on agreeing to the Nadler amendment. Had I been present, I would have voted "no."

Rollcall vote No. 565 was on agreeing to the Moran (VA) amendment. Had I been present, I would have voted "no."

Rollcall vote No. 566 was on agreeing to the Turner amendment. Had I been present, I would have voted "no."

Rollcall vote No. 567 was on agreeing to the Watt amendment. Had I been present, I would have voted "no."

Rollcall vote No. 568 was on final passage of H.R. 4128. Had I been present, I would have voted "yea."

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. YOUNG of Alaska, from the Committee on Transportation and Infrastructure, submitted a privileged report (Rept. No. 109–269) on the resolution (H. Res. 488) 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, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3057, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 109–270) on the resolution (H. Res. 532) waiving points of order against the conference report to accompany the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, LOBIONDO, COBLE, HOEKSTRA, SIMMONS, MARIO DIAZ-BALART of Florida, BOUSTANY, OBERSTAR, FILNER, TAYLOR of Mississippi, HIGGINS, and Ms. SCHWARTZ of Pennsylvania.

From the Committee on Energy and Commerce, for consideration of section 408 of the House bill, and modifications committed to conference: Messrs. BARTON of Texas, GILLMOR, and DINGELL.

From the Committee on Homeland Security, for consideration of sections 101, 404, 413, and 424 of the House bill, and sections 202, 207, 215, and 302 of the Senate amendment, and modifications committed to conference: Messrs. DANIEL E. LUNGREN of California, REICHERT, and THOMPSON of Mississippi.

From the Committee on Resources, for consideration of sections 426, 427, and title V of the House bill, and modifications committed to conference: Messrs. POMBO, JONES of North Carolina, and PALLONE.

There was no objection.

BUDGET CUTS

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

Mr. CONYERS. Mr. Speaker, the gentlewoman from California (Ms. WOOLSEY) encouraged that we take a minute to speak today about the draconian budget cuts that are coming out of the Budget Committee recommendation.

I am going to include in my statement that of the gentleman from Texas (Mr. EDWARDS) who did what I think was so very appropriate and timely. He tied in the fact that we have just honored the first woman in American history to lie in honor in the Rotunda, and yet we may be seriously dishonoring her memory by cutting school lunch programs, student aid, Medicaid, health care programs, and it seems to me that we ought to try to reconcile these.

STATEMENT BY CONGRESSMAN CHET EDWARDS ON THE DEFICIT REDUCTION ACT OF 2005 HOUSE BUDGET COMMITTEE/NOVEMBER 3, 2005

Yesterday, we honored Rosa Parks as the first woman in American history to lie in state in the rotunda of our nation's Capitol. Yet, today, the House leadership and this Committee dishonors all that she stood for by cutting child support, by cutting 40,000 children off of school lunch programs and by robbing billions of dollars from student financial aid and health care programs for low-income families.

Rosa Parks didn't just fight for a seat on a bus. She fought for fairness for every American and to see that every child has a chance to reach his or her highest God-given potential. This bill is an attack upon those high principles.

The mean-spirited cuts in this bill will hurt decent, hard-working American families who are doing their best to help their children have a better life. And, why? So, that people making a million dollars a year in dividend income can keep every penny of their recently passed $220,000 annual tax break. Where is the fairness in that?

If this is compassionate conservatism, where is the compassion?

If this is a faith-based program, what major religion preaches the values of taking the most from those who have the least while asking nothing from those who have the most?

This budget makes a mockery of the American values of fairness and shared sacrifice during time of war.

Rosa Parks understood that actions speak far louder than words. We in Congress should truly honor her life and spirit by standing up against this bill.

□ 1815

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4011

Mr. TOWNS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4011.

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Is there objection to the request of the gentleman from New York?

There was no objection.

IMPENDING REPUBLICAN BUDGET CUTS COMPOUND HARDSHIP FOR AMERICA'S IMPOVERISHED CHILDREN AND FAMILIES

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

Ms. WOOLSEY. Mr. Speaker, the Republican's budget priorities are clear, and they are shameful. To provide $70 to $100 billion in new tax cuts for the powerful and the privileged, they are going after every single mother and their children in this country, every single mom and her kids.

Instead of these new tax cuts, we could provide an estimated 11.5 million Head Start slots for eligible children who cannot get into a Head Start program and health care for more than 52 million American children and families who receive marginal health care or none at all.

Another $500 million in Republican cuts will leave 250,000 children without quality child care.

They are even slashing funding for child support enforcement. $4.9 billion in Republican cuts will let deadbeat

dads off the hook to the tune of $7.9 billion over the next 5 years and $24 billion over the next 10 years.

This is the Republican reconciliation. Watch out everybody but the rich.

NATIONAL PRIORITIES

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

Ms. LEE. Mr. Speaker, the priorities set forth in a budget directly speak to what we value as a Nation. It is a statement about our sense of morality and about our priorities.

What values are represented in giving away our public lands and coastal areas to oil companies that are making record profits at consumers' expense?

What does $10 billion in Medicaid cuts to health services for poor children and long-term care patients, and increasing the cost of prescription drugs, what does that say about our values?

What about $844 million in food stamp cuts that eliminate nutrition and school lunch programs and breakfast benefits for hundreds of thousands of families and children?

How about $14 billion in cuts to student aid programs, including raising the cost of college for students and their families through increased interest rates and fees?

What about eliminating $470 million of Federal housing rehab grants to make rental units available to low-income families, which could include families displaced by Hurricane Katrina?

Let me tell my colleagues, these cuts are really going to pay for the $106 billion additional tax cuts for the wealthy this year and will still leave an enormous deficit. What does this say about our values? You cannot tell me that we cannot do better than this.

BLOOD IS ON THE HANDS OF THOSE WHO HAD THE KNIFE

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

Mr. DAVIS of Illinois. Mr. Speaker, I have been told that if all you do is cut, cut, cut, cut, all that you really get is blood, blood, blood, blood.

I am afraid that the blood of the American people, the blood of the poor, the blood of the homeless, the blood of the hungry, the blood of the children, the blood that is cut out of Medicare, Medicaid, food stamps, all of that blood will be on the hands of those who had the knife.

RETAINING THE PROPOSED $70 BILLION BUDGET CUTS

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

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise to address the House regarding the proposed $70 billion cuts.

Let me just say that this weekend I went to the Florida-Georgia game, and it was a real tough game, but at that game was the head of the Police Athletic League who had just read an article in the Times Union, which is one of the most conservative papers in the United States. It talked about the proposed cuts in the food stamp program, and he was appalled that we are going to cut programs for school lunch and senior citizens programs while we are trying to give tax breaks to the rich.

I mean, just picture this. The head of the Police Athletic League, conservative group, giving me the going over.

I told him, you know what, you are singing to the choir. I do not support these cuts. You need to talk to the people on the other side of the aisle, the people that you play golf with, the people that you run around with. Those are the ones that are planning on doing these cuts, and I recommend that you talk with them and let them know that you do not support those cuts.

BUDGET RECONCILIATION PROPOSAL

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think the American people should be told why so many of us are rising to the floor even before the budget reconciliation proposal comes to this floor. It is because, what is the choice or the choice that is being made by Republicans? Is it that they are willing to give a $70 billion tax cut, rather than spend dollars on education, rather than spend dollars on health care, rather than spend dollars on easing the pain of senior citizens?

The interesting aspect that I would like to bring to the attention of my colleagues is that there is a pending possibility of a veto because our colleagues in the Senate have been able to find some relief for the $10 billion Medicaid cut. Their proposal has to do with taking away the $10 billion cushion that has been established by the Medicare drug law. They want to take those dollars and have it to pay for the large cut of $10 or $11 billion that is coming out of this budget, out of Medicaid.

Is it not ridiculous to spend $70 billion on tax cuts, borrowing from Peter to pay Paul, and we are going to get a veto by the President of the United States if we try to save the $10 billion for those seniors who need the money in Medicaid?

Vote against the budget reconciliation when it comes to the floor.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from North Carolina (Mr. MCHENRY).

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

There was no objection.

EVERYDAY HEROES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, Senator ORRIN HATCH of my State has penned words to a song entitled, ''Everyday Heroes.'' The lyrics in part read:

''Some people have helping hands that go a second mile.

''They're willing to love and lift a brother for a while.

''Everyday Heroes live in every neighborhood.

''Everyday Heroes, helping in the way a neighbor should.

''Giving just a little time; sharing just a little love.

''God bless each one of those everyday heroes.''

Mr. Speaker, I wish to introduce this body to an everyday hero whose efforts make the world a better place to live. If you think about that in that respect, it is actually quite spectacular. This hero is an outstanding educator at Box Elder High School in Brigham City, Utah; and I had the opportunity of teaching alongside him before I came to Congress. I know from personal experience the dedication he brings to his job, and I know how he helps kids every day.

At Box Elder High School is a charismatic head wrestling coach by the name of Mike Ripplinger. He was recently named the Class 4A Coach of the Year, shortly after leading his team to the fourth State title in 6 years, his fifth overall. That goes along with a record 18 region championships in the 20 years he has been a head coach. In a sport like wrestling, which is very competitive in Utah, that is indeed quite an accomplishment.

The measure of a coach, as our good Speaker well knows, is not based on his success and the wins and losses but the quality of the students with whom he works. More impressive than any

championship title is the impact Mike has had on the wrestlers off the mat, as he has produced not only outstanding athletes but also gentlemen.

On the occasion of hosting the 20th Richardson Memorial Tournament in his tenure, Mike's athletes returned from years past to give him tribute. I wish to review a few of those and also add to those tributes myself.

One of these young wrestlers noted that when he was a junior he broke his sternum not once, but twice. It was very difficult for him to just sit on the sidelines and cheer on his teammates, realizing he could not contribute to the success of the team. Most kids would have just dropped out at that point. Coach Ripplinger, realizing the pain of lack of participation, gave an extra effort to include this kid as part of the team. Through his encouragement, this young student learned how to persevere and, as he later noted, he made many successes in preparation for life that year even though he had no activity on the mat.

Another former student said that the coach expected us to live with dignity, honor and respect for others.

Another admitted that, when they were disciplined, the toughest thing was feeling like we had disappointed the coach because we had all the respect for him as a person and as a leader. All teachers seek respect. Very few of us actually earn it the way Mike Ripplinger has.

Those lessons were as important to the student athletes as the trophies that they earned.

When Mike was hired, his principal said, I wanted a coach who could build a strong wrestling program but an individual who could also build young men. He said this is one of the best hires he ever made. ''On a personal note,'' he also wrote, ''my son Joseph, who has found success in his personal life as an orthopedic surgeon, found out what life was all about from you and your program.'' Even though a three-sport athlete, he had little wrestling skill. Through your program, he found out what it was like to rise above losing. He found the encouragement and desire to keep picking himself up and going on, and from people like you he found out how to succeed.

Sometimes in our environment today we actually do not want people to display any outward religious conviction, but through Mike's demonstration he showed his goodwill, his strong moral character and his relationship with his God.

At one point, when one of his students seriously injured an arm by sticking it through a glass window, one of his other students noted that he admired a coach who was not afraid to have a team prayer for the cut student.

Mike Ripplinger is to be commended for not being afraid to help his students become better people, as well as better wrestlers.

Students of Mike recognize that he has a rare ability to make each individual student feel like he or she is important, has value, has someone who cares. Every year, Mike helps students mature and learn. Every month, Mike gives himself to others. Every week, Mike creates a learning environment in which kids want to participate. Every day, Mike makes the world a better place. Mike Ripplinger is one of our everyday heroes.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to take my Special Order out of order.

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

There was no objection.

IRAQ AND LIBBY'S SUCCESSFUL COVER-UP

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, Scooter Libby was arraigned this morning, and the Bush administration defenders continue to insist that the administration of the CIA leak was ''much ado about nothing.''

They say that the crime of perjury and obstruction of justice are mere technicalities, nothing to worry our heads over. Ha.

Let us leave aside the obvious hypocrisy. We all know that there was quite a hue and cry over perjury in this town 7 years ago when the President's party was on the outside of the White House looking in. Dare I say, the underlying issue at that time was just a little more frivolous than the matters of life, death and war that are at the heart of the current episode.

More importantly, of course, Scooter Libby's lies matter. Libby's lies are exactly what is keeping us from knowing the truth about the original crime, the outing of a covert CIA operative as part of a campaign to scare the Nation into a war based on the lie that Saddam Hussein was poised to use nuclear weapons on the United States.

Columnist E.J. Dionne makes the important and distressing point: the Scooter Libby cover-up was successful.

□ 1830

You see, 1 year and 1 day ago, the President was reelected by a narrow margin. Why does that matter? Because Libby is stonewalling. His tall tale about having learned about Valerie Plame's status from gossiping reporters was all about gumming up the investigation just long enough so that the clock would run out on the last campaign season. It was all about ensuring that Americans went to the polls last year with very limited knowledge of this scandal.

As we analyze the legal maneuvers and intrigue, as we try to read between the lines of Scooter Libby's bizarre letters to Judy Miller, let us not lose sight of the big picture. Right now, there are some 140,000 loyal, patriotic, courageous Americans who have been separated from their families and are prepared to die, all because the neocon's cabal had it in for Saddam Hussein. Over 2,000 of their fellow soldiers have already made the ultimate sacrifice, and I have no doubt that those men and women would be alive today if not for the trumped-up intelligence and the campaign of deceit.

I had the privilege of talking with our soldiers when I was in Iraq a month ago, and you could not ask for a finer, more committed group of young people. I came away from those conversations full of pride but also profound sadness, because the men and women on the front lines have dutifully entrusted their lives to cynics and ideologues like Scooter Libby. They deserve so much better. They deserve civilian superiors who are at least as honorable as they are.

Even as we never forget the lies that got us into this war, I am even more concerned about how we are going to get out. There are ways to do this while still keeping Iraq secure, while helping build its democratic institutions and its economic infrastructure. I held a hearing earlier this fall where we discussed such ideas in detail.

We can appeal to the U.N. and to NATO to establish an interim security force in Iraq. We can launch a diplomatic offensive, helping establish an international peace commission that can coordinate peace talks between Iraq's various factions and oversee the post-war reconciliation process.

But the President does not want to be part of this conversation. All he has to offer is the same old rhetoric about staying the course and completing the mission. But how do you win a war against an enemy that grows more resilient with each passing day because your occupation appears to be occupiers of their land? One military commander put it best: He said that ''for every insurgent I kill, I create three more.''

Enough is enough, Mr. Speaker. The current Iraq policy is a bloody, destructive, dead end. We have paid way too high a price already. It is time to honor our troops. It is time to bring them home.

The SPEAKER pro tempore (Mr. SCHWARZ). Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PENTAGON PROGRAM COSTING TAXPAYERS MILLIONS IN INFLATED PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, on October 23, the Knight-Rider newspaper had a headline that said, ''Pentagon Program Costing Taxpayers Millions in Inflated Prices.'' I want to give a few examples, because, as we talk about budget resolution, budget cuts, or tax increases or whatever, if we just look at what is happening, and I am going to relay this to the House in just one moment, we ought to start looking at the inflated prices and what is going on at the Department of Defense. I am going to give examples.

The Pentagon is paying $20 apiece for ice cube trays that cost 85 cents. In other words, you can go to a retail store and you get a plastic ice tray and pay 85 to 90 cents, yet the Department of Defense is paying $20.

In addition, the Pentagon is now paying $81 apiece for coffee makers that were bought for years at just $29 from the manufacturer. So $81 now, and they were paying $29 for coffee makers.

A commercial 7-foot refrigerator that the general public can buy for a little more than $17,000, the Pentagon is paying nearly $33,000 for the same refrigerator, for a markup of 89 percent.

Mr. Speaker, I think about the tough decisions we are going to have to make here over the next few weeks, yet we are not even doing the oversight that should be done with the Department of Defense. Why, instead of using competitive bid contracting or buying directly from the manufacturers, is the Pentagon using middlemen who set their own prices and take the American taxpayers for millions of dollars?

Again, this is an investigative new report. The high prices are a result of a Defense Department purchasing program called ''prime vendor,'' started by the Defense Logistics Agency, known as DLA. This program, which eliminates competition, is used to speed up deliveries.

Defenders of the prime vendor program highlight the program's speed. Deliveries are fast, they say. However, critics indicate the advantages offered by prime vendors are overstated. Since competition is reduced, these prime vendors charge enormous prices for their services. More so, there are other government agents who have been eliminated that claim their services were just as fast and cheaper.

There needs to be an investigation into the prime vendor program to ensure that taxpayers are not being taken advantage of. And I say that, Mr. Speaker, for this reason. I have written the Speaker of the House, the Chairman of the Armed Services Committee, the gentleman from California (Mr. HUNTER), and I also wrote the gentleman from Virginia (Mr. DAVIS) of the oversight committee. We need to look into this.

We need to do what is right for the taxpayers. I will tell you, Mr. Speaker, when we have so much in the way of a debt and deficit in this Nation, the easiest thing we can do is look at the Department of Defense, and if they are paying $20 for an 89 cent ice tray, if they are paying $81 for a coffee maker you can buy for $29, we have a real serious problem.

I think in a bipartisan way we, as a House of Representatives, need to get together and ask those committee chairmen and the Speaker of the House to please look into this on behalf of the taxpayers of America.

As I close, Mr. Speaker, always on the floor of this House I ask God to please bless our men and women in uniform, to please bless their families and hold in his loving arms the families who have given a child to die for freedom, and I ask God to please continue to bless America.

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.)

ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, middle-class families across this Nation are struggling to make ends meet. While housing and education prices are skyrocketing, wages have been held stagnant for the last 3 years. Now families can add energy to the list of out-of-control costs to their family budget.

Gas is around 3 bucks a gallon. Utilities are now predicting families could pay as much as 70 percent more to heat their homes this winter. Natural gas prices are so high the Energy Department is predicting the average family will pay $350 more this winter than last winter. Home heating oil, used by many in the Northeast and Midwest, is skyrocketing.

But while American families struggle with sky-high energy bills, oil and gas companies face a totally different problem: too much cash. For example, Exxon Mobil recently reported their profits increased by 75 percent. Their revenues: $100 billion. Shell Oil, earnings 68 percent up. Phillips, 89 percent up. B.P. Amoco, 34 percent rise in quarterly earnings.

American families are struggling with massive energy bills that cut into their living expenses, their college costs, and their health care costs, while energy companies are reaping huge, huge profits.

Henry Hubble, a senior vice president at Exxon Mobil said, ''You have got to let the marketplace work.'' I agree with the executive from Exxon Mobil. Let the marketplace work.

But here is where we disagree. When they had an energy bill down on this floor, the oil companies got a $14 billion taxpayer-funded corporate welfare giveaway to do oil and gas drilling around this country. They got $14 billion for companies making record profits.

That is what we call corporate welfare. If they want the marketplace to work, give the taxpayers back their $14 billion. We should be not be subsidizing their business plans. Taxpayers are not in the business of helping companies making revenue runs at $100 billion a quarter where profits are up 89 percent.

The Congress, not Democrats but the Republicans in Congress, are cutting college loans by $14 billion, they are cutting nutritional programs for 40,000 kids, and they are cutting kids health care. Yet what have they held sacrosanct? $14 billion to Exxon Mobil. My view is what corporate America needs in the energy business is a little free market medicine.

We have seen nothing but corporate welfare around here in subsidizing the energy industry, and it is high time they get off the dole and started running their own business plan and stop asking the taxpayers to fund them. The only reason they do that around here is because, since 1980, the big oil companies have contributed $220 million to the Republican candidates for Congress, Senate, the Presidency, and their party. They have gotten a $14 billion return. You cannot get an investment return like that on Wall Street. It is 200 percent on their investment that they have gotten.

This Congress has given big oil $14 billion in tax subsidies. If that is not bad enough, there is a refinery bill where we ended up giving them another $2 billion that they did not even ask for. So with oil running at basically $3 a gallon at the gas pump, not only do consumers have to pay inflated prices to big oil at the gas pump, but on April 15 they get a bill because they have given them $14 billion in taxpayer-funded corporate welfare so they can do one thing: execute their business plans.

Well, I am suggesting they start doing a little more free enterprise in executing their business plans and stop relying on the taxpayers of America, who are struggling with sky-high energy prices, sky-high health care costs, and sky-high college tuition costs, just trying to struggle to make ends meet.

What Congress would actually cut home heating assistance to our most needy citizens yet give Exxon Mobil and the other big energy companies $16 million? A Republican Congress, but, of course, this should make sense to all of us who have seen what goes on around here.

When the Speaker's gavel comes down, that gavel is intended to open the people's House, not the auction house. What has happened around here lately when it comes to big oil companies is we auction off the American people and their future. When it comes to the pharmaceutical companies, who gave $132 million, they ended up with $135 billion in additional profit when

we did the prescription drug bill. When we had a $5 billion problem to fix with Europe on the corporate trade tax issue, what did this Republican Congress do? Of course, $150 billion tax giveaway to corporate America to solve a $5 billion problem. Only using their type of math do you work like that.

Pharmaceutical companies. Big oil companies. Corporate special interests. Selling away America. The Speaker's gavel is intended to open the people's House, not the auction house, and the United States Congress had better start acting like the people's House, because lately we are giving Christie's a run for its money around here.

You cannot give out money fast enough to the energy companies, who are making massive profits, and on the other hand cut those who are most needy. You cannot have a policy in the country that says to oil companies, who are reaping huge profits, and that is their business, but we should not subsidize their business, we are going to give you more while cutting those who are struggling. These are not the values of this country, these are not the values of the Democratic party, and, thank God, they are not the values of the American people.

We need a change. We need new priorities that focus on America's future. We can do better, and it is high time we turn the people's House back to the American people.

THE ECONOMY

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. I know I get a big kick, Mr. Speaker, out of listening to my colleagues come down here and talk about the sky falling. After 9/11 we had an economic downturn and tourism suffered and all the ancillary industries suffered, airlines suffered and the economy started going down. We had scandals on Wall Street, and those scandals led to further economic problems. President Bush suggested to the Congress that the way to stimulate economic recovery and growth was the same thing that President John F. Kennedy did back in the 1960s, and that was to cut taxes. And so we cut taxes.

And because we cut taxes, there has been growth in the economy for the past several years. The unemployment rate has been down. The economy has been growing. Everything has been going well.

Now we have been hit with some other things that are very, very disconcerting. We had the Katrina hurricane, and we had another hurricane that hit Florida recently. These hurricanes are going to cost a lot of money. Some people think it will cost $60, $70, or $80 billion before it is over. It will not be the $250 billion that was talked about, but it will be around $50, $60, or $70 billion at least.

Now I would like to say to my Democrat colleagues, for whom I have great respect, to join with us in the next few days in passing a cost-savings bill, a cost-savings bill that will cut about $50 billion out of spending. That $50 billion can be used to offset some of the costs for the Katrina disaster and the other disasters we have experienced recently.

I know it is going to involve some hard decisions. I heard one of my Democrat colleagues just a few minutes ago come down and start talking about some of the programs that are going to have to be cut. And I admit there will be difficult choices to be made, but that is what we are all about around here, making difficult choices, difficult decisions. It is extremely important that we make the hard choices so we control spending and make sure we do the right things for economic growth in this country.

The way to do that is when we have this cost-savings bill come before the body in the next few days, my Democratic colleagues who are concerned about the deficit, who are concerned about spending, who are concerned about Katrina and the costs involved, join with us in this cost-savings bill to save about $50 or $60 billion in rescissions and across-the-board spending cuts. Because if you do that, we can keep this country on an even keel. So please join with us when this bill comes to the floor.

□ 1845

ORDER OF BUSINESS

Mrs. MCCARTHY. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

NATIONAL INSTANT BACKGROUND CHECK SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY. Mr. Speaker, last week the Washington Times ran an editorial stating that people who advocate responsible gun laws are disappointed that there has not been an increase in killings since the assault weapons ban expired last year.

In fact, nothing could be further from the truth. That the crime rate has not increased dramatically with the end of the ban is not a surprise. Nobody thought the end of the assault weapons ban would create new criminals, but we feared it would give existing criminals better tools to do their jobs. The fact that sales of these weapons are not skyrocketing does not surprise me either. Law-abiding gun owners have no practical need for these weapons. Why would a responsible gun owner want an AK–47 or an Uzi? They cannot hunt with them. There would not be much animal left after one pull of the trigger.

Assault weapons are not even practical for self-defense. Innocent bystanders would be injured or killed by the spray of the bullets released.

But I want to reduce gun violence in this country, not to keep the status quo. The Washington Times might be satisfied with 30,000 Americans dying from gun-related deaths every year. I am not. The Washington Times might think it is acceptable that 5,200 American kids die because of gun violence each year. I think it is deplorable.

But I am a realist; and I know that this Congress, this Congress, will not reinstate the assault weapons ban. But we can make it more difficult for criminals and terrorists to get their weapons.

As we continue to weaken our guns laws, we increasingly rely on the National Instant Background Check System to ensure that guns do not fall into the wrong hands. However, the NICS database is dangerously incomplete. For example, half of all States have entered less than 60 percent of their convicted felons into the NICS system. Thirteen States have failed to enter the subjects of restraining orders stemming from domestic violence into the NICS system. And, of course, in all 50 States, people who are listed on terrorist watch lists certainly can go out and still buy a gun.

The same people whom we do not trust to board a plane can buy one of those AK–47s or Uzis the Washington Times editorial page raves about. This defies common sense.

I have introduced H.R. 1415, legislation that will require that States enter in all NICS information as quickly as possible. My bill will also provide grants to States to make sure that their databases are kept up to date.

This legislation poses no restrictions on law-abiding and responsible gun owners. It poses no infringement on second amendment rights. In fact, it passed the House during the 107th Congress via voice vote. Unfortunately, time ran out before the other body could take up the bill.

But the bill had the support of several Senators on the other side who are known strongly for their support of gun rights. Nobody believes criminals and terrorists should be allowed to legally buy guns in this country.

So before the Washington Times and others begin to celebrate maintaining the status quo for gun-related deaths, let us pass legislation to enforce the gun laws on the books.

Nobody wants to see crime reduced more than I do. H.R. 1415 can fix the loopholes in our background checks. Thirty thousand deaths a year is nothing to turn a blind eye to no matter what the Washington Times says.

We can do better, Mr. Speaker.

ORDER OF BUSINESS

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to voice my strong support for both the men and women of our Armed Forces and the American civilians serving in Iraq through the Department of State and other U.S. agencies. I thank them for their courage and the dedication that they have so bravely displayed in carrying out their noble mission of liberating and securing Iraq from tyranny and terrorism.

Mr. Speaker, I have witnessed such dedication in conversations with a former staffer of mine who returned from Iraq this past summer and from one of my former interns who served with the United States Army in Iraq. I have frequently discussed the situation in Iraq with my husband, Dexter, a decorated Vietnam veteran who was wounded in combat and was awarded a Purple Heart.

However, it has been my talks with my stepson Dougie, a first lieutenant in the U.S. Marine Corps who is currently serving in Iraq, which has helped me the most and has had the most profound effect on me and helped me to fully comprehend the importance of the mission that our men and women in the Armed Forces are embarked upon in Iraq. To him it is not an obligation. It is an honor and a privilege to have the opportunity to serve our country; to contribute to the freedom of the Iraqi people; to confront the terrorists; and perhaps most importantly, to fight tyranny, as the Greatest Generation did during World War II.

Our mission is just. It has far-reaching, longstanding, strategic, and political ramifications. It is helping to further U.S. security and foreign policy goals throughout the region. For these reasons and, most importantly, for my stepson Doug Lehtinen, and his fiancee, Lindsay Nelson, who is also a Marine officer currently serving in Iraq, and all of the members of the U.S. Armed Forces serving in Afghanistan and Iraq and elsewhere, we must continue to fully support our troops and their mission. Simply stated, we cannot afford to yield a victory to the terrorists in Iraq and throughout the region.

Iraq is one of the epicenters of the U.S. comprehensive strategy to fight terrorism worldwide, a strategy that includes killing and disrupting terrorists abroad; confronting theocratic and autocratic regimes that harbor terrorists and facilitate terrorist attacks; and promoting economic reform and democracy as a means to address those threats.

Our ability to project major Armed Forces to the very heart of the Middle East provides the United States, as well as our allies in the war against terrorism, the wherewithal to directly address the tactical and ideological challenges of Islamic extremism. Our presence in Iraq further strengthens our leverage against current and emerging democracies and increases the deterrent value of U.S. power.

Finally, through the promotion of incipient Iraqi democracy, we can continue our concerted efforts to counter the root causes of Islamic extremism and terrorism in that area.

However, our success in Iraq will not come without challenges. Creating new and effective political and security institutions in Iraq takes time. The task before us is not insurmountable; but if rushed, we do risk failure for lack of persistence. The continuing presence of U.S. and coalition forces must be determined by the achievement of concrete objectives. We cannot send a message to the terrorists that their war of attrition is succeeding and that we are weakening in our resolve to win.

The Iraqi people have not weakened their resolve, and they have clearly demonstrated their commitment to both the establishment and the solidification of a democratic political culture through their January 30 election, through the October 15 referendum on their Constitution, and their preparations for the December 15 elections.

Our men and women in uniform are not and have not weakened their resolve. Let us not weaken our resolve in the United States Congress. Let us not waver in our commitment to our mission, our very important and noble cause in Iraq.

GAS AND OIL COMPANY PROFITEERING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, every day now we see headlines in the newspaper much like this one here from the USA Today back on October 7, 2005, saying: ''Staying Warm To Cost up to 90 Percent More This Year,'' as energy costs have just skyrocketed in this country. Our constituents are bracing for a harsh winter, a record high in home energy costs; and they just continue to skyrocket, while oil companies are announcing record-breaking third quarter profits.

Even though gas has come down a little bit, 2 weeks ago even in my district, the headline in the Marquette Mining Journal from October 19 said we are number one. We have the dubious title of having the highest gas prices in the upper peninsula of Michigan. And it is no wonder why we have record profits by the oil companies.

Our constituents are angry and are frustrated, and they deserve answers from their elected officials. We must not stand by and let oil and gas companies engage in price gouging and profiteering when families are going to be forced to pay so much more to heat their homes, to heat their places of business, as we see in article after article anywhere from a 50 to 90 percent increase in home heating costs in the upcoming months.

If we take a look at the documents recently provided by the current administration from the Energy Information Administration, the American family is going to have a 60 percent increase this year just to heat their homes this winter. We have almost a 50 percent increase, they figure, in natural gas. It will be a $350 increase this year. Home heating oil they figure is going to be a $378 increase over last year. Propane, $325 over last year. This is from, again, the Energy Information Administration. What we have seen are a lot of demands from our constituents to do something, but nothing is really being done.

In this Congress here a few weeks ago, we did try to pass an energy bill to try to address price gouging, market manipulation, and bring some transparency to how a gallon of gas or a barrel of oil is priced when we go to use it. Unfortunately, that bill, which passed the House here, was such a poor bill that the other body took one look at it and they said they were not even going to take it up.

So there was an alternative bill that never had a chance to have an up-or-down vote. It was called the FREE bill, free from energy manipulation by the oil companies. That was the Democratic bill. And what we did in our bill was this, and let me just show this chart here: Why are energy costs so high? This was from September, 2004, until September of 2005. To take the crude oil out of the ground or out of the gulf, wherever they get it, was an increase of 46 percent in the last 12 months, 46 percent. After the oil is taken out of the ground, it goes to the refiners. The refiners increased their costs and their prices 255 percent in the last 12 months. And then when it is distributed from the refinery to the gas stations, to the retailers, or to the oil companies to heat our homes this year, the cost is only 5 percent.

So the bill we had before us approximately 2 weeks ago put forth by the majority party, instead of targeting the people who have increased their prices 255 percent over the last 12 months, they targeted the poor distributors and the gas station owners and the gas station operators. They targeted the people who made 5 percent in the last year. They targeted the wrong people. Plus the Republican bill did not take in propane, did not take in natural gas. Thirdly, the only time the Republican bill would kick in was when there is a natural disaster.

In the Democratic bill, on the other hand, Mr. Speaker, we targeted all parts of the oil supply chain, from the crude producer, to the refiner, to the distributor. We said if they engage in excessive profits, like 255 percent over the last 12 months, we are going to go after those profits. That is price gouging, market manipulation, geographic price arrangements that they make from the refinery. And those excessive profits, and I think people would agree with me that 255 percent is excessive, would then be put into a fund to help the Low Income Heating Energy Assistance Program, LIHEAP as we call it.

So we take the extra money and put it in there to help people heat their homes. We finally, for once, give the FTC, the Federal Trade Commission, the authority to stop price gouging. We allow the State attorneys general to enforce Federal law, and we maintain environmental standards.

So this bill is back. We as a party, Democrats, are asking for a clean up-or-down vote on our bill. Let us put forth our bill, which is to stop the price gouging, market manipulation, the excessive regional pricing that goes on; and let us have a clean up-or-down vote on it.

In the meantime, the Democratic Party is also asking, and, in fact, the letter is being circulated today, that we bring in the oil executives and ask them to explain to us how do they justify a 255 percent increase. Even a 46 percent increase is a tremendous amount of increase in the last 12 months when inflation is running at about 3 to 4 percent. So these are the questions we have, and we would like a free, clean up-or-down vote.

As high gas prices persist, hard-working Americans are preparing for a cold winter during which they will likely face a doubling of home heating costs. These serious concerns underscore the need for this Congress to work together in a bipartisan manner. Let us investigate and crack down on the price gouging and other forms of market manipulation, and then maybe we will not see the headlines that we have seen in the last week about what the oil companies have made in the third quarter. The third quarter goes from, of course, July, August, September. In those 90 days, July, August, September, ExxonMobil's profit was $9.92 billion.

□ 1900

That is the largest amount ever by a U.S. company, and 75 percent more in profits than they made last year.

Shell Oil Company, they generated $9 billion in the third quarter, an increase of 68 percent from last year. These are excessive profits.

Conoco Phillips generated $3.8 billion in the third quarter, an 89 percent increase from last year.

Again, we do not mind anyone making a profit. Inflation is running 3, 4, 5 percent. But 89 percent over one year?

British Petroleum generated $6.53 billion in the third quarter. These are profits. That is after paying for everything else. They cannot say it costs more. But these are profits, over and above.

And Chevron generated $3.6 billion.

The earnings of the world's five largest publicly traded oil companies this quarter have put them on track to earn $100 billion this year.

Mr. Speaker, I hope this Congress can work together and pass a real energy program to help all Americans.

SUPPORT FOR ALITO NOMINATION

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, these are historic and great days in America because President George W. Bush has nominated Judge Samuel Alito to the United States Supreme Court.

Mr. Speaker, this is a man of outstanding character and one who has more experience as a sitting judge than any nominee for the Supreme Court in the last 70 years. As always, extremists on the left are viciously attacking this highly qualified nominee because he shares a judicial philosophy with this duly elected President.

Mr. Speaker, what is at stake here with these judicial nominations is the Constitution itself, that miraculous document by which we guard our God-given rights in this country; and what is also at risk is keeping secure the American dream for future generations.

In this day, we sometimes forget that the American dream is actually about human dignity and freedom and self-governance. It is not about the left's moral relativism, which means that those without conscience have a license to do anything without consequence, regardless of its harm to others.

True freedom actually means having a system of self-government that protects the rights of innocent people to live and to be free and to pursue their dreams in their own way, as long as they do not desecrate the lives and rights of others. The choice that faces us in these pivotal times is whether or not we as a people are still capable of understanding and guarding the fundamental rights that undergird our freedom.

Mr. Speaker, I have great hope that we still are. Liberal activists on the courts have been undermining the Constitution and America's fundamental rights of liberty and life and property for decades.

Just yesterday, the liberal Ninth Circuit Court of Appeals ruled, ''There is no fundamental right of parents to be the exclusive provider of information regarding sexual matters to their children. Parents have no due process or privacy right to override the determinations of public schools as to the information to which their children will be exposed while enrolled as students.''

Mr. Speaker, for these liberal judges to say that parents have no right to determine what their children are taught about sex, or anything else, for that matter, is outrageous. America has rejected this sort of bankrupt, liberal extremism at the ballot, and now the left is desperately trying to hold on to the courts to force this extremist agenda down the throats of all Americans.

The liberal, secular left wants to take the words ''under God'' out of the Pledge of Allegiance. They want to completely dismantle marriage and family. They want to end voluntary prayer, any kind of traditional voluntary religious expression in public places.

They teach your children in school that it is ''mainstream'' in America to use abortion and even partial-birth abortion as a means of birth control. They are saying to the parents of America that if your underage daughter is impregnated by a man, he should be able to take her to have an abortion without your knowledge or permission, that it is none of your business.

Mr. Speaker, those attacking Judge Alito are so far to the left that they cannot even see the majority of us here in America, and it is so important that the people of this country understand what the left means when they say ''mainstream'' when they say that Judge Alito is out of the mainstream. They are talking about his rulings in cases where the overwhelming majority of Americans agree with him. That is the very definition of ''mainstream.''

Mr. Speaker, for the sake of this Republic, we must invite those leftists who insist on smearing Judge Alito's reputation to step into open debate where the bright light of truth can shine on their ideology and expose to the people of America exactly how far out of the mainstream they really are.

Mr. Speaker, it is time for this debate. It is long overdue. The future of the American people living in freedom depends on it.

CAMPAIGN TO MINIMIZE LIES THAT LED TO IRAQ WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, I rise to support the minority leader's attempt to get oversight. She stood here today and asked in a resolution, which was not voted on by the House, was not allowed to be discussed by the House, that the Republican leadership conduct oversight of an executive branch controlled by the same party which is in contradiction to the established rules of standing committees and the congressional precedent.

It is time for this House to begin an investigation of the executive branch.

Why is that? Well, there is a massive propaganda campaign beginning today, if you look in the Wall Street Journal and some of the other newspapers, to minimize the lies that led us into war. They are now saying, ''Well, everybody does it. Clinton did it. We did it. It doesn't make any difference how we got into war. It was the right thing to do. The fact that we got there is all that matters.'' That is what the defense is going to be.

It is very clear that the office of the Vice President of the United States has emerged as the source of this national policy. Never mind, I am not talking about the intelligence on striods that proved that Hussein had weapons of mass destruction. It is now clear by his own admission that the Chief of Staff of the Vice President of the United States was willing to out the CIA agent whose husband had been sent by the Vice President's office, had been sent out to find out and had come back with a report that debunked the whole Niger yellow cake forgeries.

Mr. Speaker, the Italian parliament is meeting even at this time on the issue of how those forgeries occurred. There is nobody interested around here. You would think it was nothing. But the Italian parliament is worried about how their secret service got involved in these forgeries.

But really more worrisome than the forgeries and all of what went on there is the continuing influence of the Vice President's office to set policy. I will include in the record an article in the November 2 Slate magazine called Superiority Complex that is talking about what has gone on in the Vice President's office. This is another issue, but connected.

Today we found out in the newspapers that we have secret prisons. We do not know where they are. Some people speculate they are in Poland, some say they are in Romania. We know we have Guantanamo. We have bases in other places. And we are unclear about how those people are to be treated.

It was so unclear that the draft regulation was drawn up in the Department of Defense. Some people in the Department of Defense did not agree with it, so they let the Vice President's office know, and the next thing we know, they sort of say, why do you not hold up on that, and it never happened. The draft regulation never came out. It was to set a clear standard of how detainees should be treated, how prisoners of war should be treated, or whatever.

The people who did that were Mr. Addington, who is now the Vice President's Chief of Staff, and Mr. Libby. They set about to veto the whole idea.

Why is the Vice President's office making these decisions? Where is the White House? Where is the Oval Office? Where is the President? Well, he is missing in action.

If you look in the last year and a half on that whole issue, the President said that these people would be treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva agreement.

He could not just say ''the Geneva Convention holds. We will treat them according to that.'' He gave weasel-words here, so he really has been no use at all. Basically, what this White House has done is kept that whole issue open to debate.

Now, you ask yourself, why do we care about how we treat prisoners? Very simply, and the article says, ''The military cares about the Geneva protections because of the correlation that American intelligence officers increasingly see between Muslim anger at the United States and human rights abuses in Guantanamo.''

We are putting our own soldiers at risk by allowing this White House to keep this vague. We need some oversight.

Mr. Speaker, I include the Slate magazine article for the RECORD.

[From the New York Times, Nov. 2, 2005.]

SUPERIORITY COMPLEX

(By Tim Naftali)

Today's revelations in the New York Times about the Bush administration's internal debate over how to treat foreign detainees highlight the unprecedented role that Vice President Dick Cheney and his staff are playing in setting national security policy. In the Constitution, the vice president is the Nation's understudy. He is not supposed to be in the chain of command. Cheney knows this better than most: In 1989, when he was George H.W. Bush's secretary of defense, Cheney slapped down Vice President Dan Quayle for calling a meeting of the National Security Council about a coup attempt in the Philippines while the president was out of the country.

Yet now the Office of the Vice President is dictating the rules by which the U.S. military interrogates and detains terrorist suspects. This is being done subtly. All the Office of the Vice President has to do is informally convey its opposition to complying with international law in this area, and any such effort is thwarted.

This is what happened to an attempt by some officials in the Department of Defense, along with the lawyers of all the armed services, to write a new directive on the treatment of detainees. Since the Bush administration began sending foreigners captured abroad to Guantanamo Bay in winter 2001, its refusal to afford them all the protections guaranteed by the Geneva Conventions has been, to say the least, internationally contentious. Now the military and some Pentagon officials are increasingly aware that this refusal is making American troops vulnerable abroad by potentially provoking other countries to respond in kind. The current policy has also created confusion in the armed services among interrogators who were originally trained to follow Geneva and now don't know which standard to apply. The goal of the drafters of the new directive was to set clear standards that are consistent with international law and with the military's rules since 1949.

The draft directive drew upon the language from Common Article Three of the Geneva Conventions of 1949, implying that the United States recognized the role of international law in governing how it treated detainees. Not everyone in the Pentagon was happy with this. Stephen Cambone, the undersecretary of defense for intelligence policy, and William J. Haynes, DOD's general counsel, apparently let the vice president's office know what was happening. In September, David S. Addington, who was then Cheney's general counsel, and former Cheney aide I. Lewis Libby did their best to veto the initiative.

Cheney and Addington (and Libby) believe that there should be no limit on the president's right to authorize interrogations of terrorist suspects. The Office of the Vice President is contemptuous of the British and our other European allies, who have been reluctant to turn over suspects to the United States because of what they see as Washington's lawless approach.

What does the Oval Office think about adopting a Geneva-friendly detainee policy? So far, there is no evidence that President George W. Bush has weighed in directly since February 2002 on applying Geneva's protections to the detainees. At that point, he said that al-Qaida and Taliban fighters would not have prisoner-of-war status but would nonetheless be treated ''humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles'' of the Geneva Conventions. The ambiguity of Bush's 2002 statement—was he saying that the Geneva Conventions did not trump military necessity?—has encouraged advocates of a Geneva-based policy to argue that he intended to set a floor rather than a ceiling for the treatment of detainees.

And what about Secretary of Defense Rumsfeld, who is in the military chain of command? The reporting is still vague thus far on his opinion about the standards for detainees. Matthew Waxman, Rumsfeld's deputy assistant secretary of defense, was a champion of incorporating Common Article Three into the new interrogation directive. But Rumsfeld himself reportedly said nothing, even after the vice president's office shot down the draft directive. Rumsfeld and Cheney go way back; Cheney worked for Rumsfeld in the Nixon administration. Whatever else Rumsfeld's silence means, by ceding this area to Cheney, the defense secretary signals to the armed services that he doesn't much care that their lawyers want to bring U.S. policy in line with the Geneva Conventions.

The military cares about Geneva's protections because of the correlation that American intelligence officers increasingly see between Muslim anger at the United States for human rights abuses in Guantanamo and elsewhere and the virulence of the insurgencies in Iraq and Afghanistan. In its secret brief in a case involving the ACLU's request for the disclosure of additional photographs of the abuses that took place at Abu Ghraib, the government acknowledged as much.

Ordinarily presidents assign their vice presidents some projects, usually with consultation, of course. Yet once Cheney focuses on a policy, he dominates it.

So long as his views prevail in how the Bush administration treats foreign detainees, the military's push to safeguard American troops by respecting Geneva will be stymied.

VOTING RIGHTS ACT EXTENSION NOT NEEDED IN GEORGIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, in 1965, Congress passed the Voting Rights Act to stop the systematic civil rights violations that were the status quo in my home State of Georgia and

various other States. In those dark days, the Federal Government rightly stepped in to extend the guarantees of our Constitution to every American, regardless of race.

Georgians have worked together closely for the past 40 years to heal the wounds of the past, and we have progressed tremendously. Black Georgians today are equal partners, not only in access to the voting booth but also to elected positions of power.

In the parts of Georgia that experienced the most oppressive and violent abuses of civil rights, that is in counties and cities where African Americans are a majority, black Georgians are now the leaders of those local communities. African Americans hold a significant portion of the seats in the Georgia legislature, where many have held positions of great influence. Nine of our 34 Statewide elected posts are held by African Americans, a percentage that comes close to mirroring their proportion of the State's population.

Georgia Attorney General Thurbert Baker is an African American who has twice won Statewide election to that post. Our Statewide elected labor commissioner is black, as are three justices on our State Supreme Court. Four African Americans hold seats in our 13 member House delegation. Two of those black members defeated white candidates in majority white districts.

African Americans have exercised their electoral muscle for decades now in Georgia. Blacks in Georgia have higher levels of voter registration and participation than do whites. In fact, blacks in Georgia have higher registration rates than do most blacks outside the South.

Furthermore, black and white candidates for public office draw comparable support from white voters. In other words, black and white candidates of the same party win or lose at the polls with similar vote percentages. No longer will Georgians vote against a black candidate simply because he or she is black.

With these facts in mind, I call on Congress to let Section 5 of the Voting Rights Act expire. Section 5 was implemented as a temporary statute to correct a specific problem. In the late 1960s, the Supreme Court ruled that Section 5 was constitutional only because it was narrowly tailored and temporary. Mr. Speaker, I would suggest to my colleagues here in the House that 40 years is more than temporary.

Now Congress is considering extending Section 5 for another 25 years, to 2030, without giving any consideration to the changes that have occurred since 1965. If there is a need for Section 5 today in Georgia, it must be needed everywhere.

□ 1915

If it is good for Georgia, it will be good for your State too. But if you do not think your State election laws should be subjected to Federal oversight, then I challenge each and every one of you to at least, Mr. Speaker, look at the facts of today's Georgia before casting a vote that does not affect your constituents, but does affect mine.

Georgia has fulfilled the vision of the Voting Rights Act and should be treated the same as every other State.

PASSAGE OF THE PRIVATE PROPERTY RIGHTS PROTECTION ACT

The SPEAKER pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentlewoman from Florida (Ms. HARRIS) is recognized for 5 minutes.

Ms. HARRIS. Mr. Speaker, earlier today I was proud to cast a firm vote in support of the Private Property Rights Protection Act. While this measure will not reverse the Supreme Court's mind-boggling 5–4 decision in the Kelo v. New London case, it will ensure that American taxpayers will not have their hard-earned dollars used in its support.

No State or locality shall be permitted to employ the power of eminent domain to seize private property in the name of economic development. In addition, the bill will grant appropriate access to State and Federal courts for those who seek justice and remedy for any nonmeritorious seizure of their property.

There is no question that Americans do not wish to shirk their responsibility to take care of their community through support for measures which serve the public good. However, most do not view fulfillment of this obligation as necessitating a forfeiture of their fundamental rights. Few rights are as central to the foundation of our great Nation as is the right of control over one's private property.

As James Madison laid out in the Federalist Papers, private property rights lie at the foundation of our Constitution: ''Government is instituted no less for the protection of property than of the persons of individuals.''

Madison's declaration was echoed by Justice William Paterson in Vanhorne's Lessee v. Dorrance (1795) when he asserted: ''The right of acquiring and possessing private property and having it protected is one of the most natural, inherent, and inalienable rights of man.

This does not require one to have expertise in constitutional law to conclude from these statements that the Framers did not intend for citizens to cede their ''natural, inherent, and inalienable rights'' in the name of expanding the local tax base or in the development of one of our favorite Starbucks or Wal-Marts.

As Justice Clarence Thomas noted in his dissent, the text of the fifth amendment permits the taking of property ''only if in the public right to employ it.''

In response to the public concern of the Kelo decision, the Ohio State legislature recently passed a measure prohibiting cities from seizing unblighted land for economic development in 2006. And Ohio is not alone. Excluding bills prefiled for the 2006 legislative session, the National Council of State Legislatures found that 12 States have already taken legislative steps to prohibit in some form or fashion the use of eminent domain in private property seizure.

Today, we join in the fight on behalf of all Americans who own or aspire to own their small piece of paradise and, more importantly, to own it without fear from unwarranted, unjustified, and unconstitutional seizure.

THE TRUTH ABOUT THE WAR IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Virginia (Mrs. DRAKE) is recognized for 60 minutes as the designee of the majority leader.

Mrs. DRAKE. Mr. Speaker, it is my honor to be here tonight, along with fellow colleagues and with the chairman of the House Armed Services Committee, Duncan Hunter, to talk to you about the war in Iraq.

During my recent visit to Iraq, it was clear to me that our brave military men and women know what they are doing, why they are doing it, the progress they are making, and the threat to our world and our way of life if they fail. They see the big picture: Iraq is a key piece in a region-wide and worldwide struggle.

What they wanted to know was what were the American people saying and thinking, and they wanted to know why their stories are not being told, and why their successes are not being told.

Mr. Speaker, recently there was a New York Times article that included this quote. It says: ''I kind of predicted this. A third time just seems like I am pushing my chances.'' But in reality, Mr. Speaker, that was a much longer quote that I would like for you to see and I would like for you to hear. What that quote said was: ''Obviously, if you're reading this, then I have died in Iraq. I kind of predicted this. That is why I am writing this in November. A third time just seemed like I am pushing my chances. I don't regret going. Everybody dies, but few get to do it for something as important as freedom. It may seem confusing why we are in Iraq. It's not to me. I am here helping these people so that they can live the way that we live, not have to worry about tyrants or vicious dictators, to do what they want to do with their lives. To me, that is why I died. Others have died for my freedom. Now this is my mark.'' Corporal Jeffrey B. Starr.

We would all like to thank Corporal Starr for his service, to tell him and his family that America mourns their very great loss, and to say that he is a true American hero.

We are here tonight to tell his story and to tell the story of the very brave

men and women who are serving to keep us free. First, I would like to start by recognizing Congressman DAN BURTON from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, first of all, I would like to make a comment about what you just said about the New York Times article. When you see what was said at the beginning there, written in the New York Times, you immediately feel like, well, this young man was saying, you know, this is something we should not be doing, and I am just pushing my chances. But when you read the whole article, it is clear that he thought the life that he was giving for the freedom of those people was worth it.

Mr. Speaker, he said in the last part there: ''To me, that is why I died. Others have died for my freedom. Now this is my mark.''

I mean, I cannot believe that there are distortions like that in the media. It makes me just cringe when young men and women pay a price like that and write to their loved ones why they are doing it and why it was so important that they made that sacrifice and then have them be mischaracterized by a newspaper that has a preconceived idea of what ought to be done over there. It really, really bothers me.

Mr. Speaker, in addition to that, my colleague, DUNCAN HUNTER, who is the chairman of the Armed Services Committee, gave me this Congressional Medal of Honor awarded to Sergeant First Class Paul R. Smith of the United States Army. I was reading this and I was thinking about the sacrifices that these young men and women have made to protect people and to make sure that these people get the freedoms that we have enjoyed for so long. It says: ''Sergeant First Class Smith braved hostile enemy fire to personally engage the enemy with hand grenades and anti-tank weapons and organized the evacuation of three wounded soldiers from an armored personnel carrier struck by rocket-propelled grenades and a 16-milimeter mortar rounds. Fearing the enemy would overrun their defenses, Sergeant First Class Smith moved under withering enemy fire to man a 50-caliber machine gun mounted on a damaged armored personnel carrier. In total disregard for his own life, he maintained his exposed position in order to engage the attacking enemy force. During this action, he was mortally wounded. His courageous actions helped defeat the enemy attack and resulted in as many as 50 enemy soldiers killed, while allowing the safe withdrawal of numerous wounded soldiers. Sergeant First Class Smith's extraordinary heroism and uncommon valor are in keeping with the highest traditions of the military service and reflect great credit upon himself, the Third Infantry Division, Rock of the Marne, and the United States Army.''

Mr. Speaker, it really bothers me when I see people come down here and start in one way, giving an offhanded compliment to our soldiers and sailors and marines who are over there fighting and say, you know, we really respect them; and then with the other hand they say, oh, we ought to get out of there right now. We ought to withdraw tomorrow. We ought to get everybody out of there, because this is a lost cause.

It is just not a lost cause. They went over there to do their duty and to stop worldwide terrorism, and this is the focal point. It is really bad that we have people in this body on the other side of the aisle, in my opinion, that say, you know, they are doing a great job and we really support them and, at the same time, the sacrifices that have been made should be for naught, we ought to just bring them home.

We are in a world war against terrorism, a world war, and this is the major battleground right now. The reason we are not being attacked in large part here in the United States, in my opinion, is because these young men and women are making these sacrifices over there, in the middle of the storm, where terrorism has its genesis, where Iran and Syria and other countries are supporting terrorism. They do not want democracy to flourish over there, because they know their days will be numbered if democracy succeeds. Our young men and women who are fighting over there are making their days numbered, in my opinion.

I would like to just make one quote from Sir Winston Churchill, when I think about my colleagues on the other side of the aisle and they start talking about how we have to get out of there right now. Sir Winston Churchill, who was one of the greatest leaders of the 20th century, he said in a speech that he made entitle ''We Shall Fight on the Beaches,'' which is very famous, he says: ''Wars are not won by evacuations.'' You do not win by retreating.

The Iraqis now have almost 190,000 men in their armed services and their police forces over there. They are taking up more and more of the fight every single day. As soon as they become battle-ready and they can protect themselves, you are going to see us starting to bring our troops home. But we are not going to capitulate. Not under this President, we are not, and not under the majority that we have in this Congress.

Now, if the more liberal Members of this body want to cave in, if they want to assuage the enemy and pat them on the back, then that is what is going to be their legacy to this country and to this world; but I do not want to be a part of that, and I do not think my colleagues on this side of the aisle want to be a part of it either.

Let me just say one thing that is not being reported by the media that should be, and it should be reported thoroughly and fully. Things are getting better in Iraq. There are now 196,000 Internet subscribers. There used to be almost none. Now there are 44 commercial television stations. None existed under Saddam Hussein when he buried alive up to 100,000 people and killed over 400,000 people. There are more than 100 independent newspapers and magazines and 72 commercial radio stations. None existed before under Saddam Hussein. There are now 3,404 public schools, all kinds of projects, police and fire stations, health facilities, and new reconstruction projects going on. Things are moving in the right direction, but they are not being reported by the media in this country.

So, Mr. Speaker, I thank the gentlewoman for yielding to me. I would just like to end by saying that the war against terrorism is one that we cannot and must not lose, and our fighting men and women are paying the supreme price over there right now, defending not only the rights and freedoms of the people in Iraq and Afghanistan, but they are also protecting us as well. So I would just like to say God bless them and thank each and every one of them for what they are doing.

Mrs. DRAKE. Mr. Speaker, I would like to thank the gentleman for taking his time to join us tonight to talk about true American heroes and what they are doing. You will find it interesting that today in the Armed Services Committee, we had a panel of three men, Marines and Army both, who have served in Iraq. And when they were questioned about media coverage, they gave a couple of very interesting comments. One told us he never knew the war was going so poorly until he came home. Another one told us that the Iraqi press is doing a wonderful job of reporting what is going on over there, those independent newspapers and magazines that you have just referenced, now having 100 of them in Iraq. Servicemembers there feel that the press is only reporting when bullets are flying and not the progress that they are making.

So I thank the gentleman for being here, and I thank the gentleman for his comments.

Mrs. DRAKE. Mr. Speaker, I yield to the gentleman from Texas.

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Mr. NEUGEBAUER. Mr Speaker, I thank the gentlewoman from Virginia (Mrs. DRAKE) for recognizing me.

Mr. Speaker, I have had the great honor on two occasions since I have been in Congress to go to Iraq and Afghanistan. I went early in November of 2003 and then again back in March of this year. What a difference those months have made. One of the things that I was awestruck by was the amount of progress that has been made in the country of Iraq since the beginning of the war when we overthrew Saddam Hussein.

One of the things that I am puzzled by is that, when I go back to the district and start talking about how things are going in Iraq, my fellow Texans say, ''Randy, why do we not ever get to hear about that when we watch the news?''

You know, that is a really good question. One of the things that I think is

important for the American people to realize is the amount of progress that we have made over there. In a very short period of time, we have liberated Iraq from a terrible dictator, a killer, a murderer, and that country is moving forward to install a democratic government. That is happening. They have met every deadline that they have established for themselves.

In December, they will have a very important democratic election to elect their new parliament.

One of the other things that is going on that is so important is that the Iraqi people are participating in a major portion of the defense of their country. That is an important part of our strategy.

Our strategy is two-fold, to help the Iraqi people to learn to be able to defend their country themselves and also to help them move in a way to establish this democratic government.

I think it is a great tribute to our men and women that, just the other day, 63 percent of the Iraqi people turned out to vote. I wish in some of our elections 63 percent of Americans turned out.

You have to understand the conditions that these people turned out. Sixty-three million people turned out to vote in conditions where it was not snowing or raining, but they were risking their lives; and over 78 percent of those people so far have supported this new constitution.

On a recent trip back from Iraq we stopped in Amman, Jordan, where about 120 or 130 Iraqi women had risked their lives and driven to Amman, Jordan, to participate in a conference to learn how to participate in this new democracy that they are about to inherent.

And one of the things was I was sitting at the table with some of those women at lunch, and we were discussing different things about their coming and risking their lives to come to that. And I asked them, I said some people back home asked if the Iraqi people appreciate what the Americans have done for them, and the allied forces.

This one lady, I will never forget, with tears streaming down her eyes, she said, ''Mr. Congressman, you have to understand. We are mothers. We are wives. We are sisters. We are aunts. And we understand the huge price that mothers and sisters and wives and Americans have paid for our freedom. And we shall never forget.''

And it is important that America not forget the tremendous contribution that our young men and women are making. As I go around, I always take an opportunity to thank the families, because, right along with our men and women that are in harm's way, those families serve right beside them. They are back home holding down the fort, making sure the kids get to school, making sure the car gets fixed and the house is in repair. We cannot forget them.

On Saturday, unfortunately, I had the opportunity to have to go to a funeral in Dimmit, Texas, for Jacob Dones. J.J. he is called by his friends. But you know what? It was an opportunity to go and be a part to celebrate the life of a young hero.

As I travel back and forth to Iraq, one of the things that I am awestruck about is the enthusiasm and the dedication and the commitment that our young men and women have to the job that they are doing over there; and I always ask them, is there a message that you want me to take back home? And they say, ''Congressman, tell the folks back home what a great job we are doing and how important it is that we finish this job.''

To get back to Lubbock, Texas, and back into District 19 each week, I travel and I stop at DFW airport. There are always young men and women going and coming from the battlefield, and I always take an opportunity to say thank you for your service.

And one of the things that they start, without me even asking them, they say, ''Congressman, it is important that we finish this job.'' I wish you could see the children that are going to school, boys and girls that get to go to school now, and the fact that electricity is on in parts of the country that in the past it was not and that water systems are in place and that an economy is beginning to emerge in Iraq.

So, as I close and thank the gentlewoman for this opportunity, I want to say to our young men and women, thank you again. We pray for you. We are glad you are doing the job you are doing. We are proud of you. And to those families we say thank you, also.

So God bless them, and God bless America.

Mrs. DRAKE. Congressman, I would like to tell you two stories about the Iraqi people. On my trip, I was quite amazed, flying from Baghdad to Balad in a black Army helicopter, very low and very fast over agricultural fields; and the people working the fields were waving at the helicopter. When we got to Balad, I commented, only to be told they always wave at us.

The second story was in Arizona this summer I went out for a congressional meeting. Turned out my cab driver was from Iraq. He has been here 16 years. Still has family in Iraq. And he goes to Iraq on a contract working with the Iraqi troops.

When he realized I was a Member of Congress, he stopped the cab, turned around and said, ''I would like for you to thank the American people for me for what you have done.'' He said, ''When I go over there, it is like I am on vacation. There is only a few places where there are problems.'' He said, ''You people work so hard and so long, I do not think that you ever sleep, and you do it all for us.''

Mr. NEUGEBAUER. It is very humbling, and as we sat and participated with those Iraqi women and talked about, you know, how they began to participate in this democracy and whether it is at the local level or at the state level or at the parliament, but the commitment and the courage that they had already shown.

I think, as you have heard this story before if you have been to the theater, about the fact that the insurgents are now targeting the Iraqi people because they realize what is going on over there, that the Iraqi people have a hunger for this new gift that we have given them. So they are targeting these recruiting stations where some people were killed maybe the day before, and the very next day there will be long lines of young Iraqi men and women coming forth to serve.

It is very encouraging. I want the American people to know that they can be very proud of their soldiers.

I want to thank Chairman HUNTER for arranging this Special Order Hour tonight as well as all of my colleagues who are taking the time tonight to honor our troops and show support for the brave Iraqi people.

Two and a half years ago, the United States military and its allies embarked on a difficult, yet noble mission: Rid the world of a murderous, lying, and unpredictable dictator and, by doing so, allow the people who had lived for so long under the shadow of totalitarianism to experience the light of freedom.

Our troops and the Iraqi people have risen to each challenge in front of them. Establishing a democracy takes persistence and dedication, and the Iraqi people continue to prove that they are capable of this tremendous task by meeting each deadline on the way to democracy.

Much progress has been made over the past 17 months on the political front. In June of 2004, the Coalition Forces handed over control of the country to Iraqis. A date of January 30, 2005, was set to hold democratic elections for a transitional government.

Despite the threats of terrorists attacking voters at the ballot box, millions of Iraqis turned out on January 30 for a historic democratic election.

This newly elected government was tasked with drafting a constitution and putting it up for a national referendum in October. Right on schedule, on October 15, millions of citizens from Iraq's eighteen provinces stood together to vote on a document that will guarantee and protect their rights and serve as a blueprint for their nation's future.

In this latest vote, 63 percent of Iraq's 15.5 million registered voters once again defied the threat of terrorist attacks and voted. The result: 78 percent of voters backed the constitution.

And the role of women in establishing this fledgling democracy should not be overlooked. In April, I took a trip to the Middle East, including Iraq. While on the trip I attended the Iraqi Women's Democracy Initiative Training Conference held in Jordan. At this conference, women came from all parts of Iraq. Many of the women tell me they were threatened because of their desire to come to the meeting. Several report that they were shot at. In total, about 130 women were in attendance.

These women were thankful. I told them that the folks back home want to know if the Iraqis appreciate what America has done.

They do, and they also realize the price that many Americans have paid. They said that they are mothers and wives themselves, and they know that mothers in America have lost sons, and wives have lost husbands.

The military has seen its share of successes as well. These successes began with the swift removal of Saddam Hussein from power and his ensuing capture, and have continued through the creation of Iraqi security forces.

One by one, Iraqi Army battalions have stood up and joined the fight to defend their homeland. By the end of October, a total of 206,500 Iraqi Security Forces have been trained and equipped.

Parts of the country that a few months ago were hotbeds of insurgency are now controlled by Iraqi forces.

Our military is now fighting shoulder-to-shoulder with their Iraqi counterparts to track down terrorists every day. Top al-Qaeda leaders have been caught or killed. Stockpiles of weapons and ammunition are being uncovered

Tough times—both politically and militarily—may still lie ahead for this young democracy. The terrorists will undoubtedly attempt to thwart the will of free people. And Iraqis will need to return to the polls in December to elect a full-term parliament.

However, the Iraqi people have met their challenges and have overcome obstacles at each step along the way. I am confident that as long as Iraq and its allies continue to stand up against terrorism, I am optimistic that more successes lie ahead.

The mainstream media has a habit of only reporting the bad news coming out of Iraq. So it can be tough for some Americans to remain optimistic about our efforts in Iraq. This would not be the case if everyone had the chance to talk with many of the brave men and women who are serving in Iraq.

Since the War began in 2003, I have visited Iraq twice. On each trip, I have had the opportunity to talk with our troops on the ground.

Let there be no misunderstanding: our troops are proud of their accomplishments. We should be too.

Because of our troops and the bravery and fortitude of the Iraqi people, young Iraqi boys and girls are attending schools.

Electricity is being restored to all parts of the country, not just the regions favored by a dictator. Iraqis are beginning to protect Iraqis.

Men and women are participating in the democratic process.

And, most importantly, a ruthless dictator who terrorized his own people and his neighbors, and who had shown a willingness to obtain and use the worst weapons known to man, is no longer in power and will stand trial for his crimes.

Let me end with this message to our troops and their families: We are proud of you, we thank you, and the American people continue to stand behind you.

Mrs. DRAKE. Next I would like to recognize the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman for giving me an opportunity to share this time with her.

Mr. Speaker, I have been to Iraq twice, December of 2003, shortly after Saddam's capture, then again in February of this year. On each of those trips, they are bipartisan trips, many of the Members, of course, that have been to Iraq and Afghanistan and the theater of operations are members of the Armed Services Committee. But I think many other Members, of course, have been as well.

One of the best opportunities, Mr. Speaker, is to meet with troops, soldiers, men and women from your own State, indeed when possible from your own congressional district, and to have an opportunity to talk with them and, more importantly, that they have an opportunity to talk with us.

The one thing that I can tell you that I never heard was, Congressman, it is too hot over here. It is too dry over here. It is too dusty. It is too cold. I cannot sleep. I do not like the food. Congressman, can you not use your political influence somehow to get me out of here.

Of course, many of those soldiers, as we heard from the gentlewoman from Virginia (Mrs. DRAKE) about the corporal who was serving his third rotation in Iraq, had that premonition in harm's way, knowing that they possibly could be paying the ultimate sacrifice. None of them are asking us to get them home.

Last week, when the gentleman from California (Mr. HUNTER) had an hour, just as we are doing tonight, I had an opportunity then as well to say a few words. I made a feeble attempt to recite that famous poem, In Flanders Fields. I will not try to do that again tonight for my colleagues, because I think all of you know it maybe even better than I do.

But in the last stanza, though, it says, take up our quarrel with the foe, to you from failing falling hands we pass the torch. Be yours to hold it high, for if you break faith with us who die, we shall not sleep though poppies grow in Flanders Field.

What they are saying, and our colleagues tonight, Mr. Speaker, have said this repeatedly, we cannot break faith with these men and women, 2,000 plus who have lost their lives, maybe 8,000 or so who have been injured, some, yes, severely. The worst possible thing that we could do would be to pack up and come home, literally bring them home against their wishes.

They would have no choice in that matter, if we listened to our colleagues on the other side of the aisle. You know, you hear them, Mr. Speaker, talking about how much they support the troops and all of that. I do not doubt that. I am not going to stand up here and suggest that they are not patriots themselves and that they do not care for our troops and they do not want to arm them and make sure that they have the equipment they need. I do not doubt for a minute that they support that.

But they are using our soldiers, our brave men and women, these youngsters that we are talking about here tonight, as pawns really to continually criticize and undermine the Commander in Chief, the coach, the Vice President, the Secretary of Defense, the Secretary of State, indirectly the gentleman from California (Chairman HUNTER), because they want to undermine this team so that they, in the next election, are in charge.

Really, Mr. Speaker, I think we all need to realize that, that there is a lot of politics here; and it is a dirty rotten shame that our soldiers, our brave men and women, are being used as pawns in this political process. God forgive them.

We owe more to these troops than that. And I feel very strongly as a member on leave of absence from the Armed Services Committee to come at any opportunity I have got to take a few minutes and to stand up before my colleagues in this body and say, no, we will not forget you, you soldiers, you men and women who maybe in high school were not the football or track stars, cheerleaders, many of you decided to put off going to college and enjoying the football weekends so you could serve your country. Some of you may have been pushed around, kicked around by the schoolyard bully who does not know anything about a fair fight, but you had the courage to go and to serve this country as an all-volunteer military, whether you are active duty, Guard or Reserve; and I have seen them all in the theatre of operations at the tip of the spear. We owe them so much, and I am proud to stand up here as part of this team tonight.

I really compliment the gentlewoman from Virginia (Mrs. DRAKE) for leading this team and for the gentleman from California (Mr. HUNTER) and my other colleagues that we have heard from and others who are going to speak. I am proud to be a part of this.

Mrs. DRAKE. Congressman, thank you for coming and being with us. I am sure on your trip that it was just like on mine, I realized immediately these are people who have chosen to be here. It is an all-volunteer force. I am sure you also saw, as I did, that many of them volunteered to go to Iraq and to go back to Iraq; and it is just so impressive, the commitment that they have given to our Nation and the words of our men and women just like Corporal Starr.

Mr. Speaker, I yield to the gentlewoman from Tennessee.

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Mrs. BLACKBURN. I thank the gentlewoman from Virginia (Mrs. DRAKE) for doing such a wonderful job in hosting this. I thank our chairman, the gentleman from California (Mr. HUNTER), for the excellent job that he does in providing leadership for the House Committee on Armed Services. I think we also thank the family of Corporal Starr for their sacrifice, and we hope that they know we join them in their sorrow.

Mrs. DRAKE. And for their willingness to share that that quote was wrong and to share the real quote, something that personal.

Mrs. BLACKBURN. That is so very true, and I thank the gentlewoman for noting that, for setting the record straight.

As the gentlewoman was talking about some of her experiences, meeting a taxi driver who was from Iraq and how he stopped to say thank you, I was reading some things from my news clips.

Here is an article out of the Nashville Tennessean, today's paper, November 3, and an opinion column written by Jonathan Gurwitz who is a columnist for the San Antonio Express News. He is recounting a conversation and a visit with a Dr. Najmaldin Karim who is Kurdish and the headline is ''Why this war? Ask someone who is Kurdish.''

I was so touched by your examples that, Mr. Speaker, I wanted to share a quote in this. I think it is so relevant to the discussion that we are having tonight. And I am quoting this Dr. Karim: ''The suggestion that Saddam Hussein's dictatorship was a 'stable' form of government is outrageous to Iraqis, not on the ideological fringe, especially the Kurds. The war in Iraq didn't begin in 2003. For the previous 35 years Kurds, Shiites and anyone else who threatened the oligarchy fought against the suppression of their very existence.''

Mr. Speaker, you know, this morning I spoke on the floor about what we are doing right to win the war on terror and the progress that we are making in the battle in Iraq. And it seemed that the minute I started talking there was some conversation across the aisle. And one of my colleagues from the left got upset, and then sure enough a Democrat Member follows me to the well during 1-minutes to speak against the positive changes that are going on in Iraq.

You see, I think that the left in this country has to undermine this war and undermine the resolve of the American people in order to try to win elections next November. They have got to make you and me and every single one of us forget the bigger picture in this war on terror. They want us focused on the casualties and on the setbacks. And, yes, we take one step forward, we take two steps back. It is going to be a long war, but we are making progress.

They do not want us to ask what sort of damage will result from withdrawing from Iraq. They do not want us to ask whether we would be better off with a free Iraq. They simply want to point out all the negatives and demand withdrawal in order to declare America's defeat, and then they believe they will win elections.

Unfortunately, the national media, one would believe for all intents and purposes, is the public relations wing of the left on this subject. Day after day the major newspapers editorialize in both their articles and on the op-ed pages against our efforts in Iraq. They give extensive coverage to casualties and claim they do it to honor those lost. But they do not cover the things these men and women did to change this world.

They do not cover the moments of pure courage, pure courage and strength that these men and women and their colleagues committed and performed to fix a great wrong in this world. They only cover their deaths, and that is a tragedy, Mr. Speaker, because it was not in their deaths that they became heroes. It was in the day-to-day work on behalf of this country that they became heroes. They gave their lives for something they believed in. They were heroes long before the tragedy of their death. We remember those lost not because they died but because they lived and how they lived in putting others before themselves.

Mr. Speaker, I cannot say that I do not stop and wonder if these losses would be for naught; but when I am doubting and if I am unsure, I talk with some of those who have served in Afghanistan and in Iraq, and I talk to their families and I know beyond a shadow of a doubt that we can win this because they know that we can win it. And, Mr. Speaker, they are living it; they are seeing it firsthand every single day.

When I visit Fort Campbell in my district or spend time with our National Guard and Reserves, I see the spirit of America and I see the commitment and the drive to succeed. They settle any doubts. They restore my confidence. They should be our inspiration in this battle. So tonight, despite watching Democrats come to the floor and beat the drums of retreat in the war on terror, I want to recognize those men and women in uniform who we see in the progress, in the change in that region of the world.

Let me just read a list of some of the accomplishments so that America, those watching and those listening and our constituents, will understand the great deeds of these men and women, our heroes who are in uniform.

As of October 24, 2005, a total of 206,500 Iraqi security forces have been trained and equipped with the assistance of the U.S. military. On election day in October, as our colleague from Texas previously mentioned, 78 percent of voters backed the charter Constitution, 78 percent of those that went to the polls voted for freedom, voted for democracy. And as our colleague from Texas mentioned, 63 percent of Iraqis, 15½ million voters, cast their ballot. They took their life in their hands to cast that ballots. The Iraqi Constitution guarantees the rights of all its citizens and enshrines the rule of law. A new parliament will be voted on in December and will form a 4-year term to government to take office by December 31, 2005.

Who would have thought that that was possible? Iraqis appear to be spending more money, signs that consumer confidence is improving. As the gentlewoman from Virginia (Mrs. DRAKE) mentioned, things are turning green in Iraq. You see the fields that they have planted. My first visit there, I said Iraqi is a khaki-colored country. It was covered with dust.

Over 15,650 houses have recently been connected to the Baghdad water distribution system by USAID. In all, nearly 100 kilometers of mainline pipe have been installed in the Baghdad area.

Mr. Speaker, I could go on and on. We know America is once again engaged in a great struggle that will in no uncertain terms decide what kind of world our children are going to inherit. I want our men and women in Iraq to know we believe in them. We believe in what they are doing, and we know that this is going to improve the national security for generations to come. It is going to help preserve freedom.

Our military's cause in Iraq is a noble one, despite what some in this body would have you believe.

In closing, I would like to give you a quote, a part from Ronald Reagan's speech on the 40th anniversary of D-Day. He said this to the World War II veterans who were gathered with him at Normandy:

''You all knew that some things are worth dying for. One's country is worth dying for, and democracy is worth dying for, because it is the most deeply honorable form of government ever devised by man. All of you loved liberty. All of you were willing to fight tyranny, and you knew the people of our country were behind you.''

Mr. Speaker, I hope my colleagues across the aisle will join us in letting every man and woman in uniform and every family know this country is behind them. I thank the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. As the gentlewoman was speaking, I thought I need to make sure that you know that just a few weeks ago in Washington, the Speaker of the Iraq National Assembly came and spoke to people who were able to attend that meeting, and it was exactly like the gentlewoman said. He kept saying to us, there is no other option. And that is exactly what you have said to us and you have said this is where we are; this is what we have done. We may go back a step, but we go forward two or three more. We honor those who have served and died, thereby remembering that there is no other option. We can only move forward.

You also said very clearly who would have ever thought there would be a Constitution in Iraq; who would have ever thought there would be a National Assembly in Iraq. It is a huge success story. I think it is a miracle. I thank the gentlewoman for being here and sharing this with us.

Next, I would like to call on our friend, the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I thank the gentlewoman for yielding to me, and I thank the gentleman from California (Mr. HUNTER) for putting together this opportunity to honor those who serve our Nation in the war on terror.

I am up here speaking for the people of the 31st Congressional District of Texas. How does the 31st Congressional District of Texas have credibility to speak on behalf of these efforts in Iraq and Afghanistan? I would like to tell you a little bit about our credibility.

The first American soldier killed in combat in the war on terror is from Georgetown Texas, which is 5 miles from my home; and every death in this war is absolutely critical to Americans. So counting numbers, every number counts. But the 2,000th death also took place, this famous 2,000th death that everybody in the press was just salivating to see happen, it seemed to me, he was also from the 31st district, Killeen, Texas. The people of the 31st district, from Stevensville, Texas to Round Rock, Texas, support our war, support our troops, and support our efforts in the war on terror.

The people of the 31st district know we were attacked in the most vicious attack that has ever been done on the homeland in the history of the United States in our country, and we have retaliated in force and effectively and done our job. And who has done that job? Our 31st district's III Corps went over there. Fourth Infantry Division went over there and captured Saddam Hussein. The First Cavalry Division went over and ran a perfect election and protected people as they went out and, as we have heard tonight, exercised their right to vote.

We have committed two full divisions to this war, and the Fourth ID is on its way back right now as we speak. I have been able to go over when both my divisions have been over there, and I promised General Thurmond and the that guys I talked to about 2 months ago, I am coming back just as quick as I can get over there right after the first of the year, because these are the finest human beings that have ever taken up arms on behalf of our country.

For those people to talk about cutting and running, Americans do not cut and run. You know, this House has a shame on it when they turned on our soldiers in Vietnam, and I take that position and I am not backing off of it. The liberal press shamed a great generation of people who did their duty then and we, cannot afford to allow that to happen again for political expediency so someone can possibly use the war to gain political advantage in the United States.

We are at war with evil people who intend to do harm to American citizens, wherever American citizens live or breathe or walk the street. We are unsafe with terrorism on the street, we are unsafe in our Nation and in every other nation on Earth because it is an evil cancer that can only be taken out by noble men and women who are willing to stand up on the wall and say we will fight for freedom, not only the freedom of Americans, but the freedom of the people that they are intimidating with their terrorism wherever they may appear. And I am telling you, we have got soldiers that have been willing to do that and have done the job well.

I remember when I was in Afghanistan, the story I love to tell about a 20-year-old sitting looking at a screen of a film of a drone that was broadcasting pictures from the desert. And while we were there, he went to his commander and said, Sir, there is a bunch of camels crossing out there in a part where there should not be any camels. And I thought, how does this kid know there are not supposed to be any camels in this part of the country? He said, I think there are people underneath those camels.

Three Blackhawk helicopters launched about 180 miles away. We were 180 miles from this location. And they caught nine Taliban crawling across the desert under the bellies of camels.

□ 2000

My whole point of that story is: What kind of great, intelligent, smart kids are we sending over there and they are putting their lives in harm's way? This was a smart kid, a computer operator running a drone, able to know the knowledge of the country, to know where our enemy might be hiding. We have got the best of the absolute best over there, the same kind of people that you run into when you go to Iraq and you talk to these kids.

I talked to a 20-year-old African American kid. We were having supper. He was from my district, and we have got a lot of them from my district. And I said, ''Son, have you had any hot spots that you have been in over here?'' And he said, ''Yeah. Yesterday we were in a convoy. They made the mistake of shooting at us.'' He said, ''They will not make that mistake again, sir.'' He said, ''When they stand and fight, they lose.''

Our young men and women are doing a fabulous job, and there is shame on anyone in this country who turns on these noble people who are standing up for the freedom of the people in Iraq and Afghanistan and the freedom of the United States of America. They are heroes.

Today, I am very proud to say that one of the first people in my district to be wounded, seriously wounded, Allen Babbin, he has undergone close to 200 surgeries from a round that he took, winning the Bronze Star for pulling another wounded soldier off a bridge in the second day in Baghdad. Today, he flew back home; and he is on his way to full recovery because of the great work of the Army, Navy, and Air Force in getting him to the right kind of treatment.

Everybody is working the right way in this job, and we bring shame upon ourselves, and those who would criticize these young men and women and the job they are doing bring shame upon themselves, and I am sorry for it.

We in America must remember: If we do not fight tyranny wherever tyranny exists, we have learned this lesson over and over and over in American history, and if we do not support those who fight tyranny wherever tyranny exists, then tyranny will take over that map until tyranny controls the world. There will not just be no freedom in Iraq or no freedom in Afghanistan. There will not be any freedom anywhere. Not even in the cradle of American liberty will there be freedom.

What this is about, Mr. Speaker, is the ability of Americans and others in this world to live the kind of life that everybody wants to live, raise their kids, have a job, eat dinner at night without fearing somebody blowing them up, walk the streets. It is for all the world that we stand in the gap, not just for Americans, not just for Afghans, not just for Iraqis or others in the Middle East. It is for the world that these young men and women stand in the gap.

I am very proud on behalf of the people of the 31st Congressional District of Texas to tell you that we stand tall on behalf of our soldiers. We know they are the best of the best, and they will win the war on terror because it is the right thing to do.

Lastly, we pray God's blessing on each and every one of them and each and every family that is also courageously allowing their family member to do the job that has to be done to keep freedom alive and well in this country. So this is all about us. It is all about the best of the best. God bless every one of them.

Mrs. DRAKE. Congressman, thank you for that. That was very moving to hear about your district and their commitment to our great Nation.

I would like to explain this map to you, though. Because if you will look in the center of the map where it is green, including the Horn of Africa and up through the Middle East, that is the short-term goal of the terrorists. This is from their Web site. Is it not an amazing world we live in that terrorists have Web sites? That is their goal, that everything colored in in green be controlled by them short term.

If you will look in the far corner over there, that is their 100-year goal. If you will notice, everything colored in in green is our entire world. I think it is important for the public to know this is not Thelma Drake saying this. This is from their Web site and their goal, and this tells you what those very brave men and women that you have just spoke so eloquently about, they know this and they know the threat to our Nation.

I also wanted to share with you a quote from a letter that I brought with me tonight to talk about dated October 11, 2005, from al-Zawahiri to al-Zarqawi. The quote is, because you mentioned Vietnam and I think this is important for us to remember: Things may develop faster than we imagine. The aftermath of the collapse of American power in Vietnam and how they ran and left their agents is noteworthy.

So do not think they do not know and they are not watching.

Next, I would like to recognize Congressman Geoff Davis from Kentucky. I thank him for being here.

Mr. DAVIS of Kentucky. Mr. Speaker, I want to take a moment to share a perspective that I think is often lost in the freedoms we enjoy, the freedom to meet in this Chamber, the freedom to reflect upon the great decisions that have been made here through the generations, The decision to enter into a war, to provide freedom and the maintenance of our union, the decision to free peoples in Europe and ultimately preserve our security at home.

On December 7, 1941, President Roosevelt stood in this Chamber and declared that December 7 was a day of infamy. He shared that this unprovoked attack which moved the United States to war, eventually into Europe as well. In the Korean War, we stopped Communist aggression. In Vietnam, the American people responded. During Operation Desert Storm, the American people responded.

In this Chamber in September of 2001, President Bush responded to an attack that was not brought about, my friends, by some nebulous global war on terror. I think it is important that we understand this war is not about some nebulous terrorist concept. This is about Islamic extremism that chooses to impose itself on the world. These people who largely act as agents of states, these non-state actors do not follow the teachings that they purport. Yet if we look more deeply, we see that they are seeking to be true to their interpretation of that religion.

In every generation there is a call upon that generation to defend the freedoms that have been purchased at such a tremendously high price. To maintain the union of our country and to free those who were enslaved cost 600,000 soldiers. In World War II, 444,000 soldiers gave their lives to provide freedom; and now we are engaged in a great struggle, a generational struggle that has been imposed upon us.

I think that it is important that we understand that the freedom that our minority leader had today to say, frankly, entirely inappropriate things about our national leadership, the freedom that all of us have to disagree, the freedom that all of us have to offer alternatives, the freedom that all of us have to protest, the freedom that reporters who sometimes distort the truth and, in fact, in many cases do not even report the truth but fabricate it, all comes down to the men and women who have answered the call to duty.

It is always the same. It is always the minority in the country that does that. Those who believe that there is something bigger in this country than individual selfishness and covetousness of the moment, that there is something worth risking all to protect because of those who come behind us, because they understand they are part of something bigger than themselves, bonded to something of greatness.

I want to thank tonight those Marines of the Second Marine Expeditionary Force, the soldiers of the Third Infantry Division, the solders of the 101st Infantry Division, of the 173rd Airborne Brigade in Afghanistan, of the Tennessee and Louisiana National Guards who are rotating back into the United States, and all of those soldiers who are moving in and out, the Marines who are moving in and out, our airmen and sailors who support this effort, because you understand that you have accepted the call of the generations that is so important that many people do not realize.

The freedom we enjoy in this Chamber was brought to us by 10 percent of the population of this country who chose to rebel against tyranny and stand for a principle that was higher than dignity of the individual, the rights and freedom of the individual, and that was purchased not simply in a declaration, but to get to the Constitution that gave us the government we have today was purchased in a great price in blood.

I am convinced that if today's cynical media had to cover the Normandy invasion, the greatest invasion in history that defeated the greatest tyranny in history up to that point, had it been reported by today's media, today's cynical media, today's profit-driven media, Mr. Speaker, I believe we would have lost that war. Because the Nation would have called for a pullout because there was risk associated with that, because things did not seem to go well. Because when unforeseen circumstances that always come up in war, and anybody who has served in the military, let alone in this Chamber, unexpected things happen.

I find those who have not served who are the great experts on military history do not really understand what they are talking about. Rather than commending our soldiers who have adapted to a fluid situation and the great things that have been done to support them, they provide criticism of why could that not have been anticipated?

It is simple, my friends. We are fighting an adaptive and motivated and, frankly, evil enemy that has a religious doctrine that stands and flies in the face of everything on which this country was founded, on which the Constitution was based, that respects the rights of the individual, the dignity of a man, the dignity of a woman to pursue opportunities in the way in which they define. And when somebody wants to impose an attack upon this Nation, and one that was planned long before September 11, and attempts that were made long before September 11, we have no choice but to yield or to respond, and we have responded.

Comments that have been made by my colleagues on the other side that talk about casualties, I can speak with some authority on that issue, having buried some of my friends. I find it interesting that they want to talk about numbers, which dishonors those who serve. I did not see any of my colleagues who talk about these numbers standing with me as I buried a friend of a friend who was killed in Al Qayyim in June over at Arlington Cemetery. They were back here at PAC fund-raisers and going to receptions and making pointless statements in this Chamber about things they know nothing about.

More than that, I would suggest to you that these same people who want to talk about numbers and these liberal reporters who do not care about this Nation, who do not care about the price that was paid for the freedoms that they enjoy, where were you for the last 25 years? Where were you when 16,000 American soldiers died between 1983 and 1996 in service to this Nation? Where were you when 24,000 American men and women gave their lives between 1980 and 2004? Your comments, frankly, are despicable, dishonorable, uninformed, unhistorical, anti-intellectual and, frankly, un-American. But I respect your freedom to make those statements, because they were purchased with the blood of all of those who served.

I would suggest that in this body that the liberal reporters who watch and our enemies who watch and the soldiers who watch and those who want to speak against this from their positions of ignorance and political convenience, who use our soldiers: You learned your lessons during the Vietnam War. Now you use our soldiers in a dishonorable way as human shields to advance an idea that stands in contravention to the freedoms that have been purchased at such a high price.

I ask my colleagues on the other side of the aisle who have been here for many years and like to speak with false authority: Where were you when my friend Ken Maddock was killed from Task Force 160? Where were you when my classmate from West Point, Mike Scott, died? Where were you when Lee Border died or Brian Haller died in the 101st Airborne Division? I saw no requiems in this Chamber. I saw no requiems on television for them. It was not politically expedient.

But now you disagree with the policy when our Nation is threatened by extremists, and soldiers and Marines and airmen and sailors have responded to that call, and you sit here mouthing your empty words. Casualties are always a great tragedy.

I think the one thing that was most poignant to me as I visited my old Airborne Unit, I deployed to the Middle East with the task force of the 1/508th running aviation operations in support of them, and I went and visited that unit today in Paktika Province in Afghanistan.

□ 2015

A CNN reporter came to one of the forward operating bases. There had been an attack on that base earlier in their deployment as they were clearing out the enemies of freedom, and not

simply ending a military operation but bringing order and civil government and roads and sewers and the fact that the government can be good and the people can be helped and they can be part of something bigger than themselves, which is not a tyranny, an ideological tyranny. That reporter was looking for bad stories and refused to cover the reenlistment of every soldier in the 1/508 on that forward operating base who was up for reenlistment. That is a tragedy, and that is unfortunate.

To me, I think the lesson that we have to ask ourselves is how do we get around this, how do we avoid this problem. Well, the media is not going to be helpful to this country because I think they have lost their connection with the heartland of this Nation, with the people who have borne the burden of the price of freedom through the generations.

Every generation of my family has served in the Armed Forces, not in glorious ranks of generals and admirals, but in the enlisted ranks, carrying the rifles and manning the ships that provided the freedom for the people in this body to say the things that they have said. And I would say this, Mr. Speaker, I do not care about the media. What we need to do is allow these soldiers and these marines to go into every editorial board, into every Rotary Club and chamber in this Nation and let them tell their story. Let them tell their story in the communities and in the fiscal courts. Let them tell their stories in the courthouses and on the street corners, and I guarantee you that these people who purport to be experts on things they know nothing about will be discredited and things will be shown for what they are. Because you cannot refute a 100 percent reenlistment rate in units where these soldiers have borne this burden and they go back over and over again.

To you military people who are watching, I want to say thank you, as a fellow soldier. To you who cherish our freedoms, I thank you. For you in the press who enjoy this freedom but you abuse it, know that the price that is paid by those who frankly have greater moral character than you, who refuse to cover the truth of what they are doing, know that it is their sacrifice, not yours, that allows you to share what you share.

And finally, to those of our citizens in the heartland know that these men and women are doing a great service to prepare the way for us to adapt to the 21st century; that we will have a safe country and a community to pass these freedoms on to the next generation.

I will leave you with a story from the 1/508, commanded by Colonel Tim McGuire, as he was moving northward from Shirana forward operating base to Orgune. He shared that coming back from that mission a little boy ran from a village up to his convoy. He stopped. He did not speak Pashto, and the interpreter asked the little boy what the problem was. The little boy had waved, as many of the children I saw in Afghanistan did at the Americans all the time. He asked the little boy what he was concerned about, and he said that two bad men had come into the village and put something in the road. That little boy saved potentially American soldiers.

The enemy were dealt with and that village is open and free, but Colonel McGuire asked the question which encapsulates all of what this struggle between radical Islamic extremism and the values of freedom and dignity of the individual that we cherish expresses, and he said, Young man, why did you do that, knowing that there was risk associated with what that boy did. He looked at this airborne colonel in the 173rd Airborne Brigade, and he said to Tim, before you Americans came, I could not go to school.

That is the contrast that we have here: freedom, opportunity, hope, true faith, or extremism, persecution, tyranny and hatred. Thank you for you who serve.

Mrs. DRAKE. Mr. Speaker, next, I would like to recognize the chairman of the Armed Services Committee. Mr. Chairman, thank you for being here and listening to the true passion from our Members as they talk about true American heroes.

Mr. HUNTER. Mr. Speaker, I want to thank the gentlewoman. She has done a wonderful job of leading this Special Order, and I want to thank all the Members who participated. They did a great job, and I think our message to all of our troops, to everyone that wears the uniform of the United States is this: you have great value. You are our best citizens. Your cause is just. You will prevail, and we will stand behind you.

I thank the gentlewoman.

Mrs. DRAKE. Mr. Speaker, I truly believe that history will name this generation. And until they do, I have decided I am going to call them the Freedom Believers, because I think there is no greater gift that we give to our children and to our grandchildren than freedom. And so I thank them, and I thank the speaker for the opportunity to be here tonight.

Mr. BUYER. Mr. Speaker, first, I want to thank Chairman HUNTER for arranging for this opportunity to comment upon the remarkable honor and valor of our United States soldiers.

One thing that I reflect on is the high quality of leaders in our military that we are producing right now in Iraq. We have 1st lieutenants with two tours under their belts already. The seamlessness with which our Guard and Reserves fight alongside our active duty is another tremendous evolution benefiting this conflict and paving the way for future military successes. We are making a significant investment in world peace with the strong commitment of our men and women overseas. These brave soldiers fight in a land they've never been for people they've never met to extend the fundamental rights of liberty.

The Middle East is yet another test of this commitment to liberty. Liberty is defended by the vigilant who are willing to sacrifice to defend freedom and stabilize the country's civil institutions. In January of this year, 2005, over 8 million Iraqi citizens voted and reaffirmed only weeks ago with the ratification of their constitution. What a pleasure it was to observe the Iraqi people defying intimidation and threats to define the course of their country's destiny. This dignity, denied them for decades, was afforded to them by the efforts of those people we honor today.

As Veterans Day approaches let us not forget that the men and women serving today will join the ranks of those who have selflessly served this same mission to bring these freedoms to all people. We have ensured that men and women, active and reserve soldiers from each service, return to a grateful homeland eager to honor their service and sacrifice.

Mr. KNOLLENBERG. Mr. Speaker, I rise today to recognize our troops and to support our continuing efforts in Iraq.

It is important that we recognize and honor our troops who are serving in the Middle East. While progress is being made there are still obstacles in the path toward a free and independent Iraqi state. The effort in Iraq is moving along steadily, and our forces are working in conjunction with Iraqi forces toward success in many different areas. American troops are fighting to secure and rebuild cities and to extinguish the insurgency. Our men and women in uniform are doing an exemplary job, and it is essential for us to salute their efforts as they work to ensure stability in a historically unstable region.

Politically, Iraqis have embraced the charter constitution, and the Independent Electoral Commission of Iraq reports that 78 percent of voters were in support of its passage. This was a major step in their pursuit of a democratic government and citizens' rights through political reconstruction.

Additionally, American forces are reconstructing the services and infrastructure to move Iraq forward. Electricity, water, education, and sanitation services are being established. Water treatment plants are being built throughout the country, bringing clean water to tens of thousands of homes. Power plants are being restored and refurbished, improvements on transportation infrastructure are being made, and the completion of school renovation and construction projects will facilitate education for Iraqi children.

The war on terror is progressing as well. Our troops are successfully breaking up Al Qaeda by detaining known terrorists and seizing weapons caches. Between the 15th and 18th of October, a known Al Qaeda military leader was killed during Coalition raids and forces from the 172nd Infantry Brigade uncovered 10 weapons caches and detained 16 suspected terrorists in northern Iraq. Continued efforts like these are what it will take to eradicate the threat of terror.

Our soldiers are overseas creating these successes and they deserve our continued support. These brave men and women are risking their lives in order to protect our Nation, our ideals, and our safety. They are fighting for each and everyone of us, fighting for all that we hold dear not just in America, but also worldwide. I want to take this opportunity to thank our Armed Forces for all that they have done and to offer my unrelenting support for their hard work and sacrifice as they continue to work toward the establishment of a free Iraq.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to come before the House. As you know, we come to the floor nightly to talk about the issues that are facing Americans and also what Members of Congress are trying to do about them. Even in cases when we are not trying to do anything about it, we think we need to bring those issues up.

Mr. Speaker, we want to take the opportunity tonight to honor some great soldiers and warriors, the Tuskegee Airmen, for their contributions to our country.

Mr. Speaker, when I traveled to Iraq, I had an opportunity to see the Tuskegee Airmen Wing there in Iraq, still running strong, still flying sorties, and still defending this country in many ways. Even in some other theaters, they have done an outstanding job.

I am so glad to be here tonight with my good friend, the gentleman from Ohio (Mr. RYAN), who has some comments that he would like to make; and so I yield to him.

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman from Florida for this opportunity to be here with him tonight, as we do every night; and I want to take this opportunity for a couple of minutes here with my colleague, the gentleman from Ohio (Mr. STRICKLAND), who is also here to recognize the impact that the Tuskegee Airmen have had not only in Alabama, where they did the original training, but all over the country and the kind of impact and leadership that they have set out for all of us, quite frankly, to try to achieve.

November 11, Mr. Speaker, marks the 51st year we have honored veterans. Memorial Day recognizes those people who have unselfishly given their lives in service to this Nation. Veterans Day honors all those who defend democracy by serving in the Armed Forces.

The beautiful thing, Mr. Speaker, about the Tuskegee Airmen, when they were set up during World War II, these black military pilots were trained at a separate air field in Alabama, Tuskegee, Alabama, therefore named the Tuskegee Airmen. The establishment and the training of the airmen was an experiment to prove that blacks were incapable of operating expensive and complex combat aircraft.

The true spirit of those men came through, however; and instead of the expected failure, the Tuskegee training program produced 992 graduates, 450 of whom served in combat. They flew more than 15,500 missions, destroyed 260 enemy aircraft, sank one enemy destroyer, and demolished numerous enemy installations. During World War II, the airmen earned 150 Distinguished Flying Crosses, 744 Air Medals, eight Purple Hearts and 14 Bronze Stars.

This is what it is all about. And there is going to be an event on Veterans Day that my colleague from Ohio and I, and even our good friends from Florida, I am sure, will not be able to make, but we want to take this opportunity here on the House floor to honor those men who provided a tremendous example for our whole Nation.

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

Mr. MEEK of Florida. I yield to the gentleman from Ohio.

Mr. STRICKLAND. I thank my friend for yielding, and it is true that as the folks gather there in Youngstown, Ohio, we will not be able to be with them, but our thoughts will be with them as we honor veterans. And especially we will remember the Tuskegee Airmen.

The Tuskegee Airmen have the distinction of never having lost an American bomber under their escort. The Tuskegee Airmen overcame the enormous challenges of prejudice and racial discrimination that existed within our country, and they inspired revolutionary reform within the entire Armed Forces of our Nation.

The Tuskegee Airmen, with their courage and their dedication, paved the way for the full racial integration of our Armed Forces. The Tuskegee Airmen were not only heroes serving to protect American rights that did not extend to them as Americans, but they were also among the very first to challenge our Nation's segregationist policies. Because of them, because of the standard they set, because of the success they enjoyed through their hard work and commitment to this country, our Nation became a better country.

As we honor all veterans, we especially are thinking of these wonderful men who set such an example for all the rest of us. I yield back to my colleague.

Mr. RYAN of Ohio. Mr. Speaker, if my colleague from Florida will continue to yield, I just want to get this into the CONGRESSIONAL RECORD. The speaker on November 11 in Youngstown is going to be Luther H. Smith at the VFW Post 6488's annual Veterans Day program.

This gentleman epitomizes what it means to really be a hero. He received his military aviation training at the Tuskegee Army Air Field in 1942, and he then became a fighter pilot with the all-black 332d Fighter Group. He has said of the Tuskegee Airmen: ''We didn't start out to be heroes, but now we are legends.''

Mr. Smith is credited with destroying two German enemy aircraft in aerial combat and 10 German aircraft in ground missions. So we want to welcome Mr. Smith not only into the CONGRESSIONAL RECORD but to the VFW Post 6488 in Youngstown, thank him for his service, all Tuskegee Airmen in Youngstown, and all veterans on Veterans Day.

So I thank my colleague very much for allowing me to thank our veterans for their service to our country; and with that, I yield back to the gentleman from Florida.

Mr. MEEK of Florida. I just want to say to both of my colleagues from Ohio that it is so important that we recognize not only veterans, but we recognize celebrations that hold our veterans up. The Tuskegee Airmen had a very hard time in their day to even climb into an aircraft, let alone go into a theater of battle. But it is good for our country to be able to recognize past sacrifice and commitment. I know all veterans shoulder to shoulder today know that every American fights for the freedom of this country and countries that are in our coalition in the civilized world.

I can share with my colleagues that I have many Tuskegee Airmen living in my district in Florida. They come out with their red coats on, and it is so good to see them standing strong with their chests out. As you know, the NFL has built a very strong relationship with the Tuskegee Airmen. They appear at a number of the NFL, National Football League, half-time shows.

So we need to see our heroes and our sheroes while they are here, and not just look in a book and say, it was once, not only with the Tuskegee Airmen but veterans in general who come out.

Mr. Speaker, I want to thank both of my colleagues for bringing this to the floor tonight and putting it in the CONGRESSIONAL RECORD, because I think every time we have an opportunity to celebrate those who have allowed us to salute one flag, we need to take that opportunity at the highest levels.

Mr. Speaker, with that, I might mention that my colleague, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), has just joined us; and we now have another of our special guests with us, and I will leave it up to my colleague to recognize him.

Mr. RYAN of Ohio. Well, my two mentors in Congress. Really, just to see you two standing next to each other puts a little lump in the throat. The good gentleman from Massachusetts, who we have been getting e-mails about from folks that say they just love the accent from Boston.

Mr. DELAHUNT. Well, I cannot understand why anyone would ask about my accent, because I would submit that I am the only person in this Chamber tonight that does not have an accent.

Mr. RYAN of Ohio. I would also like to welcome our good friend and my colleague, the gentleman from Ohio (Mr. STRICKLAND), who has been a voice for the underprivileged for the past 10 years in Congress. Prior to that, he was a psychologist in prisons, a very dangerous job; and he had many other careers prior to coming to the United States Congress.

So we have a heavy bunch here, along with our good friend, the gentlewoman

from Florida (Ms. WASSERMAN SCHULTZ), who keeps us all together and brings a little class and elegance to the whole operation and some sense and some civility and a little bit of grace.

Ms. WASSERMAN SCHULTZ. Thanks.

Mr. MEEK of Florida. Well, without her, I do not know where we would be as relates to being able to deliver a clear and crisp message that people can understand. She is our translator. She translates from Washington talk to everyday talk so that even some Members can understand and the American people.

With that, since we are talking about those who are underprivileged, and those that are trying to, hopefully, be a part of our workforce in the future, there is an awful lot to talk about, a lot of ground to cover tonight, so we are going to try to cover it real quickly.

A lot of action here under the dome today. The Budget Committee met. We are talking about those that play fiscal conservatives on television and those that are actually looking out for the financial well-being of our country. I might just say that as the 30-Something Working Group looks at issues that are facing young people and parents that have children that they want to be able to go to college, Mr. Speaker, and receive a higher education, there are a number of things that we have to cover.

□ 2030

Not only the budget. We have Hurricane Wilma. We have the Hurricane Katrina investigative panel. We have issues as they relate to Iraq and misspending there. And at the same time, we have a culture of corruption and cronyism and coverups going on here, right here in the capital city.

I just want to bring a quick point just to start us off tonight. Some folks run around and say, what is the Democratic position? Well, the Democratic position is making sure that the everyday American does not end up paying the bill for billionaires, billionaires, not everyday Americans, but billionaires, to run away with the U.S. Treasury and special interests to have free rein on the U.S. Treasury.

Now, I do not blame the billionaires for getting what they get. I do not blame the special interests in this town for getting what they want. I blame those that give them what they want when they want it. And it is up to us, as the representatives of the people, to make sure that that does not happen and that we work on behalf of the American people.

Representatives KIND, CAPPS, EDWARDS, MOORE, and SCHWARTZ moved in the Budget Committee today to direct the chairman, on behalf of the committee, to consider an amendment in the Deficit Reduction Act of 2005. The amendment eliminated all new student-paid fees to increase the cost to receive a student loan.

What they have done here, Mr. Speaker, and when I say ''they,'' I mean the majority side, is they are saying there are not any offsets or cuts in this bill; but what they are doing is they are putting 27 percent additional fees on students that are receiving student loans. Now, that is 27 percent more that they have to pay. Some folks call it a tax. So one would think we are just talking about students. We are also talking about parents. When the students cannot pay for their education, who kicks in? Mom and Dad, family, Granddad, Grandmother. She is digging into the retirement fund to help pay to make sure that her grandson will be able to go to school. They continue to carry the message on down of adding these new taxes on to students and families on the State government.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, the interesting point that our friends always make is if we tax corporations, then they just pass it on to the consumers. So they raised fees, and it is getting passed on too to the students. As we go through this tonight, let us ask other Members, Mr. Speaker, to pay very close attention. I do not think it is a coincidence that the very programs that are getting cut, student loans, Medicaid, school lunches, these just happen to be by coincidence the programs in Washington, D.C. that do not have lobbyists. There is no one down here greasing the wheels, putting money into the Republican campaign coffers for student loans, for the fees to be decreased. There is no big lobby group out there for that.

And there is no big lobby group out there to make sure that poor people have the proper kind of health care that they need. So as we go through this tonight, it is important for all of us to remember that it is not a coincidence that our friends cut programs where there are not big lobby groups and big donors and then they keep the programs that have corporate welfare in them or that the lobbyists want. Then they are off to shakedown street, K Street, which is where all the lobbyists are. They go down to shakedown street, shake down the lobbyists. The lobbyists donate money to the Republican Party, and they keep the system going.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, that was a party-line vote. A 27-percent increase, which I call a tax increase, on students that want to go to school, 27 percent, a party-line vote. Democrats voted not to increase those fees on them. Republicans voted in the majority.

Mr. RYAN of Ohio. Sixteen Democrats voted to reduce the fees, eliminate all fees that would increase the cost of receiving the loan. Sixteen Democrats voted for that amendment. Twenty-two Republicans voted against that amendment.

Mr. MEEK of Florida. Mr. Speaker, here is another one just today from the Budget Committee. This is not something from yesterday. It will probably come out in the hometown paper tomorrow, but the Members here in this Congress, Mr. Speaker, will get what happened in the Budget Committee today because that is where they put the cookie on the bottom shelf. I mean, that is when it happens. The same thing, a motion to link the tax cuts to spending cuts.

This is what is going to happen, Mr. Speaker, and we might as well call it so that everyone knows exactly what is going to happen and illuminate what the majority is doing right now. We are going through all of this process with all of these cuts, a real big number as it relates to the cuts; and then a couple of weeks from now when folks are doing something else, the majority is going to come up with the tax cuts for billionaires. They may give everyday Americans a little tax cut, just a little one.

Meanwhile, back at the ranch, we have Katrina, which was a catastrophic storm that took out the gulf coast. We had Rita that also hit the gulf coast, and we have Wilma that we are going to talk about in a minute that also hit south Florida. And we have this thing we call a war in Iraq and Afghanistan that we need money for.

I am saying this to make this point and then we are going to go to the next level here: the President of the United States and this Congress, Mr. Speaker, have borrowed more from foreign governments than 42 Presidents combined. Since the Republic started, this President has outborrowed from foreign nations. In the 224 years, from 1776 to the year 2000, the U.S. Presidents borrowed a combined $1 trillion from foreign governments and financial institutions, according to the U.S. Department of the Treasury. In the past 4 years alone, President Bush and the majority of this Congress have been authorized and borrowed a staggering $1.05 trillion, just in 4 years.

Folks come to the floor and they are dazzled on the other side. Why are they talking about all of these things? And we come to this floor night after night and say, you know something. Something is really wrong going on here, and we need to bring this to the attention of the American people.

I have a little chart here that I just want to get out of the way right now. We will pull it up. Forty-two Presidents, Republican and Democrat, 42, not 10, not 20, not 25, not even 30, but 42 Presidents. One President, one President outborrowed 42 Presidents from foreign countries.

What has happened here, Mr. Speaker, is that the country is now depending on foreign governments to run our government. Some folks may ask why are we talking about the billionaire tax cuts? We are talking about those tax cuts because it is weakening a country, bottom line. That is all that is happening here.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I am champing at the bit here because he is absolutely right, and one of the things I want to emphasize, because I think in the last few nights we have not gotten this point across to the Speaker and to the folks who might be hearing this conversation this evening, the purpose of the 30-something Group, the main purpose, is for us to help get some understanding out to our generation about the issues that we are debating in this Congress and how it affects them. And the student aid cuts that the gentleman was talking about just a few minutes ago, more than any other issue almost, is the easiest for folks in our generation to understand how it impacts them.

What maybe is not so obvious is what Congressman MEEK was just talking about a minute ago. The Republican leadership, our friends on the other side of the aisle, will try, as they put forth this reconciliation act, AKA budget cuts, because reconciliation and other words that are used inside this Chamber and in this Capitol, that is Washington speak for budget cuts, the budget cuts that they are saying they are going to need to put forward to address the deficit and to address the out-of-control spending that they have engaged in are not for Katrina relief, are not being put forward so that we can pay for Katrina and for the aftermath of Katrina. They are so that they can preserve the $70 billion in tax cuts that they have put forward.

Let us boil this down to its simplest terms. They will represent and have been representing that they have to do these cuts because the impact from Katrina is so significant and we have got to do something. We have got to get a handle on the spending. Why does getting a handle on the spending have to be on the backs of the people who can least afford it and we are going to enrich the backs of the people who do not need help?

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman from Florida will continue to yield, I think it is quite interesting too that our good friend Jim Wallace, an evangelical preacher, and several others from religious organizations, are stepping up and trying to pressure the Republican Party, who have called themselves Christians and who have utilized the Christian right and the label of the Christian Coalition and yet in the very next breath they cut poverty programs, cut programs for average people. I find that horribly hypocritical.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I wanted to be even more specific, because he is absolutely right. The groups that are out there trying to help those in need are opposing these cuts. Every major religious institution has sent letters to our Speaker, to this Republican leadership, asking them not to do what they are trying to do, not to harm people who are most in need, particularly in exchange for preserving tax cuts for our wealthiest citizens.

Just in student aid alone, they are proposing a cut of more than $14 billion from the student aid program, which is the largest cut in history to Federal student loan programs. On top of that, it increases the cost for student borrowers who are already saddled with about $17,500 in debt. They will be forced to pay $5,800 more for their college loans. In my community that is really real money.

Mr. RYAN of Ohio. That is a lot of money.

Ms. WASSERMAN SCHULTZ. That is real money. I do not know a lot of people who can just reach into their pocket or go down to their local bank branch and yank out $5,800.

Ms. BERKLEY. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentlewoman from Nevada.

Ms. BERKLEY. Mr. Speaker, I am not part of the 30-something Group, but I was about 20 years ago.

Mr. RYAN of Ohio. You are now.

Ms. BERKLEY. I thank the gentleman. I have to tell my colleagues here that I have been watching them speak up about the things that I care very passionately about, and I thought it was about time that I came down here and lent my support and my voice because they should not be carrying the burden for the rest of us.

When they talk about student loans, I went through college and law school on student loans. My dad was a waiter when I was growing up, and there was not very much money, and no one had gone to college in my family until I went to college. And without those student loans, I guarantee I would not be standing here today. So I put myself in the place of thousands and thousands of Nevadans and millions of Americans that are depending on those student loans to make a difference in their lives. And getting that college education does not change only one's life. It changes the entire direction of one's family. It is an investment in our future.

And I wanted to share with my colleagues that a couple of days ago when Senator REID took to the floor of the United States Senate, as a fellow Nevadan, I do not think I have ever been as proud of him as I was a couple of days ago, and I have been pretty proud of that man for a number of years. But I think he gave us all a voice. And what he said was that we wanted to give this government back to the American people. The American people are entitled to know what went on in the decision-making process to take this country to war.

I sit on the Committee on International Relations, and I went to every classified briefing and every confidential briefing because I am the mother of two sons who are 20-somethings, and I knew that I would be sending other mothers' sons and daughters into a theater of war, and I wanted to make sure that I had my facts straight. And when they told me that there were weapons of mass destruction and they located the location, they showed us on the map where these weapons were located in Iraq, and when they talked about nuclear capacity within 6 months to a year and shared with us the strong al Qaeda ties to Iraq and assured us that there was an imminent threat, I supported the President based on those issues.

□ 2045

But I bring that up because that is so much a part of what we are seeing now. There is deception, there is deceit.

Remember when they said it would only take about 100,000, 150,000 troops to go in? There was one general that said we would need half a million troops. What did they do? They retired him.

When the Budget Director, Mr. Lindsey, said it would cost $200 billion, and we are there now, they said, no, no, no, it is not going to cost us anything. It is going to be the oil revenue coming out of Iraq that is going to pay for this war. We went ahead with that based on their justification and what they said.

I want to know and I want to have an investigation. Because when I voted, I voted on a certain set of circumstances, and the American people are entitled to know why their sons and daughters are dying in a foreign land.

Did we have to do this? If we did, where are we going? And I want to tie this in to the budget, because we are standing here today and knowing that next week we are going to be voting on a budget that is an embarrassment to me.

When I was growing up, I always wanted to serve and be a public servant and be in this great body. I never believed I would be taking student loans away from youngsters who are just like I was. I never dreamed I would be taking poor children and keeping them from getting the health care that this Nation should be providing for them so that they can grow up to be strong adults. I never dreamed that women that depended on child support for their children, that we would be taking away the money to find the deadbeat dads.

This, to me, is absolutely an affront to what it is to be an American. We have an obligation to our fellow citizens, and I am afraid and I am embarrassed that we are not living up to our obligations.

But we are in the minority. We cannot get anything done in this body. It is the leadership of this body in particular that has to do what is right by the American people.

As the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) said, why would we be giving more tax cuts to the wealthiest people in this country

and taking it from the backs of people that cannot possibly afford to pay for these things? Why would we take student loans away from youngsters? Why would we take quality health care away from children? Why would we take the opportunity to get your deadbeat father to give you the money, to pay their child support, why would you take that away from people?

This is foolish and shortsighted, and it is desperate, and the reason we are desperate is because of that war and the mistakes that we made going in to it. This administration had better come clean. We owe it to the American people. This stonewalling truly has to end. It is an embarrassment, but it is bad for this county.

That is the main reason why I am standing here today, because I care enough about the American people, I care enough about my constituents. My constituents are going to be hurt very badly. Two hundred thousand of my fellow Nevadans are going to be without health care if they cut that Medicaid. I have got 18,000 students that are going to be cut away from that student loan program. Over the next 5 years, funding for that child support collection is going to be cut by $60 million. We should not be doing that.

I am here to share these statistics with you so you know how devastated the State of Nevada would be if this Republican reconciliation plan goes through.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman will yield further, if I can just say one thing, first of all, it is such a pleasure to see you and have you join us tonight. The gentlewoman from Nevada (Ms. BERKLEY) has been an amazing advocate for the people who are on this floor tonight championing their cause. Those of us in the 30-something generation have had an opportunity to stand on your shoulders for the years you have been in Congress and been in the legislature in the State of Nevada fighting for the people that have no voice. That is really why we are here. We are so glad and privileged to have you join us tonight to take up this fight.

Ms. BERKLEY. Mr. Speaker, if the gentleman will yield further, I think the gentlewoman is being overly gracious in her compliments. I appreciate it, and I want to return them by telling you how very proud I have been of the three of you standing here every night in the well of the House telling the American people the truth. That, unfortunately, has become a rare commodity in this House.

Mr. DELAHUNT. Mr. Speaker, if the gentleman will yield, I am just so impressed with my friend from Nevada, and I really do mean that so sincerely, to come here and to acknowledge that the vote that was taken 3 years ago was a mistake because the American people and Members of Congress were misled. It is that simple.

Ms. BERKLEY. If the gentleman will yield further, if I could chime in a minute, I think what hurts me and offends me the most is I took this information, I went back to the people I represent. I was on every television show, I was on every radio program, and I shared with them the information that I received, and I defended my position. Not only did I defend it, I was an advocate for it. If it was wrong and based on faulty information, I owe it to my constituents to let them know that.

Mr. DELAHUNT. Members should be aware of the fact that the Republican chairman of the Senate Intelligence Committee, PAT ROBERTS, it was reported, recently said that if the information had been available, he doubted that the resolution authorizing the invasion into Iraq would have passed the United States Senate. That, to me, really spoke volumes.

But if I could just for one moment get back to a point that was raised by the gentleman from Florida (Mr. MEEK) earlier, and if he could again just show that chart to our friends and colleagues.

Let us just read the title again. ''President Bush does in 4 years what 42 presidents managed in 224 years,'' and that is borrow from foreign governments, borrow from foreign governments the moneys needed to finance the war and finance a tax cut that is primarily created to benefit 1 percent of the American people.

Now, the President speaks of an ''ownership society.'' We have heard that term before. I think it was interpreted by most of the American people that they would have the American dream realized for themselves and their children. But what is happening is America is being mortgaged. America is being sold.

Mr. Speaker, I know that you are aware of this and many of our colleagues, that when debt issues from the Treasury Department, who is purchasing that debt? It is the Chinese Central Bank, the Japanese Central Bank, the Korean Central Bank, individuals and governments in the Middle East. We are being bought by foreign governments that do not share our values.

So not only are we becoming economically dependent on this debt that is being purchased by, in some cases, potential adversaries, but we are eroding our own national security. What if we have political differences with any of these nations?

We constantly hear from the Republicans a concern about Taiwan and what the Chinese are doing in the Formosa Straits. There is a lot of chest-thumping about we cannot let that happen. But if we get right down to it, we are beholden to the Chinese Central Bank. We are selling our country to foreign interests. That is why this is so shocking. Now it is something that I dare say most Americans do not understand, but it is the reality.

If the Chinese wish to leverage our political decisions, all they have to do is say, ''We are not going to continue to finance your debt, the debt that you used to give tax cuts that benefited in a disproportionate way to the billionaires, the 1 percent of Americans.''

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, the gentleman is hitting it right on the head. We talked about the carpenter hitting the nail right on the head the other night. I can tell you that, even now as we speak, in committee today a budget passed out of the committee on partisan lines with one Republican, one Republican, voting with the Democrats to stop this madness.

One day, if this continues, if this continues, let me just say, in all fairness to President Bush, he did not do it alone. The majority had to be along with him on this. The majority Senate had to endorse this, that it is okay for you to knock on the door of the Bank of China and say, and when I say China, I knew the gentleman from Ohio (Mr. RYAN) was going to get excited, but knock on the door and say we need more money. If this continues, one day one of these countries is going to rise up and say ''we own you'' on behalf of the majority.

Mr. RYAN of OHIO. If the gentleman will yield, the Republican Party has been in charge of this Chamber since 1994. They have had control of the Senate for a number of years. They have had the Presidency since 2000. They cannot govern. They are incapable of governing this country.

We have poverty rates up, we are cutting programs that are investments into the United States of America, and we have borrowed over $1 trillion in just 4 years from foreign countries, and the national debt is above $8 trillion. That is not governing. That is not providing a bright future for the country.

Talk about reducing the tax burden. The burden on average people is higher now, and these kids that we are also cutting their student loans and health care for are the same kids that are going to have to pay the interest on the money we are borrowing, which never seems to be recognized by our friends.

Ms. WASSERMAN SCHULTZ. If the gentleman will yield, $8 trillion is a really, really big number, a difficult number for a lot of people to get their minds around in terms of a concept. Tell us, how much money does that translate per man, woman and child in America?

Mr. RYAN of Ohio. That is $27,000 for each person. So if you are a baby born today, right now, my nephew, Nicholas, born 3 weeks ago, he owes $27,000 to pay for the debt.

Now as we look at the numbers, as the gentlewoman stated earlier, he is going to go to college and have to borrow money, $17,000, $18,000, now an additional $6,000. So this kid before he even gets out into the workforce to have a full-time job is going to owe $27,000 on the debt and $23,000 on student loans. That is $50,000. Run that

out 22 years, plus the additional burden we are putting on this young fellow, and what kind of future are we leaving to this kid?

Mr. MEEK of Florida. He is not even walking yet.

Mr. RYAN of OHIO. He is still sleeping 23 hours a day.

Mr. MEEK of Florida. They cannot get out of the hospital, and they already owe the Federal Government, and we owe foreign countries all kinds of money.

Mr. RYAN of OHIO. Is that an ownership society?

Mr. DELAHUNT. He is going to own that interest rate, too, because that is interest rate is going up.

Mr. MEEK of Florida. Let me tell my good friend, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), it starts right here. We talk about third-party validators, and we believe in that in our working group we have here.

I hold in my hand here from the Republican Study Committee, which it seems like the majority is following the lead of this group, and they have said originally in this report that they wanted $35 billion in cuts. Let us talk about those cuts.

□ 2100

Let us talk about those cuts: $35 billion in cuts, and all of this is on the table and a majority of it is in this budget, Mr. Speaker, that was passed by the Republican majority out of committee today. Cuts to Medicare, cuts to Medicaid, student loan cuts, we talked about that; food stamps, school lunches. But not a mumbling word, not a mumbling word about taking back tax cuts from billionaires. Not a mumbling word.

Not one, Hey, you know something, we are at war. Maybe we need to ask these folks who have never given anything. As a matter of fact, I do not blame them. I go back to not blaming the billionaires. We never asked them, we never told them that they need to do something. Let us just keep it going.

This is the document. I want to make sure that the Members who did not see this document, they can go online to www.john.shadegg.house.gov/rsc/, that is www.john.shadegg.house.gov/rsc/. Do not take it from me. Go find it for yourself.

So how do we get to the point where we are?

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I think we should put a link on the 30-something Web site.

Mr. MEEK of Florida. Yes, why do we not do that? We are going to get staff to put this on the Web site, because this stuff just does not fall out of the sky. This does not just fall out of the sky. The President cannot do it by himself. Take it from me, he cannot. He has to have his Republican majority, he has to have a majority, obviously, over in the Senate to do it; and he cannot do it by himself.

So folks start talking about what is going on here. Why are these foreign countries owning our debt? Why are they owning our debt? Why are we taxing our students? This budget that was passed through the Budget Committee on a partisan vote, with the exception of one Republican, and I am going to write him a thank-you note tomorrow, the bottom line is $14 billion and a tax on students. Not just students, but parents who have to take up the cause because the kids can no longer try to pay for their own college or the majority of college. If parents have a college fund going now, they need to go back and talk to their financial adviser and put some more money into it, because if this Republican majority continues to go out of control, there will not be any assistance for your child. That is not just me presenting a budget. You can go online and see this for yourselves.

Mr. DELAHUNT. Mr. Speaker, could I just for a moment speak on behalf of those who have white hair and are looking towards receiving Medicare. The United States Senate is sending over a budget to this body, and there will be a so-called conference committee that will reconcile the differences; and in that Senate budget is, for the first time in my experience, and I have been here 9 years, a significant cut not in Medicaid, but in Medicare.

If my colleagues remember, there was a former Speaker of this body by the name of Newt Gingrich. He would come to this floor frequently at this hour of the night, have conversations that were noted by the American people, and he talked on one occasion about beginning to reduce Medicare and allowing it to wither on the vine.

Well, every American who shares the color of my hair ought to be aware of what has happened in the other branch, in the Senate, in terms of Medicare, because I do not want to say it is the beginning of the initiative or the concept of allowing Medicare to wither on the vine, but every American should be aware that there is a cut to that particular program that has saved the lives and extended the lives of millions of elderly Americans.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I am also going to speak up for those of our colleagues with white hair, because Mr. MEEK and I represent tens of thousands of folks with white hair.

When the President talked about an ownership society, I think he was talking, well, I must have misunderstood him because, apparently, he is more interested in making sure that the top 1 percent of the population owns everything and that they are the only ones in a position to own anything.

Because if you look at people's ability to afford housing, in almost every major city in America, it has become virtually out of reach. The average price of a house in just my county is $348,000, the average price of a house. Now, that is not an attainable price for an average middle-class person, never mind somebody who is on the lower end of the socioeconomic spectrum.

But let us talk about senior citizens. Let us talk about the folks who are living on fixed incomes. And then, let us turn to the people who are in our community, in south Florida, who just got hit by a category 3 storm who, right after the storm, were in a bad enough situation to begin with, because we got hit much worse than anyone expected. But then, 2 days ago, it started pouring rain on the houses that were already blown out by the wind and the rain.

Mr. MEEK of Florida. Mr. Speaker, if the gentlewoman will yield, I cannot help but see that picture behind you and see a lady there with silver hair. So if the majority has its way, not only did she get hit by a category 3 storm, Wilma, but she is going to be hit by a Republican majority Congress at the same time.

Ms. WASSERMAN SCHULTZ. Oh, yes. These people in this picture, this lovely couple who happen to be constituents of mine, they live in a condominium in my district where I just went door to door giving out self-heating meals. These are people who are frail. They were told that they had to leave because many hundreds of the apartments in this condominium complex alone are being condemned after the rain because there are gaping holes in the roof. And on top of that, with thousands of people now, thousands of people in Palm Beach, Broward, and Miami-Dade counties who were hit by Wilma and whose homes are being condemned, there are numbers in the thousands, and that is just after this week's rain, we expect more rain in the future; and they are not even done counting the number of buildings that have been affected.

This budget reconciliation, these budget cuts cut housing vouchers, cut affordable housing programs. Just in our State, we would take a 3,500 section 8 voucher cut. So we are talking about people who are hit by a natural disaster who are being forced out of their houses, and now they will have the manmade disaster of this budget cut, these budget cuts that will force even more people out of their houses.

But ''we want to create an ownership society in America.'' The President of the United States was elected to help people own things and to accumulate things. All I can see anyone accumulating is people who already have a whole lot and could live their whole lives not accumulating one more thing.

When is it going to stop? When are we going to be able to be in a position here in this Chamber to move this country in a new direction and start helping people again?

Mr. DELAHUNT. Mr. Speaker, there is another crisis coming too, and that is the cost of home heating fuel in the Northeast and in the Midwest that is going to strike particularly the elderly. As we know, gas is about $3 a gallon, and the utilities are now predicting that families could pay as much as 70 percent more in terms of their heating bill. The Energy Department predicts that the cost of natural

gas is going to go up by some $350 next season. At the same time that that is happening, we hear that Big Oil has done rather well.

For example, Exxon-Mobile recently reported that its profits in this past quarter, the third quarter, increased 75 percent.

Mr. RYAN of Ohio. Wow.

Mr. DELAHUNT. Not a bad quarter. In one quarter, Exxon-Mobile had a net profit of $10 billion. Simultaneously, today in the Budget Committee, there was a motion, a motion to increase the so-called LIHEAP program.

Mr. RYAN of Ohio. Mr. Speaker, can the gentleman explain who offered that motion, what party?

Mr. DELAHUNT. It was a Democratic motion. It would have increased the funding for that particular program, which allows low-income people, primarily elderly people, to benefit from a purchase of discounted energy, whether it be oil or gas, but primarily oil.

While Exxon-Mobile is making $10 million, in the Budget Committee today, Mr. Speaker, the Republican majority said, no, we are not going to increase that program. And, by the way, the chairman of the Energy and Commerce Committee said no to any rescission of the $16 billion that this Republican-controlled Congress passed in the form of subsidies for Big Oil this year. If you are investing in oil this year, it was reminiscent of the gold rush back in 1849. You really scored well. Now, is that what we are about as a people? Are we not violating a social compact, a covenant, where we all come together and get through the hard times?

Mr. RYAN of Ohio. Mr. Speaker, there is a certain amount of corruption within the system, is there not, when that happens? There is just a certain amount of corruption and incompetence in the system.

Now, I know our friends, they like to say, well, all the Democrats, all they want to do is spend, spend, spend. But they have borrowed and spent over $1 trillion just in the last 4 years from foreign countries, more than the past 42 Presidents.

Mr. MEEK of Florida. Record breaking.

Mr. RYAN of Ohio. Record-breaking spending, record-breaking deficits. The party of fiscal conservatism has become an absolute joke. It has become a caricature of itself.

Here is a conservative that we may disagree with on many, many issues, Cal Thomas of the Washington Times, a conservative newspaper, a conservative columnist, one of the most conservative in the country who tries to provide a little advice to the Republican majority: ''Here is a suggestion on your budget cuts: Don't start with the poor, start with the rich.''

Mr. DELAHUNT. The oil companies are a good place to begin.

Mr. RYAN of Ohio. A good first step, $16 billion in subsidies to them. They have not done anything with trying to reduce the cost of prescription drugs, allow for reimportation, allow the Secretary of Health and Human Services to negotiate down the drug prices of a $700 billion bill that we were told that night was $400 billion.

Mr. DELAHUNT. Can someone explain to me, anybody, why the oil companies, that had revenues in the last quarter of some $100 billion, each and every one of them saw huge increases in terms of their net profits, why they need subsidies?

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I will tell the gentleman why. Because according to the Republican leadership, they do not want an ownership society; they want an own-everything society. That is why. Because they fall into the category of groups and individuals that the Republican leadership in this country clearly believes should own everything.

Mr. RYAN of Ohio. Mr. Speaker, I think the Republican Party, after they give the $16 billion in subsidies, will head out to shakedown street, K Street, where all the lobbyists are, and they will say, hey, we just gave you $16 billion in public taxpayer money, and average people, middle-class people, people who need LIHEAP, who have high heating costs and everything else, they took that public money, they gave it to the oil companies, the oil companies are going to make tremendous profits and have made tremendous contributions to the Republican Party.

□ 2115

Mr. MEEK of Florida. I want to say quickly just today, news flash from the Budget Committee, happened over there in the Cannon Building, really nice building named after Speaker Cannon, who used to walk around here smoke cigars and all and is well known.

But I can tell you this. There is a heating program that is out there to help poor people. Since we are talking about these big companies that are making all of these big profits, it would have increased the funding to provide for the Low Income Home Energy Assistance Program from $1 billion to $3.093 billion. That would impose a temporary windfall profits tax on the oil companies to assure that the amendment is deficit neutral.

Now I am going to tell you something. You want to talk about this budget is keeping not only everyday Americans in the cold but is definitely keeping poor people in the cold.

But I cannot tell you, when you say, can you explain it to me, well, I cannot explain to you the reason why we have CIA agents being outed, not only one but a number of them.

I cannot explain to you the reason why we still have Michael Brown on the Federal taxpayer dollars, on the dole, at the same salary he was making pre-Hurricane Katrina, and why the Secretary of Homeland Security extended not only the 60-day contract they had with him but another 30 days, saying we have to learn something from him.

I cannot explain to you why the majority side puts together a report talking about cutting, and I am going to tell you, we gave the Web site out earlier. This is third-party validators, cuts to Medicare, cuts to Medicaid, cuts to student loans, cuts to food stamps, cuts to school lunches for poor kids. I cannot explain to you why.

I cannot explain to you why veterans have to wait so long for assistance. I cannot explain to you why that was the case.

I cannot explain to you why this administration, after this Congress acted, with many Members on this side pushing for military families to be reimbursed for equipment they had to buy for their loved ones while they were in theater to save their lives, to give them the Kevlar and the vests that they needed, I cannot explain to you why the Defense Department waited for the regs for that program for them to even get the money back, back in February. Senator DODD from Connecticut had to write the Defense Department, who is a Democrat, had to threaten them to write the regs, and they finally wrote it. I cannot explain to you why.

This is to reimburse military families for equipment they bought, husband, wives, what have you. I cannot explain to you why.

But one thing that I can tell you, that it is important that we illuminate these issues so not only the Members know that we know what they are doing on the majority side but the American people know.

Now I am going to say back for the one Republican that voted with Democrats on this budget, on the backs of the American working class, on the backs of retirees, on the backs of those that wake up every day and try to provide for their children, provide for their family, I am glad that he voted with us. Maybe, just maybe, this hour is working on the conscience of some.

Real quick, since we are going out of time, you want to give the site out? Then we can close out.

Mr. RYAN of Ohio. 30somethingdems@mail.house.gov.

Mr. MEEK of Florida. Mr. Speaker, with that, we would like to yield back the balance of our time and thank the Democratic leader for the time.

GENERAL LEAVE

Mr. KING of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the special order of the gentlewoman of Virginia (Mrs. DRAKE) given earlier this evening.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMERICA'S IMMIGRATION POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, before I pass this microphone over to my good friend and colleague, the gentleman from Arizona (Mr. HAYWORTH), I cannot help but express some of the frustration with sitting here and listening to this. I am really grateful that the American people do not have the same sentiment that I have heard tonight on the floor of Congress.

When I go to the coffee shop and to the break room in my district, I do not hear anything like this rhetoric that I have heard here tonight.

When I hear that we have cut food stamps, I was involved in that. We did not cut food stamps. What we did was we changed the regulations so you have to be on some other kind of benefit so there was less fraud. There is $1 billion of fraud going into the wrong people in food stamps just in the last year that I have a report. We only touched about 20 percent of the fraud, Mr. Speaker.

Fuel prices. Help us open up drilling on the outer continental shelf. Help us drill in ANWR. Let us develop the energy that we have in this country, and we will not be looking at $3 dollar fuel. We know who is to blame. It is the environmental extremists. And if Exxon Mobil made $10 billion in the last quarter, let us take a look and see where they invest it. If they invest it in that drilling, the American people will reap the benefits.

There are a whole series of things here tonight, Mr. Speaker, and that frustrates me greatly. But I wanted to talk a little bit about the immigration issue.

I would ask my friend, the gentleman from Arizona (Mr. HAYWORTH) if he would pick that issue up.

Mr. HAYWORTH. Mr. Speaker, I thank my friend from Iowa; and before I get to the topic at hand, I, too, would like to offer a few observations about the preceding presentation in the people's House.

Those who have heard me speak from time to time know that quite often I cite the observation of that great American author, Mark Twain, who said, history does not repeat itself, but it rhymes. In the preceding hour, here on the floor of the people's House, we may have heard from the, quote, 30–Something Coalition, but it was that same old something, those tired and shop-worn charges, those assertions that the American people can only regard, to put it diplomatically, as unrealistic.

We heard a Member from Florida talk about cuts in school lunch programs. We heard a Member from Massachusetts repeat what was a blatantly false charge about Medicare withering on the vine, when in fact the discussion had to do with the bureaucrats in a four letter organization felony as HICFA.

Indeed, there are fundamentally different ways to address the challenges we confront. My friends on the left honestly and sincerely believe that Government is the answer; and though their rhetoric is devoid of it, they seem to be concerned with budgets that affect the care and feeding and the propagation of Washington bureaucrats and the employees' unions they engender rather than solving real problems affecting real people.

It is somewhat mind-boggling to hear the same old charges; and it is interesting, the selective memory of those on the left. For it was one of their celebrated leaders, John F. Kennedy, who said a rising tide lifts all boats, who said that by reducing taxation across the board and allowing the American people to save, spend and invest their own money economic prosperity can result.

And that is not a partisan argument, nor was it the sole domain of Jack Kennedy. Indeed, whether it was Calvin Coolidge or Jack Kennedy or Ronald Reagan or, more recently, George W. Bush, working with this governing majority in Congress, letting the American people have and keep more of their own money to save, spend and invest, we in fact have had an economic rebirth through the difficulties of 9/11, through the challenges posed by the natural disasters.

The American economy continues to grow. Are there challenges? You bet. Are there challenges we confront in energy? Absolutely. But the key is, as I was happy to offer, tax credits for solar energy in our sweeping energy bill, as many of us have embraced and asked us to take a look at new technologies, neither do we abandon the notion of maximizing existing supplies, using rational conservation and moving forward.

Of course, it cannot begin to compare with outlandish charges. This gets to the crux of the challenge. We have an awesome responsibility. It is to help govern this country. Our friends on the left, be they 30-something, or 40-something or 50-something, or 60-something, choose not to join us in governing. They choose to carp and complain and issue malicious and libelous charges. They offer no plan. They offer complaints.

In stark contrast, our governing majority has a plan to bring budget reform that results in real savings. And yet, even as they decry what they call fiscal irresponsibility, they attack the reform process that results in real savings.

One note about the incorrect information on student loans. We actually increased money going to students. We tightened down the margins on the lenders. We do not hurt the students. But, of course, our friends on the left always equate compassion with the amount of money taken from the American people to go to Washington bureaucrats; and I believe, regardless of the age, regardless of the time, that is precisely the wrong formula. Just as they mistakenly address compassion by the number of people on welfare. No, true compassion is the number of people who leave the welfare rolls and go to work.

And for those who cite curious cases played up in the dominant media culture about CIA agents who send spouses on trips around the world to offer talking points in a partisan campaign and somehow defend that and seem to act as if there is no connection between the former, thank goodness, the former dictator of Iraq who now sits in a prison cell awaiting trial and other perpetrators of islamofascism, for those who would so readily forget the lessons of 9/11, we say to the American people, yes, the challenges are grave. We live in challenging times. But we dare not shrink from the challenge and make the curious divorcement of, oh, yes, we support our troops but not the conflict.

As one observer explained, that is like saying, gee, I support a football team. I just do not want them to win the game.

Were it so simple to compare war to a game, but we know something far more serious is at stake. We know over very national survival is at stake; and we believe that we should support our troops, yes, and work for an outcome that results in victory.

That brings us to the subject at hand tonight, our border security and our national security. And despite the prattlings of the preceding hour, in many ways our Commander in Chief has answered the call in the wake of 9/11.

But when it comes to the border issues, the fact is the record is troubling, and it results in constructive criticism. Just as many within our party offered constructive criticism about the selection of a Supreme Court judge, reasonable people can offer constructive criticism.

Item. Congress Daily, this morning, Thursday, November 3, Homeland Secretary unveils border security initiative. Homeland Security Secretary Chertoff Wednesday rolled out a multiyear plan to secure the Nation's border and reduce illegal immigration, dubbing the proposal as the, quote, enforcement complement to President Bush's temporary guest worker program.

□ 2130

Constructive criticism number one, in accompanying documents released yesterday in Houston, Texas, Secretary Chertoff said his Department had a 5-year plan to gain operational control of the borders.

Mr. Speaker, the American people and our Nation cannot wait 5 years for operational control of our borders. The attacks of 9/11 came almost a half decade ago. Are we then to wait 10 years in wartime to secure our borders? That is wrong. That is the wrong time table. Border security at once because border

security is synonymous with national security.

The other troubling aspect of the dispatch in this morning's Congress Daily, the enforcement complement to President Bush's temporary guest worker program.

Mr. Speaker, I have introduced, and my colleagues who join me tonight on this floor have sponsored, the Enforcement First Initiative. The American people demand enforcement first. Call it putting the cart before the horse, but those who talk about a guest worker program have it exactly backwards. What we should do is enforce existing laws, close loopholes and then and only then engage in a debate about guest worker programs.

Indeed, this debate about border security, national security, illegal immigration, and the euphemism that accompanies it of undocumented workers, an Orwellian turn of phrase if there ever was one because many of these alleged undocumented have documents galore, and should we also point out that under the existing framework we have visa programs literally from A to Z under the existing legal framework, but again back to the situation at hand.

A fair question could be posed in this fashion: If people are not obeying existing laws, what makes us think they would obey any new laws? So Enforcement First offers a comprehensive approach saying that this government shall enforce existing law and that we shall work to eliminate loopholes that exist that result in the gaming of our system, that result in the drain on taxpayers and that deny this fundamental truth that even those who may profoundly disagree with us who preceded us here in the well certainly have to embrace and that is that this is a Nation of laws.

Therefore, if we are a Nation of laws and a Nation of immigrants, immigration should occur within a legal framework, not through the machinations of illegal schemes and scams that threaten our national security.

Why do I say that? Well, one need look only so far as the testimony in open session in the other body from our former colleague Porter Goss, now Director of the Central Intelligence Agency, joined by others, who offered the testimony that their major concern is that someone meaning to do harm to this Nation might utilize our porous border to do so, to come here illegally. Indeed, we have seen other reports that al Qaeda operatives and others who embrace Islamofascism have instructed their minions on a mission in this hemisphere to seek to gain entry to the United States through our porous southern border.

The Director of the Federal Bureau of Investigation in testimony before a House subcommittee chaired by our friend, the gentleman from Texas (Mr. CULBERSON), confirmed the gentleman from Texas's (Mr. CULBERSON) assertion that illegals who come from nation-states embracing Islamofascism have attempted to gain entry into our country by blending into the mass exodus north of illegals and utilizing Hispanic surnames.

Mr. Speaker, I offer these words not to sow the seeds of panic, but instead to offer a renewal of a sense of purpose in the wake of 9/11, mindful of the challenges a sovereign Nation of laws confronts. We must have heightened border security. It leads to greater national security. There must be internal enforcement. There must be a closing of loopholes, and that is the idea behind the notion of Enforcement First.

So, Mr. Speaker, I say respectfully and diplomatically to the Secretary of Homeland Security, enforcement is not a commitment to a guest worker program. Enforcement is the long overdue step to protect our Nation from external threats in a time of war. And then once we do that, we can effectively discuss a guest worker program.

My friend from Iowa who was very gracious to yield time. I will remain, but I want to yield back to him because other friends join us tonight during this hour.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Arizona (Mr. HAYWORTH) for his eloquent presentation on a lot of things that ail us that we heard about here tonight and also the border control and the immigration issue and the future of our country.

As I listen to that group that comes here nearly every night, and it was interesting to see the gray hair amongst the 30-somethings that we had, it is extraordinarily depressing to hear that viewpoint. I happened to at random bounce across some Web pages that must be the perpetrators of that kind of thought process because it just does not connect with the rational reality of what is going on here with our authorization bills, our appropriations bills, the responsibility that we have, the fiscal responsibility, the vision we have for America. And I do not think that you could read the facts and connect the lingo that is coming from the other side and measure the two together. But it is depressing and I think sometimes that if I felt like that I do not think I could get out of bed every morning and go to work in this place and drag everybody else down when we are trying to lift this country up.

Their vision seems to be, I will say, surrender and get out of Iraq, turn that over to Zarqawi, let that be a terrorist center for the world. Let them come in here and attack us whenever they want. Do not take any self-defense mechanism. Soak the rich. Starve the businesses. Get rid of the jobs. And the list goes on and on and on of the lamentations that we heard.

We are an optimistic party. Even though when they say the name of our party it comes off as profanity, it really is an optimistic party. We have always reached for the stars and brought this country forward. The tax cuts that we did turned this economy around from the depths of September 11's trough and, in fact, this year we have $274 billion in additional revenue beyond what was calculated by CBO and anticipated because of the tax cuts that we provided, and we need to make them permanent.

On the immigration issue, which is our subject here tonight, that is important to our national security issues, the issue of the citizenship and immigration services and the job that they are supposed to be doing and the great difficulty they have in carrying out that task, the internal problems that they have, we have the gentleman on my left from Virginia (Mr. GOODE), and I would be happy to yield to him.

Mr. GOODE. Mr. Speaker, I thank the gentleman from Iowa (Mr. KING), and I thank the gentleman from Arizona (Mr. HAYWORTH) for their comments here tonight. I certainly learned a lot from both gentlemen and appreciated what they had to say, particularly on the immigration issue.

I want to talk a little bit before talking about illegal immigration about something that occurred just the other day in the Rayburn Building. We had a meeting of the Immigration Reform Caucus, and both the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from Iowa (Mr. KING) are members of that and it is chaired by the gentleman from Colorado (Mr. TANCREDO), who has done yeoman's work on behalf of that group.

We were anticipating hearing from someone from the U.S. Citizen and Immigration Services. Now, as you know, the Department of Homeland Security is the secretarial agency, and underneath that agency is the U.S. Citizenship and Immigration Services. And they are charged with doing a number of different programs, one program of which is the FAST program. And that is involving temporary adjudicators that have been hired to make citizenship and permanent residency decisions. And I agree that the backlog is long and needs to be addressed. But I want to emphasize, I think it is better to take extra time, make sure the investigations are done, have law enforcement personnel there with the investigations to make sure no criminals or terrorists or others that would do us harm come through one of these programs.

Another program is the Focus program, and that involves segregating and reviewing hundreds of pending applications for immigration benefits where there are specific concerns about potential ties to terrorists or terrorist organizations. And this gets us to what occurred in the House office buildings just the other day.

I was coming to the Immigration Reform Caucus meeting anticipating hearing from a law enforcement officer at that meeting and voicing his opinions and letting us have the opportunity to ask questions about the agency and about how they handle these

programs where they make decisions on permanency, residency, citizenship, and granting decisions for these persons who want to come to the United States of America. The handlers of that person would not let us ask questions.

I hope that situation can be rectified and that the Immigration Reform Caucus and other members on different committees will have the opportunity to ask the questions that we want to ask, because, while illegal immigration is probably the number one problem facing the United States of America, we need to be sure that legal immigration is handled in the appropriate way and that programs like FAST and programs like Focus have the appropriate oversight and that the right questions are asked.

I would like to take a few minutes now to focus on the illegal immigration problem. I want to thank, again, the gentleman from Iowa (Mr. KING) and the gentleman from Arizona (Mr. HAYWORTH) for being here tonight talking about this issue. They have been in the trenches for months and years, and this problem is not getting any better. It is only getting worse. But I am thankful because more Members of the House of Representatives are focusing on this problem. We have more Members than ever before introducing legislation addressing different aspects of the problem.

Today, the gentleman from California (Mr. HUNTER) introduced legislation that does many things. It is backed by groups such as the Federation of Americans for Immigration Reform; and having mentioned that group, I would also like to thank U.S. Border Control for their efforts in combating illegal immigration, Numbers USA for their efforts against illegal immigration. But our focus today was on a fence all along the southern border.

We have a fence now between California and Mexico south of the city of San Diego. That fence has provided a great barrier to drug smuggling, to terrorists coming into this country, and to stopping the illegal crossing.

□ 2145

We were able to see a picture of prefence days and then see a picture of post-fence days. The fence has improved the environment significantly in the San Diego area, and it has enhanced our border security.

What we need to do now is extend the fence from San Diego to Brownsville. There would be port of entries along the fence, but, by doing this, the security that the gentleman from Arizona (Mr. HAYWORTH) talks about that we need in this country would be significantly enhanced.

There were a number of other aspects of this legislation. Currently, we have a policy by the Department of Homeland Security and its immigration services of basically one of catch-and-release. That means if you catch someone in this country illegally, because of a lack of facilities to house all of them is a factor, I also think it is a philosophical not wanting to carry out what I believe the law should be in this country, differences among some of us and some of those carrying out that law, of just letting the illegals go. If this legislation passes, those illegally in the country will be committing a violation of law, and they can be caught and detained, not caught and released.

Another aspect of this legislation focuses on the diversity visa program, and that program has been in effect since the mid-years of the Clinton administration, which pushed for it. We had hoped that this program would end within a few years. It has rocked on, and this would end under this bill.

We would also end the 245(i) practice. And now what does 245(i) mean? That means if you come into the country illegally and you get the right letter from an employer or you get the right letter from a relative, that means you can stay here by paying $1,000. We need to end that practice. 245(i) encourages persons to come across the border illegally. They say we will not have to go through the process. We will not have to be checked out. We will not have to have our background checked. We will not have to present our records and be analyzed before we get into the United States. We will just walk across the border.

Or if they are already here, say we will not have to go back. We will get a 245(i). We will just pay a little extra money, and we will move to the head of the line, and that is unfair. That is unfair to those that wait in line, and it is unfair to the millions of Americans that pay taxes.

Another aspect of this legislation, which is an attempt to compile many different items of legislation into a single bill, some of them are part of legislation that the gentleman from Arizona (Mr. HAYWORTH) has sponsored, the gentleman from Iowa (Mr. KING), and I could list others, the gentleman from Colorado (Mr. TANCREDO), the gentleman from Georgia (Mr. DEAL), the gentleman from Georgia (Mr. NORWOOD), the gentleman from Texas (Mr. CULBERSON), the gentleman from Oklahoma (Mr. SULLIVAN), and I could go on and on. It captures and borrows from these bills, and I have to mention this because I want to salute the gentleman from Iowa (Mr. KING).

One of his measures says if you are an employer and you hire illegals, then you cannot deduct the cost and the taxes paid on those illegals from your Federal income tax return, and that is the way it should be. The legislation further emphasizes that there shall be no earned income tax credit for illegals. There will be no credit for Social Security for the time that you are illegally in this country.

Under the current situation, if there were to be an amnesty, and I vigorously oppose the amnesty because it only encourages more illegals to come across the border, if there is an amnesty, you will not be able to go back and recapture the time that you are in the country illegally.

It also focuses on the practice that some who come from across our southern border want to have children in this country. They want to create an American baby because, under our current law, anyone born in the United States of America is an automatic citizen, and that helps those illegally here stay in this country. Under our bill, coming across the border and having a baby of illegal aliens who did not go through the proper process will not grant that child automatic citizenship.

So this is indeed a comprehensive measure that will address illegal immigration, and it is my hope that we will be able to get legislation to the floor of the House of Representatives, hopefully before Christmas, if not, certainly by the first part of next year, so that we can take a stand and send to the American people the message that we are serious about stopping illegal immigration.

We do not want amnesty for illegals. We want to preserve and protect the United States of America. We want border security; and, as the Congressman from Arizona says, we want enforcement first.

If we do that and if we can get the other body and if we can get the executive branch down the road from the United States Capitol to come along and get on this train, America will be safer, will be more prosperous and will be more of a land of opportunity for the hard-working and tax-paying citizens of this country.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Virginia (Mr. GOODE) for his presentation and with clarity I appreciate.

I want to add that we are taking a look into the functionality and the failure to function in citizenship and immigration services. It is this Congress' responsibility to have oversight. It is this Congress' responsibility to investigate. If we believe there is impropriety in some place, lack of efficiency, we are to bring this all together. This is our responsibility to the taxpayers of America, and it is our constitutional duty.

Because there are a couple of minders there that will not allow an individual to speak, then that does not mean that we are going to back away from this. It just means we are going to resolve the situation eventually in the appropriate fashion, with patience and professionalism. That is the perspective that I think we need to take a look at with this.

I want to touch back on an immigration issue, but the moment that I do that, I want to transition over to the energy policy. So, in the interim, I would be happy to yield a few minutes to the gentleman from Arizona for his concluding thoughts with regard to immigration.

Mr. HAYWORTH. Mr. Speaker, I thank my friend from Iowa, and I look forward to hearing from our colleague from Pennsylvania who, again in stark contrast to those who preceded us in the well, takes a thoughtful look at the challenges we confront and offers some common-sense solutions, especially in the realm of natural gas and where we are headed as a Nation in terms of energy exploration for existing technologies and, quite frankly, bringing on-line new technologies to deal with energy.

But as I heard both my colleague from Virginia and my colleague from Iowa talk about the spectacle that occurred in the hallway of the Rayburn House Office Building yesterday, I just was astonished by the seeming triumph and insensitivity of the bureaucracy.

Two minders accompanying a law enforcement officer essentially to put him on notice that his role in his employment with the Federal Government could very well be threatened. We have visited totalitarian nations where there are minders who follow us, some very cleverly concealed, some as hotel personnel, but to see that spectacle in this grand republic and see it utilized really to try and supercede the legitimate questions of constitutional officers was very disappointing.

I would echo, Mr. Speaker, the words of my colleague from Iowa, there will be oversight. Count on it. The Congress will live up to its constitutional responsibilities. I will put those Washington bureaucrats on notice, those who believe they can get in the way of constitutional officers doing their jobs, that the people will demand answers through their constitutional representatives. But we understand the answer, in summation to our challenge for national security and border security, it is enforcement first. It is not amnesty. It is not the embrace of putting illegals in the front of the line and making a mockery of an orderly, lawful, immigration process.

Borders are necessary. There is graffiti written in Spanish on one of the borders adjoining my State which reads, Borders are scars upon the earth. Mr. Speaker, borders are not scars upon the earth. Borders are reasonable and necessary to maintain the sovereignty of nation states; and, as the poet wrote, good fences make good neighbors.

I salute the gentleman from Virginia joining with the chairman of the House Armed Services Committee with the True legislation today. I am pleased to be a cosponsor. I thank my friends from Virginia and from Iowa, others within the Immigration Reform Caucus. I thank them for the time, and I look forward with interest to hearing from our colleague from Pennsylvania with references to the challenges we confront here early in the 21st century for this Nation's energy needs.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Arizona and the gentleman from Virginia on this enlightening discussion we have had on immigration. I am quite pleased that an individual from Arizona would have the phrase, good fences make good neighbors. I thought that was an Iowa phrase.

I want to point out, too, that when you build a fence or a wall to contain people, if you do that to keep them from leaving a place like it might have been East Germany, then that is wrong from a philosophical standpoint. If you have a place that is such an attraction that you build that fence to keep them out, that is a moral thing to do. There is a big difference.

So, the fence in Israel, for example, between the West Bank and Israel proper, that is a fence to protect the people from the folks on the other side that want to come across with bombs. It is not immoral to build a fence to protect yourself from people that are assaulting.

In fact, the southern border in the last year over 1,159,000 illegals that were collared at the border, so to speak. We heard T.J. Bonner, a border patrol, say here a couple of days ago that approximately 4 million came across the southern border during that period of time and we collared 1,159,000. Of those 1,159,000, all but 1,640 of them promised to go back. We cannot verify that any of them went back, but we did actually adjudicate 1,640 of the 1,159,000 to go back to their home country.

So we have got a very small percentage here. The catch-and-release program is real. I got into a little buy-in when I made that statement that it was a seven times catch-and-release program before they were adjudicated for deportation. Some of the bureaucrats took issue with that and wanted to have a meeting. So they brought eight of their people into the room, and the first statement was I am wrong, we need to retract the statement. An hour and 45 minutes later, they admitted that, even though that was not the written policy, it was the practice, and in fact, it might be more than seven times catch-and-release. That is how bad it is.

I want to say just a couple of words about the new IDEA bill that the gentleman from Virginia (Mr. GOODE) mentioned that I have drafted and that we have significant cosponsors on.

It is clear for us, build a fence on the border, beef up the border patrol, but we need domestic enforcement. We know that the administration has not sanctioned a single employer for hiring illegals in the last year. That is an issue that needs to be enforced as well. But, on top of that, how do we dry up the jobs magnet? How do we get a policy in place and get some administration agency that actually is willing to enforce that policy?

So I looked around the country, and I thought who really are the junkyard dogs of bureaucracy? Who likes to go to work and who does their job? Who has a reputation that you know they are going to follow through? The times I have been audited I can tell you it is the IRS. So I said, well, let us see if we can find a way to get the IRS into this game and enforce this illegal immigration.

So that is where the idea comes from to remove Federal deductibility for wages and benefits that are paid to illegals. Let the IRS come and do a normal audit, and if the employer uses the InstaCheck program so they can verify over the Internet in an instant whether that employee is legal to be hired, go back on the Social Security Administration database and Department of Homeland Security database, come back with a positive hit, hire that person.

We put safe harbor in the bill. If you are a responsible employer, you use InstaCheck, the basic pilot program to verify the employability, then the IRS will not touch you on that hire. But if they run the numbers when they do the audit, use the InstaCheck, and it finds out that the Social Security numbers and the identification does not match anything, then the wages and benefits that you spend on that employee become not a deductible expense but taxable income.

□ 2200

So, for example, if you are a corporation and in a 34 percent tax bracket and you are paying $10 an hour to illegals, the IRS will come in and say, well, no, that $10 an hour is not a deduction. We are going to tax that at 34 percent, and we are going to add the interest and penalty on there. Now that becomes about a $6 an hour penalty on the $10 an hour person, so now the illegals cost you $16 an hour. In theory, a least, a legal employee that you could hire for $16 an hour becomes a rational decision.

As that happens, then the illegals that are here working at this discount rate because it is rational for employers to hire the illegals, they are cheaper for a lot of reasons, it becomes rational instead to say, no, sorry, I cannot put you to work because the IRS sometime in the next 6 years can come back and audit me and I will have to pay the bill. So I might as well pay it to somebody who is here legally for the right reason.

This changes this great migration of four million people pouring across our southern border, and it sends them back again. Because what are they going to do if they cannot get employment here? It is a jobs magnet.

New ideas. It is one piece of many things, as Mr. GOODE spoke about and Mr. HAYWORTH did. So I am part of all of this. I want to stand here with it. If we have any more ideas, I want to hear them all. We need them from the American people. The American people are the ones who will move this Congress, so they need to write letters and send the message, and this Congress will hear you.

So I thank the gentleman on the immigration issue tonight. I also had two

subjects in mind that I feel is important to bring up, and energy is the other one.

As we listened to the minority party on the other side do their 60 minutes of nightly lamentations, we heard about the cost of gas, the cost of energy, and I did make a few remarks about how we can help that cause. But I would point out that I represent maybe the number one corn-producing congressional district in America. If you are going to raise anything, you have to have nitrogen fertilizer to do that. All crops take nitrogen. Corn takes a lot of nitrogen. About 90 percent of the cost of nitrogen fertilizer is the cost of natural gas.

Natural gas has gone up 400 to 500 percent over the last 3 years, and we see the cost of natural gas going in the area of $14.50 per million BTUs. We look around the world, and Mr. PETERSON will give us more details on this in a moment, and we see not far away, natural gas coming out of Venezuela of $1.60 compared to the U.S. at $14.50.

The other day they said they were going to go ahead and build the natural gas pipeline from Alaska down to the lower 48 States. It is 4,700-some miles from the north slope down to Kansas City, the heart of America. Up there, there is 38 trillion cubic feet of natural gas that we know of. There is probably more in ANWR that we will open up, and hopefully we will drill there for oil as well. So, 4,700 some miles from the north slope of Alaska to Kansas City. Build the pipeline down to the lower 48, and we can get 38 trillion cubic feet of natural gas.

Venezuela is making fertilizer and selling it to us now off of gas that costs about $1.60. Russia is doing the same thing off of natural gas that costs us 95 cents. We are losing our fertilizer industry in America. It does not take very much to control food production if you have control of the fertilizer itself.

But down there in that gulf area, for example, all that gas in Venezuela, Venezuela is 2,700 miles from Kansas City, for example. So that gas is closer. But closer than that yet is all of this natural gas that we have on the Outer Continental Shelf of America, with 200 miles, 406 trillion cubic feet of natural gas.

Now, tell me, would you go to Alaska for 38 trillion cubic feet of natural gas and build a 4,000-some mile pipeline to get it down to the lower 48? Would you go to Venezuela and ship that gas in as liquified natural gas and go through the exchange process and the plants at the terminals that it takes to handle that? Or would you just go down there nice and close, where we already have a system all set up, and plug right into that existing massive quantity of 406 trillion cubic feet of natural gas that we have on the Outer Continental Shelf?

To continue to be hostage to energy prices at $14.50 per million BTUs when the rest of the world is getting along on numbers like 95 cents or $1.60. China is up to about $4 something. But we are at a great disadvantage. And if we only open up this natural gas marginally, we will only lower the price marginally and we will still pay a great price economically, because we know that energy is the price of everything we have and everything we own.

Having said that, Mr. Speaker, I would be happy to yield to the gentleman from Pennsylvania (Mr. PETERSON), who is really the lead on this issue, and I am very happy and proud that he has taken this issue to this Congress.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from Iowa, the gentleman from Virginia, and the gentleman from Arizona for the good job they did bringing up the security issue of this country. The number one issue is immigration enforcement, protecting our borders, and handling that issue in a much better way than we have historically done in this country.

But the economic issue facing this country is the price of energy and the availability of energy. Natural gas is the clean fuel. It is almost the perfect fuel. It is what we heat our homes with. It is what we heat most of our schools, our hospitals, our YMCAs, our churches, our colleges, our universities. Most of our small businesses and mostly all commercial businesses run on that. Many, many industries use it in many, many ways. So 25 percent of the energy in this country is natural gas.

We have heard a lot of discussion about oil and gasoline prices. In fact, on the evening news the American public understands the issue pretty well because it is reported well. But natural gas is not reported well. It is not talked about and not understood much.

Gasoline prices were double, they were at their peak after Katrina. Natural gas prices were 700 percent what they were 5 years ago. Now that is just a huge increase. A gallon of milk would be $28. I think we would have panic in this country if a gallon of milk were at $28, yet there is no panic in the country about natural gas, except from those who use a lot of it, but they are having a hard time getting government to listen at any level.

You just heard my friend from Iowa talking about the fertilizer industry and the tremendous amount of energy that is used for fertilizing natural gas. Petrochemical is one of the best-paying industries we have left in America. All the chemicals we buy at the hardware and grocery store, all the chemicals we use in the manufacturing process, one of the basic ingredients is natural gas. Plus, natural gas is used to heat those products and make them in the first place. Most petrochemicals, 40 to 50 percent of the cost of production is natural gas, thus putting them at a huge competitive disadvantage compared to the rest of the world.

Polymers and plastics. We all know how polymers and plastics are such a major part of our life. Almost everything we touch has polymers and plastics as a part of it. Even for you ladies, skin softeners and makeup, the basic ingredient for skin softeners is a product derived out of natural gas.

We heard about the plight of the farmers. The farmers have a real energy issue, because it hits them from when they plant, it hits them when they harvest, it hits them when they dry their grain, using natural gas usually. They just get hit again and again, and it has been very difficult for them to be profitable.

Why is natural gas such an issue? It is not a world price. When we pay $60 in this country for oil, the whole world does. When we pay $65, the whole world does. But when we pay $14.50, we are at 12-something today, we are an island to ourselves. The rest of the world is much cheaper. Europe is under half what we pay. Now, our big competitors, Japan, Taiwan, and China, they are a third of what we pay. When you add cheap labor to those countries and the ability to engineer, they are bright countries, very sophisticated countries, they have learned from us. When you give them another advantage of the energy they use to make products, and especially products that consume a lot of natural gas, you give them this huge advantage.

The rest of the world is under 2. As my colleague said, Russia is 95 cents, and I think North Africa is 80 cents. How can our employers and our companies compete when energy is a large part of their cost and they have to compete with other countries? They cannot. Our large employers are hanging on hoping government will do something about this crisis, and something major. Not tinker, but something major, and soon. Soon.

If we do not, I think Representative PEARCE said a few weeks ago here on the floor that we are going to solve this, that we are going to change this, and we can do it now and save a million or two jobs in this country, some of the best jobs we have left, or we can do it later and hope we can recover, and many of those jobs we will never get back.

How did this happen? Well, for decades, natural gas was two bucks. Oil was $10. Nothing could compete with that. Renewables could not really grow because those prices were so cheap that nothing could compete. That went on for decades.

Ten years ago, a major shift in policy also happened. Congress legislatively for a time permitted natural gas unlimitedly to be used to make electricity. We used to use make about 6 to 7 percent of our electricity with natural gas, and it was only allowed at peak power. That is early in the morning and into the evening, when we use more electricity than we normally do. You can turn a gas plant on and off, but you cannot do that with coal and nuclear, so gas was allowed to be used for peak power.

Well, they took the prohibition away about 10 years ago; and now 25 percent

of the electricity in this country is made with natural gas.

Well, there were those who predicted that if we did not open up supply that would cause a shortage down the road. And when a few years went by, that is exactly what has happened, because we have it locked up.

How did it get locked up? Well, there was a moratorium many years ago, about 25 years ago, put on by President Bush. It was supposed to be a temporary moratorium where we would have an inventory and that inventory would take a few years. But then he did not win reelection. President Clinton came in, and he extended the moratorium through 2012, and our current President has not touched it.

Shortly thereafter, Congress placed a moratorium on the OCS. So now we have a Presidential moratorium and we have a legislative moratorium that has been preventing the production of natural gas on the Outer Continental Shelf for about 20 some years.

Now, what is the Continental Shelf? Well, the first three miles of our offshore is owned by the States and then from 3 to 200 miles is owned by the Federal Government. So 200 miles is what is called the Continental Shelf, and that is where many countries produce a huge amount of their energy because there is lots of it there.

Now many feel that that 400 trillion cubic feet that was mentioned is way underestimated. Because the work that was done was over 30 years ago, and the measuring devices we have today, the seismographic instruments, are so much more accurate. But government has prevented that from being done.

We actually had a bill that the State of Florida prevented from passing so we could not measure. In fact, the current energy bill had a measurement in there but did not have funding in it, so it was a paper measurement, which I do not know how you do that. We were not going to be able to spend any money. But they are protesting that measurements not be done today, the State of Florida.

Now Canada, a very environmentally sensitive country, the U.K., Belgium, Norway, Sweden, Denmark, New Zealand and Australia, they all produce both gas and oil. We are only talking about natural gas, but they produce both gas and oil on their Continental Shelf, and that is really where most of the world does it.

Now what is the advantage of that? I think my friend from Iowa said that very well. It is where the population is. As you go up and down our coastlines, and 85 percent of our coastline today is part of the moratorium. We only have 15 percent we produce in. That is where the population is. We do not have to build 5,000 mile high-pressure expensive lines. You just hook into the cities where the population base is and then hook into the system that is already serving them that comes in from Texas and Oklahoma and the gulf, and the system is hooked together. It is by far, by far the best place we can produce and produce quickly.

Now why are we doing that? Well, number one, it is the Florida delegation; and the government of Florida has had a huge influence in this body. They have actually prevented it, and they are currently opposing all measures to open up the Outer Continental Shelf.

We have the Peterson-Abercrombie plan, and I think my friend from Iowa is a sponsor of that, and what we want to do is to move the moratorium. We want to give the States control of the first 20 miles. You can only see production for about 12 miles. So, after 12 miles, even from a tall building, you cannot see it. So we will say, all right, States can control 20 miles, both gas and oil. From 20 miles out, gas will be open for production in all the Outer Continental Shelf. And Florida will be included. They should help out, too. And then oil would be left up to the States, and they could petition the Department of the Interior to remove the moratorium on oil if they so chose to.

That gives us a huge opportunity to produce the gas that is needed, in my view, to give our industries and give our citizens the ability to have affordable natural gas to heat our homes, to run our businesses and fuel the big industries that are going to leave this country.

There has never been a natural gas production well that has ever harmed a beach or that has ever been a problem even on land. A natural gas well is a six-inch hole in the ground. You put a steel casing in cement at the bottom and at the top, and you let gas out into a pipeline.

This is not a threat to any environment. It is not a threat to creatures. In fact, in the gulf, the best fishing is where we produce both oil and gas, and all the fishermen will tell you that.

I keep hearing about all this potential pollution. And then someone said the other day in a debate it would be 7 to 10 years before we could get production. It will take a few years, but it will not take 7 to 10 years. That was a very inaccurate statement.

□ 2215

Now, what is interesting about Florida, which is really the opposition here, they use 233 times more natural gas, they are huge users, than they produce; and they sit in the best, most fertile fields of the country. All around them are huge fields of natural gas and some of the best natural gas, and they are not only not wanting us to produce it, but they have actually prevented us from leasing tract 181, which was not under moratorium and that was scheduled to be released under the Clinton administration to be leased and has not been leased today due to much of the protesting of Florida. And that is unfair to the rest of this country.

I love my friends from Florida who are here. They are great people. But the Florida government leadership, the Florida State government leadership, in my view, has been very wrong on this issue and has not only prevented production off their shores but has really prevented production that was very vital to this country's economic future and prevented us from having the gas reserves we need so that prices could be normal. If natural gas prices were normal, we could be expanding the use of it.

I have a bus system in State College, Pennsylvania that is all natural gas. Today they are paying a premium to do that. In all the cities all of our buses, all of our school buses, our transit systems, all of our taxi cabs, our short-haul vehicles, our service trucks could all be on natural gas, and we would have cleaner air in the cities, and some of those cities could reach clean air attainment.

Natural gas can be the bridge to our future. It can be the bridge to renewables or a bigger part of our energy portfolio. There are so many ways natural gas can displace other fuels, especially oil and our need for oil. It can displace the need for more refineries if we fuel part of our transportation system with clean burning natural gas.

And one other fact on Florida, 75 percent of the electricity they use is generated by natural gas, and that is because just recently they tore down their coal plants and went to natural gas.

I want to share with the Members, though the Florida delegation and the Florida State government is vehemently against any change, here is what the Associated Industries of Florida said recently in a letter to MMS, the Mineral Management Service: ''We appreciate that MMS is going to be reviewing all of the current OCS areas, including the areas that have until now been off limits due to the moratorium, which include the Atlantic, Pacific, and Eastern Gulf of Mexico regions. Research documents that these areas hold substantial undiscovered but technically recoverable energy resources that will be absolutely critical to America's national security and to the continued growth of our economy and to securing jobs for virtually every sector of our economy.''

Now, the Associated Industries of Florida gets it. They go on to say: ''If America doesn't look to expanding exploration and drilling in these OCSs, then America will unnecessarily pay a high price,'' like we are today, ''and incur a heavy burden. The U.S. Energy Information Administration forecasts that by 2025 petroleum demand will increase by 39 percent and natural gas demand will increase by 34 percent.

Higher energy prices have exacted a toll on our economy already by slowing our growth from between .5 percent to 1 percent based on pre-hurricane prices. Farmers have paid $6 billion more for energy in the last 2 years. Natural gas costs for the chemical industry in America have increased by $10 billion since 2003. And of the 120 chemical

plants being built around the world with price tags of $1 billion or more each, only one is being built in the United States.

''As a result, Associated Industries of Florida recommends to the MMS that expanded lease sales are important to our country, to our citizens, and to our way of life. To not utilize all of our available energy resources, when it can be accomplished in an environmentally sensitive way, would be a disservice to our country. We need to ensure that we have a bright future by adopting an expansive OCS leasing program.''

Osram Sylvania, a big company that owns a lot of plants in this country, here is what they said: ''In the past 5 years, we have seen natural gas prices escalate from $3 per MCF to well over $10 on the spot market. As compared to natural gas costs in 2000, our bills in 2005 will be $24 million higher.''

Mr. Speaker, again, I thank the gentleman for yielding to me.

THE 30-SOMETHING GROUP: THE DEMOCRATIC BUDGET PROPOSAL

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, first I want to thank the Democratic leader (Ms. PELOSI) of California for the opportunity to spend some time talking about the issues of concern to Americans across this country, and as a member of the 30-something Democrats, and I know I will be joined by my colleagues in a few moments, we have appreciated hearing from the literally hundreds of Americans both in our generation and across the generational spectrum over the last weeks since we have been talking about those issues on the floor here.

My good friend from Pennsylvania, I cannot help but spend a few moments talking about some of the matters that he has just addressed, being that I am a Representative of the State of Florida; and I had an opportunity to engage in a very interesting and informative and timely dialogue with the gentleman from Pennsylvania (Mr. PETERSON) just yesterday.

Unfortunately, the industry organization that he just cited, which he also cited in our debate the other night, Associated Industries of Florida, that is not an organization, if the Members are familiar with Florida politics, that is at all representative of the average business organization in our State. Associated Industries of Florida is primarily made up of the most major corporations in Florida. Every major oil company is a member of Associated Industries. So it makes quite a bit of sense that the opinion of Associated Industries would reflect what Mr. PETERSON of Pennsylvania just described.

Mr. PETERSON of Pennsylvania advocates for more drilling off the coast of Florida, California, all around the coastline of our country. He particularly focuses on natural gas and professes that natural gas is a clean-burning gas and that there would be little to no risk to expanding that drilling. Well, when one is a representative from the State of Florida, and we have 77 million people who visited our State just last year alone and $56.5 billion in taxable sales is generated by tourism, most of which is the result of our beautiful beaches and our pristine coastline, one can clearly see why most Floridians would have a significant problem with the possibility of there being oil rigs off our beaches within the eyesight of tourists or our residents.

And Mr. PETERSON of Pennsylvania has continually represented that natural gas is a potential alternative energy source. Well, just off the Florida coastline, the Minerals Management Service, which is a government agency under the Department of the Interior, has documented that there is only about a 70-day supply of natural gas off the coastline of Florida in the gulf under current consumption rates in the United States. That to me does not appear to take us into the rest of the century in terms of dealing with our energy needs.

What we should be doing is uniting as Members of Congress representing this country and dealing with our long-term energy crisis by exploring alternative energy sources, not going to the same old energy sources and trying to drill our way out of this problem. Drilling is not the solution. There is far too much environmental risk to drilling, whether we are drilling for natural gas or drilling for oil; and the proposal that we will be considering that is attached to the budget reconciliation bill, the budget-cut document that we will be considering, at the earliest, next week, includes a terrible proposal that would expand drilling off the coastline of Florida and bring drilling within 125 miles of Florida's coast on the gulf.

That is a totally inappropriate proposal. It makes absolutely no sense. It would jeopardize our environment, and I am hopeful that my colleagues from Florida and other colleagues who represent coastal communities which will also be in jeopardy if this provision passes will join us in opposing this budget reconciliation bill, not the least of which, because there are many other reasons why it should be opposed because of the dire cuts that are in the budget that are going to rain terror down on Americans across this country; but to add insult to injury, it also has a terrible provision in it that would allow drilling off the coastline around our entire country.

So with that having been said, I want to talk a little bit about what we talked about in the previous hour and turn the conversation back to the budget reconciliation bill. There are a number of significant problems with the budget cuts that the Republican leadership is proposing. But one of the things that I wanted to turn to is what Democrats think we should be doing in terms of the budget.

Democrats want to bring the budget back into balance. What we proposed in the Budget Committee today included a proposal that would bring the budget back into balance by 2012. The Democratic budget also has a smaller deficit than the Republican budget every year and would accumulate less debt and waste fewer resources on interest payments that are needed to service the national debt. We would include budget enforcement measures to protect Social Security.

We would do more for education. The Democratic proposal provides $4.5 billion more for appropriated education and training programs than the Republican budget for 2006 and $41 billion more over the next 5 years. We also reject the $21 billion in cuts that the Republican budget requires the Education and Workforce Committee to make over the next 5 years. Those are cuts that could fall on students loans and school lunches.

These are not the same old tired complaints. It is insulting to suggest that cutting school lunches and financial aid are tired complaints. If one is struggling to be able to give their children breakfast and lunch on a daily basis and make sure that they are provided with nutrition and they do not financially have the ability to ensure that they can do it themselves, staring down budget cuts that take that opportunity away from them is nothing short of cowardly. This is a cowardly budget reconciliation bill. It does not show any guts at all, and it abandons the American people.

Let us talk about housing. In the previous hour, we talked a little bit about the housing cuts that this budget-cut bill would hand down, and I am joined by my good and close friend whom I had an opportunity to serve with in now three different Chambers, the gentleman from Florida (Mr. MEEK). His district and my district were hit badly by a category 3 storm last week, Hurricane Wilma; and we were talking in the last hour about housing and the issues related to affordable housing that our constituents were already facing.

I want to just point out this picture here. Over the weekend I had an opportunity to go door to door in my district because there are so many senior citizens trapped in their homes without power. We still have half a million people who do not have power in south Florida. And, unfortunately, whether it is because of hurricane fatigue or just the fact that there was so much damage in the gulf coast region that it may be difficult to feel the pain that we are going through in south Florida and understand it, but there is not nearly as much attention as we need focused on what happened in south Florida.

When I was going to door to door in my district to try to help some of the folks who have trouble getting out of

their houses, and I am talking about people who are in their 80s and 90s, one of the apartments that the building captain in the condominium brought me into included this kind of damage. This is the result of Hurricane Wilma, and this is just one example. There are hundreds and hundreds of condominium units and apartment buildings and homes and mobile homes that look just like this.

There is a perception, whether it was created by the media or created by the lack of attention by the national media on what happened with Hurricane Wilma, that everything is fine in south Florida. Everything is not fine, Mr. Speaker, in south Florida.

This is the third floor apartment, and that is the ceiling of the apartment. And as we can see, we can look right through the ceiling at the sky. This is this woman's master bedroom; and literally during the storm, 1 minute after she walked out of that master bedroom, the roof caved in on her bed. A minute earlier and it would have caved in on her.

When we talk about the affordable housing problem that we already had, now we have thousands of people in south Florida whose homes have been condemned, who are faced with nowhere to go because the average price of a house just in Broward is $348,000 a year. The rental units, the monthly rent is sky high. And FEMA has literally only 300 inspectors in our State going through these homes to determine whether these people are going to qualify for assistance.

I yield to the gentleman from Florida.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) for yielding to me, and I can tell her right now that I shudder when I think about not only the devastation that took place in Hurricane Wilma but what took place in Rita and took place in Katrina and what happened today in the Budget Committee.

I want to make sure that the Members, Mr. Speaker, are fully aware about an act that I did not take part in, an act that not one Democrat on that committee took part in, an act that at least one Republican did not take part in, that is, delivering another catastrophic event to the victims of these three natural disasters.

□ 2230

The cuts that were made today in the Budget Committee, that I must add without one Democratic vote, but with Democratic amendments, to make sure that those victims do not become victims again, were devastating to these individuals; cutting Medicare, cutting programs that will help everyday working Americans, delivering another blow to the gut of the individuals who need us the most.

Let me tell you what the majority side is saying. ''Oh, we have to make these offsets to help the Katrina victims.''

Hello. No. We have to slap them in the back of the head and push them to the floor because they cannot fight us like the special interests that got what they wanted in this budget, that we are going to make them victims again. That is what that means.

So, I am so glad that we are bringing to light not only Katrina, not only Rita, but also Wilma; that many seniors in our district, and we talked about this a couple of nights ago, or even over the past weeks, we have been fighting for the independent commission so we can review not only the Federal response, but the State response and the local response.

Now, I just want to take two more minutes. Down in Florida with Wilma, when the response was not what it should have been, Governor Bush of Florida jumped out in front of the train and said, ''If you want to blame someone, blame me.'' Well, you know something, I have a message, not only for the Governor, but for anyone willing to step in front of an unorganized response to people in need, because I would say to the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Ohio (Mr. RYAN), it could be your communities next. It could be a terrorist attack.

So I guess the Governor could not do it in Mississippi, he could not do it in Louisiana, he could not do it in Alabama, he could not run over to Texas and jump in front of FEMA and say ''blame me.'' This is bigger than an individual. This is making sure we can respond to Americans.

I would say to the gentlewoman from Florida, I would make this point to what the gentlewoman is pointing out here, that what can you say to this senior that you are in his bedroom there, I believe that is his bedroom where the ceiling came down, or another person's bedroom fell down into their home.

Ms. WASSERMAN SCHULTZ. The woman had to leave that apartment.

Mr. MEEK of Florida. So it is a condemned apartment. She cannot live in it. Not only are there only 300 FEMA inspectors of over 100,000 and counting condemned residences in Dade, Broward and Palm Beach Counties. Even in Broward County, well over the number. We are going to send 300 people down there to inspect before we are able to assist them. That is the reason why we need an independent Katrina commission, to make sure we are able to respond to Americans in need.

So when folks come to the floor and start talking about, well, you know, I do not know why they are complaining, because everything seems to be okay and the lights are on here in the Chamber and democracy is strong, we have Americans out there that are suffering and we have to give them voice.

Mr. RYAN of Ohio. Mr. Speaker, if the gentlewoman will yield, I want to share with the Speaker and the American people to get this in the CONGRESSIONAL RECORD some of the e-mails that Brownie was sending on the day of the Katrina tragedy and the days after the Katrina tragedy.

First of all, this is about cronyism in politics at its best, a culture of cronyism and a culture of corruption. We see it all the time at the local, sometimes at the local level, but the way that the cronyism has permeated, permeated, the Federal Government with President Bush's friends is really absolutely sickening.

This is an article today out of CNN.com. The quotes are posted on websites. The gentleman from Louisiana (Mr. MELANCON), from New Orleans, has all of the quotes posted on his website from Brown, the former head of FEMA on the day of the Katrina tragedy. This is just startling. This is just startling.

First let me say that Mr. Brown spent a decade as the Stewards and Judges Commissioner of the International Arabian Horse Association. How he ended up as the head of the FEMA agency is beyond my ability as a human being to put into my head, to conceptualize. I cannot believe that the President would put someone who was the Commissioner of the International Arabian Horse Association in charge of FEMA. He did not get an appointment as an ambassador to a country that has a lot of beaches. He ends up in charge of FEMA after 9/11.

Here is what he says, one of the e-mails. Brown wrote to Cindy Taylor, FEMA's deputy director of public affairs the morning of the hurricane, ''Can I quit now? Can I come home?''

A few days later Brown wrote to an acquaintance, ''I am trapped now. Please rescue me.''

I mean, give me a break. A few days later, Brown is talking to his PR director, his press secretary, Sharon Worthy, about his attire, asking her, can you imagine this, asking her ''Tie or not for tonight? Button down blue shirt?'' He is asking her about what he should wear.

This is a couple days after Katrina, when the American people were watching on all the cable news channels people suffering in pools of water, flooding everywhere, nothing to eat, people who do not have their insulin, old folks starving to death, dehydrating, no water, no ice, and this guy is saying ''I am trapped now, please rescue me?'' Is that the kind of leadership we want? No. The United States wants leadership and we get cronyism.

A few days later, she says, this is his press secretary again, ''Please roll up the sleeves of your shirt, all shirts. Even the President rolled his sleeves to just below the elbow. In this crisis and on TV you just need to look more hardworking.''

You got to be kidding me. This is what your FEMA director is doing during Katrina? He is talking with his press secretary, who said roll up your shirt sleeves so you look like you are working.

Mr. MEEK of Florida. This is the person that we still have on the payroll to teach us what to do.

Mr. RYAN of Ohio. Still on the parole for $148,000.

Mr. MEEK of Florida. A culture of corruption and cronyism.

Mr. RYAN of Ohio. This is cronyism at its best, because this fellow is not the least bit qualified to be in charge of FEMA. The top 8 or 10 people of FEMA were all political appointments of people who were not qualified.

We want an independent commission to oversee this whole process. Why? Because this could have been a terrorist attack, and we have got someone in charge of responding to the terrorist attack who is talking about rolling up his shirt sleeves so he looks good on CNN.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, reclaiming my time, it is worse. It got worse from there. It was not just what he was doing with his attire, rolling up his shirt sleeves, but what he was wearing that they continued to talk about. On August 29, the day of the storm, Brown exchanged e-mails about his attire with Ms. Taylor, his press secretary again. She told him in the e-mail, ''You look fabulous.'' And Brown replied, ''I got it at Nordstrom's. Are you proud of me?''

An hour later he added, If you look at my lovely FEMA attire, you will really vomit. I am a fashion God.''

This is the day of the storm. He is still being paid $148,000 a year to advise FEMA, according to Secretary Chertoff, and change, give or take a dollar or two, to advise FEMA about what they should be doing in the aftermath.

Mr. RYAN of Ohio. And we are getting lectured to by people telling us that that party on that side of the aisle is responsible? Is this responsible? Is that good leadership? We have not seen good leadership out of this administration yet. Come on.

Ms. WASSERMAN SCHULTZ. The only thing that they are doing here is they have a lopsided partisan committee that is supposedly reviewing the aftermath of Katrina and FEMA's response. You know, I would feel much better about any review, although I strongly believe that there should be an independent Katrina commission, as do 81 percent of Americans, but if they had learned something between storms.

We have had three storms in two months, from Katrina to Rita and from Rita to Wilma. They have learned nothing. After my district and that of the gentleman from Florida (Mr. MEEK) district got hit by Wilma, and Secretary Paulison now in FEMA is a qualified professional, so at least they have that right now, but unfortunately FEMA still is not getting it right.

We still 10 days after the storm do not have a disaster recovery center established in Broward County or in Miami Dade County, a permanent one. There are seven mobile units between the two counties. We have more than 136,000 people in Broward alone who have applied for assistance, and they cannot get it yet because FEMA only has 300 inspectors in the whole state and they can do about 10 a day in terms of the inspections.

I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I think it has become clear to us, and, again, also I think it is important to note that many on the other side of the aisle have started to speak out. I know that requires considerable courage and that has to be acknowledged. But it is clear that if there could be an appropriate description of this administration, put aside philosophical differences, the fact is that they reflect an ideology that really in many respects is outside of the traditional, mainstream of Republican principles. But the word that I would use to characterize it is that, yes, it is cronyism, but at a fundamental level it has been an administration that has been incompetent.

So this is a question of ability to govern. We know that they do not like government. They see government as a problem. They do not like to govern. So I guess it is understandable. They want to starve government. They want to limit it. And that is a valid argument.

But there are times in this country when you need government. You need a strong military. You need to be prepared to defend the homeland. You need the kind of programs that can be run forthrightly, honestly and effectively that give every American a chance; a chance for an education, a chance for housing, for health care.

I think that this is all part of what we become when we are born as American citizens. We are participants in a social compact that says we are individuals and we have individual liberties and we will always advocate for those liberties, we will fight for those freedoms. But, at the same time, we have mutual responsibilities to each other. That is the essence of our greatness.

But if you do not like government, if you do not see a role for government, then you do not do a very good job when it comes to governance.

Mr. RYAN of Ohio. If the gentlewoman will yield further, I think the point really is that not only do they disrespect government, and if you disrespect something, it tends to not work appropriately, they see government as their little sandbox, and they see government as their opportunity to take care of their political contributors, to bolster their own political party.

Mr. DELAHUNT. Government, with all due respect, and I do not disagree, but what government is about, it is about representing the people.

□ 2245

Mr. RYAN of Ohio. I understand.

Mr. DELAHUNT. Mr. Speaker, it was the Founders that created representative government. The Founders believed in government. The Constitution created the government. We should be proud of our government, because this government has served well the American people for better than two centuries. But they do not like to govern. They do not care about governance. They do not need government. They do not need student loans. They do not need Medicare. They certainly do not need Medicaid. They do not need the kind of services that government can provide, because they believe that America could be best served by a society where individuals go their own separate ways.

Well, there has to be a balance if we are going to have a strong country and a strong America.

Yes, we can be critical, we can be very critical of the administration, but let us understand too that Congress has earned its share of blame for the mistakes of this administration, for the incompetence of this administration. Every student of American Government knows that it is the responsibility of Congress to oversee the executive, to take a look at what government agencies are doing.

But this Congress, and maybe this is a by-product of having a single party control all aspects of government, and we can understand that. It is difficult to criticize a President of your own party. You are reluctant to do that. That is natural. But more and more of our friends on the other side of the aisle are speaking out, and more Republicans outside of this institution are speaking out.

But it is the responsibility of the majority to work with the minority, in this case Democrats, to exercise oversight, to take a look at what is wrong, what is going wrong in this country today, and they refuse to. They are afraid, because if they start to peel off the onion, they are going to find something very ugly. And as Joe Gallaway recently wrote, and he happens to be the senior military correspondent for the Knight Ridder news agencies, that when the time comes to point a finger, do not forget, and he is speaking about the war, those who people the marble Halls of the U.S. Congress whose first duties seem to be to protect the Republican Party and their President.

That is the problem. How many times have Members, senior Members of the minority requested investigations, inquiries, oversight hearings into real problems? We heard earlier, for example, from this side, people talking about the troops and the need, the need to respect our troops. Yet, it was the Democrats that started to question the Department of Defense about why our troops were not outfitted with body armor. Why were they being compelled to use Humvees that were not properly armored? It was Democrats, along with a few courageous Republicans who said, you know what, we are not adequately funding health care for veterans. We can wave

the flag and speak of patriotism and send these young men and women to Iraq, but when they come home, they are not going to have the kind of health care that they deserve.

Mr. MEEK of Florida. Mr. Speaker, I just want to chime in to let the gentleman from Massachusetts know, sir, that we can do better.

Mr. RYAN of Ohio. Together we can do better.

Mr. MEEK of Florida. That is the reason why the Democrats fought hard in the Budget Committee to make sure that the Medicare cuts did not take place or put an extra burden on seniors, to make sure that we replaced the burden that the majority side here in this House, the Republicans, have put on students as it relates to student aid and student loans. $14 billion in fees for students. That means $14 billion in fees and taxes for parents in America, for grandparents in America.

We can do better. I am so glad that we sleep with our fists balled up here ready to fight on behalf of Americans every day. That is the reason why I feel excited every time we get the opportunity to come to this floor to offer an amendment, to come to this floor here in this special order, to be able to let not only the majority side know, the Republican majority because, I must say, and I want to remind everyone, the Republicans are in control of this House, the Senate, and the White House. So anyone that has anything to say, and that includes Members, about how the Democrats said this and the Democrats said that and they are doing this, we are not doing anything as it relates to pulling this country in reverse.

I am going to tell my colleagues right now, what went down in the Budget Committee today is shameful; it is really shameful. I just want to, as we work here as a working group, I just want to say, I want to make sure that the majority side, when that budget comes to this floor, that they abide by the rules of the House of Representatives. If there is a 15-minute vote, then let it be a 15-minute vote. If there is a grace period, 17, 20 minutes, okay. But we do not want to be here on this floor watching the majority side, the Republican side, twist arms to get the votes to pass an unjust budget.

Now, we held up a report earlier that the Republicans called for $35 billion in cuts for the very people they are trying to help, or they say they are trying to help; and then in the end game, it is $50 billion in cuts. Not a mumbling word, not a mumbling word about billionaires and moving that tax cut away from billionaires, just some of it for the offset. Not a mumbling word, not a mumbling word to the oil industry that is dancing in the street and people around here are putting in $5 and $10 in their tank because they cannot afford to fill their tank up. It is not because they like going to gas stations; it is the fact that they cannot afford to fill their tank up. So it does not matter what you are driving. You can be driving a small, compact car. $5 is $5, $10 is $10, $20 is $20. They cannot afford to fill up their gas tank because it costs so much, leave alone the fact that it is getting cold.

Mr. DELAHUNT. But the reality is, my friend, that they are taking good care of the oil companies. They are providing $16.5 billion in subsidies to the oil companies that are breaking all kinds of records in terms of profits. I cited the example of ExxonMobil, but that is only one out of four or five. In one quarter, in 3 months, their net profit was $10 billion.

Mr. Speaker, the truth is, and the facts are very clear, that the majority party, the Republicans in Congress, do believe in the welfare state. They are advocates of the welfare state, but it is restricted. It is restricted to a constituency, and that constituency is corporate America. Not small business America, not even midsized business, but the very largest corporations, whether they be pharmaceutical companies that they have given more than $100 billion worth of taxpayers' money in subsidies, but also oil companies, at the same time when oil companies are breaking records.

Mr. RYAN of Ohio. Mr. Speaker, there is also another welfare state: Iraq. We have forgotten to even bring this up tonight, but there is a welfare state in Iraq. And as they are cutting programs in the United States on student loans, do we know what they are doing in Iraq? They rehabbed 2,717 schools in Iraq. They trained 36,000 teachers in Iraq. As they are cutting Medicaid and Medicare in the United States, they have trained 2,000 health educators in Iraq, 3.2 million children vaccinated in Iraq, 110 primary health care centers built in Iraq. We have a welfare state in Iraq right now that is being funded by the American taxpayer at the same time that the Republican Congress is cutting funding for the United States citizens that live right here in this country.

So they take your public tax dollars and they give $16.5 billion of it to the oil companies, $100 million of it to the pharmaceutical companies, do nothing to reduce the cost of pharmaceuticals; they give between $200 billion and $300 billion to the welfare state in Iraq and, at the same time, they are cutting programs here in the United States of America. That is just corrupt. They put their party before the country.

We want to take this country in a new direction, change what is going on in this country, and create some independence from shakedown street.

Mr. DELAHUNT. Mr. Speaker, I have to tell my colleagues something about corruption. My colleagues have not seen anything yet.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman will yield, we talk in our 30-something Working Group here, I used to say every week; but now it's every night, about third-party validators, and I think it is important to have third-party validators so that we show the people who are hearing us tonight that this is not TIM RYAN's opinion or DEBBIE WASSERMAN SCHULTZ's opinion or KENDRICK MEEK's opinion or BILL DELAHUNT's opinion; this opinion is shared by many, many others.

The Republican leadership here, they talk a good line about faith and values. In fact, they base almost their entire campaigns, the case they make to the country, about how we need to restore family values, we need to restore values and faith, and there should be more faith injected into every aspect of our government. Well, let us see what the people of faith, our faith leaders are saying about these budget cuts that we are going to be considering next week.

Today, there were leaders from various faiths that joined in prayer at the Capitol. Those leaders included Reverend Dr. Bob Edgar, who is the general secretary of the National Council of Churches; Reverend Jim Wallis, founder of Sojourners and Convener of Call to Renewal; Rabbi David Saperstein, director of the Religious Action Center for Reform Judaism; and Eleanor Giddings Ivory, director, Washington office, Presbyterian Church. They had a press conference before the prayer and they called for a moral budget and urged Congress to stop immoral budget priorities. Let me just outline a few of the things that they said.

Reverend Wallis said, ''As this moral battle for the budget unfolds, I am calling on Members of Congress, some of whom make much out of their faith, to start some Bible studies before they cast votes to cut food stamps, Medicaid, child care and more that hurt the weakest in our Nation. Reverend Edgar of the National Council of Churches said, ''We gather today just days after Rosa Parks, the mother of the civil rights movement, lie in State here in the Capitol rotunda. Even as we celebrate her life and the strong witness she had for justice, we recognize that justice is hanging in the balance as this proposed budget, if passed, would hurt those who are most in need in our society: children, the elderly, and those living in poverty.''

I just want to quote from the remarks that Rabbi Saperstein made. He quoted the Bible and used the Bible's words to help our Republican colleagues understand the impact that they are making. He urges us to ''deal thy bread to the hungry,'' not ''steal thy bread from the hungry.''

Remember Proverbs' stern warning: ''Do not steal from the weak because he is weak and do not oppress the poor in the gate.''

Listen to the voiceless and to the Biblical imperative: ''Speak out for those who cannot speak for the rights of the destitute.''

These are the third-party validators who are our religious leaders that are urging this Republican leadership not to go down this path, not to pull out

the rug and the floor and literally burn the house down that people who are so badly in need in this country cannot afford to sustain.

□ 2300

Mr. MEEK of Florida. I just wanted to tell you, they are not a Democratic club or an independent voters club or a Republican club. They are our religious leaders that are calling upon this Congress to recognize their responsibility.

I can tell you right now, you know, I am a Baptist. But I do not have a lot of time, you know, Christian, Baptist. But here is the issue. I just wanted to make sure that we know exactly what we are doing. We know what we are doing. We know what they are doing. We want to make sure that we illuminate what they are doing because, when it comes down to it, if the Republican majority in this House was doing such a great job, then why do only 35 percent of the American people feel that we are doing a good job?

Now if it is only 35 percent of the American people, just do the math. A super majority of Americans feel that we are not doing our job. Why do they feel that the President, why is the President at his lowest approval rating of his entire administration at 35? Why is DICK CHENEY's approval rating at 19?

So when folks start coming to the floor swelling all up and carrying on and saying, you know, we salute one flag, and anyone else that has anything to ask or say about it, they are with the other folks, with the terrorists, with the enemy, why are they coming here? Why are not they doing certain things?

But I just want to make this point on this issue. I just wanted to make sure that we understand that we live in a democracy, and that we have the very people that the majority side is cutting the programs that help them the most, Medicaid, Medicare, being able to protect our environment in a way that it should be protected.

Democrats, what we did we made sure that we put forth amendments that will help everyday Americans, that we will be able to achieve the goals that we are supposed to achieve as Members of Congress. We also pushed a philosophy of making sure that we bring the budget back in balance. We made sure that for every time that someone puts forth a program that we have a way to pay for it, not just saying we are going to run over to China and say we are going to get the money, or not to say that we are going to pay for it on the backs of everyday Americans as it relates to including a budget enforcement measure to protect Social Security.

That is another pot that the majority cannot help themselves of going into and raiding all the time. It was this working group, amongst many others, that fought off the majority on this side of the aisle. We had 500 plus town hall meetings, a number of editorials, a number of editorial board meetings to make sure that we let America know what they were trying to do.

When I say they, I am talking about a Republican majority.

So, once again, I will close by saying this, that the Republicans are in control of this House by the majority, and in the Senate they have a majority, and the White House, they definitely have control of that. And the reason why I continue to say that is that I want to make sure that folks know that we are fighting a good fight here, but we need to make sure that the Republicans, Democrats, independents, those that are thinking about voting, registering to vote, get involved in this process.

Because I can tell you right now, I have some good friends that are Republicans, and they are very upset about what is going on right now. I have good friends that are Independents, and they make comments as it relates to what is happening here in this House.

But folks are saying, fiscal responsibility? Okay, you know I am a fiscal conservative because I say I am, not because of our acts.

This is a President that has not vetoed one spending bill. Not one. Not one.

Mr. RYAN of Ohio. Mr. Speaker, I want to share with the American people something we shared with them earlier in the last hour or 2 hours ago about being fiscally responsible. In fact, in the last 224 years, 42 Presidents, they borrowed $1 trillion from outside sources, other countries. Forty-two presidents, 224 years over a trillion dollars.

In the last 4 years, the Republican President with the Republican House and the Republican Senate have borrowed more than we have borrowed in the previous 224 years, over a trillion dollars from foreign countries, China, Japan, Saudi Arabia.

Here is the kicker. See, now they are the bank. Now China is the bank. Now they are already taking our jobs. Now they are holding the bank notes, and we got to pay interest on it.

Here is the kicker. Here is what just really frosts me. At the same time, China is graduating 600,000 engineers a year; and the United States is graduating 70,000. So what does the Republican majority do? After borrowing billions of dollars from the Chinese and watching them educate their kids and have 600,000 engineers when we only have 70,000, they raise the fees on student loans. They cut the education budget.

Then the kids who need health care, so that they can at least concentrate in school, so they are not sick, they cut that, too.

Where is the long-term vision from the Republican party?

Mr. DELAHUNT. If you think about it in terms of individuals and then extrapolate to nations, it is really easy to understand. We are borrowing a trillion dollars. Let us say we are borrowing, just for the sake of discussion purposes, half of that from the Chinese Central Bank, the Communist Central Chinese Bank. As you indicate, they are educating some 600,000 engineers. How do they pay for that? Well, you know how they paid for part of it? The American taxpayer, Mr. Speaker. When they pay the interest on the debt to the Chinese, that allows the Chinese to fund the education of some 600,000 students in technical schools in China.

Mr. RYAN of Ohio. So are you saying that the interest that the American taxpayer pays on the money we are borrowing from China is being invested on the Chinese people to create 600,000 engineers a year?

Mr. DELAHUNT. Well, we are paying for their education in China. We are paying for roads, 6,000 miles of roads in Iraq, 5,000 units of affordable housing, Mr. Speaker, in Iraq. We are paying for, you know, primary health care centers in Iraq; and you know what we are doing in the United States? We are cutting everything.

We built a beautiful dam, a magnificent dam, an absolute ultimate in terms of engineering to prevent flooding. And we are familiar now with floods. Clearly, the people in New Orleans, Mr. Speaker, are very, very familiar with floods. There was a problem with a levee in New Orleans in terms of the structural defects.

But the one that I am talking about, the dam that I am talking about, that engineering marvel that we built with taxpayer dollars, American taxpayer dollars, was not built in New Orleans. It was built in Mosul, Iraq.

Where are our priorities?

Ms. WASSERMAN SCHULTZ. Our priorities, apparently the priorities of this administration are in appointing unqualified people to run Government agencies like Michael Brown, whose priorities clearly were more on what kind of shirt he was wearing, as opposed to making sure that the people in the gulf coast States who were about to get and then did get hit by Katrina did get taken care of. And about whether to roll up their shirtsleeves and by appointing their college roommates to jobs, to making sure that you have well-qualified people in the Government.

It does not stop at Michael Brown. You have people who have been found to be wholly unqualified up and down the Government. You have corruption, through and through, from the top. At the White House, the first person working in the White House in 130 years to be indicted in 130 years.

You know, we have had quite a few scandals in White Houses past just in my lifetime, but never once has a White House official, an administration official working in the White House been indicted before 130 years ago. That is where their priorities are.

Mr. MEEK of Florida. If I may, I mean, it is just not an indictment that someone ran out and took a plane and took a plane to go see a basketball game and flew back on some private

company or something. It is not that. It is not something that reflects on personal judgment.

No, this is outing, Mr. Speaker, a clandestine CIA agent. That individual that goes in, and guess what? Guess what the agent's job was? To help us in finding out those countries that have weapons of mass destruction. To harm who? The United States of America. And because she was out, and now, you know, I am hearing that in the White House they are saying that the defense is going to be, well, you know, I have a lot of conversations in a day. I did not quite remember talking to a reporter about a CIA agent.

I am concerned, Mr. Speaker, because if that is something that you can forget, the time that you outed a CIA agent, and you forget it. You are like, oh, well, you know, I got coffee. Then I walked over here. You know, you do not just out a CIA agent.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it is really hard to keep track of all of the lies.

Mr. MEEK of Florida. You cannot violate national security when you have a security clearance, hello, that the four of us have. I said the other night, if I wanted to, you know, for political gain, talk about the things that I know as a Member of the Armed Services Committee, talk about the things that I know as a Member of the Homeland Security Committee for political gain, that would be horrible and a crime.

And it took place. You know, if it was just politics, I mean, people can understand. But someone could have lost their life. We do not know yet. And now her cover has been blown. A whole front that the CIA has has been blown. And those individuals that she has relationships with have been blown, all because some folks thought it would be good for political gain to be reelected to the White House.

Now I am going to tell you something right now, ladies and gentlemen, that we cannot allow this activity to continue.

As we started talking, I was handed a piece of paper here, because I was incorrect. The Congress approval rating is at 31. At 31. So anyone that wants to come to the floor chest-beating and patting yourself on the back, talking about I am doing a great job, let me tell you something on both sides of the aisle, we have to step it up on own our leadership. We have to step it up on our leadership, and we have to do it together on behalf of Americans. We have to do it together on behalf of Americans, not Democrats, not Republicans, not independents, not the special interests, not the folks that showed up at the fund-raiser last night.

We have got to make sure that we represent the United States of America and the people that pay taxes. We were Federalized when we were elected. So if folks feel, oh, well, I am here or here, and I do not need to worry about that, you are a Member of the United States Congress. You are a Member of the 109th Congress, and you have a responsibility to lead.

If you do not want to lead, I am going to tell you something, as sure my name is Congressman MEEK, I feel that the American people, Democrat, Republican, Independent alike, and even going back to what the gentleman was talking about, 224 years of individuals that were fiscally responsible, the Whig Party, okay, these individuals will rise up to make sure that we protect our country.

Mr. RYAN of Ohio. Do you know why? Because the kids that have to pay this debt, that $8 trillion, they are not just Republican kids, they are not just Democratic kids, they are kids born in the United States of America.

Mr. DELAHUNT. Do you know what the tragedy of this is? Let us put aside for a moment indictments and a discussion of who might be indicted in the future or misconduct that violates criminal statutes.

□ 2315

What is truly unfortunate here is that we have reached a point where there is a culture that exists here in Washington where if there is disagreement, if there is dissent that it is described as unpatriotic.

We have heard that I think earlier this evening on the floor, the inference being that if there is any dissent or disagreement, somehow motives can be inferred that that courageous individual, in my judgment, who speaks out in opposition is somehow unpatriotic.

There was an interesting article or column just recently by Jim Hoagland in The Washington Post where he said, Mr. President, he wrote a letter to President Bush, he said, Mr. President, would it not have been easier if you had just wrote a letter to the editor in response to the opinion piece that was produced by Mr. WILSON? Would that not have been welcomed by the American people, by Members of Congress?

But what has happened is no, let us design a plan to impugn that individual's integrity. Let us try to destroy that individual. Let us try to discredit him or her. That is not what democracy is about. In fact, today I read the White House had prepared a series of talking points attacking the former National Security Advisor, Brent Scowcroft, who recently went public in saying that the policies of this Bush administration as it relates to Iraq and the Middle East are a failure. They were preparing, according to Mr. Hoagland's column, talking points to attack him. We have got to get away from this politics of destruction and ad hominem attacks and questioning individuals's patriotism. That is not what we are about.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it is unfortunate that they do not appear to have any interest in that. Yet again, the cronyism and the culture of corruption continues because one would think that after Brownie they would have learned, who is still on the payroll.

Mr. RYAN of Ohio. $148,000 a year.

Ms. WASSERMAN SCHULTZ. $148,000 a year. They may have learned and bring in additional people who are qualified. Yet, the President just picked the FDIC, the Federal Deposit Insurance Corporation, chairman to run the gulf coast recovery. Let us peruse his qualification. He gave $100,000 to President Bush's Presidential campaign.

Mr. RYAN of Ohio. Corruption.

Ms. WASSERMAN SCHULTZ. He has 30 years' experience in the financial services industry.

Mr. RYAN of Ohio. Cronyism.

Ms. WASSERMAN SCHULTZ. It does not stop.

Mr. RYAN of Ohio. Incompetence.

Ms. WASSERMAN SCHULTZ. Because they have no interest in it stopping.

We are approaching the end of our hour, and I want to yield to the gentleman from Ohio (Mr. RYAN) and ask him to give out our Web site.

Mr. RYAN of Ohio. 30somethingdems@mail.house.gov.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ETHERIDGE (at the request of Ms. PELOSI) for November 2.

Miss MCMORRIS (at the request of Mr. BLUNT) for today on account of business in her district.

Mr. TIAHRT (at the request of Mr. BLUNT) for today on account of family obligations.

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. STUPAK) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. LEWIS of California, for 5 minutes, November 4.

Ms. HARRIS, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on November 1, 2005, he presented to the President of the United

States, for his approval, the following bill.

H.R. 3765. A bill 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.

ADJOURNMENT

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Friday, November 4, 2005, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

4931. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Cleveland Harbor, Cleveland, Ohio, change of location [CGD09-05-027] (RIN: 1625-AA87) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4932. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [CGD09-05-001] (RIN: 1625-AA11] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4933. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Cape Fear River, Eagle Island, North Carolina State Port Authority Terminal, Wilmington, NC [CGD05-05-018] (RIN: 1625-AA87) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4934. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; New Jersey Intracoastal Waterway [CGD05-05-012] (RIN: 1625-AA09) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4935. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Event; Labor Day Fireworks Display, South Lake Tahoe, CA [CGD11-05-022] (RIN: 1625-AA08) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4936. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Mill Creek, Fort Monroe, Hampton, Virginia [CGD05-05-078] (RIN: 1625-AA08) received September 8. 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4937. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zones; Charleston Harbor, Cooper River, SC [COTP Charleston 05-037] (RIN: 1625-AA87) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4938. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project [CGD13-05-033] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4939. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Delaware River, Philadelphia, PA and Camden, NJ [CGD05-05-097] (RIN: 1625-AA08) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4940. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Choptank River, Cambridge, MD [CGD05-05-075] (RIN: 1625-AA08) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4941. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Sunset Lake, Wildwood Crest, NJ [CGD05-05-076] (RIN: 1625-AA08) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4942. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Pasquotank River, Elizabeth City, North Carolina [CGD05-05-005] (RIN: 1625-AA08) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4943. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zones; Sector New Orleans; barges [USCG-2005-22429] (RIN: 1625-AA11) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4944. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Transfer of M/V WILLIAM G. MATHER, Cleveland, Ohio [CGD09-05-126] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4945. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Blasting Operations, Demolition of Bridge Piers: Sikorsky Bridge over the Housatonic River between Stratford and Milford, CT [CGD01-05-085] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4946. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Milwaukee River Challenge, Milwaukee River, Milwaukee, WI [CGD09-05-123] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4947. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Manasquan Inlet [CGD05-05-113] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4948. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River (LMR), Greenville, MS [COTP Lower Mississippi River-05-008] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4949. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zones: Fireworks displays in the Captain of the Port Portland Zone [CGD13-05-027] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4950. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Fireworks Display, Northwest Harbor, Baltimore Harbor, MD. [CGD05-05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4951. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Chesapeake Bay, Mathews, VA. [CGD05-05-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4952. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Potomac River, Washington, DC [CGD05-05-003] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4953. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; M/V Simco, St. Lawrence River, NY [CGD09-05-003] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4954. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Barge Recovery Operations in the Captain of the Port Portland Zone. [CGD13-05-005] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4955. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; LaQuinta Ship Channel, Corpus Christi, TX [COTP Corpus Christi-05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4956. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Houston Ship Channel, Upper Galveston Bay, Galveston Bay, TX [COTP Houston-04-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4957. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Houston Ship Channel, Upper Galveston Bay, Galveston Bay, TX [COTP Houston-04-003] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4958. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ohio River Mile 161.5 to Mile 203, Reedsville, OH [COTP Huntington-05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4959. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Port Canaveral Jetties, Port Canaveral, FL. [COTP Jacksonville 05-003] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4960. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zones; St. Johns Rover, Clay County, FL [COTP Jacksonville 05-004] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4961. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; St. Johns River, Jacksonville, FL [COTP Jacksonville 05-030] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4962. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Vincent Thomas Bridge, Los Angeles, CA [COTP Los Angeles-Long Beach, CA; 05-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4963. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ohio River miles 841.0 to 851.0, Uniontown, KY [COTP Louisville-05-001] (RIN: 2115-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4964. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ohio River mile 530.5 to mile 535.0, in vicinity of Markland Lock & Dam, Ghent, KY [COTP Louisville-05-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4965. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ohio River miles 526.5 to 536.5, Ghent, Kentucky [COTP Louisville-05-003] (RIN: 2115-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4966. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Green River mile marker 7.0 to mile marker 9.0, Spottsville, KY [COTP Louisville-05-004] (RIN: 2115-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4967. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Bayou Terrebonne Floodgate, Montegut, LA [COTP Morgan City-05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4968. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Delta Farms, Bayou Perot, LA [COTP Morgan City-05-013] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4969. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, Mile 169.5 to Mile 170.5, Darrow, LA [COTP New Orleans-04-039] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4970. A letter from the Director, Regulations and Disclosure Law Division, Department of Homeland Securtiy, transmitting the Department's final rule—Extension of Import Restrictions Imposed on Certain Categories of Archaeological Material from the Pre-Hispanic Cultures of the Republic of Nicaragua [CBP Dec. 05-33] (RIN: 1505-AB61) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. Supplemental report on H.R. 4128. A bill to protect private property rights (Rept. 109–262 Pt. 2). Ordered to be printed.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 3508. A bill to authorize improvements in the operation of the government of the District of Columbia, and for other purposes; with an amendment (Rept. 109–267). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 923. A bill to amend title 39, United States Code, to provide for free mailing privileges for personal correspondence and parcels sent by family members from within the United States to members of the Armed Forces serving on active duty in Iraq or Afghanistan; with amendments (Rept. 109–268). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Resolution 488. 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 (Rept. 109–269). Referred to the House Calendar.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 532. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–270). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. KNOLLENBERG (for himself, Mr. BLUNT, Mr. MORAN of Virginia, Mr. CAMP, Mr. KIND, Mr. ROGERS of Michigan, Mr. HOEKSTRA, Mr. RAMSTAD, Mr. DREIER, Mr. BOEHNER, Mrs. MILLER of Michigan, Mr. MCCOTTER, Mr. MANZULLO, Mr. KIRK, Mr. UPTON, Mr. RYAN of Wisconsin, Mr. KENNEDY of Minnesota, and Mr. EHLERS):

H.R. 4217. A bill to amend the Tariff Act of 1930 to allow United States manufacturers that use products subject to countervailing or antidumping duty proceedings or use domestic like products to participate in those proceedings as interested parties, and for other purposes; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 4218. A bill to amend the Internal Revenue Code of 1986 to provide a 100 percent deduction for the health insurance costs of individuals; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 4219. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 4220. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from an individual retirement plan, a section 401(k) plan, or a section 403(b) contract shall not be includible in gross income to the extent used to pay long-term care insurance premiums; to the Committee on Ways and Means.

By Mr. ADERHOLT:

H.R. 4221. A bill to amend the Internal Revenue Code of 1986 to provide special rules for the exchange or installment sale of certain agricultural property; to the Committee on Ways and Means.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. SHAYS, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Mr. LEACH, Ms. DELAURO, Mr. BERMAN, Mr. PAYNE, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. SANDERS, Mr. HONDA, Mrs. MALONEY, Mr. CASE, Mr. MCNULTY, Mrs. JOHNSON of Connecticut, and Mr. LARSON of Connecticut):

H.R. 4222. A bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for

other purposes; to the Committee on International Relations.

By Mr. PASCRELL:

H.R. 4223. A bill to prohibit cuts in Federal funding under the Medicaid Program until full consideration is given to recommendations of a Bipartisan Commission on Medicaid; to the Committee on Energy and Commerce.

By Mr. DAVIS of Tennessee:

H.R. 4224. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month) and that such individual's benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual's death; to the Committee on Ways and Means.

By Ms. DELAURO:

H.R. 4225. A bill to amend the Help America Vote Act of 2002 to require States to keep confidential the addresses of victims of domestic violence which are included in the State's computerized Statewide voter registration list, and for other purposes; to the Committee on House Administration.

By Mr. FRANK of Massachusetts:

H.R. 4226. A bill to authorize the conduct of small projects for the rehabilitation or removal of dams; to the Committee on Transportation and Infrastructure.

By Mr. HAYWORTH:

H.R. 4227. A bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program; to the Committee on Ways and Means.

By Mr. LARSEN of Washington (for himself, Miss MCMORRIS, Mr. STUPAK, Mr. LEVIN, Mr. DICKS, Mr. MCDERMOTT, Mr. SMITH of Washington, Mr. BAIRD, Mr. HASTINGS of Washington, Mr. MCHUGH, Mr. BASS, and Mr. OBERSTAR):

H.R. 4228. A bill to authorize the Attorney General to carry out a program, known as the Northern Border Prosecution Initiative, to provide funds to northern border States to reimburse county and municipal governments for costs associated with certain criminal activities, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself, Mr. SHAYS, Mr. INSLEE, Mr. CROWLEY, Ms. WASSERMAN SCHULTZ, Mr. BISHOP of New York, Mr. FARR, Mrs. CAPPS, Ms. ESHOO, Mr. BERMAN, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. WAXMAN, Ms. BALDWIN, Mr. DEFAZIO, Mr. ROTHMAN, Mr. HONDA, Mr. FILNER, Ms. SOLIS, Mr. FRANK of Massachusetts, Mr. MORAN of Virginia, Ms. MATSUI, Mr. GRIJALVA, Mr. LARSEN of Washington, Mr. GUTIERREZ, Mr. ENGEL, Ms. MCCOLLUM of Minnesota, Mr. KENNEDY of Rhode Island, Mr. HINCHEY, Mr. MCGOVERN, Mr. ACKERMAN, Mr. SABO, Mrs. MCCARTHY, Ms. DELAURO, Mr. EVANS, Mr. ISRAEL, Ms. WOOLSEY, Mr. KUCINICH, and Mr. WU):

H.R. 4229. A bill to require the Commissioner of Food and Drugs to determine whether to allow the marketing of Plan B as a prescription drug for women 15 years of age or younger and a nonprescription drug for women 16 years of age or older, and for other purposes; to the Committee on Energy and Commerce.

By Mr. POE (for himself and Mr. NEUGEBAUER):

H. Res. 531. A resolution honoring Abilene Christian University on it's 100th Anniversary; to the Committee on Education and the Workforce.

By Mr. REICHERT:

H. Res. 533. A resolution supporting the goals and ideals of Cambodian-American Freedom Day; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PASTOR introduced a bill (H.R. 4230) for the relief of Alejandro E. Gonzales; 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. 93: Mr. LEACH.
H.R. 97: Mr. GENE GREEN of Texas.
H.R. 128: Mr. CHANDLER.
H.R. 224: Mr. PASCRELL and Mr. GRIJALVA.
H.R. 297: Mrs. DAVIS of California.
H.R. 369: Mr. BURTON of Indiana and Ms. KILPATRICK of Michigan.
H.R. 475: Mr. CAPUANO.
H.R. 503: Mr. GOODE.
H.R. 616: Mr. WEXLER and Mr. HOLT.
H.R. 650: Mr. FEENEY.
H.R. 690: Mr. WALSH.
H.R. 699: Mr. HOLDEN and Mr. BERMAN.
H.R. 772: Ms. HERSETH, Mr. SANDERS, Mr. FATTAH, and Mr. BARROW.
H.R. 791: Mr. ANDREWS and Mr. DOYLE.
H.R. 838: Mr. DOYLE.
H.R. 844: Mr. CARDOZA.
H.R. 923: Mr. WEINER.
H.R. 994: Ms. SLAUGHTER, Mr. WELDON of Pennsylvania, Mr. SMITH of Texas, Mr. AL GREEN of Texas, Mr. SHIMKUS, Ms. SOLIS, and Mr. JACKSON of Illinois.
H.R. 997: Mr. BEAUPREZ and Mr. WOLF.
H.R. 1156: Mr. KUHL of New York.
H.R. 1227: Mr. JONES of North Carolina and Mr. KUHL of New York.
H.R. 1290: Mr. MENENDEZ.
H.R. 1366: Mr. KUHL of New York.
H.R. 1431: Mr. HINCHEY.
H.R. 1489: Mr. LEACH.
H.R. 1500: Mr. TURNER.
H.R. 1506: Mr. UDALL of Colorado.
H.R. 1582: Ms. BALDWIN.
H.R. 1591: Mr. LEACH.
H.R. 1602: Mr. DOYLE.
H.R. 1615: Mrs. MCCARTHY, Mr. HOLT, Mr. ROTHMAN, and Ms. LEE.
H.R. 1668: Ms. WOOLSEY.
H.R. 1736: Mr. KOLBE, Mr. LANGEVIN, and Mr. CHANDLER.
H.R. 1772: Mrs. MUSGRAVE.
H.R. 1801: Mr. BUTTERFIELD.
H.R. 1870: Mr. MARIO DIAZ-BALART of Florida.
H.R. 1898: Mr. RENZI, Mr. CARTER, and Mr. GENE GREEN of Texas.
H.R. 2134: Mr. MARKEY and Mr. BRADY of Pennsylvania.
H.R. 2317: Mr. CONYERS, Mr. ORTIZ, and Mr. MCCOTTER.
H.R. 2350: Mr. GORDON.
H.R. 2359: Mr. JACKSON of Illinois and Ms. KAPTUR.
H.R. 2412: Mr. CHANDLER.
H.R. 2531: Mr. TAYLOR of Mississippi, Mrs. MALONEY, and Mr. EVANS.
H.R. 2682: Mr. SOUDER and Mrs. MCCARTHY.
H.R. 2715: Mrs. MALONEY, Mr. GRIJALVA, Mr. SERRANO, Ms. MOORE of Wisconsin, Mr. JACKSON of Illinois, Ms. LORETTA SANCHEZ of California, Mr. MARKEY, Mr. FARR, Mr. UDALL of New Mexico, Mr. MCGOVERN, and Ms. WOOLSEY.
H.R. 2808: Mr. BRADY of Pennsylvania and Mr. HINCHEY.
H.R. 2812: Mr. BRADY of Pennsylvania.
H.R. 2861: Mr. JENKINS.
H.R. 2989: Mr. MATHESON and Mr. BARROW.
H.R. 3006: Ms. MCCOLLUM of Minnesota.
H.R. 3095: Mr. GOODE.
H.R. 3096: Mr. LARSEN of Washington.
H.R. 3101: Mr. MCHUGH.
H.R. 3127: Mr. MEEHAN, Mr. DAVIS of Kentucky, Mr. DEFAZIO, Mr. ISSA, Mr. GORDON, Mr. KENNEDY of Rhode Island, and Mr. NADLER.
H.R. 3137: Mr. SHAW and Mr. HUNTER.
H.R. 3145: Mrs. JOHNSON of Connecticut, Mr. PAYNE, Mr. MCHUGH, and Mr. FRANK of Massachusetts.
H.R. 3147: Mr. LAHOOD.
H.R. 3189: Mr. PITTS.
H.R. 3301: Mr. DOYLE, Mr. SODREL, and Ms. PRYCE of Ohio.
H.R. 3317: Mrs. MUSGRAVE.
H.R. 3385: Mr. TOM DAVIS of Virginia.
H.R. 3476: Mr. RUPPERSBERGER and Mr. FRANK of Massachusetts.
H.R. 3479: Mr. PAYNE.
H.R. 3505: Mr. CARNAHAN.
H.R. 3532: Mrs. MILLER of Michigan.
H.R. 3552: Mr. LEACH.
H.R. 3607: Mr. KUHL of New York.
H.R. 3630: Mrs. MCCARTHY and Mr. RUPPERSBERGER.
H.R. 3753: Mr. DAVIS of Kentucky.
H.R. 3774: Mr. GEORGE MILLER of California.
H.R. 3795: Mr. TAYLOR of Mississippi and Mr. STARK.
H.R. 3852: Mrs. CHRISTENSEN, Ms. WATSON, and Mrs. MCCARTHY.
H.R. 3931: Mr. CLEAVER and Mr. FRELINGHUYSEN.
H.R. 3943: Mr. GOODLATTE and Mr. CALVERT.
H.R. 3948: Ms. MCCOLLUM of Minnesota and Mr. TAYLOR of Mississippi.
H.R. 3950: Mr. MCDERMOTT.
H.R. 3957: Mr. MARSHALL and Mrs. NAPOLITANO.
H.R. 3968: Mr. FRANK of Massachusetts.
H.R. 3973: Mr. LEACH.
H.R. 3987: Mr. SESSIONS.
H.R. 3997: Mr. RENZI.
H.R. 4005: Mr. HOLDEN, Mr. GORDON, and Mr. BISHOP of Georgia.
H.R. 4030: Ms. BORDALLO.
H.R. 4032: Mr. GINGREY, Mr. JONES of North Carolina, Mr. ALEXANDER, Mr. ROYCE, Mr. CALVERT, and Mr. MCKEON.
H.R. 4033: Mr. SKELTON.
H.R. 4036: Mr. STRICKLAND.
H.R. 4049: Mr. FILNER.
H.R. 4073: Mr. SIMMONS, Mr. CONYERS, Mr. VAN HOLLEN, and Mr. RUSH.
H.R. 4078: Mrs. BONO, Mr. SHIMKUS, Mr. BURGESS, Mr. PICKERING, Mr. UPTON,
Mr. FERGUSON, Mr. ROGERS of Michigan, and Mr. WALDEN of Oregon.
H.R. 4083: Mr. WAMP, Mr. AKIN, Mr. PITTS, Mr. BARTLETT of Maryland, Mr. WESTMORELAND, Mr. PRICE of Georgia, Mr. FRANKS of Arizona, Mr. ISSA, Mr. FORBES, and Mr. MILLER of Florida.
H.R. 4099: Mr. POE, and Mr. DUNCAN.
H.R. 4126: Mr. LEACH.
H.R. 4145: Mr. KOLBE, Mr. MOORE of Kansas, Mr. BACA, Mr. BECERRA, Mr. HINOJOSA, Mr. PASTOR, Mr. SALAZAR, Ms. SOLIS, Mr. CARDOZA, Mr. COSTA, Ms. LORETTA SANCHEZ of California, and Mr. GORDON.
H.R. 4157: Mr. EHLERS.
H.R. 4158: Mr. BLUMENAUER.
H.R. 4163: Mr. WICKER.
H.R. 4167: Mr. COOPER, Mrs. JOHNSON of Connecticut, Mr. HASTINGS of Washington, Ms. GINNY BROWN-WAITE of Florida, Mr. BISHOP of Utah, Mr. LOBIONDO, Mr. SHAW, Mr. MURPHY, Mr. WALDEN of Oregon, Mr. MCHENRY, Mr. PLATTS, Mr. RYAN of Wisconsin, and Mrs. MYRICK.

H.R. 4179: Mr. CHANDLER and Mr. POMEROY.

H.R. 4190: Mr. BACA, Mr. SANDERS, and Ms. SCHAKOWSKY.

H.R. 4196: Mr. OBERSTAR, Mr. SERRANO, and Mr. LANTOS.

H.J. Res. 38: Mr. SWEENEY.

H.J. Res. 70: Mr. CROWLEY, Mr. FARR, Mr. LARSON of Connecticut, and Ms. DEGETTE.

H. Con. Res. 10: Mr. SMITH of Washington.

H. Con. Res. 42: Mr. CANNON.

H. Con. Res. 106: Mr. FEENEY.

H. Con. Res. 137: Mr. SHERMAN.

H. Con. Res. 190: Mr. SCOTT of Georgia.

H. Con. Res. 230: Mrs. MALONEY, Mr. UPTON, Mr. WALSH, Ms. PRYCE of Ohio, Ms. ROYBAL-ALLARD, Mr. SMITH of Washington, Mr. REYNOLDS, Mr. OTTER, and Mr. TOM DAVIS of Virginia.

H. Con. Res. 260: Mr. UDALL of Colorado and Mr. LIPINSKI.

H. Con. Res. 278: Mr. CLAY, Ms. SCHWARTZ of Pennsylvania, Mr. CLEAVER, Mr. THOMPSON of California, Ms. JACKSON-LEE of Texas, Mr. ROSS, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. EHLERS, Mr. CHANDLER, Mr. MCDERMOTT, Mr. OWENS, Mrs. MCCARTHY, and Mr. MANZULLO.

H. Con. Res. 287: Mr. BERMAN, Mr. BACA, Mr. MCNULTY, Mr. BRADY of Pennsylvania, Mr. LANTOS, Mr. DAVIS of Alabama, Mr. CLEAVER, and Mr. TAYLOR of Mississippi.

H. Con. Res. 289: Mr. MCDERMOTT, Mr. FARR, Ms. LEE, Mr. DOGGETT, Mr. SMITH of Washington, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. BROWN of Ohio, Mr. EVANS, Ms. BEAN, Mr. WOLF, Mr. CONYERS, Ms. HARMAN, Mr. BLUMENAUER, Mr. WEXLER, Mr. CASE, Ms. CARSON, Mr. MCINTYRE, Mr. HINCHEY, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 123: Mrs. MCCARTHY.

H. Res. 215: Mr. DOOLITTLE and Mrs. JO ANN DAVIS of Virginia.

H. Res. 223: Mr. DAVIS of Florida, Mr. SCHIFF, Ms. LEE, Mr. PAYNE, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 371: Mrs. MUSGRAVE.

H. Res. 438: Mr. SCOTT of Georgia, Mr. RUPPERSBERGER, Ms. HERSETH, and Mr. ACKERMAN.

H. Res. 466: Mr. SCHIFF.

H. Res. 472: Ms. PELOSI.

H. Res. 477: Mr. ACKERMAN and Ms. WASSERMAN SCHULTZ.

H. Res. 487: Mr. COSTA, Mr. NUNES, Mr. REICHERT, Mr. FOSSELLA, and Mr. SCHIFF.

H. Res. 498: Mr. UDALL of Colorado.

H. Res. 504: Mr. EHLERS, Mr. PITTS, and Mr. BURTON of Indiana.

H. Res. 505: Mr. DAVIS of Illinois, Ms. MCKINNEY, Mr. FILNER, Mr. STARK, Ms. KAPTUR, Mr. MEEKS of New York, Mr. ALLEN, Mr. PRICE of North Carolina, Mr. BROWN of Ohio, Ms. SCHWARTZ of Pennsylvania, and Mr. BISHOP of New York.

H. Res. 517: Mr. SMITH of Washington, Mr. MEEKS of New York, and Mr. BOEHLERT.

H. Res. 526: Mr. GRIJALVA.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 4011: Mr. TOWNS.

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PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

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Senate

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

Almighty God, who gathers the waters of the sea together as a heap, Your counsel stands forever. Lord, keep us today both outwardly in our body and inwardly in our souls.

Give us the health and strength we need for today's journey. Help us to avoid the pitfalls of too much and too little. Prevent us from driving ourselves to exhaustion or growing weak through too much ease. Keep our minds at rest and peace as we trust You moment by moment.

Bless our Senators. Save them from being so busy with things which are seen and temporal that they forget the things which are unseen and eternal.

Bless us all in body, soul, and spirit that we may learn to rest in Your love. Let Your eye be on those who fear You and who hope in Your mercy. We pray in Your loving Name.

Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, we will shortly begin this morning's session with a rollcall vote on the adoption of the conference report to accompany the Agriculture appropriations bill. After that vote, we will resume the deficit reduction reconciliation bill. All time expired last night, and therefore we will begin a series of rollcall votes in relation to the pending amendments. We will, in a few moments, enter into an agreement which states the order for those votes. At this time, there are approximately 16 pending amendments that we would need to vote on.

Following those votes, additional amendments may be offered, and therefore the voting sequence would continue. This stacked series of votes could be very lengthy, but we will continue voting until we complete the deficit reduction bill or up until 6 o'clock tonight. I hope and believe we can finish this afternoon, but that will depend on the number of amendments and how many will be offered over the course of the so-called vote-arama that we will be in a little bit later today. We have asked Senators to remain in and around the Senate Chamber over the course of the day to avoid missing any recorded votes. These vote-aramas are very trying as the day goes on so I do wish to thank everybody in advance for their patience during what will be a very busy session of voting today.

ENERGY INDEPENDENCE AND ANWR

Mr. FRIST. Mr. President, over the past couple of weeks prices at the pump have been steadily falling—thank goodness. After the shock of paying nearly $3, sometimes over, sometimes well over $3 a gallon, families are finally getting some relief when they are filling up their cars or trucks, automobiles with gas. Gas prices are finally back to pre-Katrina levels.

And that is the good news. The bad news is that prices are still much higher than they were a year ago. Americans are paying significantly more to fill up their cars, their automobiles with gas. And as we all know with winter right around the corner, home heating costs threaten to literally break the family bank.

Meanwhile, America's oil companies are making multibillion dollar profits, record profits. You could not miss the news last week that oil companies posted these record-breaking profits with one company posting the biggest profit in U.S. history. So while Americans have been reeling from Katrina, standing in long lines at the pump at gas stations following Katrina and the other hurricanes and their cutting back on the necessities of everyday life, what they see are oil profits that are booming, going off the chart. And we have constituents naturally calling and writing and e-mailing saying, Why? How could that possibly be?

Literally, what they see is pumping gas and watching the little figures come up higher and higher and higher, seeing money go out of their pocket and then going home and turning on the news and seeing that the coffers of oil companies, that same money going into the gas tank almost being in the coffers of these large oil companies, and they are asking why.

I think these are legitimate questions, and Americans do have the right to know what is going on. Is this the way the market works and, if so, what are those dynamics? They need to know why those gas prices and those oil and natural gas prices are so much higher than they used to be at the same time these profits are off the chart.

That is why last week I asked Chairman DOMENICI and Chairman STEVENS to hold a joint hearing to be able to answer those basic questions. Next week, several executives will be coming in from some of the biggest oil companies to explain. We may well learn that there are no sinister reasons behind all

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

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this, but I think we all agree that our free market works best when we all know and we all follow the rules of the road and all have confidence in that system.

That is what the focus of those hearings will be. If there are people abusing the free enterprise system to advantage themselves or their businesses at the expense of everyday Americans, they need to be exposed and they should be ashamed.

Next week's hearings will help shed light on this very important matter.

Meanwhile, the Senate is also working to strengthen and secure America's energy supply. Indeed, we are doing it, in part, in the bill that we will be voting on over the course of today.

Last summer, the Senate passed a comprehensive energy plan that looked, in terms of framework, at production, at consumption, at conservation, at alternative uses of fuel, at nuclear, at hydrogen, at the investment of science and technology to make fuel use more efficient, and that was a good first step. But we have a lot more to do.

When you go home and you are talking to constituents and you say: What if I told you that most of the oil that you are pumping into your gas tank comes from overseas, from foreign sources, from countries that are very specifically hostile to the United States, and what if I told you that the United States has barely 45 days' worth of oil on hand in our own Strategic Petroleum Reserve, the answer is obvious. You would want to diversify your energy sources, you would want to move toward energy independence, and that is exactly what we need to do.

Now, if I told you that in the United States we have untapped oil reserves comparable to all of the oil in Arizona, California, Oregon, Washington, Idaho, Montana, Wyoming, Colorado, Utah, New Mexico, North Dakota, and South Dakota combined, you would want to find it since it is here and get it to the American people.

Well, we do have that resource. It is in Alaska under the Arctic National Wildlife Reserve, ANWR. We all know ANWR is the Nation's single greatest prospect for future oil. The Government estimates that ANWR contains approximately 10.4 billion barrels of technically recoverable oil. At peak production at this one site could be produced more oil than any other U.S. State, any other State in this country, Texas or Louisiana, from this one site.

In 1968, the Federal Government estimated that Prudhoe Bay held 9 billion barrels of oil. To date, Prudhoe Bay has produced 13 billion barrels and it is still producing. Now, more than ever, we need to recognize the need to strengthen America's oil supply and now we have the opportunity to do that. America can't afford $3 a gallon, and we can't afford to depend on sources many of which are hostile to the United States.

Some critics complain that drilling in ANWR will hurt the environment. It is simply not true. It was stated again and again in the Chamber yesterday and explained, the prospective drilling site is an area equivalent to the size, if you took a tennis court, of a single postage stamp.

State-of-the-art drilling technology has made remarkable advancements to preserve and protect the environment. It is now possible to extract oil using that horizontal drilling technique from a site that could reach way out from a site that is very tiny, as you look at it on the horizon or area. These are called extended reach wells. We talked yesterday about how far out you can go. You can go out horizontally twice as far as you can vertically, therefore reducing the number of drilling sites.

Developing the Reserve will create hundreds of thousands of jobs for hard-working Americans. It will contribute billions to the economy and strengthen America's energy independence. The oil in ANWR is critical to our economic and national security. I look forward to the vote today on developing this tremendous resource. Responsible, environmentally sensitive exploration will help ease the bottom line for every American family. We are working hard to deliver real solutions for the real problems facing the American people by taking strong, decisive action. Indeed, by today's floor action, we are moving America forward.

ORDER OF PROCEDURE

AMENDMENT NO. 2347 WITHDRAWN

Mr. FRIST. Mr. President, I ask for the regular order with respect to amendment No. 2347 and I ask that the amendment be withdrawn. I further ask unanimous consent that the Senate proceed to votes in relation to the pending amendments in the order offered; provided further that there be 2 minutes equally divided for debate prior to the votes in relation to any of the pending amendments, in addition to any second degrees offered.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, has the majority leader completed his statement?

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. REID. I thank the Chair.

THE BUDGET

Mr. REID. Mr. President, I strongly oppose the Republican budget and the package of reconciliation bills we will be debating and have debated this past week. The Republican budget and the reconciliation bills are fiscally irresponsible and simply will increase the deficit, which is already staggering—$8 trillion.

The budget and these reconciliation bills are based on the wrong values. They harm vulnerable Americans. And these cuts simply provide tax breaks for special interests. With so many other serious problems facing middle-class families and our Nation, the decision to focus on this reconciliation legislation reflects seriously misplaced priorities. Certainly, together we can do better than this.

The budget of the United States ought to be a mirror of our Nation's values. The budget should reflect what we think is important, what we care about and what we don't. It says a lot about who we are and what we value as a people and a nation, this thing we call the budget.

In essence, a budget is a moral document. Unfortunately, the Republican budget is an immoral document. That is not my term, Mr. President. That is the conclusion of some of our Nation's leading religious leaders who, citing scripture and the Bible, have urged all of us to oppose this budget reconciliation process. As Bishop Mark Hanson, the presiding bishop of the Evangelical Lutheran Church in America, put it, ''This is not the time to cut . . . important programs while using the cuts to pay for tax breaks for those who don't need them.''

My Republican friends will portray their budget as a way to reduce the deficit. In truth, their budget and these reconciliation bills actually make the deficit worse. In fact, debt under their budget would go up by about $3 trillion in just 5 years. That is fiscally responsible? No. It is irresponsible at any time but especially when we should be saving to prepare for the baby boomers' retirement.

Let's review a little bit of the history. When this administration came to power, our Nation had finally put our fiscal house in order. After many years of deficits and raids on Social Security to pay for other programs, Democrats, without the help of a single Republican vote, stopped that practice.

As a result of our efforts, this Nation ran a surplus from 1998 through 2001, and it was projected we would enjoy surpluses as far as the eye could see. At the time, our future looked so bright that many economists, including Alan Greenspan, seriously worried about what would happen to financial markets if we eliminated our debt altogether. Unfortunately, in these 5 short years, with Washington Republicans in control of the House, the Senate, and the White House, we have moved from a period of record surpluses to a time of record deficits. Once again, we are raiding Social Security, and the deficits in each of the last 3 years have been higher than at any time before President Bush took office.

This year, Social Security has had taken from it—I don't know the exact amount—about $175 billion to mask the deficit. The latest Republican budget before us will make matters even worse. While the majority has divided its budget in a way that obscures its overall effect, nobody should be fooled.

Viewed as a whole, budget reconciliation would increase the deficit by more than $30 billion. After 5 years under their budget, our national debt would exceed $11 trillion.

But the problems with their budget go well beyond its fiscal irresponsibility. This budget reflects the wrong values. It puts more burdens on those already struggling. And if that isn't bad enough, it takes the sacrifices it demands of the less fortunate to partially pay for another round of large tax breaks for the elite of this country.

Let's look at what is in the bill before us.

The budget increases burdens on America's seniors by increasing Medicare premiums, and we have not seen what the House is going to give us.

It cuts health care, both Medicare and Medicaid, by a total of $27 billion.

It cuts support for our farmers by $3 billion.

It cuts housing.

It allows drilling in an Alaskan wildlife refuge, at the behest of the oil and gas industry, even though this year they are going to make a $100 billion profit.

If we take a look at what is happening in the House of Representatives, we can see what is likely coming down the pike from them:

> Student loan cuts, food stamp cuts, cuts in child support enforcement, deeper and more painful cuts in health care.

Why? Why are we using expedited procedures for cuts that will harm millions of seniors and working Americans? Is it to reduce the deficit or to pay for Katrina? No; no on both counts. Is it to prepare for the avian flu? No. It is to provide congressional Republicans fiscal cover today so they can turn around tomorrow to provide tax breaks to special interests and multimillionaires.

Let me be more specific. The capital gains and dividend tax breaks in the Republican budget would provide 53 percent of its benefits to those with incomes greater than $1 million. Those lucky few would get an average tax break of about $35,000.

What about those with incomes between, say, $50,000 and $200,000? Well, they will get an average cut of $112. How about those with incomes of less than $50,000? Six dollars—$35,000 for those with incomes of more than $1 million, $6 for those earning less than $50,000. And to partially pay for these tax breaks, many Republicans now want to cut Medicare, cut Medicaid, cut agriculture, cut housing, cut student loans, cut child support enforcement, cut services on which Katrina survivors should be relying, cut benefits needed by our Nation's most vulnerable Americans.

Now you know why some of our Nation's most respected religious leaders call this budget immoral. These choices do not reflect the best of American values. That is not what Americans would want. America can do better.

Finally, beyond the fiscal irresponsibility of this budget and the disturbing choices it makes, there are other more important priorities the Senate should be addressing. Take, for example, skyrocketing prices of fuel. Families are struggling to fuel their vehicles and heat their homes. Farmers and businesses are feeling the pinch. Democrats have a plan to respond, to address price gouging, and ultimately make our Nation energy independent. That is more important than harming the vulnerable to provide tax breaks to special interests while increasing the deficit.

Hurricane survivors are still struggling. Thousands lack health care coverage. More than 200,000 still live in motel and hotel rooms. Devastated communities have been forced into massive layoffs and are unable to provide even basic services, such as a place for kids to go to school. And many survivors who have lost everything are facing the threats of foreclosure and bankruptcy in homes that do not even exist. Democrats have a plan to address these urgent needs. That is more important than harming the vulnerable to provide tax breaks to special interests and multimillionaires while increasing the deficit.

The Iraq war is not going well, as we all know. We were promised by this administration that it would. Mr. President, 2,036 American soldiers have been killed in Iraq. Tens of thousands have been wounded, badly injured; 150,000 more are still in harm's way in Iraq, while the administration still has no plan to end the conflict and bring them home. Instead of being greeted as liberators, the violence continues nearly 3 years after the start of this conflict. Our Nation badly needs a strategy for success, and that, too, is more important than harming the vulnerable to provide tax breaks to special interests and multimillionaires while increasing the deficit.

I urge my colleagues to defeat this budget piece by piece. It is fiscally irresponsible. It is based on the wrong values and reflects the wrong priorities. I would hope together we could do better. Let's reject this budget, and let's focus on the real needs of the middle class and our Nation.

APPROPRIATIONS FOR AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—CONFERENCE REPORT—Resumed

Mr. KERRY. Mr. President, while I recognize there are good things in this bill, today I will be voting against the Agriculture appropriations conference report for two primary reasons. One, it delays the implementation of the country- of-origin labeling for beef and other foods. U.S. consumers deserve to know where their food is grown and processed, and domestic producers deserve the opportunity to differentiate their products from foreign imports. While mandatory country-of-origin food labeling passed as part of the 2002 farm law, its implementation continues to be delayed and this bill would delay it an additional 2 years.

My other primary concern is that the bill cuts funding for many important conservation programs, such as the Conservation Security Program. Since the farm bill was enacted in 2002, the USDA conservation programs have taken hits year after year. They have been used repeatedly as a source of offsets to fund other needs. Including this conference report, the annual appropriations measures from fiscal year 2003 through fiscal year 2006 have cut $1.13 billion in mandatory funds that we dedicated to conservation in the farm bill.

I appreciate the hard work of the chairman and the ranking member, but what came back from the House is not good for our Nation's farmers, it is not good for consumers, and it is not good for conservation. I will, therefore, be voting against it.

Mr. MCCAIN. Mr. President, today the Senate will vote on the conference report to H.R. 2744, the Agriculture Appropriations bill for fiscal year 2006. Unfortunately, I cannot support final passage of this bill.

The conference agreement to H.R. 2744 appropriates about $100.9 billion in spending, an amount that is approximately $848 million over the administration's request, $258 million more than the Senate-approved bill and $660 million more than the House-passed bill. As is the case with many of the appropriations bills that come to the floor, this bill and its accompanying report contain earmarks and pork projects which have not been authorized or requested.

I believe that some Federal involvement is necessary to assist low-income families under the Food Stamp Program and that we ensure that our farmers stay out of the red. And to this end, many of the programs under the Agriculture Department are worthwhile and I support their funding. I know that many of my colleagues have spoken before the Senate about the economic struggles of America's farmers, but as Congress looks ahead towards legislating a new farm bill in the near future, we once again conform to the practice of diverting taxpayer dollars into an array of special interest pork projects.

Let's take a look at some of the earmarks that are in this bill: $350,000 for a report on the economic development of the sheep industry in the United States; $1,250,000 for the National Sheep Industry Improvement Center; $210,000 to the Little Red River Irrigation project, Arkansas; $1,800,000 for the Muskingam River Watershed, Mohican River, Jerome and Muddy Fork obstruction removal projects, Ohio; $1,000,000 for a flood prevention project

in Kane County, Illinois; $200,000 for a grant to administer a private lands wildlife management program in Alaska; $1,000,000 for a grant to the Ohio Livestock Expo Center in Springfield, OH; $2,250,000 for a grant to the Wisconsin Federation of Cooperatives for pilot Wisconsin-Minnesota health care cooperative purchasing alliance; $200,000 for a grant to the Utah State University for a farming and dairy training initiative; and $500,000 for a grant to the Nueces County, Texas Regional Fairground.

It is a violation of Senate rules to legislate on an appropriations bill, and this fact is far too often overlooked. Authorizing policy is a function reserved for the authorizing committees, not the appropriations committee. As is done far too frequently, this appropriations bill includes a variety of policy changes. Examples include:

The conference agreement authorizes the purchase of land by the Agriculture Research Service in Florence, SC.

The conference agreement authorizes the lease of 40 acres of Federal ARS land to the Colorado State University system.

The conference agreement authorizes the ARS to convey 19 acres of Federal land to Oktibbeha County, MS.

The conference agreement allows for the granting of easements at the Beltsville, MD, Agricultural Research Center.

The conference agreement amends the Rural Electrification Act of 1936 regarding Federal loans.

The conference agreement amends the Immigration and Nationality Act.

The conference agreement amends the Organic Food Production Act of 1990.

The conference agreement amends the Federal Meat Inspection Act.

The statement of managers that accompanies this conference report also includes hundreds of earmarks and questionable projects. Here are some examples: $300,000 for beaver management in North Carolina; $625,000 for game bird predation work with the University of Georgia; $50,000 for control of feral hogs in Missouri; $50,000 for animal tracking projects in the State of Washington; $380,000 to continue control measures for minimizing blackbird damage to sunflowers in North Dakota and South Dakota; $196,000 for geese control in the State of New York; $75,000 for research into peanut production, Dawson, GA; $75,000 for research into seafood waste, Fairbanks, AK; and $250,000 for turf grass research, Beaver, WV.

Despite high gas prices, despite a swelling budget deficit, despite our military operations overseas, and despite our domestic emergencies, pork continues to thrive in good times and bad. The cumulative effect of these earmarks erode the integrity of the appropriations process and, by extension, our responsibility to the taxpayers. We can do better for our farmers and the American people.

Mr. DORGAN. Mr. President, I voted to reject the conference committee's report on the fiscal year 2006 Agriculture appropriations bill. There is much about this bill that I support. It funds important research in North Dakota and across the country that will greatly benefit American agriculture.

I voted against the conference report because of how it treats an important issue called country-of-origin labeling. The 2002 farm bill required that fruits, vegetables, seafood, and meat sold in grocery stores and supermarkets be labeled with its country of origin. This is a consumer-friendly, farmer-friendly, rancher-friendly law, and I strongly supported it. After all, if we can look at a label on our T-shirt and know where it came from, we should be able to do the same with the T-bone steak on our dinner plate.

Country-of-origin labeling, or COOL, was supposed to begin in September 2004. If we had followed the law we passed in the farm bill, American consumers would today be able to know where their food comes from, and our farmers and ranchers would be reaping the benefits. Unfortunately, 2 years ago, opponents of this commonsense law hid a provision in a massive spending bill that delayed the start date for COOL until 2006.

COOL is the law of the land. The Senate has voted overwhelmingly in favor of it. It should have gone into effect years ago. So I was outraged to learn there was another 2-year delay of COOL in this year's Agriculture Appropriations bill.

I knew some opponents of COOL wanted to delay this important program. But I expected that when the conference committee met to write a final version of the Agriculture appropriations bill, we would get a chance to debate this issue and vote on it, in public. Instead, a handful of Republican Senators and Representatives went behind closed doors and decided on their own to delay the program for an additional 2 years.

That is an outrage. I voted no today because I think we should send this bill back to the conference committee and force the conference committee to vote on this issue.

Mrs. CLINTON. Mr. President, today I discuss the Agricultural Appropriations conference report, which recently passed the Senate. Though I was not pleased with all aspects of the final report, I voted in favor of this bill because I support New York farmers and consumers.

I am proud to support the increases made to the Food Stamp Program, which is vital to feeding New York families and children.

The Food Stamp Program plays a critical role in fighting hunger and ameliorating poverty in both our urban and rural communities. This program provides critical resources to millions of low-income families with children, seniors and individuals with disabilities.

In addition, hundreds of thousands of displaced evacuees are currently in need of critical food assistance due to Hurricanes Katrina and Rita. As the Nation works to recover and rebuild from these devastating natural disasters, the widespread need for increased assistance demands that Federal Government food relief efforts be expanded, not cut.

I also welcomed increased funding to child nutrition programs, though I was upset to see that New York State was not included in the USDA's Fruit and Vegetable Program this year. I will continue to work with my Senate colleagues on the Agriculture Committee to ensure that New York is added next year. New York children deserve to have access to fresh produce in their lunch lines and in their schools.

These positive aspects of the bill won my support for the bill as a whole. However, the bill has several important flaws that I must make note of. I am dismayed by the decision to cut funds to the Conservation Security Program, CSP, which provides voluntary incentives for farmers and ranchers to participate in efforts to preserve and enhance their farmland, their natural resources and the environment.

Five watersheds in New York State are currently eligible for CSP sign up in FY 2005—Ausable, Northern and Southern Long Island, Buffalo and Niagara—and about 2,860 farms and over 436,000 acres are enrolled. Two additional New York State watersheds have been proposed to be added to CSP for FY 2006—East Branch Delaware and Oak Orchard—which would add an estimated 1,800 new farms and almost 390,000 acres to the program. Due to the drastic nature of the cuts to the Conservation Security Program, these contracts to New York State farmers are in jeopardy.

I am also extremely disappointed by several of the provisions that were included in the conference report, particularly the decision to once again delay mandatory country-of-origin labeling. This provision was inserted behind closed doors and does not serve the interests of producers and consumers in my state of New York.

The 2002 farm bill required that the U.S. Department of Agriculture write rules and implement mandatory country-of-origin labeling, COOL, of meat products, seafood, fresh and frozen fruits and vegetables, and peanuts by September 2004.

My producers want mandatory COOL because it will give them a competitive advantage over foreign goods, particularly for the fresh market specialty crops that New York produces. It is also good for consumers, who will be able to make an informed choice and buy food produced closer to home. In addition, mandatory COOL will enhance food safety through increased traceability of our food products and will better protect animal and human health.

Despite practical suggestions from small farmers and ranchers for streamlining the country-of-origin labeling process, I am disheartened to see that the decision has instead been made by agribusiness, which doesn't want consumers to know where food comes from.

While I voted for this bill because I feel that it is imperative to keep agriculture and nutrition programs moving forward, I hope to continue to work with my Senate colleagues to address some of the shortcomings in the future.

Mr. CONRAD. Mr President, the fiscal year 2006 Agriculture appropriations conference report was written under some very difficult spending constraints compared to the needs of U.S. agriculture. Because the bill contains many positive elements for North Dakota agriculture, I intend to vote for its passage. However, I am deeply concerned that the appropriators have again adopted a delay in the implementation of the mandatory country-of-origin labeling for U.S. agricultural products. This provision is broadly supported by U.S. farmers and livestock producers who wish to be able to differentiate their products in the marketplace. It is also supported by our consumers who desire to know where their food is produced. It is unfortunate the conference failed to represent those interests.

Mr. SALAZAR. Mr. President, I rise to speak about the fiscal year 2006 Agriculture appropriations bill. I want to thank Chairman BENNETT and Ranking Member KOHL for their long, hard work on this important bill. In the current fiscal environment, it is extremely difficult to put together an Agriculture appropriations bill that meets the needs of rural communities across the U.S., and I believe that Senators BENNETT and KOHL have done an admirable job.

I am very pleased that two of my amendments that were adopted during Senate consideration of this bill were included in the final conference report—specifically, my first amendment will result in a thorough review of the impact the increased cost of gas, natural gas, and diesel is having on farmers, ranchers, and rural communities; and my second amendment will help to address ongoing bark beetle infestation problems.

In addition, I am pleased that Colorado State University will receive funding for several important agricultural research programs such as infectious disease research, Russian wheat aphid research, and beef cattle genetics research.

Unfortunately, I am still concerned about the rural communities this conference report is primarily designed to assist. I am concerned that we are not doing everything we can on behalf of those farmers, ranchers and agri-businesses that continue to play a vital role in our Nation's rural communities. We are not making the necessary investments to keep our young people in these communities, and we are not making the necessary investments in research and development that will allow those communities to compete economically.

I am also concerned that this bill includes yet another delay for country-of-origin labeling. I believe this is a commonsense provision that will provide American consumers with information about where their food is coming from—information they need and deserve. Common sense dictates that if we can label where our shirts and socks are made, we can surely label where our meat and other kinds of food come from. I was disappointed to see this provision in the conference report, one that I believe will prevent our consumers from receiving the information they need to make an informed choice—the choice to buy American meat.

We can do more. Here is what I am hearing from my State: During harvest, agricultural producers are some of the largest fuel consumers in the U.S., and producers are facing enormous fuel costs. In Grand Junction, CO, diesel prices are over $3.00.

I have heard from one Colorado farmer in Kit Carson County who has estimated that, in order to harvest this year, he will need an additional $46,000 to cover fuel costs alone.

I have also heard from a farmer in northeastern Colorado who, in order to cover the increasing price of fuel, has applied for additional loans at his bank—only to be turned down because he is already overextended with existing loans.

That is why I am so pleased this bill now includes my amendment to require the Secretary of Agriculture to work with the Secretary of Energy to produce a comprehensive report on the impact of high gas prices on our farmers, ranchers, and rural communities across the country. That data is the first step toward a comprehensive solution that will help these communities address these terrible prices.

When you consider that these increasing fuel costs come on top of both natural disasters and an overall budget picture that has resulted in $3 billion worth of cuts to important agricultural programs, it is painfully clear that we must do more to help our producers. I believe we must cooperate to provide our rural residents with increased rural development and sustainable agricultural opportunities as well as reasonable commodity supports and eligibility guidelines to ensure that Federal supports go to the family farmers who are the intended beneficiaries.

Our family farmers, ranchers, and rural business people deserve fair farm, rural development, and conservation programs. They also deserve a safe food supply and other policies that help create more successful communities. I will support this bill, which is a step in the right direction. However, I do so with the recognition that it is not the whole answer, and that we must continue to fight—fight for the important investments that will assure our rural communities that we have not forgotten them.

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a vote on the adoption of the conference report to accompany H.R. 2744.

Mr. GREGG. Mr. President, have the yeas and nays been ordered?

The PRESIDENT pro tempore. They have not.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

Mr. FEINGOLD. Mr. President, in September I was pleased to support the Senate version of H.R. 2744, the fiscal year 2006 appropriations bill providing funding for the Department of Agriculture, Food and Drug Administration, and related agencies. I want to thank Senators BENNETT and KOHL for their hard work in crafting that legislation. While I may not have supported every provision, on balance, the Senate bill provided important funding to support our Nation's farmers, rural communities, and conservation programs and to provide nutritious food for seniors, children, and those in need. While I still support many of the provisions that remained in the conference report, there were significant changes and new provisions added that prevent me from supporting the final conference report.

After years of delay, I was encouraged that the Senate bill included funds to implement mandatory country-of-origin labeling, COOL, for meat, vegetables, and fruits. Unfortunately the conference report delays COOL for another 2 years, which is unacceptable for a provision that was part of the 2002 farm bill. Country-of-origin labeling is vitally important to enable our farmers to show their pride in the quality of their products, from ginseng to cheese to cranberries. Wisconsin farmers are proud of their work, and many consumers want to support American products—with country-of-origin labeling, both farmers and consumers benefit.

The strength of the organic certification and labeling program through USDA has been the ability of organic consumers, farmers, processors, and retailers to work together to create a seal that everyone has confidence in. The Harvey court decision challenged some of the procedures in place for organic farming and food processing. This situation should have caused the organic community to again come together, openly discuss the issues, and more than likely propose consensus changes to the law to both ensure the reputation of the organic label and allow for the continued record growth of the organic market. The Senate had included an amendment to require the USDA to report on the effects of the Harvey decision as part of this open process.

Unfortunately, some powerful corporate interests who see organic foods simply through the lens of potential profit were able to have language inserted in conference. While some of the inserted changes might ultimately have been adopted after open discussions with interested parties, backroom deals in the dead of night are not the way to go and have the potential for undermining confidence in the entire organic program.

This closed-door process extended to other provisions that were changed in conference to the detriment of the final report, including reductions in conservation funding and the removal of a provision proposed by Senator HARKIN that would have prevented the privatization of food stamp offices.

I am also disappointed that there are not stronger protections against the politicization of decisions made by the Food and Drug Administration. There is no room for politics in science, yet the FDA has demonstrated an alarming indifference to scientific integrity in its unprecedented decision preventing emergency contraception, or Plan B, from being offered over the counter. I strongly believe women should have access to all available contraceptive methods so that they can make choices regarding their personal health. I have supported scientific integrity in the past, and I must express my displeasure that stronger language was not included in the final conference report to prevent the FDA from allowing politics to affect its decision making.

By highlighting the problems with the conference report's process and policy I don't mean to suggest that nothing good remains from the Senate bill. The conference report still rejects a number of administration proposals to reduce or eliminate important programs such as funds for research at our land-grant colleges and universities, conservation partnerships through resource conservation and development councils, and funds to combat Johne's disease in our dairy industry. I was also heartened that the conferees included critical funds to address chronic wasting disease, and an amendment I proposed with Senator ALLARD to speed USDA's development of uniform regulations governing captive deer and elk. But, on balance, I simply cannot support the detrimental changes made in conference to the Senate bill.

Mrs. FEINSTEIN. Mr. President, as a member of the Agriculture Appropriations Subcommittee, I rise today to speak in support of the Agriculture appropriations conference report.

I would particularly like to thank the chairman and ranking member of the Subcommittee, Senators BENNETT and KOHL, for including $7 million in the bill for specialty crop funding.

Americans tend to forget that California is the largest agricultural producing State in the Nation. Of the top 10 agricultural producing counties nationwide, 8 are located in California. We export more crops than any other State, and I am proud to say that 97 percent of our farms are family owned.

As a result, I supported the Specialty Crop Competitiveness Act, legislation to boost the marketing of highly nutritious fruits, vegetables and other specialty crops to American consumers and international markets. The legislation provided, for the first time, a dedicated source of funding to promote the marketing of specialty crop products.

Specialty crops are fruits and vegetables, tree nuts, dried fruits, and nursery crops, including floriculture. Farms in the Golden State produce more than half of the Nation's fruits, vegetables and nuts from just 3 percent of the Nation's farmland. While California accounts for about 13 percent of national cash receipts from agriculture, it receives only about 3 percent of direct government payments to agriculture. These funds, while open to all 50 States, will help California specialty crop farmers.

As the globalization of markets continues, it is becoming increasingly difficult for United States producers to compete against heavily subsidized foreign producers in both the domestic and foreign markets. United States specialty crop producers also continue to face serious tariff and nontariff trade barriers in many export markets. The funding for specialty crops will promote the marketing of specialty crops and improve access to foreign markets and competitiveness.

I am extremely pleased that we were able to include $7 million for crops that are so vital to our Nation's food supply.

In addition, I would like to thank the chairman and ranking member for including other projects that will benefit California.

They include: $1.35 million for the California County Pest Detection Augmentation Program. These funds will help California counties increase high-risk pest exclusion inspection activities of new shipments of plants, seeds, fruits, vegetables, and animals. Pest exclusion is critical to a successful agricultural industry because it is more effective and less costly to prevent the introduction and establishment of potentially harmful exotic pests from the local environment than it is to eliminate them;

$24.25 million for the Glassy-winged Sharpshooter/Pierce's Disease Control Program. The glassy-winged sharpshooter is an invasive pest that spreads bacteria that kills grapes, almonds and tree fruits. This funding will be used to develop the resources to eliminate the spread of the disease;

$200 million for the Market Access Program. This nationwide program provides funding to promote the export of American agricultural products;

$1.929 million for Exotic Pest Disease Research at the University of California. The Exotic Pest and Disease Research Program funds research to combat a wide variety of exotic organisms that have invaded or could invade California. Recent successes in the program include determining the origin of avocado thrips found in Ventura and Orange counties—causing an $8.7 million annual loss to growers—and identifying natural enemies to control the thrips and replace pesticides previously in use. A similar approach is being developed for the Avocado Lace Bug. In addition, the program has funded work on such organisms as Sudden Oak Death, red imported fire ant, and Mediterranean fruitfly;

$20 million for the Farmers' Market Nutrition Program. The program provides nutritional information and supplements as well as healthcare referrals to low-income mothers and pregnant women. The Farmers Market Nutrition Program provides coupons to participants to use to buy produce from small farmers, and nutrition information is provided through the local Farmers Market Nutrition Program agency;

$3.076 million for the Sudden Oak Death Control Program. Funding will be used to continue researching Sudden Oak Death Disease, which infects and destroys oak and tanoak trees;

$401,000 for Ozone Air Quality Research by the San Joaquin Valleywide Air Pollution Study Agency. A multi-year, intensive air quality study is needed to meet the requirements of Regional Haze State Implementation Plans anticipated after 2008. This study would build upon the Central California Ozone Study and the California Regional Air Quality Study. These new studies will include an ozone filed study, data analysis, modeling performance evaluations, air quality and meteorological modeling improvements, and a retrospective look at previous State Implementation Plan modeling.

This bill is extremely important to ensuring a safe and secure domestic food supply. I would like to again thank the chairman and the ranking member for all of their hard work on this bill.

The question is on agreeing to the conference report. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. SUNUNU). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 18, as follows:

[Rollcall Vote No. 282 Leg.]

YEAS—81

Akaka	Burr	Cornyn
Alexander	Byrd	Craig
Allard	Cantwell	Crapo
Allen	Carper	Dayton
Bennett	Chafee	DeMint
Biden	Chambliss	DeWine
Bingaman	Clinton	Dole
Bond	Cochran	Domenici
Boxer	Coleman	Durbin
Brownback	Collins	Feinstein
Bunning	Conrad	Frist

Graham	Lincoln	Salazar
Gregg	Lott	Santorum
Hagel	Lugar	Sarbanes
Hatch	Martinez	Schumer
Hutchison	McConnell	Sessions
Inhofe	Mikulski	Shelby
Inouye	Murkowski	Smith
Isakson	Murray	Snowe
Jeffords	Nelson (FL)	Specter
Kennedy	Nelson (NE)	Stabenow
Kohl	Obama	Stevens
Landrieu	Pryor	Talent
Lautenberg	Reed	Vitter
Leahy	Reid	Voinovich
Levin	Roberts	Warner
Lieberman	Rockefeller	Wyden

NAYS—18

Baucus	Ensign	Kerry
Bayh	Enzi	Kyl
Burns	Feingold	McCain
Coburn	Grassley	Sununu
Dodd	Harkin	Thomas
Dorgan	Johnson	Thune

NOT VOTING—1

Corzine

The conference report was agreed to.

Mr. BENNETT. Mr. President, I move to reconsider the vote.

Mr. INHOFE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEFICIT REDUCTION OMNIBUS RECONCILIATION ACT OF 2005—RESUMED

AMENDMENT NO. 2351

The PRESIDING OFFICER. It is now in order to consider the Conrad amendment. There is 2 minutes equally divided.

Mr. CONRAD. Mr. President, I ask unanimous consent that Senator BIDEN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, the best argument made for my amendment, which is to restore fiscal responsibility, is the argument made by the chairman of the Budget Committee in 2002. Here is what he said:

> The second budget discipline, which is pay-go, essentially says if you are going to add a new entitlement program, or you are going to cut taxes, you must offset that event so that it becomes a budget neutral event. If we don't do this, if we don't put back in place caps and pay-go, we will have no budget discipline, and as a result we will dramatically aggravate the deficit, which, of course, impacts a lot of important issues but especially impacts Social Security.

The budget chairman was right then. It is the right position now. Support the restoration of the budget discipline of pay-go.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I was correct then, and that is why we put pay-go into this resolution. The budget resolution does have pay-go in it, and it is the appropriate approach to pay-go because it recognizes there is a difference between tax relief and raising spending. The other side of the aisle has always looked on people's taxes as their money. We don't look at it that way on this side of the aisle. We look at it as the people's money, and they should be able to keep it. We should not have a rule that arbitrarily takes it from them.

For that reason, I oppose the amendment.

I make a point of order that the pending amendment is not germane before the Senate, and I raise a point of order under section 305 of the Budget Act.

Mr. CONRAD. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable section of the act for the consideration of the pending amendment.

I ask for the yeas and nays, and I ask my colleagues to support this budget discipline.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 49, as follows:

[Rollcall Vote No. 283 Leg.]

YEAS—50

Akaka	Durbin	Mikulski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Biden	Harkin	Nelson (NE)
Bingaman	Inouye	Obama
Boxer	Jeffords	Pryor
Byrd	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Rockefeller
Chafee	Kohl	Salazar
Clinton	Landrieu	Sarbanes
Coburn	Lautenberg	Schumer
Collins	Leahy	Snowe
Conrad	Levin	Stabenow
Dayton	Lieberman	Voinovich
Dodd	Lincoln	Wyden
Dorgan	McCain	

NAYS—49

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Allen	Ensign	Roberts
Bennett	Enzi	Santorum
Bond	Frist	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Smith
Burns	Gregg	Specter
Burr	Hagel	Stevens
Chambliss	Hatch	Sununu
Cochran	Hutchison	Talent
Coleman	Inhofe	Thomas
Cornyn	Isakson	Thune
Craig	Kyl	Vitter
Crapo	Lott	Warner
DeMint	Lugar	
DeWine	Martinez	

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. OBAMA. Madam President, I rise today to speak in favor of fiscal responsibility. This pay-go amendment introduced by Ranking Member CONRAD of the Budget Committee, of which I am a cosponsor, seeks to fully reinstate the pay-as-you-go requirement for direct spending and revenue legislation in the Senate through 2010.

This is about restoring responsible budgeting. Previously, pay-go rules applied equally to increases in mandatory spending and decreases in revenue. New spending or tax cuts could only become law if they were offset or found 60 votes in support. This enforced a badly needed budget discipline. It said, either pay for your priorities whether entitlement spending or tax cuts or both or find a supermajority of colleagues willing to override the rule. Simple logic. Simple balance. Common sense. Pay-go worked well in the 1990s to reduce deficits and it can work well today.

Unfortunately, the rules were changed, and the balance was overturned. Now, the requirements of budget discipline apply to only half of the budget. Tax breaks are exempt from the logic and balance and common sense of budget discipline.

The problem is that there is no such thing as half a budget. Budget discipline requires enforcing control over both sides of the ledger. You can't fill a bath tub just by plugging the drain. You can't drive a car just by pressing on the brakes.

The original pay-go rules were abandoned to provide for a series of unfunded tax breaks. And since the tax breaks were unfunded, the Government had to borrow money to pay for them. So we borrowed from countries like Japan and China. And we borrowed from the Social Security trust fund. In the process, our national debt shot up to $8 trillion, and it is still rising. Last year, for example, our national commitments exceeded our national resources by more than $550 billion. And we continue to borrow.

Some have argued that this first chapter of reconciliation is an effort to reduce the deficit. They tout the reductions in spending, many of which I would support. But later this month, the Senate will get to chapter two of reconciliation, which proposes further unfunded tax breaks and guarantees additional deficits and growing debt. So much debt, in fact, that the third chapter of budget reconciliation, which no one really wants to talk about, will involve raising our country's debt ceiling to almost $9 trillion.

Americans deserve better financial leadership. The people I talk to in Illinois are not fooled by what is going on. They know what is happening with higher deficits and reduced levels of government service. They understand that, in this life, you get what you pay for and if you don't pay for it today, it will cost you more tomorrow.

Washington could learn a lot from the American people about fiscal responsibility. The people I have met with know that if you need to spend more money on something, you also

need to make more money, and if your income falls, your spending must fall, too. This is the essence of the pay-go rules we are trying to reinstate in the Senate. Changes in spending must be offset by changes in revenue, and vice versa.

Americans know that when you are already deep in debt, it is not the optimal time to be gutting your revenue stream, whether it's a few hundred dollars in the case of a family or a $70 billion tax break in the case of the Federal Government.

They also understand the difference between a home mortgage, a student loan, a credit card debt for uninsured health care expenses, and an unpaid tab at the bar. They know that some debts are good investments or may be unavoidable. But some debts are irresponsible the result of spending more than you can afford on purchases you could postpone or do without.

The people I have met with know that you do not respond to emergencies by indiscriminately cutting all parts of the family budget. You make choices and forego luxuries before cutting back on essentials like food, heating, education, and healthcare. They understand that across the board cuts are neither fair nor responsible. Such cuts sound bold, but they represent a lack of leadership, not an example of it.

The American people also know that the whole family must share in sacrifice—it is not right to pick on any one member of the family, or any one State in our Union. We are in this together. Singling out Alaska's bridge projects or any one State's earmarked funds is the wrong approach. If Congress is going to eliminate frivolous pork projects, as we should to support the gulf coast, let's eliminate all of them, in all States, together.

Finally, the people I talk to understand that when you have massive costs coming down the road, you need to prepare for them. There is no excuse for ignoring the financial consequences of foreseeable expenses whether it is the rising costs of health care, the retirement of the baby boom generation, or the growing inequality of wealth in our society.

You don't have to be a deficit hawk to be disturbed by the growing gap between revenues and expenses. This makes sense to people because the same principles that apply to our national budget apply to their family budgets as well. Americans are willing to share in the hard choices required to get us back on track, as long as they know that everyone is pulling their weight and doing their fair share.

That is why it is so important that we reinstate pay-go in a way that meaningfully enforces the budget discipline both sides of the aisle need to honestly tackle our short-term and long-term fiscal challenges.

Mr. President, it is time for fiscal responsibility to return to Washington. Adult supervision must return to the budgeting process.

Pay-go provides a necessary tool at a necessary time. I urge my colleagues to support this amendment.

AMENDMENT NO. 2352, AS MODIFIED

The PRESIDING OFFICER. At this time there is 2 minutes on the Enzi amendment.

The Senator from New Hampshire.

Mr. GREGG. I will yield to Senator ENZI.

Mr. CONRAD. The Senate is not in order. The Senator deserves a chance to be heard.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Nevada.

Mr. ENSIGN. Madam President, at the end of 2 minutes, that time being expired, I intend to send a second-degree amendment to the Enzi amendment to the desk. Let me briefly describe it. My amendment addresses the concerns of the Orthodox Union, the Catholic Bishops, and the Council on American Private Education. My amendment clearly establishes an indirect aid program for displaced private school students that meets all the constitutional requirements without placing unworkable and unnecessary restrictions on private schools serving these displaced families. It ensures accountability for the funds and, most important, delivers on the much-needed relief to ensure the restart and operation of schools at all levels in the affected areas.

The 2002 Zellman decision by the Supreme Court clarified that religious schools which accept Government funding do not have to modify their teachings and curricula in order to receive Government funding so long as the Government aid arrives at the school by virtue of an independent choice made by the student and parent, and this amendment complies with that decision and meets all of its constitutional requirements.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Wyoming.

Mr. ENZI. I hate to debate a second-degree amendment that has not yet been sent to the desk.

Mr. CONRAD. Could we have order, Madam President.

Mr. ENZI. At the appropriate point in time I will be raising the point of germaneness. This amendment shows the Gordian knot we are trying to cut through so we can do the right things for the children of Katrina.

What we have is constitutional. We are not trying, in the amendment that will be up as the original amendment, to resolve vouchers. We are not trying to resolve faith-based initiatives. What we are trying to do is do the right thing to treat the kids of Katrina the right way, and in order to solve this it has to be a very bipartisan way because we also will have to overcome a point of germaneness.

I yield the remainder of my time to Senator KENNEDY.

Mr. KENNEDY. Madam President, we should not penalize the children of Louisiana and the gulf, once by the storm and once by this amendment. This amendment does not have accountability. It allows Federal funds to be used for religious purposes. It guts the civil rights protections of our proposal.

For the sake of the children and for the sake of the schools, I hope this amendment will be defeated.

AMENDMENT NO. 2404 TO AMENDMENT NO. 2352, AS MODIFIED

(Purpose: To provide assistance for elementary and secondary schools and students, and institutions of higher education, affected by Hurricane Katrina)

Mr. ENSIGN. I send a second-degree amendment to the Enzi amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes amendment No. 2404 to amendment No. 2352, as modified.

Mr. ENSIGN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. ENZI. The pending amendment is not germane to the measure now before the Senate. I raise a point of order under section 305 of the Budget Act.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Pursuant to section 904(c) of the Congressional Budget Act of 1974, I move to waive section 305 of the Budget Act for the consideration of the Ensign second-degree amendment. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, as I understand it, and I am not sure I understand it, I believe there is now still 2 minutes of debate available between the proponent of the second degree and the proponent in opposition. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. I presume Senator ENZI and Senator ENSIGN can continue their discussion.

Mr. KENNEDY. Madam President, will the Senator yield?

Is this the total time? I thought we had a minute on each side on each amendment. Are we now debating the Enzi underlying amendment?

The PRESIDING OFFICER. There is 2 minutes on the second-degree amendment, the Ensign amendment.

Mr. GREGG. Madam President, parliamentary inquiry. And I ask unanimous consent that this time not be applied to the time relative to the debate that is available.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. GREGG. As I understand the situation, the 2 minutes of debate has already occurred on the Enzi amendment. We are now under 2 minutes of debate on the second-degree amendment, which is the Ensign amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. After this amendment is debated, there will be a vote on the motion to waive the point of order made by Senator ENZI from Wyoming, the motion to waive being made by Senator ENSIGN relative to the second-degree amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Massachusetts.

Mr. KENNEDY. Parliamentary inquiry, Madam President: I thought we were having the 2 minutes prior to each vote just over the course of the day on these different amendments. It is my mistake because I thought we were just voting on the Ensign amendment, and then, when we disposed of that, we would have a vote up or down on the underlying amendment. But I guess that is not the way we are going to proceed.

Mr. GREGG. Madam President, if I may respond to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I say to the Senator from Massachusetts, because there was a second degree, the way it worked out, the debate on the Enzi amendment occurred as part of that process. So the 2 minutes did occur. However, because this is the first exercise here in this undertaking, I would suggest that, after the Ensign amendment is disposed of, if it is favorably disposed of, that there won't be 2 minutes, but if it is not favorably disposed of we would have another 2 minutes of debate on the Enzi amendment.

Mr. KENNEDY. I thank the chairman of the Budget Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. ENZI. Madam President, to clarify this, why would we have the debate on the overlying motion before we have the debate on the underlying motion and then try to deny a debate on the overlying motion at the appropriate time?

I would ask the chairman and the ranking member to consider this process. It will save a lot of time if the person suggesting a second-degree amendment do the debate on the second-degree amendment. Did anybody here hear the debate on the first-degree amendment? That was debate on the second-degree amendment.

So we disposed with the debate on the second-degree amendment. Now we ought to have the vote on the second-degree amendment, not another debate on the second-degree amendment and then go to the first-degree amendment without debate—or even with debate.

If we are going to limit the time, we need to limit the time each time. And if somebody is going to do a second-degree amendment, they ought to do their debate on the second-degree amendment, face the vote on the second-degree amendment, and move on. But you ought to get your time to debate your motion at the time of the vote on the motion, not an hour later.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I think the Senator from Wyoming has made an excellent case. We will try to orchestrate it in that manner, should we get additional second degrees.

At this point, the debate for 2 minutes is on the second-degree amendment, and Senator ENSIGN has a minute, and whoever claims the opposition has a minute.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, as I understand it, Senator ENZI has made the point of order, has he not, on this amendment?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Wyoming.

Mr. ENZI. Parliamentary inquiry: I think I would have to withdraw that point of germaneness and he would have to withdraw his in order for us to have continuing debate. Is that not true?

The PRESIDING OFFICER. All debate is expired except under the order.

There is now 2 minutes of debate on the second-degree amendment.

Mr. ENZI. Madam President, parliamentary inquiry: Does that mean my point of order was on my amendment and his motion to waive was on my amendment, not on his?

The PRESIDING OFFICER. The pending motion is to waive the point of order against the Ensign second-degree amendment.

Mr. ENZI. That will be what the debate is on? I thought debate did not happen once the germaneness was entered.

The PRESIDING OFFICER. By unanimous consent, the order was changed.

The Senator from Nevada.

Mr. ENSIGN. Madam President, now that we have been through all that, just to restate, the managers of the underlying amendment believe their proposal is constitutional. But the lawyers for the private schools, the ones who have looked at this, believe they could not accept the aid in a constitutional manner, that people will be able to bring a court case against them and that they would lose if they did not change the way they do their instruction. They have a moral, religious-based instruction. They believe they would have to change it.

Our amendment clearly makes the way they receive the funds constitutional. We both want to provide help for those people who have been displaced, for those schools that have taken in these displaced students. We both want to have the help go. What we want to do, though, is allow the private schools to function as they have been functioning in the past. If you are a Catholic school, you would be able to function as a Catholic school functions and not be penalized for that because you have taken in these displaced students and are getting some Federal aid.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I guess there have been a lot of constitutional lawyers involved in all of this. I certainly want people to know we also conferred with constitutional lawyers and found a way to be able to do, on a one-time emergency basis, what needs to be done properly for the kids of Katrina and for any other major event where we have a large number of displaced students. But this one just deals with the one-time emergency event. It is constitutional. It does not, however, as Senator ENSIGN would like to do, resolve the voucher issue, and it does not resolve the faith-based initiative issue. But it does get help to kids, and that is what we are trying to do with all the education amendments we have today.

I yield the remainder of my time to Senator KENNEDY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, as the chairman of the committee has pointed out, we have reviewed and cleared this with constitutional authorities. This is an indirect way of providing help and assistance to the children. The alternative is effectively a voucher program. We have tried to stay clear from ideological fixes on this.

Let's treat the children with respect and the schools with respect and in the generosity with which they have treated these children. I hope the amendment will be defeated.

Mr. BINGAMAN. Madam President, I would like to talk about the Enzi-Kennedy amendment to S. 1932, the deficit reduction bill. We all want to do the right thing and help the hundreds of thousands of students displaced by Hurricane Katrina. Just a few weeks after the tragic events surrounding Hurricane Katrina, I came to the floor of the Senate and offered an amendment to the Commerce-Justice-State appropriations bill to assist students and schools impacted by Hurricane Katrina. I also cosponsored a bill with Senators ENZI and KENNEDY, S. 1715, to assist schools and students impacted by Katrina. But I have tremendous concerns about the amendment before us today.

This amendment sets up an unworkable mechanism to assist displaced students attending private schools. It requires states to funnel Federal dollars to local school districts to establish private accounts to pay the tuition to private schools. In contrast, current

law provides a reasonable mechanism for local school districts to assist students attending private schools, called equitable participation, without establishing a national voucher program. I support efforts to use equitable participation to assist private schools serving these displaced students. Unfortunately, this amendment fails to use this mechanism. At the same time, it establishes the first national voucher program. Accordingly, along with educators, school boards, principals, teacher unions, and many civil rights and faith-based organizations, I must oppose this provision.

Mr. REED. Madam President, while the Enzi-Kennedy amendment passed on a voice vote, I want the record to reflect my opposition to this amendment.

We have all seen the devastation of Hurricanes Katrina and Rita, and I certainly understand and share my colleagues' desire to address the needs of displaced school children.

Unfortunately, this amendment, which frankly is more than 2 months overdue, falls far short of the help needed for the affected families and public schools. It falls short financially, since it provides less money than these schools need in order to reopen and serve the children of the Gulf Coast. It also falls short constitutionally by making payments to private religious schools on behalf of students who fled these hurricanes and are now attending such schools across the country.

Now, I understand that these hurricanes did not differentiate between public and private school students, and that we need to be able to provide some assistance for all students affected by them. However, this amendment is not the answer. As my colleagues are very well aware, we currently have a mechanism in current law to provide support to students in private schools. We do it everyday under Title I and Title V of NCLB, and under IDEA.

These children should have been helped over 2 months ago with the funding mechanisms we already have in place. That is why this amendment is not about getting help to these students. This is about using these students' needs as a pawn to further the Republican agenda of vouchers.

In addition, we are doing a disservice to families displaced by Hurricanes Katrina and Rita by not informing them that this assistance is just for this school year. No where in this legislation is there a requirement that parents be notified that this assistance is temporary and that it will not be renewed beyond August 2006. Instead of being fair to these parents by providing them with transparent information, this amendment fails to include a provision to notify parents that this assistance is time-limited. We have an obligation to inform parents receiving this assistance that this funding is a one-time deal. Without clear language on this point, language which I suggested to the sponsors of the amendment, parents will have an unfounded expectation that this aid will be there next year and perhaps even for years to come. These families are settling down in new communities, and they may lack the resources, ability, or desire to go back to the gulf coast.

Of course, we want to help families in their moment of need and distress. I understand my colleague, Senator LANDRIEU's position on this matter, and her sincere desire to help her constituents. I too believe this assistance to schools, both public and private, is important, needed, and appropriate. But this amendment could and should have been structured in a way that contains clear notification requirements and that mirrors current law.

This legislation is not the direction we should be heading. This legislation is a stalking horse for a national voucher program. At the same time, it provides less funding than is needed to repair and fund our devastated public schools. It provides very little accountability for the use of taxpayers' funds and provides little or no enforcement of the civil rights protections that would exist if money were sent through existing funding mechanisms.

I want to thank Senators ENZI, ALEXANDER, KENNEDY, and DODD, because I know that they have worked very hard to improve this amendment, and I appreciate their efforts. I urge my colleagues to continue to work to address the concerns I have raised as this bill moves forward.

Mr. KOHL. Madam President, I support the Enzi amendment. This amendment would provide $1.6 billion in emergency funding to address the desperate funding needs of schools who have taken in displaced Katrina students and the schools that have been damaged or destroyed by the hurricane.

Over 2 months ago, hundreds of thousands of children in the gulf region were displaced from their homes, their communities, and their local schools. Neighboring communities have welcomed these students with open arms. It is only fair to provide school districts the funds necessary to educate and care for dislocated students left in the wake of Hurricane Katrina.

I know some are concerned about funding for displaced students who are attending private schools. However, this provision is carefully crafted to ensure that funding flows directly to school districts, much like similar provisions in Title I and special education. This program will not set up a national school voucher program. Rather, it simply ensures, on a temporary, one-time basis, that all students in need and schools that take them in have access to the relief they need. In this extraordinary circumstance, I believe that this provision takes a balanced approach, and we will continue to monitor its implementation.

It is my hope that my colleagues will join me in supporting the Enzi amendment, thereby supporting students who became displaced through no fault of their own.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result yeas and nays resulted—yeas 31, nays 68, as follows:

[Rollcall Vote No. 284 Leg.]

YEAS—31

Allard	Dole	McCain
Allen	Ensign	McConnell
Bennett	Frist	Santorum
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Coburn	Gregg	Sununu
Coleman	Hagel	Thune
Craig	Hatch	Vitter
Crapo	Inhofe	Voinovich
DeMint	Kyl	
DeWine	Martinez	

NAYS—68

Akaka	Dorgan	Murkowski
Alexander	Durbin	Murray
Baucus	Enzi	Nelson (FL)
Bayh	Feingold	Nelson (NE)
Biden	Feinstein	Obama
Bingaman	Harkin	Pryor
Bond	Hutchison	Reed
Boxer	Inouye	Reid
Burns	Isakson	Roberts
Burr	Jeffords	Rockefeller
Byrd	Johnson	Salazar
Cantwell	Kennedy	Sarbanes
Carper	Kerry	Schumer
Chafee	Kohl	Smith
Chambliss	Landrieu	Snowe
Clinton	Lautenberg	Specter
Cochran	Leahy	Stabenow
Collins	Levin	Stevens
Conrad	Lieberman	Talent
Cornyn	Lincoln	Thomas
Dayton	Lott	Warner
Dodd	Lugar	Wyden
Domenici	Mikulski	

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote the yeas are 31, the nays are 68. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. BOND. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2352, AS MODIFIED

Mr. GREGG. Madam President, the next amendment is the Enzi amendment. I ask that we move immediately to a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2352), as modified, was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Madam President, the next amendment is the Lincoln amendment. I ask unanimous consent that all votes on additional amendments be 10 minutes.

We are going to clarify the issue of second-degree amendments that we just went through because, under the rule, all time has to expire on debate on the first degree before you can debate a second degree or offer it. That is why we had the confusion before. We are going to adjust that through this unanimous consent request.

I ask unanimous consent that for the purposes of today's votes, all second-degree amendments must be offered prior to beginning the 2 minutes of debate on the underlying first-degree amendment. Before the Chair rules, as a clarification, this will now mandate that second-degree amendments must be offered before we begin the 2-minute debate on the first degree. We would then have 2 minutes of debate on the second degree, both in relationship to the second degree, and then have 2 minutes of debate on the first degree prior to the vote in relationship to that amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Reserving the right to object, I would say to Senators who are in the back of the Chamber, who are most interested in this question, this is a good time to hear what is being done to correct what occurred previously. What occurred previously was, under the rule, all time had to expire on the first-degree amendment before a second-degree amendment could be offered. Under the interpretation of the Chair, that included the 2 minutes of debate on the first-degree amendment. Now what we are doing is modifying that through unanimous consent agreement so if someone offers a second degree, they have to offer it before the 2 minutes of debate on the first degree. Then we will be able to have 2 minutes of debate on the second degree, a vote on the second degree. Then, in consideration of the first degree, we will be able to have the 2 minutes of debate in conjunction with it. For the interest of our colleagues, that is what is being done.

We should take this moment, as well, to say to our colleagues, we have 35 amendments filed. That would take 12 hours of straight voting. We have to end today at 6 o'clock, which would mean we would be in tomorrow for at least 4 hours. I ask our colleagues to show restraint on calling up amendments that have been filed. We have had a good debate on this matter. It has been an absolutely fair debate in terms of how we have been treated with respect to amendments being offered. We really don't need to have 35 amendments offered to this measure. I urge my colleagues to show restraint.

I will not object.

Mr. GREGG. I also renew my request that votes on additional amendments be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. The next amendment is that of Senator LINCOLN.

AMENDMENT NO. 2356, AS MODIFIED

The PRESIDING OFFICER. There is now 2 minutes of debate evenly divided on the Lincoln amendment.

The Senator from Arkansas.

Mrs. LINCOLN. Madam President, I modify my amendment with the language that is currently at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of subtitle A of title VI, add the following:

CHAPTER 7—EMERGENCY HEALTH CARE AND OTHER RELIEF FOR SURVIVORS OF HURRICANE KATRINA

Subchapter A—Emergency Health Care Relief

SEC. 6081. DEFINITIONS.

In this subchapter:

(1) DIRECT IMPACT PARISH OR COUNTY.—

(A) IN GENERAL.—The term ''direct impact parish or county'' means a parish in the State of Louisiana, or a county in the State of Mississippi or Alabama, for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina and which the President has determined, before September 14, 2005, warrants individual and public assistance from the Federal Government under such Act.

(B) EXCLUSION.—Such term does not include a parish in the State of Louisiana or a county in the State of Mississippi or Alabama which the President has determined warrants only public assistance from the Federal Government under such Act as a result of Hurricane Katrina.

(C) AUTHORITY TO RELY ON WEB SITE POSTED DESIGNATIONS.—The Secretary of Health and Human Services shall post on the Internet Web site for the Centers for Medicare & Medicaid Services a list of parishes and counties identified as direct impact parishes or counties in accordance with this paragraph. Any such parish or county that is posted on such Web site as a direct impact parish or county shall be treated for purposes of subparagraph (A) as described in such subparagraph.

(2) DRM ASSISTANCE.—The term ''DRM assistance'' means the short-term, non-cash, temporary, in-kind, emergency disaster relief health program established under section 6082 to assist Katrina Survivors in accordance with that section.

(3) DRM COVERAGE PERIOD.—

(A) IN GENERAL.—The term ''DRM coverage period'' means the period beginning on August 28, 2005, and, subject to subparagraph (B), ending on the date that is 5 months after the date of enactment of this Act.

(B) AUTHORITY TO EXTEND DRM COVERAGE PERIOD.—

(i) IN GENERAL.—The Secretary may extend the DRM coverage period for an additional 5 months. Any reference to the term ''DRM coverage period'' in this subchapter shall include any extension under this clause.

(ii) NOTICE TO CONGRESS AND STATES.—The Secretary shall notify the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Chairs and Ranking Members of the Committee on Finance of the Senate and the Committees on Energy and Commerce and Ways and Means of the House of Representatives, and the States at least 45 days prior to—

(I) extending the DRM coverage period; or

(II) if the Secretary determines not to extend such period, the ending date described in subparagraph (A).

(4) KATRINA SURVIVOR.—

(A) IN GENERAL.—The term ''Katrina Survivor'' means an individual who is described in subparagraph (B) or (C).

(B) RESIDENTS AND EVACUEES OF DIRECT IMPACT PARISHES AND COUNTIES.—An individual who, on any day during the week preceding August 28, 2005, had a primary residence in a direct impact parish or county.

(C) INDIVIDUALS WHO LOST EMPLOYMENT.—An individual whose—

(i) worksite, on any day during the week preceding August 28, 2005, was located in a direct impact parish or county; and

(ii) employment with an employer which conducted an active trade or business on August 28, 2005, in a direct impact parish or county and with respect to whom such trade or business is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained in connection with Hurricane Katrina, is terminated.

(D) TREATMENT OF CURRENT MEDICAID BENEFICIARIES.—Nothing in this subchapter shall be construed as preventing an individual who is otherwise entitled to medical assistance under title XIX of the Social Security Act from being treated as a Katrina Survivor under this subchapter.

(E) TREATMENT OF HOMELESS PERSONS.—For purposes of this subchapter, in the case of an individual who was homeless on any day during the week described in subparagraph (B), the individual's ''residence'' shall be deemed to be the place of residence as otherwise determined for such an individual under title XIX of the Social Security Act.

(5) POVERTY LINE.—The term ''poverty line'' has the meaning given that term in section 2110(c)(5) of the Social Security Act (42 U.S.C. 1397jj(c)(5)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(7) STATE.—The term ''State'' has the meaning given that term for purposes of title XIX of the Social Security Act (42 U.S.C 1396 et seq.).

(8) STATE MEDICAID PLAN.—The term ''State Medicaid plan'' means a State plan for medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), including any medical assistance provided under a waiver of such plan.

SEC. 6082. DISASTER RELIEF MEDICAID.

(a) AUTHORITY TO PROVIDE DISASTER RELIEF MEDICAID.—

(1) IN GENERAL.—Notwithstanding any provision of title XIX of the Social Security Act, a State shall, as a condition of participation in the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), provide medical assistance to DRM-eligible Katrina Survivors (as defined in subsection (b)) under a State Medicaid plan during the DRM coverage period in accordance with the following provisions of this section.

(2) AUTHORITY TO PROVIDE DRM ASSISTANCE AS SEPARATE COMPONENT OF REGULAR STATE MEDICAID PLAN OR UNDER SUCH PLAN.—

(A) IN GENERAL.—A State may provide DRM assistance without submitting an amendment to the State Medicaid plan and as a separate component of the State Medicaid plan or, subject to subparagraph (B), under such plan.

(B) CONDITIONS FOR PROVISION OF DRM ASSISTANCE UNDER REGULAR STATE MEDICAID PLAN.—A State may only provide DRM assistance under the State Medicaid plan if the

State provides such assistance in accordance with the requirements of this section and the State is able to separately identify and report expenditures or other information attributable to the provision of such assistance.

(b) DRM-ELIGIBLE KATRINA SURVIVOR DEFINED.—

(1) IN GENERAL.—In this section, the term ''DRM-eligible Katrina Survivor'' means a Katrina Survivor whose family income does not exceed the higher of—

(A) 100 percent (200 percent, in the case of such a Survivor who is a pregnant woman or child) of the poverty line; or

(B) the income eligibility standard which would apply to the Survivor under the State Medicaid plan.

(2) SPECIAL RULE FOR KATRINA SURVIVORS WHO ARE RECIPIENTS OF DISABILITY INSURANCE BENEFITS.—In the case of a Katrina Survivor who is a recipient of disability insurance benefits under section 202 or 223 of the Social Security Act (42 U.S.C. 402, 423), paragraph (1) shall be applied to such Survivor by substituting ''300 percent of the supplemental security income benefit rate established by section 1611(b)(1) of the Social Security Act (42 U.S.C. 1382(b)(1))'' for subparagraph (A) of such paragraph.

(3) NO RESOURCES, RESIDENCY, OR CATEGORICAL ELIGIBILITY REQUIREMENTS.—Eligibility under paragraph (1) shall be determined without application of any resources test, State residency, or categorical eligibility requirements.

(4) INCOME DETERMINATION.—

(A) LEAST RESTRICTIVE INCOME METHODOLOGIES; PROSPECTIVE DETERMINATION.—The State shall use the least restrictive methodologies applied under the State Medicaid plan under section 1902(r)(2) of the Social Security Act (42 U.S.C. 1396a(r)(2)) in determining income eligibility for Katrina Survivors under paragraph (1) and shall determine family income for such Survivors only prospectively from the date of application.

(B) DISREGARD OF UI COMPENSATION AND DISASTER RELIEF ASSISTANCE.—In determining such income eligibility, the State shall disregard—

(i) any amount received under a law of the United States or of a State which is in the nature of unemployment compensation by a Katrina Survivor during the DRM coverage period, including unemployment assistance provided under section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177); and

(ii) any assistance provided (in cash or in kind) to a Katrina Survivor from any public or private entity as a result of Hurricane Katrina.

(5) DEFINITION OF CHILD.—For purposes of paragraph (1), a DRM-eligible Katrina Survivor shall be determined to be a ''child'' if such Survivor meets the definition of ''child'' under the State Medicaid plan.

(6) CERTAIN INDIVIDUALS DEEMED TO BE DRM-ELIGIBLE KATRINA SURVIVORS.—

(A) IN GENERAL.—Upon submission of an application from an individual attesting that the individual is an individual described in any of the categories described in subparagraph (B), or, if an individual is an individual described in subparagraph (C), the State shall deem the individual to be a DRM-eligible Katrina Survivor for purposes of eligibility for DRM assistance during the DRM coverage period.

(B) CATEGORIES DESCRIBED.—For purposes of subparagraph (A), the categories described in this subparagraph are the following:

(i) KATRINA SURVIVORS ENROLLED IN A STATE MEDICAID PLAN AS OF THE BEGINNING OF THE DRM COVERAGE PERIOD.—Any Katrina Survivor who can provide proof of enrollment in a State Medicaid plan as of August 28, 2005.

(ii) KATRINA SURVIVORS WHO ARE RECIPIENTS OF UNEMPLOYMENT COMPENSATION.—Any Katrina Survivor who, during the DRM coverage period, is a recipient of an amount paid under a law of the United States or of a State which is in the nature of unemployment compensation, including unemployment assistance provided under section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177).

(iii) KATRINA SURVIVORS ENROLLED IN DRM ASSISTANCE IN ANOTHER STATE.—Any Katrina Survivor determined by another State to be a DRM-eligible Katrina Survivor who was enrolled in DRM assistance in that State and who relocates to the State during the DRM coverage period.

(C) KATRINA SURVIVORS PROVIDED MEDICAL ASSISTANCE PRIOR TO DATE OF ENACTMENT.—

(i) IN GENERAL.—An individual described in this subparagraph is any Katrina Survivor who is provided medical assistance under a State Medicaid plan in accordance with guidance from the Secretary during the period that begins on August 28, 2005, and ends on the date of enactment of this Act.

(ii) NONAPPLICATION TO CHILD HEALTH ASSISTANCE.—In the case of an individual who is a Katrina Survivor who is provided child health assistance under a State child health plan in accordance with guidance from the Secretary during the period described in clause (i), such individual shall not be deemed to be a DRM-eligible Katrina Survivor for purposes of receiving DRM assistance under this section. Nothing in the preceding sentence shall be construed as prohibiting such an individual from submitting an application for DRM assistance.

(c) ELIGIBILITY DETERMINATION; NO CONTINUATION OF DRM ASSISTANCE.—

(1) STREAMLINED ELIGIBILITY PROCESS.—The State shall use the following streamlined procedures in processing applications and determining eligibility for DRM assistance for DRM-eligible Katrina Survivors and eligibility for the payment of private health insurance premiums under section 107(b)(2)(A):

(A) ONE-PAGE APPLICATION.—A common 1-page application form developed by the Secretary of Health and Human Services in consultation with the National Association of State Medicaid Directors. Such form shall—

(i) require an applicant to provide an expected address for the duration of the DRM coverage period and to agree to update that information if it changes during such period;

(ii) include notice regarding the penalties for making a fraudulent application under subsection (h);

(iii) require the applicant to assign to the State any rights of the applicant (or any other person who is a DRM-eligible Katrina Survivor and on whose behalf the applicant has the legal authority to execute an assignment of such rights) under any group health plan or other third-party coverage for health care;

(iv) require the applicant to—

(I) list any health insurance coverage which the applicant was enrolled in immediately prior to submitting such application; and

(II) indicate whether the applicant would rather receive DRM assistance from a State in accordance with this section or, if private health insurance is available, assistance in paying the premiums for such health insurance under section 6088(b)(2)(A); and

(v) be translated by the Secretary into languages other than English, and in cultural contexts, that are most appropriate for the applicants expected to submit such forms.

(B) SELF-ATTESTATION.—Self-attestation by the applicant that the applicant—

(i) is a DRM-eligible Katrina Survivor; and

(ii) if applicable, requires home and community-based services provided under such DRM assistance in accordance with subsection (d)(3).

(C) NO DOCUMENTATION.—The State shall not require documentation evidencing the basis on which the applicant qualifies to be a DRM-eligible Katrina Survivor or, if applicable, requires home and community-based services.

(D) ISSUANCE OF ELIGIBILITY CARD.—

(i) IN GENERAL.—Subject to clause (iii), the State shall, immediately upon submission of a complete application (including the self-attestation required under subparagraph (B)) by an applicant, issue a DRM assistance eligibility card to the applicant.

(ii) VALIDITY; NOTICE OF TERMINATION DATE.—A DRM assistance eligibility card shall be valid as long as the DRM coverage period is in effect and shall be accompanied by notice of the termination date for the DRM coverage period and, if applicable, notice that such termination date may be extended. If the Secretary extends the DRM coverage period, the State shall notify DRM-eligible Katrina Survivors enrolled in DRM assistance of the new termination date for the DRM coverage period.

(iii) APPLICATION TO STATES THAT ELECT TO PROVIDE DRM ASSISTANCE UNDER THE REGULAR STATE MEDICAID PLAN.—In the case of a State that elects under subsection (a)(2) to provide DRM assistance under the State Medicaid plan, the State may issue to an applicant who submits a complete application an eligibility card that is similar to the cards issued by the State to enrollees in the State medicaid plan, but only if the State is able to adapt the card in a manner which clearly identifies that the applicant is eligible for DRM assistance and provides notice of the termination date for the DRM coverage period (and the new termination date applicable if the Secretary extends such coverage period).

(E) APPLICATION FOR MEDICAL ASSISTANCE UNDER REGULAR STATE MEDICAID PLAN.—Concurrent with the issuance of an eligibility card under subparagraph (D), the State shall provide the applicant with an application for medical assistance under the State Medicaid plan.

(F) PRESUMPTIVE ELIGIBILITY.—

(i) STATES THAT PROVIDE FOR PRESUMPTIVE ELIGIBILITY UNDER THE REGULAR STATE MEDICAID PLAN.—In the case of a State that, as of the date of enactment of this Act, provides for a period of presumptive eligibility under the State Medicaid plan in accordance with section 1920, 1920A, or 1920B of the Social Security Act (42 U.S.C. 1396r–1, 1396r–1a, 1396r–1b), the State shall deem an applicant to be a DRM-eligible Katrina Survivor eligible for DRM assistance in accordance with this section, subject to subsection (g), if the applicant completes an application for such assistance, presents it to a provider or facility participating in the State Medicaid plan that is qualified to make presumptive eligibility determinations under such plan (which at a minimum shall consist of facilities identified in section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)), and it appears to the provider or facility that the applicant is a DRM-eligible Katrina Survivor based on the information in the application.

(ii) APPLICATION TO STATES THAT DO NOT PROVIDE PRESUMPTIVE ELIGIBILITY UNDER THE REGULAR STATE MEDICAID PLAN.—In the case of a State which does not provide for a period of presumptive eligibility under the State medicaid plan, the State may elect to provide for a period of presumptive eligibility for DRM assistance by designating qualified providers (as defined in section 1920(b)(2) of such Act (42 U.S.C. 1396r–1(b)(2)) as providers that are specifically designated

by the State to make presumptive determinations in accordance with clause (i) with respect to eligibility for such assistance, but only if—

(I) the State elects to provide for a period of presumptive eligibility for such assistance for all Katrina Survivors who may be DRM-eligible Katrina Survivors in accordance with subsection (b); and

(II) the qualified providers designated by the State to make determinations of presumptive eligibility for such assistance, at a minimum, consistent of facilities identified in section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) that are qualified providers under section 1920(b)(2) of such Act.

(G) CONTINUOUS ELIGIBILITY.—Continuous eligibility, without the need for any redetermination of eligibility, for the duration of the DRM coverage period.

(2) NO CONTINUATION OF DRM ASSISTANCE.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no DRM assistance shall be provided after the end of the DRM coverage period.

(B) PRESUMPTIVE ELIGIBILITY FOR MEDICAL ASSISTANCE UNDER REGULAR MEDICAID PLAN.—

(i) IN GENERAL.—If a State, as of the date of enactment of this Act, provides for a period of presumptive eligibility for medical assistance under the State Medicaid plan in accordance with section 1920, 1920A, or 1920B of the Social Security Act (42 U.S.C. 1396r–1, 1396r–1a, 1396r–1b), the State shall provide a DRM-eligible Katrina Survivor who is receiving DRM assistance from the State in accordance with this section and who, as of the end of the DRM coverage period, is an individual for whom a period of presumptive eligibility would be provided under the State Medicaid plan, with presumptive eligibility for medical assistance under the State Medicaid plan.

(ii) STATE OPTION TO PROVIDE PRESUMPTIVE ELIGIBILITY.—If a State is a State to which clause (i) does not apply, the State may elect to provide for a period of presumptive eligibility for medical assistance under the State Medicaid plan for a DRM-eligible Katrina Survivor who is receiving DRM assistance from the State in accordance with this section and who, as of the end of the DRM coverage period, is an individual for whom a period of presumptive eligibility would be provided under the State Medicaid plan in accordance with section 1920, 1920A, or 1920B of such Act, if the State were to provide such a period of presumptive eligibility under the State Medicaid plan.

(iii) STATE OPTION FOR ALL STATES TO PROVIDE PRESUMPTIVE ELIGIBILITY TO OTHER POPULATIONS OF DRM-ELIGIBLE KATRINA SURVIVORS.—In addition to the populations of DRM-eligible Katrina Survivors described in clauses (i) and (ii), a State to which clause (i) or (ii) applies, may elect to provide for a period of presumptive eligibility for medical assistance under the State Medicaid plan for other DRM-eligible Katrina Survivors who are receiving DRM assistance from the State in accordance with this section as of the end of the DRM coverage period.

(iv) LENGTH OF PERIOD.—A presumptive eligibility period provided in accordance with clause (i), (ii), or (iii) shall be provided until the earlier of—

(I) the date on which a determination with respect to the Survivor's application for medical assistance under the State Medicaid plan is made; or

(II) the end of the 60-day period that begins on the first day after the end of the DRM coverage period.

(C) PREGNANT WOMEN.—In the case of a DRM-eligible Katrina Survivor who is receiving DRM assistance from a State in accordance with this section and whose pregnancy ended during the 60-day period prior to the end of the DRM coverage period, or who is pregnant as of the end of such period, such Survivor shall continue to be eligible for DRM assistance after the end of the DRM coverage period, including (but not limited to) for all pregnancy-related and postpartum medical assistance available under the State Medicaid plan, through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends.

(d) SCOPE OF COVERAGE.—

(1) CATEGORICALLY NEEDY BENEFITS.—The State shall treat a DRM-eligible Katrina Survivor as an individual eligible for medical assistance under the State plan under title XIX of the Social Security Act on the basis of section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), with coverage for such assistance retroactive to items and services furnished on or after August 28, 2005 (or in the case of applications for DRM assistance submitted after January 1, 2006, the first day of the 5th month preceding the date on which such application is submitted).

(2) EXTENDED MENTAL HEALTH AND CARE COORDINATION BENEFITS.—The State may provide, without regard to any restrictions on amount, duration, and scope, comparability, or restrictions otherwise applicable under the State Medicaid plan (other than restrictions applicable under such plan with respect to services provided in an institution for mental diseases), to DRM-eligible Katrina Survivors extended mental health and care coordination benefits which may include the following:

(A) Screening, assessment, and diagnostic services (including specialized assessments for individuals with cognitive impairments).

(B) Coverage for a full range of mental health medications at the dosages and frequencies prescribed by health professionals for depression, post-traumatic stress disorder, and other mental disorders.

(C) Treatment of alcohol and substance abuse.

(D) Psychotherapy, rehabilitation, and other treatments administered by psychiatrists, psychologists, or social workers.

(E) Subject to restrictions applicable under the State Medicaid plan with respect to services provided in an institution for mental diseases, in-patient mental health care.

(F) Family counseling.

(G) In connection with the provision of health and long-term care services, arranging for, (and when necessary, enrollment in waiver programs or other specialized programs), and coordination related to, primary and specialty medical care, which may include personal care services, durable medical equipment and supplies, assistive technology, and transportation.

(3) HOME AND COMMUNITY-BASED SERVICES.—

(A) IN GENERAL.—In the case of a State with a waiver to provide home and community-based services granted under section 1115 of the Social Security Act or under subsection (c) or (d) of section 1915 of such Act, the State may provide such services to DRM-eligible Katrina Survivors who self-attest in accordance with subsection (c)(1)(B)(ii) that they require immediate home and community-based services that are available under such waiver without regard to whether the Survivors would require the level of care provided in a hospital, nursing facility, or intermediate care facility for the mentally retarded. Such DRM-eligible Katrina Survivors include (but are not limited to) individuals described in subparagraph (B).

(B) INDIVIDUALS DESCRIBED.—Individuals described in this subparagraph are individuals who—

(i) on any day during the week preceding August 28, 2005—

(I) had been receiving home and community-based services under a waiver described in subparagraph (A) in a direct impact parish or county;

(II) had been receiving support services from a primary family caregiver who, as a result of Hurricane Katrina, is no longer available to provide services; or

(III) had been receiving personal care, home health, or rehabilitative services under the State Medicaid plan or under a waiver granted under section 1915 or 1115 of the Social Security Act; or

(ii) are disabled (as determined under the State Medicaid plan).

(B) WAIVER OF RESTRICTIONS.—The Secretary shall waive with respect to the provision of home and community-based services under this paragraph any limitations on—

(i) the number of individuals who shall receive home or community-based services under a waiver described in subparagraph (A);

(ii) budget neutrality requirements applicable to such waiver; and

(iii) targeted populations eligible for services under such waiver.

The Secretary may waive other restrictions applicable under such a waiver, that would prevent a State from providing home and community-based services in accordance with this paragraph.

(4) CHILDREN BORN TO PREGNANT WOMEN.—In the case of a child born to a DRM-eligible Katrina Survivor who is provided DRM assistance during the DRM coverage period, such child shall be treated as having been born to a pregnant woman eligible for medical assistance under the State Medicaid plan and shall be eligible for medical assistance under such plan in accordance with section 1902(e)(4) of the Social Security Act (42 U.S.C. 1396a(e)(4)). The Federal medical assistance percentage applicable to the State Medicaid plan shall apply to medical assistance provided to a child under such plan in accordance with the preceding sentence.

(e) TERMINATION OF COVERAGE; ASSISTANCE WITH APPLYING FOR REGULAR MEDICAID COVERAGE.—

(1) NOTICE OF EXPECTED TERMINATION OF DRM COVERAGE PERIOD.—A State shall provide DRM-eligible Katrina Survivors who are receiving DRM assistance from the State in accordance with this section, as of the beginning of the 4th month (and, if applicable, 9th month) of the DRM coverage period with—

(A) notice of the expected termination date for DRM assistance for such period and, if applicable, any extension of the DRM coverage period and the expected termination date for the extension of such period;

(B) information regarding eligibility for medical assistance under the State's eligibility rules otherwise applicable under the State Medicaid plan; and

(C) an application for such assistance and information regarding where to obtain assistance with completing such application in accordance with paragraph (2).

(2) APPLICATION ASSISTANCE.—A State shall provide DRM-eligible Katrina Survivors who are receiving DRM assistance from the State in accordance with this section with assistance in applying for medical assistance under the State Medicaid plan for periods beginning after the end of the DRM coverage period, at State Medicaid offices and at locations easily accessible to such Survivors.

(3) STATE REPORTS.—A State providing DRM assistance in accordance with this section shall submit to the Secretary the following reports:

(A) TERMINATION AND TRANSITION ASSISTANCE TO REGULAR MEDICAID COVERAGE FOR DRM-ELIGIBLE KATRINA SURVIVORS ELIGIBLE FOR SUCH ASSISTANCE.—Not later than the

last day of the 3rd month of the DRM coverage period, a report detailing how the State intends to satisfy the requirements of paragraphs (1) and (2).

(B) ENROLLMENT.—Not later than 3 months after the end of the DRM coverage period, a report regarding—

(i) the number of Katrina Survivors who are determined to be DRM-eligible Katrina Survivors; and

(ii) the number of DRM-eligible Katrina Survivors who are determined to be eligible for, and enrolled in, the State Medicaid plan.

(4) SECRETARIAL OVERSIGHT.—The Secretary of Health and Human Services shall ensure that a State is complying with the requirements of paragraphs (1) and (2) and that applications for medical assistance under the State Medicaid plan from DRM-eligible Katrina Survivors for periods beginning after the end of the DRM coverage period are processed in a timely and appropriate manner.

(5) NO PRIVATE RIGHT OF ACTION AGAINST A STATE FOR FAILURE TO PROVIDE NOTICE.—No private right of action shall be brought against a State for failure to provide the notices required under paragraph (1) or subsection (c)(1) so long as the State makes a good faith effort to provide such notices.

(f) 100 PERCENT FEDERAL MATCHING PAYMENTS.—

(1) IN GENERAL.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b), the Federal medical assistance percentage or the Federal matching rate otherwise applied under section 1903(a) of such Act (42 U.S.C. 1396b(a)) shall be 100 percent for—

(A) providing DRM assistance to DRM-eligible Katrina Survivors during the DRM coverage period in accordance with this section;

(B) costs directly attributable to administrative activities related to the provision of such DRM assistance, including costs attributable to obtaining recoveries under subsection (h);

(C) costs directly attributable to providing application assistance in accordance with subsection (e)(2); and

(D) medical assistance provided in accordance with subparagraph (B) of subsection (c)(2), and DRM assistance provided in accordance with subparagraph (C) of that subsection, after the end of the DRM coverage period.

(2) INCLUSION OF ASSISTANCE PROVIDED TO KATRINA SURVIVORS PRIOR TO DATE OF ENACTMENT.—Any assistance provided to a Katrina Survivor under a State Medicaid plan in accordance with guidance from the Secretary during the period that begins on August 28, 2005, and ends on the date of enactment of this Act, shall be treated as a DRM assistance provided to a DRM-eligible Katrina Survivor during the DRM coverage period for purposes of paragraph (1).

(3) 100 PERCENT FEDERAL MATCHING PAYMENTS FOR COSTS FOR PROVIDING CHILD HEALTH ASSISTANCE PRIOR TO DATE OF ENACTMENT; RESTORATION OF ALLOTMENTS USED TO PROVIDE SUCH ASSISTANCE.—With respect to child health assistance for items and services furnished during the period described in paragraph (2) to a Katrina Survivor—

(A) notwithstanding section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)), the Federal matching rate for providing such child health assistance under a State child health plan and for costs directly attributable to all administrative activities that relate to the provision of such child health assistance, shall be 100 percent;

(B) payments to a State for the provision of such assistance shall not be considered to be payments from an allotment for the State under section 2104 of such Act (42 U.S.C 1397dd); and

(C) any payments that were made to a State for the provision of such assistance prior to such date of enactment, shall be disregarded for purposes of determining the unexpended amount of any allotment available for expenditure by the State under that section.

(4) DISREGARD OF PAYMENTS.—Payments provided to a State in accordance with this subsection shall be disregarded for purposes of applying subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308).

(g) VERIFICATION OF STATUS AS A KATRINA SURVIVOR.—

(1) IN GENERAL.—The State shall make a good faith effort to verify the status of an individual who is enrolled in the State Medicaid plan as a DRM-eligible Katrina Survivor under the provisions of this section. Such effort shall not delay the determination of the eligibility of the Survivor for DRM assistance under this section or the provision of such assistance to the Survivor.

(2) EVIDENCE OF VERIFICATION.—A State may satisfy the verification requirement under subparagraph (A) with respect to an individual by showing that the State providing DRM assistance obtained information from the Federal Emergency Management Agency, the Social Security Administration, the Internal Revenue Service, or the State Medicaid Agency for the State from which individual is from (if the individual was not a resident of such State on any day during the week preceding August 28, 2005).

(h) PENALTY FOR FRAUDULENT APPLICATIONS.—

(1) INDIVIDUAL LIABLE FOR COSTS.—If a State, as the result of verification activities conducted under subsection (g) or otherwise, determines after a fair hearing that an individual has knowingly made a false self-attestation described in subsection (c)(1)(B), the State may, subject to paragraph (2), seek recovery from the individual for the full amount of the cost of DRM assistance provided to the individual under this section.

(2) EXCEPTION.—The Secretary shall exempt a State from seeking recovery under paragraph (1) if the Secretary determines that it would not be cost-effective for the State to do so.

(3) REIMBURSEMENT TO THE FEDERAL GOVERNMENT.—Any amounts recovered by a State in accordance with this subsection shall be returned to the Federal government.

(i) EXEMPTION FROM ERROR RATE PENALTIES.—

(1) IN GENERAL.—All payments attributable to providing DRM assistance in accordance with this section, including during a period of presumptive eligibility for such assistance in accordance with subsection (c)(1)(F), shall be disregarded for purposes of section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)).

(2) APPLICATION OF ERROR RATE PENALTIES FOR PRESUMPTIVE ELIGIBILITY PERIODS FOR MEDICAL ASSISTANCE AFTER THE END OF THE DRM COVERAGE PERIOD.—The rules for application of such section under the State Medicaid plan, as in effect on the date of enactment of this Act, shall apply with respect to any period of presumptive eligibility for medical assistance under such plan provided by a State in accordance with subsection (c)(2)(B).

(j) PROVIDER PAYMENT RATES.—In the case of any DRM assistance provided in accordance with this section to a DRM-eligible Katrina Survivor that is covered under the State Medicaid plan (as applied without regard to this section) the State shall pay a provider of such assistance the same payment rate as the State would otherwise pay for the assistance if the assistance were provided under the State Medicaid plan (or, if no such payment rate applies under the State Medicaid plan, the usual and customary prevailing rate for the item or service for the community in which it is provided).

(k) APPLICATION TO INDIVIDUALS ELIGIBLE FOR MEDICAL ASSISTANCE.—Nothing in this section shall be construed as affecting any rights accorded to an individual who is a recipient of medical assistance under a State Medicaid plan who is determined to be a DRM-eligible Katrina Survivor, but the provision of DRM assistance to such individual shall be limited to the provision of such assistance in accordance with this section.

(l) NO ENTITLEMENT TO REGULAR MEDICAL ASSISTANCE SOLELY ON THE BASIS OF RECEIPT OF DRM ASSISTANCE OR IN THE ABSENCE OF A NEW APPLICATION FOR MEDICAL ASSISTANCE.—Notwithstanding paragraphs (3) and (8) of section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), and section 435.930(b) of title 42, Code of Federal Regulations, subject to subparagraphs (B) and (C) of subsection (c)(2), and subsection (d)(4), nothing in this section shall be construed as providing an individual who is a DRM-eligible Katrina Survivor who receives DRM assistance in accordance with this section, with an entitlement to receive medical assistance under the State Medicaid plan after the end of the DRM coverage period—

(1) solely on the basis of the individual's receipt of such DRM assistance; or

(2) in the absence of a new application submitted by such individual for medical assistance under such plan.

(m) LIMITATION WITH RESPECT TO APPLICATION TO MEDICARE PRESCRIPTION DRUG BENEFIT.—In the case of an individual who is a DRM-eligible Katrina Survivor who receives DRM assistance from a State in accordance with this section, and who is eligible for part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) or enrolled in part B of title XVIII of such Act (42 U.S.C. 1395j et seq.)—

(1) the State payment required under section 1935(c) of such Act (42 U.S.C. 1395u–5(c)) shall be determined without regard to the provision of DRM assistance to such individual; and

(2) such individual shall not be treated as a subsidy eligible individual for purposes of eligibility for the low-income subsidies provided under section 1860D–14 of such Act (42 U.S.C. 1395w–114) with respect to the prescription drug coverage provided under part D of title XVIII of such Act (42 U.S.C. 1395w–101 et seq.), or enrollment in such coverage, solely on the basis of the provision of DRM assistance to such individual.

(n) NO DRM ASSISTANCE IF THE SECRETARY IS MAKING PAYMENTS ON BEHALF OF THE INDIVIDUAL FOR PRIVATE HEALTH INSURANCE.—A DRM-eligible Katrina Survivor may not receive DRM assistance from a State in accordance with this section during any period in which the Secretary is making a payment for a health insurance premium on behalf of such Survivor under section 6088(b)(2)(A) with respect to that period.

SEC. 6083. TARGETED MEDICAID RELIEF FOR MAJOR DISASTER PARISHES AND COUNTIES IN LOUISIANA, MISSISSIPPI, AND ALABAMA.

(a) 100 PERCENT FEDERAL MATCHING PAYMENTS FOR MEDICAL ASSISTANCE PROVIDED IN MAJOR DISASTER PARISH OR COUNTY.—

(1) IN GENERAL.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), for items and services furnished during the period that begins on August 28, 2005, and ends on August 31, 2006, the Federal medical assistance percentage for providing medical assistance for such items and services under a State Medicaid plan to any individual, including a Katrina Survivor, residing in a major disaster parish or county (as

defined in subsection (c)), and for costs directly attributable to all administrative activities that relate to the provision of such medical assistance, shall be 100 percent.

(2) APPLICATION TO CHILD HEALTH ASSISTANCE.—Notwithstanding section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)), for items and services furnished during the period described in subsection (a), the Federal matching rate for providing child health assistance for such items and services under a State child health plan in a major disaster parish or county, and for costs directly attributable to all administrative activities that relate to the provision of such child health assistance, shall be 100 percent.

(b) MORATORIUM ON REDETERMINATIONS.—During the DRM coverage period, the States of Louisiana, Mississippi, and Alabama shall not be required to conduct eligibility redeterminations under the State's Medicaid plan.

(c) MAJOR DISASTER PARISH OR COUNTY DEFINED.—For purposes of subsection (a), a major disaster parish or county is a parish of the State of Louisiana or a county of the State of Mississippi or Alabama for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina and which the President has determined, as of September 14, 2005, warrants individual or public assistance from the Federal Government under such Act.

SEC. 6084. AUTHORITY TO WAIVE REQUIREMENTS DURING NATIONAL EMERGENCIES WITH RESPECT TO EVACUEES FROM AN EMERGENCY AREA.

(a) IN GENERAL.—Section 1135(g)(1) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)) is amended by adding at the end the following:

''Any geographical area in which the Secretary determines there are a significant number of evacuees from an area that is considered to be an emergency area under the preceding sentence shall be considered to be an 'emergency area' for purposes of this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on August 28, 2005.

SEC. 6085. EMERGENCY ASSISTANCE FOR STATES WITH SIGNIFICANT NUMBERS OF EVACUEES WITH RESPECT TO THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE FOR FISCAL YEAR 2006.

(a) IN GENERAL.—If the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b))) determined for a State described in subsection (b) for fiscal year 2006 is less than the Federal medical assistance percentage determined for such State for fiscal year 2005, the Federal medical assistance percentage for the State for fiscal year 2005 shall apply to the State for fiscal year 2006 for purposes of titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.).

(b) STATE DESCRIBED.—For purposes of subsection (a), a State described in this subsection is a State that, as of September 30, 2005, is hosting at least 10,000 Katrina Survivors described in section 6081(4)(A), as determined on the basis of Federal Emergency Management Authority data.

SEC. 6086. EMERGENCY ASSISTANCE TO MEDICARE BENEFICIARIES.

(a) EXCLUSION OF DRM COVERAGE PERIOD IN COMPUTING MEDICARE PART B LATE ENROLLMENT PERIOD.—In applying the first sentence of section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) in the case of an individual who, on any day during the week preceding August 28, 2005, had a residence in a direct impact parish or county, there shall not be taken into account any month any part of which is within the DRM coverage period.

(b) WRITTEN PLAN ON TRANSITION OF CERTAIN FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS TO PRESCRIPTION DRUG COVERAGE UNDER MEDICARE PART D.—

(1) IN GENERAL.—Not later than December 1, 2005, the Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') shall submit to Congress a written plan on how the Secretary will provide for the transition of coverage of prescription drugs for full-benefit dual eligible individuals (as defined in section 1935(c)(6) of the Social Security Act (42 U.S.C. 1396u–5(c)(6)) who, on any day during the week preceding August 28, 2005, had a residence in a direct impact parish or county, from the Medicaid program under title XIX of such Act to the Medicare program under part D of title XVIII of such Act.

(2) REQUIREMENTS.—The plan shall address issues relating to the following:

(A) The application of the rules for automatic assignment into prescription drug plans under section 1860D–1(b)(1)(C) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)(C)).

(B) The communication by the Secretary and sponsors of prescription drug plans to individuals described in paragraph (1) of—

(i) information regarding such rules; and

(ii) if such an individual is automatically assigned to a plan, information on the plan.

(C) Beneficiary protections related to the emergency use of out-of-network and nonformulary benefits, including under circumstances related to a lack of medical records and access to prescribing physicians.

(D) Any other area determined appropriate by the Secretary.

SEC. 6087. RELIEF FOR HOSPITALS LOCATED IN A DIRECT IMPACT PARISH OR COUNTY.

(a) INCREASE IN MEDICARE PAYMENTS TO HOSPITALS FOR BAD DEBT.—During the DRM coverage period, section 1861(v)(1)(T)(iv) of the Social Security Act (42 U.S.C. 1395x(v)(1)(T)(iv)) shall be applied by substituting ''0 percent'' for ''30 percent'' with respect to—

(1) a hospital located in a direct impact parish or county; and

(2) any other hospital, but only to the extent that the bad debt is related to items and services furnished to an individual who, on any day during the week preceding August 28, 2005, had a residence in a direct impact parish or county.

(b) WAIVER OF CERTAIN MEDICARE QUALITY REPORTING REQUIREMENTS FOR HOSPITALS.—During the DRM coverage period, section 1886(b)(3)(B)(vii) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(vii)) shall not apply to a hospital that is located in a direct impact parish or county.

SEC. 6088. DISASTER RELIEF FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Disaster Relief Fund (in this section referred to as the ''Fund'') which—

(1) shall be administered by the Secretary; and

(2) shall consist of amounts made available under subsection (h).

(b) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be used by the Secretary for the following:

(1) PAYMENTS TO PROVIDERS.—The Secretary shall make payments directly to medicaid providers described in subsection (e) to offset the costs incurred by such providers as a result of Hurricane Katrina.

(2) PAYMENTS FOR PRIVATE HEALTH INSURANCE COVERAGE.—The Secretary shall make payments to State insurance commissioners for the purpose of making payments to health insurance issuers—

(A) on behalf of individuals that would otherwise qualify for DRM assistance from the State under section 6082 but for subsection (n) of such section for such individual's share of their health insurance premium; and

(B) on behalf of qualified employers for the employer share of their employee's health insurance premiums, but only with respect to the days on which the employer meets the definition under subsection (f).

(c) RULES FOR PAYMENTS TO PROVIDERS.—

(1) CONSULTATION.—In making payments to medicaid providers under subsection (b)(1), the Secretary shall consult with the Louisiana Department of Health and Hospitals, the Mississippi Department of Health, and the Alabama Department of Public Health in order to best identify the providers with the greatest need of such payments.

(2) PRIORITY.—In making payments to medicaid providers under subsection (b)(1), the Secretary shall give priority to community-based hospitals, physician practices, and other providers located in a direct impact parish or county where the health care infrastructure was destroyed or nearly destroyed.

(3) DESCRIPTION OF NEED AND HOW FUNDING WILL BE USED.—In order for a medicaid provider to be eligible for a payment under subsection (b)(1), the provider shall provide the Secretary with a description of the need for the funding and how the funding will be used.

(4) TIMING FOR FIRST PAYMENT.—The first payment to medicaid providers under subsection (b)(1) shall be made by not later than 10 days after the date of enactment of this Act.

(d) RULES FOR PAYMENTS ON BEHALF OF INDIVIDUALS FOR PRIVATE HEALTH INSURANCE.—

(1) STREAMLINED ELIGIBILITY PROCESS.—In making payments on behalf of individuals under subsection (b)(2)(A), the Secretary shall use the streamlined eligibility process under section 6082(c)(1).

(2) NO PAYMENTS IF THE INDIVIDUAL IS RECEIVING DRM ASSISTANCE.—No payments may be made on behalf of an individual under subsection (b)(2)(A) with respect to any period in which the individual is receiving DRM assistance from a State under section 6082.

(e) MEDICAID PROVIDERS DESCRIBED.—For purposes of subsection (b)(1), medicaid providers described in this subsection are—

(1) any provider under such title, including a supplier of medical assistance consisting of durable medical equipment (as defined in section 1861(n) of such Act (42 U.S.C. 1395x(n)), that, during a period after August 28, 2005, as determined by the Secretary—

(A) experiences a significant increase, as determined by the Secretary, in their patient caseload; or

(B) experiences a significant drop, as determined by the Secretary, in their patient caseload, including a provider that is temporarily closed during such period; and

(2) any other provider under such title, including such a supplier, determined appropriate by the Secretary.

(f) QUALIFIED EMPLOYER DEFINED.—For purposes of subsection (b)(2)(B), the term ''qualified employer'' means any employer—

(1) which conducted an active trade or business on August 28, 2005, in a direct impact parish or county; and

(2) with respect to which the trade or business described in paragraph (1)—

(A) is inoperable on any day during the DRM coverage period as a result of damage sustained in connection with Hurricane Katrina; or

(B) is not paying salary or benefits to employees on any day during the DRM coverage

period as a result of damage sustained in connection with Hurricane Katrina.

(g) EXPEDITING IMPLEMENTATION.—The Secretary shall promulgate regulations to carry out this section which may be effective and final immediately on an interim basis as of the date of publication of the interim final regulation. If the Secretary provides for an interim final regulation, the Secretary shall provide for a period of public comments on such regulation after the date of publication. The Secretary may change or revise such regulation after completion of the period of public comment.

(h) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there is appropriated to the Fund $800,000,000 for fiscal year 2005, to remain available until expended.

(i) APPLICATION OF APPROPRIATIONS FUNDING PROVISIONS.—Amounts provided in this section for making payments to medicaid providers under subsection (b)(1) shall be governed by the terms of division F of the Consolidated Appropriations Act, 2005 (Public Law 108–447, 118 Stat. 3112) (or succeeding appropriations measures for a fiscal year) that apply to funding for Grants to States for Medicaid under Title XIX of the Social Security Act.

SEC. 6089. NONAPPLICATION OF CERTAIN PROVISIONS.

Notwithstanding any other provision of this Act, this Act shall be applied without regard to subsections (a) and (b) of section 6032.

Subchapter B—TANF Relief

SEC. 6090. REIMBURSEMENT OF STATES FOR TANF BENEFITS PROVIDED TO ASSIST FAMILIES OF STATES AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—Section 3 of the TANF Emergency Response and Recovery Act of 2005 is amended to read as follows:

"SEC. 3. REIMBURSEMENT OF STATES FOR TANF BENEFITS PROVIDED TO ASSIST FAMILIES OF STATES AFFECTED BY HURRICANE KATRINA.

''(a) ELIGIBILITY FOR PAYMENTS FROM THE CONTINGENCY FUND.—

''(1) PERIOD OF APPLICABILITY.—Beginning with August 29, 2005, and ending with September 30, 2006, a State described in paragraph (2) or (3) shall be considered a needy State for purposes of section 403(b) of the Social Security Act (42 U.S.C. 603(b)).

''(2) DIRECT IMPACT STATES.—A State described in this paragraph is Louisiana, Mississippi, or Alabama.

''(3) OTHER STATES.—

''(A) IN GENERAL.—A State is described in this paragraph if the State provides any benefit or service that may be provided under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to a family which—

''(i) has resided in a direct impact State described in paragraph (2);

''(ii) has travelled (not necessarily directly) to the State from such direct impact State as a result of Hurricane Katrina; and

''(iii) if applying for benefits or services on or after October 28, 2005, the State has determined is not receiving cash benefits from any program funded under such part of any other State.

''(B) APPLICATION TO TERRITORIES.—

''(i) IN GENERAL.—Notwithstanding section 403(b)(7) of the Social Security Act, a territory (as defined in section 1108(c)(1) of such Act (42 U.S.C.1308(c)(1)) shall be considered to be a State described in this paragraph for purposes of this section.

''(ii) DISREGARD OF PAYMENTS.—Section 1108(a) of the Social Security Act (42 U.S.C. 1308(a)) shall be applied without regard to any amounts paid to a territory (as so defined) in accordance with this section.

''(b) MONTHLY PAYMENTS.—Notwithstanding paragraph (3)(C)(i) of subsection (b) of section 403 of the Social Security Act (42 U.S.C. 603), and in addition to any other amounts paid to a State under that subsection, the total amount paid during a month to a State under this section shall not exceed the following:

''(1) DIRECT IMPACT STATES.—In the case of a State described in subsection (a)(2), such amount shall not exceed, ¼ of 20 percent of the State family assistance grant.

''(2) OTHER STATES.— In the case of a State described in subsection (a)(3), such amount shall not exceed the lesser of—

''(A) the total amount of Hurricane Katrina Emergency TANF Benefits (as defined in section 6(c)(1)) provided by the State to families described in subsection (a)(3); or

''(B) ¼ of 20 percent of the State family assistance grant.

''(c) NO STATE MATCH OR MAINTENANCE OF EFFORT REQUIRED.—Sections 403(b)(6) and 409(a)(10) of the Social Security Act (42 U.S.C. 603(b)(6), 609(a)(10)) shall not apply with respect to a payment made to a State by reason of this section.

''(d) INCREASE IN FUNDING TO THE EXTENT NECESSARY TO ENSURE THAT STATES WILL BE ABLE TO ACCESS THE CONTINGENCY FUND.—For the period described in subsection (a)(1), paragraph (2) of subsection (b) of section 403 of the Social Security Act (42 U.S.C. 603) shall be applied without regard to the limitation on the total amount specified in such paragraph and funds appropriated pursuant to such paragraph shall be available for payments authorized under this section and under such subsection (b).''.

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the TANF Emergency Response and Recovery Act of 2005.

SEC. 6091. INCREASE IN AMOUNT OF ADDITIONAL TANF FUNDS AVAILABLE FOR HURRICANE-DAMAGED STATES.

(a) IN GENERAL.—Section 4 of the TANF Emergency Response and Recovery Act of 2005 is amended—

(1) in subsection (a)(2), by striking ''20 percent'' and inserting ''40 percent''; and

(2) in subsection (b), in the matter preceding paragraph (1), by inserting ''(at any time during or after the period described in section 3(a)(1))'' after ''may not be imposed''.

(b) RETROACTIVE EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the TANF Emergency Response and Recovery Act of 2005.

SEC. 6092. RULES FOR RECEIPT OF HURRICANE KATRINA EMERGENCY TANF BENEFITS AND APPLICATION TO CHILD SUPPORT REQUIREMENTS.

(a) IN GENERAL.—Section 6 of the TANF Emergency Response and Recovery Act of 2005 is amended to read as follows:

"SEC. 6. RULES FOR RECEIPT OF HURRICANE KATRINA EMERGENCY TANF BENEFITS AND APPLICATION TO CHILD SUPPORT REQUIREMENTS.

''(a) IN GENERAL.—During the period described in section 3(a)(1), a State described in paragraph (2) or (3) of section 3(a) or an Indian tribe with a tribal family assistance plan approved under section 412 of the Social Security Act (42 U.S.C. 612) may provide Hurricane Katrina Emergency TANF Benefits under the State or tribal program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

''(b) CERTAIN RULES WAIVED.—

''(1) IN GENERAL.—Hurricane Katrina Emergency TANF Benefits shall not be considered assistance for purposes of sections 407, paragraphs (2), (3), or (7) of section 408(a), 411, or section 454(29) of the Social Security Act (42 U.S.C. 607, 608(a), 611, 654(29)).

''(2) LIMITED WAIVER OF RULES UNDER SECTION 454(4)(A)(I).—

''(A) IN GENERAL.—Subject to subparagraph (B), such benefits shall not be considered assistance for purposes of section 454(4)(A)(i) of such Act (42 U.S.C. 654(4)(A)(i)).

''(B) EXCEPTION FOR FAMILIES ALREADY RECEIVING CHILD SUPPORT SERVICES OR WHO APPLY FOR SUCH SERVICES.—Subparagraph (A) shall not apply with respect to such benefits that are provided to a family who—

''(i) at the time such benefits are provided, are receiving child support services under a State plan under section 454 of such Act (42 U.S.C. 654); or

''(ii) applies for child support services under such a State plan on behalf of a child who is receiving such benefits.

''(c) HURRICANE KATRINA EMERGENCY TANF BENEFITS.—

''(1) IN GENERAL.—In this section, the term 'Hurricane Katrina Emergency TANF Benefits' means any benefit or service that may be provided under a State or tribal program funded under part A of title IV of the Social Security Act to support families which the State or Indian tribe deems to be needy families based on their statement, circumstance, or inability to access resources and who—

''(A) are described in section 3(a)(3); or

''(B) subject to paragraph (2), reside in a State described in section 3(a)(2).

''(2) LIMITATION.—Any benefit or service provided under a State or tribal program funded under part A of title IV of the Social Security Act in a State described in section 3(a)(2) to a family who the State or Indian tribe deems to be a needy family in accordance with paragraph (1), shall only be considered to be a Hurricane Katrina Emergency TANF Benefit if the State or Indian tribe designates that the benefit or service is to be treated as a Hurricane Katrina Emergency TANF Benefit.

''(d) SIMPLIFIED DATA REPORTING.—

''(1) IN GENERAL.—Each State or Indian tribe which provides Hurricane Katrina Emergency TANF Benefits shall report to the Secretary of Health and Human Services on a monthly basis the following information:

''(A) The total amount of expenditures attributable to providing Hurricane Katrina Emergency TANF Benefits.

''(B) The total number of families receiving such benefits.

''(C) To the extent the State determines it is able to do so, the total amount of such benefits provided that are—

''(i) cash;

''(ii) child care; or

''(iii) other benefits and services.

''(2) REPORTS TO CONGRESS.—The Secretary of Health and Human Services shall submit, on a monthly basis, a compilation of the reports submitted in accordance with paragraph (1) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.''.

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the TANF Emergency Response and Recovery Act of 2005.

Subchapter C—Miscellaneous Provisions

SEC. 6093. DISCLOSURE BASED ON VALID AUTHORIZATION.

(a) IN GENERAL.—Section 223(d)(5) of the Social Security Act (42 U.S.C. 423(d)(5)) is amended by adding at the end the following:

''(C) Notwithstanding any other provision of law, if the Commissioner of Social Security provides to a custodian of records a copy, facsimile, or electronic version of an authorization obtained from the individual to disclose records to the Commissioner, then such custodian shall not be held liable

under any applicable Federal or State law for disclosing any record or other information in response to such request, on the basis that the authorization relied upon was a copy, facsimile, or electronic version of the authorization.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to disclosures of records or other information made on or after the date of enactment of this Act.

SEC. 6094. EMERGENCY PROCUREMENT AUTHORITY IN SUPPORT OF HURRICANE KATRINA RESCUE AND RELIEF EFFORTS.

(a) SMALL BUSINESS RESERVATION OFFSET.—Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) is amended by adding at the end the following:

''(4) For any contracts involving the use of the special emergency procurement authority under section 32A(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 428a(c)), the dollar ceiling of the small business reservation established in paragraph (1) shall be adjusted to match the applicable amount of the simplified acquisition threshold.''.

(b) RETENTION OF SMALL BUSINESS SUBCONTRACTING.—Section 8(d)(4)(D) of the Small Business Act (15 U.S.C. 637(d)(4)(D)) is amended—

(1) by striking ''(D) No contract'' and inserting the following:

''(D) SMALL BUSINESS PARTICIPATION.—

''(i) IN GENERAL.—No contract''; and

(2) by adding at the end the following:

''(ii) EMERGENCY PROCUREMENTS.—

''(I) IN GENERAL.—For any contract which otherwise meets the requirements of this subsection, and which involves the use of special emergency procurement authority under section 32A(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 428a(c)), the subcontracting plan required under this subsection shall be negotiated as soon as is practicable, but not later than 30 days after the date on which the contract is awarded.

''(II) PAYMENT.—Not greater than 50 percent of the amounts due under any contract described in subclause (I) may be paid, unless a subcontracting plan compliant with this subsection is negotiated by the contractor.''.

(c) LIMITATIONS ON INCREASED MICRO-PURCHASE THRESHOLD.—Notwithstanding any other provision of law, the authority granted under section 101 of the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109-62), including the modifications under subsection (d), shall—

(1) be restricted for use solely within the geographic areas designated by the President as disaster areas due to Hurricane Katrina;

(2) not be exercised in a manner inconsistent with any Federal law providing for local preference in disaster relief and recovery contracting; and

(3) terminate 120 days after the date of enactment of this Act.

(d) MODIFIED THRESHOLD.—Notwithstanding section 101(2) of the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109–62), the amount specified in subsections (c), (d), and (f) of the section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) for purchases necessary for support of Hurricane Katrina rescue and relief operations shall be $50,000, or such an amount in excess of $50,000, but not to exceed $250,000, as may be approved by the head of the executive agency concerned (or any delegate of the head of such executive agency, who shall be an officer or employee of such executive agency who is a warranted contracting officer for making Federal acquisitions).

(e) OMB GUIDANCE ON USE OF GOVERNMENT CREDIT CARDS FOR MICRO-PURCHASES.—

(1) GUIDANCE REQUIRED.—Not later than 14 calendar days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue clear and concise guidance regarding the use of Government credit cards by Federal agencies to make micro-purchases under subsections (c), (d), and (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428), as modified by this section.

(2) ELEMENTS.—The guidance under paragraph (1) shall include—

(A) a list of Government officials with the authority to approve purchases under subsection (d) in amounts in excess of $50,000, designated by agency, title, and pay grade;

(B) the number of credit cards, by agency, that may be utilized for purchases under subsection (d) in amounts in excess of $50,000;

(C) procedures for the immediate review of any purchase under subsection (d) in an amount in excess of $50,000 that was not approved by an official specified in that paragraph as required by that paragraph;

(D) procedures for the audit of all purchases made on Government credit cards after the expiration of subsection (d) under subsection (c); and

(E) procedures to ensure that such purchases are made with small business concerns and local small business concerns, to the maximum extent practicable under the circumstances.

(3) REPORTS ON PURCHASES.—Not later than 180 days after the date of the enactment of this Act, the head of each executive agency making any purchase under subsection (d) in an amount in excess of $50,000 shall submit to the appropriate Congressional committees a report on each such purchase made by such agency, including—

(A) a description of the property or services so purchased;

(B) a statement of the purpose of such purchase;

(C) a statement of the amount of such purchase;

(D) a statement of the name, title, and pay grade of the officer or employee of such agency making such purchase; and

(E) whether such purchases were made with small business concerns.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate Congressional committees'' means—

(A) the Committees on Appropriations, Small Business and Entrepreneurship, Finance, and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Appropriations, Small Business, and Government Reform of the House of Representatives.

SEC. 6095. TRANSFER OF FUNDS.

Notwithstanding any other provision of law, of the amounts made available to the Department of Homeland Security under the heading ''Disaster Relief' under the heading ''Emergency Preparedness and Response'' of Public Law 109–62 (119 Stat. 1991), $6.2 billion shall be made available to the Secretary to carry out this chapter and remain available until expended. The Secretary shall use such sums as are necessary to carry out this chapter.

Mrs. LINCOLN. Madam President, this amendment truly reflects the values that we hold as an American family. When one of us is sick or ill, the rest of us are there to help. The amendment simply provides immediate access to Medicaid for displaced individuals from the gulf coast disaster. It provides full Federal support to the affected States only in the Medicaid Program so that we don't leave them hanging without the means to be able to take care of their own people. We provide disaster relief funds through an uncompensated care pool for our providers who have, without being asked, provided the care for those individuals who needed it so desperately. I urge my colleagues to support this. We have tried time and time again to do what is right. We have the opportunity here. We have offered it many times. I encourage my colleagues, please do the right thing.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, this amendment is opposed by the Finance Committee. The Finance Committee has aggressively funded this account with $1.94 billion in this bill, which will cover 1.9 million victims of the hurricane. Therefore, these additional funds, if this amendment were to pass, would basically put the Finance Committee section of the bill out of compliance with the Deficit Reduction Act. Therefore, we oppose it.

I make a point of order that the pending amendment is not germane to the measure now before the Senate. I raise that as a point of order under section 305 of the Budget Act.

Mrs. LINCOLN. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 51, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—48

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Harkin	Nelson (FL)
Biden	Hutchison	Nelson (NE)
Bingaman	Inouye	Obama
Boxer	Jeffords	Pryor
Byrd	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Rockefeller
Clinton	Kohl	Salazar
Conrad	Landrieu	Sarbanes
Cornyn	Lautenberg	Schumer
Dayton	Leahy	Snowe
Dodd	Levin	Stabenow
Dorgan	Lieberman	Vitter
Durbin	Lincoln	Wyden

NAYS—51

Alexander	Brownback	Chambliss
Allard	Bunning	Coburn
Allen	Burns	Cochran
Bennett	Burr	Coleman
Bond	Chafee	Collins

Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Voinovich
Warner

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained, and the amendment falls.

Mr. GREGG. I move to reconsider and I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGE OF VOTE

Mr. CORNYN. Mr. President, I ask unanimous consent that my vote on the motion to waive with respect to the Lincoln amendment No. 2356, as modified, be recorded as a ''yea.'' This does not change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 2355

Mr. GREGG. Madam President, we are now going to the Inhofe amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, there have been many sincere, well-meaning efforts to put fiscal discipline into this legislation. Some people have tried to stop projects only to find out it does not save any money; it just causes them to rearrange their projects.

This amendment actually does that. This is the only amendment that does. I will read it for my colleagues:

All non-defense, non-trust fund discretionary spending shall not exceed the previous fiscal year's level without a two-thirds vote.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Mississippi.

Mr. COCHRAN. Madam President, the pending amendment contains matter within the jurisdiction of the Committee on the Budget. I raise a point of order against the amendment under section 306 of the Budget Act.

The PRESIDING OFFICER. Is all time yielded back on the amendment?

Mr. INHOFE. No.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, the amendment of the Senator from Oklahoma would freeze spending on veterans, on homeland security, on education, on National Institutes of Health, not just for 1 year but permanently—permanently. Permanently is a long time. The only way you get around it is a supermajority vote of 67 votes in the Senate.

I urge colleagues to oppose the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. INHOFE. No, I believe I have 30 seconds remaining.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, what the Senator from North Dakota said is exactly right. That is exactly what this amendment does. And if you are really serious about doing something about the deficit, this is your chance to do it.

This morning we passed the Agriculture appropriations conference report which had a very small increase, but last week we passed the Labor-HHS appropriations bill with $107 billion more than the previous year. This has to stop, and that is why this is a very significant vote.

Mr. President, I say to my conservative friends, this is going to be scored very heavily by conservative organizations, such as the National Taxpayers Union. I urge a positive vote.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I renew my point of order. The pending amendment contains matter within the jurisdiction of the Committee on the Budget. I raise a point of order against the amendment under section 306 of the Budget Act.

Mr. INHOFE. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of the act for the consideration of the pending amendment. I urge a ''yes'' vote.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 67, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—32

Allard
Allen
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Frist
Graham
Grassley
Hagel
Hutchison
Inhofe
Isakson
Kyl
Martinez
McCain
McConnell
Santorum
Sessions
Shelby
Sununu
Thomas
Thune
Vitter

NAYS—67

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Cochran
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Gregg
Harkin
Hatch
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Voinovich
Warner
Wyden

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 32, the nays are 67. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. COCHRAN. Madam President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2357

Mr. NELSON of Florida. Madam President, my amendment would prevent a hike in Medicare premiums for our 42 million senior citizens. In the bill, doctors' fees are increased in their reimbursement. In my amendment, that is paid for with drug company money that would be staying the same under the existing law where the drug companies have to give discounts under the Medicaid law as they transition into Medicaid HMOs. This saves our seniors over $1 billion in increased premiums.

This amendment is supported and endorsed by the AARP. I want to welcome the bipartisan support of the Senate for this amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Iowa.

Mr. GRASSLEY. Madam President, I rise in opposition to the Nelson amendment. I think everybody knows that the taxpayers pay 75 percent of the Part B premium and 25 percent is paid by the individual. Whenever we increase doctors' reimbursement—and we do that in this bill by 5.3 percent so that doctors do not lose their money—then, obviously, the 25 percent is going to go up a little bit, just as the 75 percent goes up a little bit when reimbursement is increased.

The Senator from Florida takes offense at the fact that the premium is going to go up in the year 2007 by $1.69. It is the way the formula works. I think every Senator wants to vote to give the doctors fair reimbursement because without doctors senior citizens cannot be served. So we ought to let the formula work.

The offset is very egregious toward managed care as well. Also, do not forget that low-income people, people on

Medicaid, do not pay the Part B and those who are not on Medicaid but below the poverty level have help through the QI program that we passed and the President signed recently to continue that program. So I hope my colleagues will defeat the amendment.

Mr. GREGG. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—49

Akaka	Durbin	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Biden	Harkin	Obama
Bingaman	Inouye	Pryor
Boxer	Jeffords	Reed
Burns	Johnson	Reid
Byrd	Kennedy	Rockefeller
Cantwell	Kerry	Salazar
Carper	Kohl	Sarbanes
Clinton	Landrieu	Schumer
Collins	Lautenberg	Snowe
Conrad	Leahy	Stabenow
Dayton	Levin	Talent
DeWine	Lieberman	Wyden
Dodd	Lincoln	
Dorgan	Mikulski	

NAYS—50

Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Ensign	Murkowski
Bennett	Enzi	Roberts
Bond	Frist	Santorum
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Gregg	Smith
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Thomas
Coleman	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	

NOT VOTING—1

Corzine

The amendment (No. 2357) was rejected.

Ms. MIKULSKI. Mr. President, I rise today to join my colleagues in support of Senator NELSON's amendment to protect seniors against the outrageous increases in their Medicare costs.

Health care costs are skyrocketing and seniors are paying a greater share out of their pockets for health care each year. Medicare premium increases are outpacing inflation. Prescription drug costs are shooting through the roof.

Other out-of-pocket medical expenses are also increasing. Seniors are facing higher copays and deductibles. Last year's Medicare bill increased deductibles for doctors' visits by 10 percent. Deductibles for hospital and skilled nursing home visits are also rising.

Medicare beneficiaries spend a sizable portion of their income on health care. In 2004, beneficiaries spent about $3,725—nearly one-quarter—of their income on health care costs. Over the last 3 years, Medicare premiums have increased by 50 percent. Compare this to the only 10-percent increase in seniors' cost-of-living adjustments, COLA. Next year, Part B premiums will increase by another 12 percent.

But there is another problem this amendment addresses. The current Medicare physician payment formula, known as the sustainable growth rate, SGR, has serious flaws. The current formula has generated negative updates since 2001. Without congressional intervention, reimbursement rates for physicians in the Medicare Program will decrease by 4.3 percent next year.

I have long supported fixing this flawed formula. With the majority of my colleagues, I have written letters to CMS Commissioner Dr. Mark McClelan and the Director of the Office of Management and Budget, Mr. Joshua Bolten. I have supported legislation trying to address this issue. Without a permanent fix, this uncertainty causes considerable angst among the physician community every year. Although I believe Congress needs to enact a long-term solution, this amendment supports a 1 percent increase in the physician reimbursement rate for the next year.

But this increase in physician payments will also increase overall spending on Medicare Part B. This will in turn increase Medicare premiums, which are set at 25 percent of Part B expenses. While I strongly support the payment change, I believe it is equally important that Medicare beneficiaries not have their premiums unexpectedly increased.

This amendment ensures that Medicare beneficiaries will not have to pay unexpectedly higher premiums in 2007 because of the payment changes for 2006 in the Senate's budget reconciliation bill. This amendment prevents us from having to make a King Solomon-like decision. With this amendment, we do not have to consider ''cutting the baby in half.'' We do not have to decide between this modest increase to physician reimbursement and a further hike to our senior citizens—especially for those who are forced to live on a fixed income.

In addition, the increase necessary to provide for physician reimbursement will not have to come from taxpayers. The offset for this amendment is an expansion of a drug rebate program currently in place since 1990. Drug manufacturers currently pay a rebate to participate in Medicaid. The Nelson amendment would offset the cost of protecting Medicare beneficiaries from the Part B premium increase by providing Medicaid managed care plans access to these drug rebates.

I think it is a good idea to expand the drug rebate program from Medicare fee-for-service to all of Medicaid, including the managed care programs. When we first passed this law, 15 years ago, Medicaid managed care did not have such a strong presence. It now accounts for much of Medicaid services and should be part of this rebate program.

I believe honor thy mother and father is not just a good commandment to live by, it is good public policy to govern by.

That's why I feel so strongly about Medicare. Congress created Medicare to provide a safety net for seniors. In 1965, seniors' biggest fear was the cost of hospital care. One heart attack could have put a family into bankruptcy. That is what Medicare Part A is all about.

Then Congress added Medicare Part B to help seniors pay for doctor visits as an important step to keep seniors healthy and financially secure. Now, Part B premium increases are racing ahead of seniors' ability to pay. So seniors may lose the ability to pay for coverage for their doctor's visits.

This amendment is not an answer to skyrocketing health care costs, but a stopgap measure to give seniors a little breathing room. I am working hard on several bills to fix the Medicare bill that was passed last year. I am fighting to protect seniors' Social Security COLAs from increases in both Part B and Part D premiums.

I am fighting to close the coverage gap to provide a real drug benefit for seniors. I am fighting to allow the Government to negotiate with drug companies to lower the cost of prescription drugs to save money for the Government and for seniors. I am fighting to end the giveaways to insurance companies and use those savings to improve Medicare.

And I could go on.

I am fighting to protect physician reimbursement rates by supporting legislation and writing to government officials who have the authority to make changes to the flawed formula.

And I will continue to fight.

This amendment is a good step down in our constant attempt to reign in Medicare premium costs for seniors while protecting reimbursement rates for physicians.

Seniors cannot afford 17-percent increases in their Medicare premiums. Physicians cannot afford to have their reimbursement rates cut. I urge my colleagues to join me in expressing support for this amendment.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2358

Mr. GREGG. Mr. President, we are making progress, but it is slow. The next amendment is the amendment of Senator CANTWELL, which is obviously the big polar bear.

The PRESIDENT pro tempore. The Senator is recognized.

Ms. CANTWELL. My amendment strikes the language allowing for drilling in the Arctic National Wildlife Refuge. The underlying bill is a sweetheart deal for oil companies that have made a record $30 billion in profits last quarter. The bill gives oil companies a free ride with back-door language that allows them to circumvent environmental laws, legal standards and Federal agency oversight that every other business in America has to comply with.

This wildlife area has been protected since the Eisenhower days, and for good reason. There is an average of over 500 oil spills a year on the Alaska North Slope and over 4,000 spills in the last 10 years. Let's not pollute one of the great last refuges of America, and let's take the polluting language out of this bill. The Department of Energy says drilling in ANWR will do nothing in the near term and very little in the long term, reducing gas prices by only one penny. America wants a better energy plan than putting a sweetheart deal in the budget language.

I urge my colleagues to strike this language.

Mr. DODD. Mr President, I join with my colleagues in strong opposition to opening the Arctic National Wildlife Refuge, ANWR, to oil drilling. I believe including it in a reconciliation package is a backdoor attempt to achieve a shortsighted, environmentally irresponsible outcome. It is little more than a scheme to raise $2.5 billion that will ultimately be used to cover a portion of the cost of tax cuts for the wealthy. Further, it will have a great and lasting cost to the environment with few benefits in terms of affordable energy.

Let me lay out a few reasons why I oppose drilling in ANWR.

The area we are talking about is home to nearly 200 species of wildlife, including polar, grizzly, and black bears, rare musk oxen, and millions of migratory birds. Each year, thousands of caribou travel to the Coastal Plain of the Arctic Refuge to give birth to their calves. It has been protected for decades, during Republican and Democratic administrations. It is not as if we have said no to oil and gas exploration in the entire North Slope. It is only the remaining 5 percent—the Coastal Plain of the Arctic Refuge—that we want placed off limits. If we open this pristine land now, we can never turn the clock back. Setting the process in motion will entail a web of oil platforms, pipelines, production facilities, power facilities, support structures, and roads across the entire area. The administration contention that development would be confined to a 2,000-acre footprint is simply false because the recoverable oil is spread out in small deposits across the entire Coastal Plain.

I firmly believe we need to ensure our country's economic security, but drilling in ANWR will do nothing to reduce our energy price and supply problems in the near term and very little to reduce our dependence on foreign supplies of oil. With transportation accounting for nearly 70 percent of oil use in this country, the Bush administration and many of my colleagues on the other side of the aisle have refused to tackle the issue of automobile fuel efficiency. According to the American Council for an Energy-Efficient Economy, if the Corporate Average Fuel Economy, CAFE, standards are raised by just 5 percent annually until 2012, and by just 3 percent thereafter, more than 1.5 million barrels of oil per day could be saved by 2010, and 67 billion barrels of oil over the next 40 years—more than 10 times what could be recovered in ANWR. In 1998, the U.S. Geological Survey estimated that there is no more than 5.2 billion barrels of economically recoverable oil in ANWR, a number that is equivalent to what the United States consumes in about 6 months.

Any recoverable oil that might be below the Refuge would not begin flowing for at least 10 years and would never meet more than a small percentage of our oil needs at any given time. So, therefore, it would have no impact on my constituents and your constituents for at least a decade. Further, the Energy Information Administration, EIA, has said that because the price of oil is set by the world market, ANWR would have a negligible impact on gasoline prices.

The United States dependence on foreign oil is growing, with current imports at 58 percent. We currently have about 3 percent of the world's oil reserves but consume more than a quarter of the world's oil supply. We simply cannot drill our way out of our problems. Last year, EIA stated that at peak production, oil from ANWR would account for just a fraction of our consumption—no more than 4 percent. Further, there is no guarantee that any oil produced domestically from ANWR would make it to the rest of the country. There is no assurance that it will not all be exported to foreign countries. It is simply too big a risk to take when there are other, less intrusive ways to truly alleviate our dependence on oil—fuel efficiency, renewable and alternative sources of energy, and, dare I say it, conservation, something the Bush administration would have you now believe it wholly endorses.

ANWR drilling proponents are always quick to contend that 735,000 jobs would be created by opening this area to oil extraction. Those estimates are based on figures from 15 years ago that the forecasters have since acknowledged were based on flawed assumptions. In October 2005, the Congressional Research Service reported that full development of the Arctic Refuge would result in 60,000 jobs. Even the three oil companies that stand to reap the most profits by expanding their presence in Alaska—ExxonMobil, BP, and Conoco-Phillips—have been relatively silent this year about their interest in ANWR.

Little oil industry interest, less job creation than anticipated, minimal recoverable oil deposits, no impact on current energy prices and negligible impact on future prices, no reduction in foreign oil dependence, and a web of infrastructure across the Coastal Plain—does that justify pillaging the Arctic Refuge? I think it is irresponsible to do so.

Therefore, I urge my colleagues to support the Cantwell amendment and work with us to enact policies that provide economic relief for residential and business consumers and set our country on a path to energy security.

Ms. MIKULSKI. Mr. President, I rise to oppose drilling in the Arctic National Wildlife Refuge. Opening the refuge is not the answer to solving our country's energy needs. We cannot drill our way out of our energy problems.

We need to focus on real solutions not gimmicks—solutions that decrease our dependence of foreign oil, protect the environment and help consumers at a time when the costs to fill up their gas tanks and heat their homes are at all time highs.

If we open the Arctic Refuge for oil and gas drilling, it would provide only about a 6-month supply of oil and would not even be available for 10 or more years. That means that drilling in the wildlife refuge would not affect our current oil and gasoline prices nor will it reduce our country's dependence on foreign oil. Even in 10 or so years when we might get the oil, drilling in the Arctic National Wildlife Refuge will help little if at all.

Rather than trying to get a couple of months of oil supply in 10 years, we need to address the most pressing issues facing our country now: our growing dependence on foreign oil, sky-high oil and gas prices, and global warming. This is what I have been fighting for—real solutions to real problems that would help today's consumers and tomorrow's energy needs.

That is why I fought to include an amendment to the Commerce, Justice, Science Appropriations bill that would provide a million dollars to the Federal Trade Commission to immediately investigate claims of price gouging. While oil companies and refineries report record profits, American consumers shouldn't have to scrimp to buy gasoline to go to work, or church or to buy groceries. I also cosponsored a bill that would place a federal ban on price gouging for oil, gasoline and other petroleum products during times of energy emergencies. To drive this point home, I sent a letter to the chairwoman of the FTC, expressing my concern over the consolidation of oil refineries, resulting in the lack of competition.

I also recently sent a letter to President Bush urging him to convene a White House summit of oil and gas company CEOs to insist that they

lower their sky-high gas and home heating oil prices. These are some of the President's closets political supporters and friends They are also the same men and women who the President called on to write the administration's energy policy in 2001. If the President can call them in to help themselves, he should call them back to help ordinary Americans. Another letter called on the oil and gas company CEOs to temporarily halt unnecessary exports of any home heating oil products that they are currently sending abroad. We cannot expect Americans to pay over $1,000 to heat their homes this winter when U.S. companies are exporting billions of gallons of refined heating oil and propane.

We need to find solutions for tomorrow's energy needs as well as those facing Americans today. I introduced a bill that would provide tax incentives for energy efficient hybrid and fuel cell vehicles, which was included in the Energy bill. I also voted for a proviso in the Senate energy bill that would have required utilities to generate 10 percent of their energy from renewable sources. In addition, I supported a provision in the bill that requires the Federal Government to get at least 7.5 percent of our energy from renewable sources by 2013. I also supported an amendment that would require the U.S. to reduce foreign oil imports by 40 percent in 20 years

Just last week, oil companies reported record third quarter profits, some more than 85 percent higher than last year. As Americans struggle to fill their gas tanks and pay high home heating bills, the oil and gas companies are filling their pockets with historic profits. And now, here we are, in the Senate, giving them the opportunity to drill in federally protected land.

This is not a time to reward oil and gas companies with the promise of more profits. We need to give these companies the opportunity to be patriots—not profiteers. They need to join us by holding down prices, investing in renewable energy, serving the needs of Americans and conserving as much as possible. Together, America can do better.

The PRESIDENT pro tempore. The time of the Senator has expired.

Who yields time in opposition? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me say to the Senate it is finally time. It is finally time that we decide to do something about our oil dependency. It is time that we do something for the American people about the rising, escalating price of gasoline at the pump.

As I see it, this is a rare opportunity to produce substantial quantities of crude oil from our own homeland, from one of our States. Not only will it produce oil, it will produce the equivalent of what the State of Texas has in reserves. To say it has very little is to say the full State of Texas has very little reserves.

It will produce jobs, up to 736,000. You see them on this list. America cries out for good jobs. We wonder why we don't have them. Then we ignore our own source of supply which would create them.

Any time I have left I yield to the Senator from Alaska.

The PRESIDENT pro tempore. The Senator has 5 seconds.

Ms. MURKOWSKI. Mr. President, this is the Senate's opportunity and the country's opportunity to address our national security, our energy security, and our environmental security. Defeat this amendment.

Mr. GREGG. Mr. President, I ask for the yeas and nays

The PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Ms. MURKOWSKI.) Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 288 Leg.]

YEAS—48

Baucus	Dorgan	Mikulski
Bayh	Durbin	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Boxer	Harkin	Obama
Byrd	Jeffords	Pryor
Cantwell	Johnson	Reed
Carper	Kennedy	Reid
Chafee	Kerry	Rockefeller
Clinton	Kohl	Salazar
Coleman	Lautenberg	Sarbanes
Collins	Leahy	Schumer
Conrad	Levin	Smith
Dayton	Lieberman	Snowe
DeWine	Lincoln	Stabenow
Dodd	McCain	Wyden

NAYS—51

Akaka	Dole	Lugar
Alexander	Domenici	Martinez
Allard	Ensign	McConnell
Allen	Enzi	Murkowski
Bennett	Frist	Roberts
Bond	Graham	Santorum
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burns	Hagel	Specter
Burr	Hatch	Stevens
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Talent
Cochran	Inouye	Thomas
Cornyn	Isakson	Thune
Craig	Kyl	Vitter
Crapo	Landrieu	Voinovich
DeMint	Lott	Warner

NOT VOTING—1

Corzine

The amendment (No. 2358) was rejected.

Mr. STEVENS. Madam President, I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2362

Mr. STEVENS. Madam President, parliamentary inquiry: The next amendment is the Wyden amendment on export of oil. I make a parliamentary inquiry if that amendment is subject to the Byrd rule.

The PRESIDING OFFICER. In the opinion of the Chair, it is not.

Mr. STEVENS. Madam President, as long as this amendment is not changed and comes back to this floor in the conference report, it will not be subject to the Byrd rule.

The PRESIDING OFFICER. The language as stated is not subject to a point of order.

Who yields time?

Mr. WYDEN. Madam President, I call up the Wyden-Collins amendment.

The PRESIDING OFFICER. The amendment is pending.

Mr. WYDEN. Madam President, you cannot look the public in the eye after all the speeches about how the oil is needed here at home and pass legislation that is an invitation to export Alaskan oil to countries such as China. The history is, if you do not ban these exports, this oil is going to go to Asia. That was confirmed not long ago by oil company executives who came before the Senate Commerce Committee. Without this amendment, there is no assurance that even one drop of Alaskan oil will get to hurting Americans. I hope the Senate agrees to this amendment to, at the very least, put a Band-Aid on a flawed policy.

I yield to my cosponsor, the Senator from Missouri.

Mr. TALENT. Madam President, I congratulate my friend from Oregon for his fine work.

Briefly, as a very strong supporter of exploring for oil in the Arctic, one of the big reasons we are doing it is to enhance our national security and our own domestic oil supply, which is why I support the amendment I am cosponsoring.

Mr. WYDEN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

Mr. STEVENS. Is there time in opposition?

The PRESIDING OFFICER (Mr. GRAHAM). There is 1 minute in opposition.

Mr. STEVENS. In principle, I am opposed, but as long as it does not violate the Byrd rule, I will not vote against it.

I yield back the time.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 2362.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN, I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 16, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—83

Akaka	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Biden	Feinstein	Nelson (NE)
Bingaman	Frist	Obama
Bond	Graham	Pryor
Boxer	Grassley	Reed
Burns	Hagel	Reid
Byrd	Harkin	Roberts
Cantwell	Hatch	Rockefeller
Carper	Hutchison	Salazar
Chafee	Inouye	Santorum
Chambliss	Isakson	Sarbanes
Clinton	Jeffords	Schumer
Coburn	Johnson	Shelby
Cochran	Kennedy	Smith
Coleman	Kerry	Snowe
Collins	Kohl	Specter
Conrad	Lautenberg	Stabenow
Crapo	Leahy	Stevens
Dayton	Levin	Talent
DeMint	Lieberman	Thomas
DeWine	Lincoln	Thune
Dodd	Lott	Vitter
Dole	Lugar	Voinovich
Domenici	Martinez	Warner
Dorgan	McConnell	Wyden
Durbin	Mikulski	

NAYS—16

Alexander	Burr	Landrieu
Allard	Cornyn	McCain
Allen	Craig	Sessions
Bennett	Gregg	Sununu
Brownback	Inhofe	
Bunning	Kyl	

NOT VOTING—1

Corzine

The amendment (No. 2362) was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we now go to Senator GRASSLEY's amendment.

Mr. CONRAD. Mr. President, will the Senator withhold for one moment?

Mr. GRASSLEY. Yes.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, colleagues, we now have a list of the number of amendments that have been filed and that are pending and that Senators have noticed to us they intend to insist to have a vote on. That is 25 in number. That would take 8 hours. We have to stop at 6 o'clock. There is no way we would complete business today if every one of our colleagues insists on a vote on their amendment.

So I am asking on our side—I am asking, please—if you have an amendment filed that you really don't need a vote on or that you could possibly work out, let's work very hard in the next few hours to try to work it out. I would implore colleagues to not force a vote on every amendment they have filed.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I would like to second the request of the Senator from North Dakota. I think it is a very appropriate statement.

AMENDMENT NO. 2359

The PRESIDING OFFICER. Who yields time on the amendment?

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, how much time do I have?

The PRESIDING OFFICER. One minute.

Mr. GRASSLEY. Mr. President, this is a bipartisan amendment, the Grassley-Dorgan amendment, with a lot of cosponsors. We have a problem in the existing bill that will hurt family farmers. It cuts farm payments across the board for 100 percent of the farmers. It cuts conservation programs, so it harms the environment to a greater extent. What we do is solve a problem and help every family farmer in the process.

Ten percent of the farmers in the United States get 72 percent of the benefit out of the farm program. That is unfair. The farm programs have always been targeted toward medium- and small-sized farmers. So we put in a hard cap of $250,000. Mr. President, $250,000 is all one farm entity can get from the farm program. We redistribute that money so we do not have that 2.5-percent cut. We restore some money for conservation and things of that nature.

So I hope you will support our amendment. The last time it was up, we got 66 votes for it.

Mr. KYL. Mr. President, reducing overall Federal spending on farm programs is important if we are to succeed in reducing the Federal budget deficit. The current budget-reconciliation package includes $39 billion in savings, including $3 billion from agriculture programs. To achieve these savings, the Senate Agriculture Committee cuts farm spending by implementing an across-the-board 2.5 percent reduction in payments for all farm commodities. I wholeheartedly support these cuts in farm spending.

However, I cannot support waiving the Budget Act to consider the Grassley Dorgan amendment to impose more restrictive payment limits on farm commodities. This amendment is being offered as a substitute to the cost savings achieved by the fair, across-the-board reductions currently in the package. Substituting the Grassley-Dorgan payment limits is eerily reminiscent of the flawed formula in the highway bill: Instead of all States bearing the burden equally, the farm cuts would be achieved on the backs of Arizona farmers and other farmers of capital intensive crops in the West and South.

The advocates of the Grassley-Dorgan amendment claim that reducing payment limits preserves the family farm. What they meant to say is that it preserves family farms in North Dakota, Iowa, and other Midwestern States that grow certain commodities: namely grains and oilseeds such as corn, wheat, and soybeans. Family farmers in Arizona farm cotton. It is a highly capital intensive crop, in fact, one of the two most expensive program crops to grow. To illustrate, cotton program payments represent 39 percent of western farmers' cash costs of production. Corn and wheat program payments represent 49 percent and 50 percent of Midwestern farmers' cash costs, respectively.

Thus, in order to achieve economies of scale and remain competitive, Arizona farms must be large. According the Economic Research Service, over 30 percent of cotton production occurs on farms operating on an average of 3,500 acres. Are we to believe that none of these large farms are owned by Arizona families? I know for a fact that they are.

The average farming operation in Arizona consists of about 7,000 acres. Using a farm in near Buckeye, AZ as an example, this family farm is run by four brothers. Several children are managers of the operation, including performing marketing and financial services. About a third of the farm grows cotton, about a third grows feed grains, and the remaining third alfalfa. The annual budget is $5 million, and the brothers draw an annual salary of about $50,000 each when the farm generates sufficient income. This farm would be hit hard by the payment limitations in the Grassley-Dorgan amendment. Its operators would be forced to cut the amount of acres on which they grow cotton. In years when prices decline at harvest, their cash flow would be restricted and their ability to qualify for financing would be severely hampered.

The Grassley-Dorgan amendment, in equating large with bad, ultimately favors growers of corn, wheat, and soybeans at the expense of farmers of cotton, rice, and peanuts. To further illustrate what I am talking about, let us apply the limitations in the amendment: a farm that produces cotton or rice would, at today's world prices and average yields, hit the limit on payments at about 400 to 600 acres. This acreage is generally deemed to be too small to sustain the investment in the specialized equipment necessary for cotton and rice production. In contrast, a corn farmer with an expected yield of 190 bushels per acre, would not hit the limit on payments until just over 3,100 acres. Clearly, very few corn farmers will ever feel the effects of the Grassley-Dorgan amendment.

It has been further estimated that the more restrictive eligibility rules that are part of the amendment, combined with the limits on direct payments, would reduce direct payments to Arizona growers by $24.6 million. This represents a reduction of 62 percent, the highest of any State. Iowa would see a loss of just 4 percent and North Dakota, 10 percent.

I am not going to argue that the farm law is off limits for the purpose of finding savings for the American taxpayer. However, I encourage my colleagues to look closely at the ways we achieve that savings. It is simply not fair to use a faulty perception of what

constitutes a family farm to favor one farming region of the country at the expense of another. Yet, that is exactly what the Grassley-Dorgan amendment would do. Thus, I cannot support a motion to waive the Budget Act with respect to this amendment and must vote against it.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 1 minute.

Mr. CHAMBLISS. Mr. President, in 2002, this body, along with the House and along with the President, made a commitment to farmers and ranchers all across America with the signing and implementation of the 2002 farm bill. This was an issue back then, in 2002, in the farm bill. It will be an issue in the farm bill in 2007.

Today, when our farmers are hit with high fuel prices, with low commodity prices, and with disasters all across the country in different sections, this is not the time to say to our farmers, who feed all of America, we are going to change the program in midstream. This issue will be dealt with in the farm bill in 2007.

Mr. President, I raise a point of order under section 305 of the Budget Act that the pending amendment is not germane to the measure now before the Senate.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, pursuant to section 904(c) of the Congressional Budget Act of 1974, I move to waive section 305 of the Budget Act for the consideration of amendment No. 2359, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 53, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—46

Allard	Feingold	Reid
Bayh	Grassley	Salazar
Bingaman	Hagel	Santorum
Brownback	Harkin	Sarbanes
Byrd	Hatch	Schumer
Cantwell	Johnson	Smith
Chafee	Kennedy	Snowe
Clinton	Kerry	Specter
Collins	Lautenberg	Stabenow
Conrad	Levin	Sununu
Dayton	Lugar	Thomas
DeWine	Mikulski	Thune
Dorgan	Murray	Voinovich
Durbin	Nelson (NE)	Wyden
Ensign	Obama	
Enzi	Reed	

NAYS—53

Akaka	Crapo	Lieberman
Alexander	DeMint	Lincoln
Allen	Dodd	Lott
Baucus	Dole	Martinez
Bennett	Domenici	McCain
Biden	Feinstein	McConnell
Bond	Frist	Murkowski
Boxer	Graham	Nelson (FL)
Bunning	Gregg	Pryor
Burns	Hutchison	Roberts
Burr	Inhofe	Rockefeller
Carper	Inouye	Sessions
Chambliss	Isakson	Shelby
Coburn	Jeffords	Stevens
Cochran	Kohl	Talent
Coleman	Kyl	Vitter
Cornyn	Landrieu	Warner
Craig	Leahy	

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 2365

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, this amendment deals with the fact that under current law, 31 of our States are seeing significant cuts in Federal support for Medicaid because of a reduction in the percentage the Federal Government will pay, the FMAP, as we always refer to it, the Federal matching rate. Alaska is held harmless in the underlying bill. They will not suffer a cut. My amendment would say that for the other 30 States, the cut should not be more than five-tenths of 1 percent next year. The amendment is more than offset. In fact, the offset is supported strongly by Secretary Leavitt's Medicaid Commission. It is supported strongly by the National Governors Association. It would save the States over $3 billion if this offset is agreed to as part of this amendment.

I urge my colleagues to support the amendment. This map shows the States in red that would get a more fair share of Medicaid funds, if the amendment passes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask Members to vote no on this amendment. There is an odd situation here. We have had a formula in the legislation for 40 years. That formula regularly has some States getting more reimbursement, some States getting less. Next year your State might go up. The next year it might go down. That is the way it has been working. All of a sudden, some States are receiving a reduction, and they want to keep it where it is. I have never had a situation where, when the formula worked to the benefit of the State, their reimbursement went up, that you come in here and ask for us to reduce the reimbursement. No, you accept the formula. If you want to change the formula, Senator BAUCUS and I have a good plan to change the formula. It would smooth out the peaks and valleys. That is what we ought to be doing instead of piecemeal doing it this way. I ask Members to vote against the amendment.

AMENDMENT NO. 2365, AS MODIFIED

Mr. BINGAMAN. Mr. President, I call up the modified version of the amendment, and I ask unanimous consent that that be the pending amendment.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment, as modified, is as follows:

On page 188, after line 24, add the following:

SEC. 6037. LIMITATION ON SEVERE REDUCTION IN THE MEDICAID FMAP FOR FISCAL YEAR 2006.

(a) LIMITATION ON REDUCTION.—In no case shall the FMAP for a State for fiscal year 2006 be less than the greater of the following:

(1) 2005 FMAP DECREASED BY THE APPLICABLE PERCENTAGE POINTS.—The FMAP determined for the State for fiscal year 2005, decreased by—

(A) 0.1 percentage points in the case of Delaware and Michigan;

(B) 0.3 percentage points in the case of Kentucky; and

(C) 0.5 percentage points in the case of any other State.

(2) COMPUTATION WITHOUT RETROACTIVE APPLICATION OF REBENCHMARKED PER CAPITA INCOME.—The FMAP that would have been determined for the State for fiscal year 2006 if the per capita incomes for 2001 and 2002 that was used to determine the FMAP for the State for fiscal year 2005 were used.

(b) SCOPE OF APPLICATION.—The FMAP applicable to a State for fiscal year 2006 after the application of subsection (a) shall apply only for purposes of titles XIX and XXI of the Social Security Act (including for purposes of making disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4) and payments under such titles that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b))) and shall not apply with respect to payments under title IV of such Act (42 U.S.C. 601 et seq.).

(c) DEFINITIONS.—In this section:

(1) FMAP.—The term ''FMAP'' means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(2) STATE.—The term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(d) REPEAL.—Effective as of October 1, 2006, this section is repealed and shall not apply to any fiscal year after fiscal year 2006.

SEC. 6038. EXTENSION OF PRESCRIPTION DRUG REBATES TO ENROLLEES IN MEDICAID MANAGED CARE ORGANIZATIONS.

(a) IN GENERAL.—Section 1927(j)(1) (42 U.S.C. 1396r–8(j)(1)) is amended by striking ''dispensed'' and all that follows through the period and inserting ''are not subject to the requirements of this section if such drugs are—

''(A) dispensed by health maintenance organizations that contract under section 1903(m); and

''(B) subject to discounts under section 340B of the Public Health Service Act (42 U.S.C. 256b).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) on or after such date.

SEC. 6039. EXTENSION OF THE MEDICARE PART A AND B PAYMENT HOLIDAY.

Section 6112(b)(1) of this Act is amended by striking ''September 22, 2006'' and inserting ''September 21, 2006''.

Mr. GREGG. Mr. President, I ask unanimous consent that the Byrd amendment, which was to be the next amendment, be moved to be after the Landrieu amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. MARTINEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—54

Akaka	Dorgan	Lincoln
Baucus	Durbin	Mikulski
Bayh	Feingold	Murkowski
Biden	Feinstein	Murray
Bingaman	Harkin	Nelson (FL)
Boxer	Hutchison	Nelson (NE)
Byrd	Inhofe	Obama
Cantwell	Inouye	Pryor
Carper	Jeffords	Reed
Chafee	Johnson	Reid
Clinton	Kennedy	Rockefeller
Coburn	Kerry	Salazar
Collins	Kohl	Sarbanes
Conrad	Landrieu	Schumer
Cornyn	Lautenberg	Snowe
Dayton	Leahy	Specter
Dodd	Levin	Stabenow
Domenici	Lieberman	Wyden

NAYS—45

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Ensign	Roberts
Bennett	Enzi	Santorum
Bond	Frist	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Smith
Burns	Gregg	Stevens
Burr	Hagel	Sununu
Chambliss	Hatch	Talent
Cochran	Isakson	Thomas
Coleman	Kyl	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner

NOT VOTING—1

Corzine

The amendment (No. 2365), as modified, was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2360

The PRESIDING OFFICER. There is 2 minutes equally divided on the Lott amendment No. 2360.

Mr. GREGG. Mr. President, the next amendment is the Lott amendment, the Amtrak amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I call up amendment No. 2360.

The PRESIDING OFFICER. The amendment is pending.

Mr. LOTT. Mr. President, I will take a couple minutes to discuss the amendment. First of all, my cosponsor on this amendment is Senator LAUTENBERG.

This is an amendment that adds provisions of S. 1516, the Passenger Rail Investment and Improvement Act of 2005. It was reported out of the Commerce Committee in July and has been ready to be considered by the Senate, but repeated efforts to have it brought up in the regular order were not cleared.

We are running out of time. The administration has made it clear that without reform, they are not going to be supportive of future funds through the appropriations process for Amtrak. This is genuine reform with a lot of input from management and labor, the administration, and both sides of the aisle.

I believe this is the last chance for the Senate to act on this important legislation, making it possible for us to have it included in some legislation, before we finish this year, to reform Amtrak.

Mr. GREGG. Mr. President, I yield 1 minute to the Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I appreciate the work the Senator from Mississippi and the Senator from New Jersey have done on this bill.

It is absolutely true that this does represent some significant additional reforms for Amtrak. In discussions with Senator LOTT from Mississippi and others, I do believe there is an opportunity to do a lot more. Unfortunately, the House has not really undertaken any reform effort at all, and that is certainly one of the concerns that I have, that this not be a dead-end process, that we do more in this bill to deal with long distance routes that lose $200 or $300 per passenger on every single car that rides on those long distance routes and labor constraints that the management of Amtrak has said they want to have modified and adjusted so they can operate more effectively and more efficiently. These items are not in this legislation, although it does represent a step forward.

I look forward to continuing to work to improve the legislation, but I certainly cannot support its adoption on this reconciliation bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LOTT. Mr. President, I note that Senator BURNS has also been active in this process.

I ask unanimous consent that other Senators' names be allowed to be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 6, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—93

Akaka	Dodd	Lugar
Alexander	Dole	Martinez
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bayh	Enzi	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Obama
Boxer	Grassley	Pryor
Brownback	Hagel	Reed
Bunning	Harkin	Reid
Burns	Hatch	Roberts
Burr	Hutchison	Rockefeller
Byrd	Inhofe	Salazar
Cantwell	Inouye	Santorum
Carper	Isakson	Sarbanes
Chafee	Jeffords	Schumer
Chambliss	Johnson	Shelby
Clinton	Kennedy	Smith
Coburn	Kerry	Snowe
Cochran	Kohl	Specter
Coleman	Kyl	Stabenow
Collins	Landrieu	Stevens
Conrad	Lautenberg	Talent
Cornyn	Leahy	Thomas
Craig	Levin	Thune
Crapo	Lieberman	Vitter
Dayton	Lincoln	Warner
DeWine	Lott	Wyden

NAYS—6

DeMint	Gregg	Sununu
Ensign	Sessions	Voinovich

NOT VOTING—1

Corzine

The amendment (No. 2360) was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2370

The PRESIDING OFFICER. There is 2 minutes now equally divided prior to a vote on the McCain amendment.

Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, this amendment does one very simple thing. It would move the DTV transition date forward by 1 year, making the completion date April 7, 2008. My colleagues will be asked to believe the earlier date is not doable. Do not believe it. We have the ability. We have the technology. It can be accomplished. It is supported by every first responder organization in America, every single one. The National Governors Association: We support the amendment, based upon certain clearing of channels. People's lives are at stake. The only people who are against this amendment are the National Association of Broadcasters. We will see if they win again.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Mr. STEVENS. Mr. President, this amendment would close off the analog broadcasting too close to the auction of spectrum. We currently have an April 2009 date. The auction date is January of 2009. It is just too close together. The leases cannot be processed. There is no way those auction proceeds can be available until licenses are issued. This amendment would end analog broadcasts before the funds are available for the converter box fund or the translator conversion fund authorized by S. 1932. We need help in this transition. The amendment makes spectrum available to public safety groups before they can put it to use because we are informed public safety groups must have at least 3 years to prepare for the use of spectrum.

We are going to get them the spectrum. They will not be able to use it until we have the money to bring about the transition. I believe our whole committee should oppose this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The yeas and nays were previously ordered on the amendment.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 69, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—30

Bayh	Feingold	Lieberman
Biden	Feinstein	McCain
Boxer	Graham	Mikulski
Carper	Harkin	Nelson (FL)
Clinton	Jeffords	Rockefeller
Coburn	Kennedy	Salazar
Collins	Kerry	Schumer
DeWine	Kyl	Stabenow
Dodd	Lautenberg	Sununu
Ensign	Levin	Warner

NAYS—69

Akaka	DeMint	McConnell
Alexander	Dole	Murkowski
Allard	Domenici	Murray
Allen	Dorgan	Nelson (NE)
Baucus	Durbin	Obama
Bennett	Enzi	Pryor
Bingaman	Frist	Reed
Bond	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Santorum
Burns	Hatch	Sarbanes
Burr	Hutchison	Sessions
Byrd	Inhofe	Shelby
Cantwell	Inouye	Smith
Chafee	Isakson	Snowe
Chambliss	Johnson	Specter
Cochran	Kohl	Stevens
Coleman	Landrieu	Talent
Conrad	Leahy	Thomas
Cornyn	Lincoln	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
Dayton	Martinez	Wyden

NOT VOTING—1

Corzine

The amendment (No. 2370) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, I want to point out for the edification of our colleagues that we still have a lot of amendments to go. The estimate is in the high teens or potentially low twenties. At the pace we are going, we are not going to get them all done today, and we are going to be here on Friday.

I ask, Mr. President, if we can be advised as to how long the last three votes have taken. If we could hear from the clerks, approximately how long? We do not have to be precise.

How long have the votes taken?

The PRESIDING OFFICER. An hour 6 minutes for three votes.

Mr. GREGG. At this pace, we are here Friday.

I hope Members will think about their amendments, if they have some they are still talking about, and give serious consideration to allowing a voice vote or allowing it to be worked out.

AMENDMENT NO. 2368, WITHDRAWN

I ask unanimous consent that the Corzine amendment, No. 2368, be withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2372

Mr. GREGG. Mr. President, we are now on to Senator MURRAY's amendment.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator CORZINE be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, in a few short weeks some of our most vulnerable Americans, our sickest and poorest, so-called dual eligibles, are going to be shifted from Medicaid to Medicare. We have a train wreck coming. Medicare is going to randomly assign these people to a plan which they may not know about and which might not cover their lifesaving drugs. Doctors, hospitals, and pharmacists are scrambling. These prescription drug policies themselves have not defined the drugs they are going to cover. My amendment simply gives a 6-month transition for those people so they do not get lost in this switch. I support Medicare coverage for these dual eligibles, but I cannot—and I don't think we should—support turning these people away at the drugstore.

This amendment does not delay the implementation of the Medicare drug benefit. It simply assures thousands of our most vulnerable Americans that they will not be lost in the transition from Medicaid to Medicare coverage.

I thank Senator ROCKEFELLER and my cosponsors, and I urge adoption of this amendment.

Mr. GREGG. Mr. President, CMS has a plan in place, and 6 months ago CMS introduced a strategy for transitioning dual eligibles from Medicaid to Medicare which lays out in great detail the steps CMS will take to ensure the continuity of coverage of this valuable group of beneficiaries. Therefore, the leadership of the Finance Committee strongly opposes this amendment.

I make a point of order that the pending amendment is not germane to the measure now before the Senate, and I raise a point of order under section 305 of the Budget Act.

Mrs. MURRAY. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant Journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 56, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—43

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Harkin	Nelson (FL)
Biden	Inouye	Obama
Bingaman	Jeffords	Pryor
Boxer	Johnson	Reed
Byrd	Kennedy	Reid
Cantwell	Kerry	Rockefeller
Carper	Kohl	Salazar
Clinton	Landrieu	Sarbanes
Conrad	Lautenberg	Schumer
Dayton	Leahy	Stabenow
Dodd	Levin	Wyden
Dorgan	Lieberman	
Durbin	Lincoln	

NAYS—56

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Nelson (NE)
Bennett	Ensign	Roberts
Bond	Enzi	Santorum
Brownback	Frist	Sessions
Bunning	Graham	Shelby
Burns	Grassley	Smith
Burr	Gregg	Snowe
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Talent
Coleman	Isakson	Thomas
Collins	Kyl	Thune
Cornyn	Lott	Vitter
Craig	Lugar	Voinovich
Crapo	Martinez	Warner
DeMint	McCain	

NOT VOTING—1

Corzine

The PRESIDING OFFICER (Mr. ALEXANDER). On this question, the yeas are 43, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

Mr. GREGG. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2366 WITHDRAWN

The PRESIDING OFFICER. The pending question is the Landrieu amendment numbered 2366.

Mr. GREGG. I yield to the Senator from Louisiana for the purpose of sending a modification to the desk.

Mr. VITTER. Mr. President, with Senator LANDRIEU's consent, I request the Landrieu amendment be withdrawn, and we call up the Stevens-Vitter-Landrieu-Domenici amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2412

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for Mr. STEVENS, for himself, Mr. VITTER, Ms. LANDRIEU, and Mr. DOMENICI, proposes an amendment numbered 2412.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the distribution of excess proceeds from the auction authorized by section 309(j)(15)(C)(v) of the Communications Act of 1934)

On page 95, strike lines 13 through 21, and insert the following:

(f) USE OF EXCESS PROCEEDS.—Any proceeds of the auction authorized by section 309(j)(15)(C)(v) of the Communications Act of 1934, as added by section 3003 of this Act, that exceed the sum of the payments made from the Fund under subsection (c), the transfer from the Fund under subsection (d), and any amount made available under section 3006 (referred to in this subsection as ''excess proceeds''), shall be distributed as follows:

(1) The first $1,000,000,000 of excess proceeds shall be transferred to and deposited in the general fund of the Treasury as miscellaneous receipts.

(2) After the transfer under paragraph (1), the next $500,000,000 of excess proceeds shall be transferred to the interoperability fund described in subsection (c)(3).

(3) After the transfers under paragraphs (1) and (2), the next $1,200,000,000 of exceess proceeds shall be transfered to the assistance program described in subsection (c)(5).

(4) After the transfers under paragraphs (1) through (3), any remaining excess proceeds shall be transferred to and deposited in the general fund of the Treasury as miscellaneous receipts.

The PRESIDING OFFICER. There is 2 minutes of debate evenly divided.

Mr. VITTER. Mr. President, I present this on behalf of Mr. STEVENS, the main author, as well as myself, Ms. LANDRIEU, Mr. DOMENICI, Mr. BINGAMAN, Mr. LOTT, Mr. INOUYE, Mr. CRAIG, and others. This will not change our budget numbers or our goal of deficit reduction in any way. In fact, it could enhance it.

This amendment says if and when—and only if and when—the spectrum auction produces more than is forecast, the first $1 billion over that amount would go to deficit reduction, the next $500 million would go to interoperability, the next $1.2 billion, in that order, goes to a coastal program under Commerce jurisdiction, and the remainder, if at all, would go to deficit reduction. This could, in fact, enhance deficit reduction.

Of course, it is very important to coastal States, including Louisiana, to beef up the coastline and to protect us in the future from major storms like Hurricane Katrina.

I yield the remaining time to Senator LANDRIEU.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleague from Louisiana and particularly thank the leadership of Senator STEVENS and Senator DOMENICI and so many who have joined the effort. It has been a great effort. We thank our colleagues.

Mr. GREGG. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2412) was agreed to.

Mr. CONRAD. Mr. President, just to update our colleagues, we now have 19 amendments still pending. On our current course, that is going to take at least 6½ hours. That would take us to 8:30. I ask colleagues, please, if you can withhold on your amendment, do so. If you have a chance to work out the amendment, please work hard and diligently to work it out. I urge colleagues, we have a drop-dead time at 6 o'clock tonight. We cannot go beyond that with business. We have less than 4 hours to go through 19 amendments. The only way this is going to happen is if colleagues will give up on some of their amendments. Otherwise, we are here tomorrow. Once we are here tomorrow, we all know what happens: we will be here a long time tomorrow.

AMENDMENT NO. 2367

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, the reconciliation bill would increase immigrant work visas by 350,000 per year, about one-third of the current level. It is a massive and destabilizing increase that does not belong on the reconciliation bill.

My amendment would strike the increase in immigrant work visas and impose a $1,500 immigrant application fee on multinational corporations. With my amendment, the Judiciary Committee would exceed its reconciliation savings targets and do so without increasing immigrant work visas. We authorized over half a million H–1B visas in 2000. Last year, we authorized another $100,000 over 5 years. Do we really need another 150,000 visas on top of that? When is enough enough?

My amendment has the support of the unions. It has the support of immigrant enforcement groups. It has the support of Republican and Democrat Senators. I urge agreement of the amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am opposed to this amendment because the fees for L visas would raise funds but would do nothing to fill very important jobs in the United States. The existing plan submitted by the Judiciary Committee imposes a fee, but it extends the H–1B visa and recaptures the visas which were not used in the last 5 years. There are very careful safeguards so that U.S. jobs are not lost.

I understand the position of the distinguished Senator from West Virginia, the position of the unions, but I believe their concerns are misplaced and that there is a real need for these positions of highly skilled professionals, Ph.D.s, advanced degrees. Therefore, with due respect to my colleague from West Virginia, I ask for a ''no'' vote.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment.

Mr. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 14, nays 85, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—14

Akaka	Durbin	Rockefeller
Byrd	Feingold	Sessions
Dayton	Inhofe	Stabenow
Dodd	Jeffords	Vitter
Dorgan	Landrieu	

NAYS—85

Alexander	Dole	McConnell
Allard	Domenici	Mikulski
Allen	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feinstein	Nelson (FL)
Bennett	Frist	Nelson (NE)
Biden	Graham	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brownback	Harkin	Roberts
Bunning	Hatch	Salazar
Burns	Hutchison	Santorum
Burr	Inouye	Sarbanes
Cantwell	Isakson	Schumer
Carper	Johnson	Shelby
Chafee	Kennedy	Smith
Chambliss	Kerry	Snowe
Clinton	Kohl	Specter
Coburn	Kyl	Stevens
Cochran	Lautenberg	Sununu
Coleman	Leahy	Talent
Collins	Levin	Thomas
Conrad	Lieberman	Thune
Cornyn	Lincoln	Voinovich
Craig	Lott	Warner
Crapo	Lugar	Wyden
DeMint	Martinez	
DeWine	McCain	

NOT VOTING—1

Corzine

The amendment (No. 2367) was rejected.

Mr. GREGG. I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, the next item is the Harkin amendment, a sense of the Senate. I ask unanimous consent that we have 2 minutes equally divided on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. For the information of the Senate, we are now off of the original list, having completed that. So we are into a period where, between myself and the Senator from North Dakota, we have organized a series of amendments to come forward. These will continue to be 10-minute votes, and they are going to be hard 10 minutes. That means that at the end of 10 minutes, I am going to ask the vote to be closed. Secondly, I ask unanimous consent that for all amendments which are brought forward from here on, there be 2 minutes equally divided between the proponent and the opponent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, let us repeat the message loud and clear: These next three votes are going to be strict 10-minute votes. At the end of 10 minutes, the manager and I are going to call the vote. That is the only possible, conceivable way we can get done today.

Mr. GREGG. Of course, we may actually get a voice vote in here, hopefully.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 2363

(Purpose: To affirm that the Federal funding levels for the rate of reimbursement of child support administrative expenses should not be reduced below the levels provided under current law, that States should continue to be permitted to use Federal child support incentive payments for child support program expenditures that are eligible for Federal matching payments, and to express the sense of the Senate that it does not support additional fees for successful child support collection)

Mr. HARKIN. Mr. President, my amendment is a sense-of-the-Senate resolution that the Senate go on record opposing the House's $9 billion cut to child support enforcement programs. It is not reasonable to cut a program that last year served 17,300,000 children. This is money that goes out to States for child support enforcement to go after deadbeat dads to get them to pay the money for child support. As a matter of fact, this is one of the best things that has happened out of welfare reform. For every $1 we spend, we are getting back $4.38, not to the Government but to the families and the kids who need it. This is just a sense-of-the-Senate resolution that says we do not agree with the House 40-percent cut in this program and we won't hold up to it when it goes to the conference. It is a sense-of-the-Senate resolution.

The bill approved by Ways and Means would slash funding for child support enforcement efforts by 40 percent over the next 10 years. The Congressional Budget Office estimates that, as a result of these cuts, more than $24 billion in delinquent payments will go uncollected. And the biggest negative impacts will be felt by children living in poverty and children in low-income households.

And let's be clear: Why is the House doing this? Why is it cutting this essential program that benefits some of the most vulnerable, disadvantaged, neglected children in our society? They are doing this in order to make room for another $70 billion in tax cuts—tax cuts overwhelmingly benefiting our wealthiest citizens.

Indeed, that is what this entire reconciliation process is all about. For 25 years, the budget reconciliation process was used to reduce the deficit. But, today, the majority party has a different idea. They are using reconciliation to increase the deficit. They are cutting child support enforcement, food assistance for the poor, foster care benefits, Medicaid, and other programs for the most disadvantaged Americans. At the same time they are ramming through another $70 billion in tax cuts for the most privileged.

There is no other word for it: This is simply immoral. Last year, more than 17 million children received financial support through the Child Enforcement System, including nearly two-thirds of all children in single-parent households with incomes below twice the poverty line.

Child support helped to lift more than 1 million Americans out of poverty in 2002. As a result of cuts passed by the House, many of those people—mostly children—would be plunged back into poverty. Not only is this cruel, it is also counterproductive. It is penny wise and pound foolish, because those families that are shoved into poverty by the House's action will end up on food stamps, Medicaid, Temporary Assistance for Needy Families, and other forms of public assistance.

This chart shows the State-by-State impact of the cut in child support collection. In my State of Iowa, alone, children would lose some $239 million over the next 10 years. This is a proven program, an effective program. It reduces poverty. It gets resources to children who desperately need them. It is cost effective. Research has shown that the decline in families relying on TANF in recent years is directly linked to improvements in the Child Support Enforcement Program. For all these reasons, this program has enjoyed broad bipartisan support.

In the past, President Bush himself has praised this program, calling it one of our highest performing social services programs. And he is right because for every Government dollar spent, $4.38 is recovered for families in child support payments. With good reason. Reforms over the last decade have made this program even more effective. Since 1996, there has been an 82-percent increase in collections, from $12 billion to $22 billion.

Child Support Enforcement is essential to helping families to achieve self-sufficiency. For families in poverty who receive child support, those payments account for an average of 30 percent of their income. Next to a mother's earnings, child support is the largest income source for poor families receiving assistance. Child support payments are used to pay for food, child care, shelter, and the most basic essentials of life.

If we were smart, if we were compassionate, if we were looking at ways to get maximum bang for the buck, we would be increasing funding for this essential program. But the action of the other body, slashing Child Support Enforcement by 40 percent to make way for more tax cuts, is just unconscionable. It is bad public policy, bad values, and bad priorities.

A strong bipartisan vote for this resolution will send a strong message to the House conferees that this cut is unacceptable to the Senate and that this body will not accept a slash-and-burn attack on a program that lifts more than 1 million people out of poverty every year. I urge my colleagues to support this resolution.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. KOHL, Mr. OBAMA, and Mr. BAYH, proposes an amendment numbered 2363.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) On October 26, 2005, the Committee on Ways and Means of the United States House of Representatives approved a budget reconciliation package that would significantly reduce the Federal Government's funding used to pay for the child support program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) and would restrict the ability of States to use Federal child support incentive payments for child support program expenditures that are eligible for Federal matching payments.

(2) The child support program enforces the responsibility of non-custodial parents to support their children. The program is jointly funded by Federal, State and local governments.

(3) The Office of Management and Budget gave the child support program a 90 percent rating under the Program Assessment Rating Tool (PART), making it the highest performing social services program.

(4) The President's 2006 budget cites the child support program as ''one of the highest rated block/formula grants of all reviewed programs government-wide. This high rating is due to its strong mission, effective management, and demonstration of measurable

progress toward meeting annual and long term performance measures.''

(5) In 2004, the child support program spent $5,300,000,000 to collect $21,900,000,000 in support payments. Public investment in the child support program provides more than a four-fold return, collecting $4.38 in child support for every Federal and State dollar that the program spends.

(6) In 2004, 17,300,000 children, or 60 percent of all children living apart from a parent, received child support services through the program. The percentage is higher for poor children—84 percent of poor children living apart from their parent receive child support services through the program. Families assisted by the child support program generally have low or moderate incomes.

(7) Children who receive child support from their parents do better in school than those that do not receive support payments. Older children with child support payments are more likely to finish high school and attend college.

(8) The child support program directly decreases the costs of other public assistance programs by increasing family self-sufficiency. The more effective the child support program in a State, the higher the savings in public assistance costs.

(9) Child support helps lift more than 1,000,000 Americans out of poverty each year.

(10) Families that are former recipients of assistance under the temporary assistance for needy families program (TANF) have seen the greatest increase in child support payments. Collections for these families increased 94 percent between 1999 and 2004, even though the number of former TANF families did not increase during this period.

(11) Families that receive child support are more likely to find and hold jobs, and less likely to be poor than comparable families without child support.

(12) The child support program saved costs in the TANF, Medicaid, Food Stamps, Supplemental Security Income, and subsidized housing programs.

(13) The Congressional Budget Office estimates that the funding cuts proposed by the Committee on Ways and Means of the House of Representatives would reduce child support collections by nearly $7,900,000,000 in the next 5 years and $24,100,000,000 in the next 10 years.

(14) That National Governor's Association has stated that such cuts are unduly burdensome and will force States to reevaluate several services that make the child support program so effective.

(15) The Federal Government has a moral responsibility to ensure that parents who do not live with their children meet their financial support obligations for those children.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate will not accept any reduction in funding for the child support program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.), or any restrictions on the ability of States to use Federal child support incentive payments for child support program expenditures that are eligible for Federal matching payments, during this Congress.

Mr. OBAMA. Mr. President, I rise today to speak in favor of the Harkin amendment, which expresses the sense of the Senate that this body will not accept the cuts to the child support program that have been proposed by the Committee on Ways and Means in the House of Representatives. I am proud to be a cosponsor of this amendment.

The child support program is an effective and efficient way to enforce the responsibility of noncustodial parents to support their children. For every public dollar that is spent on collection, more than $4 is collected to support children. That is a good return on our investment in families. Moreover, these families are then less likely to require public assistance and more likely to avoid or escape poverty. This is a program that works.

The evidence is compelling. For example, in 2004, enforcement efforts helped collect almost $22 billion in child support. Our aggressive State and Federal efforts have translated into $1 billion in collected child support payments in Illinois alone this year. That means 386,000 Illinois families will be better equipped to provide for their children.

Preliminary budget estimates suggest the cuts proposed by the Ways and Means Committee will translate into $7.9 billion in lost collections within 5 years, increasing to a loss of over $24 billion within 10 years. This proposal is not even pennywise, and it is certainly pound foolish. Today, the State of Illinois reports a 32 percent child support collection rate. Let's not take a step backwards in the progress that has been made by stripping the States of necessary Federal support. Moreover, the welfare of too many is at stake. Child support is the second largest income source for qualifying low-income families. We cannot balance our budget on the backs of families who rely on child support to remain out of poverty.

This Congress claims that strengthening the family is a priority. Senator HARKIN's amendment is a firm expression that we are serious about this worthwhile investment.

I urge my colleagues to support this amendment.

Mr. GREGG. Mr. President, the Senator from Iowa has been kind enough to represent that he will accept a voice vote on this. I move that we proceed to a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2363.

The amendment (No. 2363) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, the next item of business will be Senator BYRD's amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the Senator from Iowa set a very good example. We encourage other Senators to follow that example.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

AMENDMENT NO. 2414

(Purpose: To provide for the suspension of the debate limitation on reconciliation legislation that causes a deficit or increases the deficit)

Mr. BYRD. Mr. President, my amendment will suspend the time limitations on debate for reconciliation bills that increase the deficit. The Congress will never succeed in balancing the budget, cutting the deficit, as long as the reconciliation process can be used to shield controversial tax-and-spending decisions from debate and amendment. If Senators want to ensure offsets for deficit-increasing measures, then we must protect our rights to debate and amend within the budget process. The more tax cuts that can be forced through now without offsets, the tougher the budget decisions and the worse the pain in the coming months and years. The budget cuts that seem tough now will grow enormous, and they will be unbearable, if tax cuts continue without offsets. I urge adoption of the amendment.

I ask unanimous consent that Senator HARKIN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. HARKIN, proposes an amendment numbered 2414.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. SUSPENSION OF DEBATE LIMITATION ON RECONCILIATION LEGISLATION THAT CAUSES A DEFICIT OR INCREASES THE DEFICIT.

(a) IN GENERAL.—For purposes of consideration in the Senate of any reconciliation bill or resolution, or amendments thereto or debatable motions and appeals in connection therewith, under section 310(e) of the Congressional Budget Act of 1974, section 305(b)(1), (2), and (5), section 305(c), and the limitation on debate in section 310(e)(2) of that Act, shall not apply to any reconciliation bill or resolution, amendment thereto, or motion thereon that includes reductions in revenue or increases in spending that would cause an on-budget deficit to occur or increase the deficit for any fiscal year covered by such bill or resolution.

(b) GERMANENESS REQUIRED.—Notwithstanding subsection (a), no amendment that is not germane to the provisions of such reconciliation bill or resolution shall be received.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the practical effect of this amendment would be to essentially vitiate the reconciliation process. It would mean we would end up with an event that could be filibustered. The whole purpose of reconciliation is to have a time limit and to get to a vote. Therefore, this amendment would undermine completely the concept of reconciliation which, as is hopefully going to be proven by this

bill and others, is a very constructive way to get legislation through this institution and move forward with the business of the people.

Therefore, I make a point of order that the pending amendment contains matter within the jurisdiction of the Committee on the Budget, and I raise a point of order against the amendment under section 306 of the Budget Act.

Mr. BYRD. Mr. President, I move to waive the act in connection with this amendment.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that votes on this and all further amendments be 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant Journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 55, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—44

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Harkin	Nelson (FL)
Biden	Inouye	Nelson (NE)
Bingaman	Jeffords	Obama
Boxer	Johnson	Pryor
Byrd	Kennedy	Reed
Cantwell	Kerry	Reid
Carper	Kohl	Rockefeller
Clinton	Landrieu	Salazar
Conrad	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Stabenow
Dorgan	Lieberman	Wyden
Durbin	Lincoln	

NAYS—55

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Roberts
Bennett	Ensign	Santorum
Bond	Enzi	Sessions
Brownback	Frist	Shelby
Bunning	Graham	Smith
Burns	Grassley	Snowe
Burr	Gregg	Specter
Chafee	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Cochran	Inhofe	Thomas
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment falls.

Mr. GREGG. I move to reconsider and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2391

Mr. GREGG. The next amendment is Senator LAUTENBERG's.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I have offered an amendment to ensure that people understand what they are signing up for when the new Medicare drug benefit comes to life and that is beginning in 2006. There is such a mix of things that the recipient beneficiaries, I am sure, will be very confused as to what the cost is going to be on the gap of coverage, whether they have to pay it all out of their pockets. I want to make sure they understand what it is they are applying for and the pitfalls or the advantages thereof.

This is very simple. We ask them to sign a note when they apply for the plan so that they are saying they are fully aware of the consequences of their signature. This should be passed, Mr. President, because it helps the senior citizens understand what it is they are getting into.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I am sure this amendment is well-intentioned, as are all amendments from the Senator from New Jersey, but essentially it creates an unnecessary level of paperwork for the enrollee in the plan, and in addition, as a practical matter, it enters into a portion of the Medicare trust fund which we have not addressed in this reconciliation bill, which is the Part D section of the trust fund, that being the new drug program the theory being that program should be allowed to get rolling before it gets amended.

There are a number of regulations coming out from CMS relative to making sure the beneficiaries are adequately protected under their plan, and I believe they pick up the issues that are raised by the Senator from New Jersey.

That being said, I make a point of order that the pending amendment is not germane to the measure now before the Senate, and I raise that point of order under section 305 of the Budget Act.

Mr. LAUTENBERG. Mr. President, pursuant to the relevant sections of the Congressional Budget Act of 1974, I move to waive those sections for consideration of the pending amendment.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. GREGG. Mr. President, I would simply announce that this is a 10-minute vote and it will be 10.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 56, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—43

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Biden	Inouye	Obama
Bingaman	Johnson	Pryor
Boxer	Kennedy	Reed
Byrd	Kerry	Reid
Cantwell	Kohl	Rockefeller
Carper	Landrieu	Salazar
Clinton	Lautenberg	Sarbanes
Conrad	Leahy	Schumer
Dayton	Levin	Stabenow
Dodd	Lieberman	Wyden
Dorgan	Lincoln	
Durbin	Mikulski	

NAYS—56

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Santorum
Brownback	Frist	Sessions
Bunning	Graham	Shelby
Burns	Grassley	Smith
Burr	Gregg	Snowe
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Talent
Coleman	Isakson	Thomas
Collins	Jeffords	Thune
Cornyn	Kyl	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. GREGG. I ask unanimous consent that 10 minutes be given to the Senators from Hawaii, to be divided as they deem appropriate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

(The remarks of Mr. INOUYE, Mr. AKAKA and Mr. BYRD are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. What is the will of the Senate? The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask the Chair of the committee if it would be appropriate now to go to the Cantwell amendment?

Mr. GREGG. Absolutely.

Mr. CONRAD. Mr. President, I direct my colleagues' attention to the Cantwell amendment and indicate that we are now trying to make an analysis of

where we are with respect to the funding of the bill, where we are with respect to the requirements the Senate is under under reconciliation, to make certain that all of this fits together. That is the reason for the delay at this moment, to make certain that the numbers work correctly.

With that, we will go to the Cantwell amendment.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 2400

Ms. CANTWELL. Mr. President, I rise to offer a perfecting amendment. In order to raise the $2.4 billion claimed in the underlying bill, it assumes a 50–50 split of oil leasing revenues between the State of Alaska and the Federal Treasury.

But my colleagues may be surprised to learn that whether or not this 50–50 legislative language is upheld in court is a matter of some uncertainty. The State of Alaska has long maintained it is due 90 percent of these revenues, so instead of the Federal Government getting $2.4 billion, it would only get $480 million.

If you don't believe me, the State of Alaska just passed a resolution this spring, saying it would insist on the 90–10 split. I ask my colleagues to be faithful in telling the taxpayers the real story. Let's support maintaining the 50–50 and not moving forward until we are certain that is $2.4 billion of revenue for the Federal Government.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, this bill already contains the first portion of this amendment: Notwithstanding any other provision of law, the existing law applies to this area of Alaska.

This is a vindictive amendment. It says if my State decides to pursue a legal right that all production in ANWR would stop. There would be no further production. I don't understand this amendment because we have been a State since 1958. We have not filed that suit. That resolution passed the State legislature almost every year, and it is an act of the State legislature, but the Federal law governs this area and it says a 50–50 split, which applies to all States.

I yield to the Senator from New Mexico what time we have left.

Mr. DOMENICI. Mr. President, we had a very critical vote. You all listened to it. This is nothing but an amendment to try to come in the back door and kill ANWR. It is absolutely wrong. We ought not even be considering it. The very same people who wanted to kill it for 30 years are making this last-ditch effort. The amendment should not even be on the floor, and we ought to kill it. If it doesn't take 10 minutes we ought to do it in 8 minutes.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Ms. CANTWELL] proposes an amendment numbered 2400.

The amendment follows:

On page 101, strike lines 12 through 19 and insert the following:

(d) RECEIPTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty receipts derived from oil and gas leasing and operations authorized under this section—

(A) 50 percent shall be paid to the State of Alaska; and

(B) the balance shall be deposited into the Treasury as miscellaneous receipts.

(2) JUDICIAL REVIEW.—

(A) IN GENERAL.—Any civil action brought by the State of Alaska to compel an increase in the percentage of revenues to be paid under paragraph (1) shall be filed not later than 90 days after the date of enactment of this Act.

(B) LIMITATION.—

(i) IN GENERAL.—If a civil action is filed by the State of Alaska under subparagraph (A), until such time as a final nonappealable order is issued with respect to the civil action and notwithstanding any other provision of law—

(I) production of oil and gas from the Arctic National Wildlife Refuge is prohibited;

(II) no action shall be taken to establish or implement the competitive oil and gas leasing program authorized under this title; and

(III) no leasing or other development leading to the production of oil or gas from the Arctic National Wildlife Refuge shall be undertaken.

(ii) FINAL ORDER.—If the court issues a final nonappealable order with respect to a civil action filed under subparagraph (A) that increases the percentage of revenues to be paid to the State of Alaska—

(I) production of oil and gas from the Arctic National Wildlife Refuge is prohibited; and

(II) no leasing or other development leading to the production of oil or gas from the Arctic National Wildlife Refuge shall be undertaken.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Ms. CANTWELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—48

Baucus	Dorgan	McCain
Bayh	Durbin	Mikulski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Harkin	Nelson (NE)
Byrd	Jeffords	Obama
Cantwell	Johnson	Pryor
Carper	Kennedy	Reed
Chafee	Kerry	Reid
Clinton	Kohl	Rockefeller
Coleman	Landrieu	Salazar
Collins	Lautenberg	Sarbanes
Conrad	Leahy	Schumer
Dayton	Levin	Snowe
DeWine	Lieberman	Stabenow
Dodd	Lincoln	Wyden

NAYS—51

Akaka	Dole	Martinez
Alexander	Domenici	McConnell
Allard	Ensign	Murkowski
Allen	Enzi	Roberts
Bennett	Frist	Santorum
Bond	Graham	Sessions
Brownback	Grassley	Shelby
Bunning	Gregg	Smith
Burns	Hagel	Specter
Burr	Hatch	Stevens
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Talent
Cochran	Inouye	Thomas
Cornyn	Isakson	Thune
Craig	Kyl	Vitter
Crapo	Lott	Voinovich
DeMint	Lugar	Warner

NOT VOTING—1

Corzine

The amendment (No. 2400) was rejected.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2350, 2378, 2418, 2411, 2413, EN BLOC

Mr. GREGG. Mr. President, I ask unanimous consent the following amendments, which are acceptable to both sides, upon being sent to the desk, be agreed to, en bloc, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, en bloc, were agreed to, as follows:

AMENDMENT NO. 2350

(Purpose: To amend the definition of independent student to include students who are homeless children and youths and unaccompanied youths for purposes of the need analysis under the Higher Education Act of 1965)

On page 647, between lines 11 and 12, insert the following:

(3) in subsection (d)—

(A) in paragraph (2), by striking ''is an orphan or ward of the court'' and inserting ''is an orphan, in foster care, or ward of the court or was in foster care'';

(B) in paragraph (6), by striking ''or'' after the semicolon;

(C) by redesignating paragraph (7) as paragraph (8); and

(D) by inserting after paragraph (6) the following:

''(7) has been verified as both a homeless child or youth and an unaccompanied youth, as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a), during the school year in which the application for financial assistance is submitted, by—

''(A) a local educational agency liaison for homeless children and youths, as designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii));

''(B) a director of a homeless shelter, transitional shelter, or independent living program; or

''(C) a financial aid administrator; or''.

AMENDMENT NO. 2378

(Purpose: To fund justice programs)

At the end of title VIII, insert the following:

SEC. ___. JUSTICE PROGRAMS.

(a) IN GENERAL.—The Secretary of the Treasury—

(1) for fiscal year 2006, out of the funds in the Treasury not otherwise appropriated,

shall pay to the Attorney General, by December 31, 2005, the amounts listed in subsection (b) that are to be provided for fiscal year 2006; and

(2) for each subsequent fiscal year provided in subsection (b) out of funds in the Treasury not otherwise appropriated shall pay to the Attorney General the amounts provided by November 1 of each such fiscal year.

(b) AMOUNTS PROVIDED.—The amounts referred to in subsection (a), which shall be in addition to funds appropriated for each fiscal year, are—

(1) $8,000,000 for fiscal year 2006, $17,000,000 for fiscal year 2007, $15,000,000 for fiscal year 2008, $10,000,000 for fiscal year 2009, and $10,000,000 for fiscal year 2010, to fund the Bulletproof Vest Partnership Program as authorized under section 4 of Public Law 108–372.

(2) $3,700,000 for fiscal year 2006, $6,300,000 for fiscal year 2007, $5,000,000 for fiscal year 2008, $5,000,000 for fiscal year 2009, and $5,000,000 for fiscal year 2010, to fund DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers as authorized by section 303 of Public Law 108–405.

(3) $8,000,000 for fiscal year 2006, $12,000,000 for fiscal year 2007, $10,000,000 for fiscal year 2008, $10,000,000 for fiscal year 2009, and $10,000,000 for fiscal year 2010, to fund DNA Research and Development as authorized by section 305 of Public Law 108–405.

(4) $500,000 for fiscal year 2006, $500,000 for fiscal year 2007, $500,000 for fiscal year 2008, $500,000 for fiscal year 2009, and $500,000 for fiscal year 2010, to fund the National Forensic Science Commission as authorized by section 306 of Public Law 108–405.

(5) $1,000,000 for fiscal year 2006, $1,000,000 for fiscal year 2007, $1,000,000 for fiscal year 2008, $1,000,000 for fiscal year 2009, and $1,000,000 for fiscal year 2010, to fund DNA Identification of Missing Persons as authorized by section 308 of Public Law 108–405.

(6) $8,000,000 for fiscal year 2006, $27,000,000 for fiscal year 2007, $26,000,000 for fiscal year 2008, $25,000,000 for fiscal year 2009, and $25,000,000 for fiscal year 2010, to fund Capital Litigation Improvement Grants as authorized by sections 421, 422, and 426 of Public Law 108–405.

(7) $2,500,000 for fiscal year 2006, $3,000,000 for fiscal year 2007, $2,500,000 for fiscal year 2008, $2,500,000 for fiscal year 2009, and $2,500,000 for fiscal year 2010, to fund the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program as authorized by sections 412 and 413 of Public Law 108–405.

(8) $1,000,000 for fiscal year 2006, $1,000,000 for fiscal year 2007, $1,000,000 for fiscal year 2008, $1,000,000 for fiscal year 2009, and $1,000,000 for fiscal year 2010, to fund Increased Resources for Enforcement of Crime Victims Rights, Crime Victims Notification Grants as authorized by section 1404D of the Victims of Crime Act of 1984 (42 U.S.C. 10603d).

(c) OBLIGATION OF FUNDS.—The Attorney General shall—

(1) receive funds under this section for fiscal years 2006 through 2010; and

(2) accept such funds in the amounts provided which shall be obligated for the purposes stated in this section by March 1 of each fiscal year.

SEC. ____. COPYRIGHT PROGRAM.

(a) IN GENERAL.—The Secretary of the Treasury—

(1) for fiscal year 2006, out of the funds in the Treasury not otherwise appropriated, shall pay to the Librarian of the Congress, by December 31, 2005, the amounts listed in subsection (b) that are to be provided for fiscal year 2006; and

(2) for each subsequent fiscal year provided in subsection (b) out of funds in the Treasury not otherwise appropriated shall pay to the Librarian of the Congress the amounts provided by November 1 of each such fiscal year.

(b) AMOUNTS PROVIDED.—The amounts referred to in subsection (a), which shall be in addition to funds appropriated for each fiscal year, are: $1,300,000 for fiscal year 2006, $1,300,000 for fiscal year 2007, $1,300,000 for fiscal year 2008, $1,300,000 for fiscal year 2009, and $1,300,000 for fiscal year 2010, to fund the Copyright Royalty Judges Program as authorized under section 803(e)(1)(B) of title 17, United States Code.

(c) OBLIGATION OF FUNDS. The Librarian of the Congress shall—

(1) receive funds under this section for fiscal years 2006 through 2010; and

(2) accept such funds in the amounts provided which shall be obligated for the purposes stated in this section by March 1 of each fiscal year.

AMENDMENT NO. 2418

(Purpose: To amend chapter 21 of title 38, United States Code, to enhance adaptive housing assistance for disabled veterans and to reduce the amount appropriated for the Medicaid Integrity Program by $1,000,000 for each of fiscal years 2007 through 2010)

On page 90, between lines 19 and 20, insert the following:

Subtitle D—Adaptive Housing Assistance

SEC. 2031. SHORT TITLE.

This subtitle may be cited as the ''Specially Adapted Housing Grants Improvements Act of 2005''.

SEC. 2032. ADAPTIVE HOUSING ASSISTANCE FOR DISABLED VETERANS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

(a) ASSISTANCE AUTHORIZED.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2102 the following new section:

''§ 2102A. Assistance for veterans residing temporarily in housing owned by a family member

''(a) ASSISTANCE AUTHORIZED.—If a disabled veteran described in subsection (a)(2) or (b)(2) of section 2101 of this title resides, but does not intend to permanently reside, in a residence owned by a member of such veteran's family, the Secretary may assist the veteran in acquiring such adaptations to such residence as are determined by the Secretary to be reasonably necessary because of the veteran's disability.

''(b) LIMITATION ON AMOUNT OF ASSISTANCE.—Subject to section 2102(d) of this title, the assistance authorized under subsection (a) may not exceed—

''(1) $10,000, in the case of a veteran described in section 2101(a)(2) of this title; or

''(2) $2,000, in the case of a veteran described in section 2101(b)(2) of this title.

''(c) LIMITATION ON NUMBER OF RESIDENCES SUBJECT TO ASSISTANCE.—A veteran eligible for assistance authorized under subsection (a) may only be provided such assistance with respect to 1 residence.

''(d) REGULATIONS.—Assistance under this section shall be provided in accordance with such regulations as the Secretary may prescribe.

''(e) TERMINATION OF AUTHORITY.—The authority to provide assistance under subsection (a) shall expire at the end of the 5-year period beginning on the date of enactment of the Specially Adapted Housing Grants Improvements Act of 2005.''.

(b) LIMITATIONS ON ADAPTIVE HOUSING ASSISTANCE.—Section 2102 of such title is amended—

(1) in subsection (a), by striking ''The assistance authorized by section 2101(a)'' and all that follows through ''any one case—'' and inserting ''Subject to subsection (d), the assistance authorized under section 2101(a) of this title shall be afforded under 1 of the following plans, at the election of the veteran—'';

(2) by amending subsection (b) to read as follows:

''(b) Subject to subsection (d), and except as provided in section 2104(b) of this title, the assistance authorized by section 2101(b) of this title may not exceed the actual cost, or in the case of a veteran acquiring a residence already adapted with special features, the fair market value, of the adaptations determined by the Secretary under such section 2101(b) to be reasonably necessary.''; and

(3) by adding at the end the following new subsection:

''(d)(1) The aggregate amount of assistance available to a veteran under sections 2101(a) and 2102A of this title shall be limited to $50,000.

''(2) The aggregate amount of assistance available to a veteran under sections 2101(b) and 2102A of this title shall be limited to the lesser of—

''(A) the sum of the cost or fair market value described in section 2102(b) of this title and the actual cost of acquiring the adaptations described in subsection (a); and

''(B) $10,000.

''(3) No veteran may receive more than 3 grants of assistance under this chapter.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter of such title is amended by inserting after the item relating to section 2102 the following:

''2102A. Assistance for veterans residing temporarily in housing owned by family member.''.

SEC. 2033. GAO REPORTS.

(a) INTERIM REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress an interim report on the implementation of section 2102A of title 38, United States Code (as added by section 2(a)), by the Department of Veterans Affairs.

(b) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a final report on the implementation of such section 2102A by the Department of Veterans Affairs.

On page 166, strike lines 12 through 15 and insert the following:

''(A) for fiscal year 2006, $50,000,000;

''(B) for each of fiscal years 2007 and 2008, $49,000,000;

''(C) for each of fiscal years 2009 and 2010, $74,000,000; and

''(D) for fiscal year 2011 and each fiscal year thereafter, $75,000,000.

AMENDMENT NO. 2411

(Purpose: To authorize the continued provision of certain adult day health care services or medical adult day care services under a State Medicaid plan)

On page 188, after line 24, add the following:

SEC. 6037. AUTHORITY TO CONTINUE PROVIDING CERTAIN ADULT DAY HEALTH CARE SERVICES OR MEDICAL ADULT DAY CARE SERVICES.

The Secretary shall not—

(1) withhold, suspend, disallow, or otherwise deny Federal financial participation under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) for adult day health care services or medical adult day care services, as defined under a State medicaid plan approved on or before 1982, if such services are provided consistent with such definition and the requirements of such plan; or

(2) withdraw Federal approval of any such State plan or part thereof regarding the provision of such services.

AMENDMENT NO. 2413

(Purpose: To provide additional ProGAP assistance to certain students)

On page 369, between lines 11 and 12, insert the following:

''(D) the Secretary—

''(i) shall determine if an increase in the amount of a grant under this section is needed to help encourage students to pursue courses of study that are important to the current and future national, homeland, and economic security needs of the United States; and

''(ii) after making the determination described in clause (i), may increase the maximum and minimum award level established under subparagraph (A) by not more than 25 percent, for students eligible for a grant under this section who are pursuing a degree with a major in mathematics, science, technology, engineering, or a foreign language that is critical to the national security of the United States; and

''(E) not later than September 30 of each fiscal year, the Secretary shall notify Congress, in writing, of the Secretary's determination with respect to subparagraph (D)(i) and of any increase in award levels under subparagraph (D)(ii).

AMENDMENT NO. 2378

Mr. LEAHY. Mr. President, I am thrilled that the Senate has agreed to accept by unanimous consent to the Budget Reconciliation Act, S. 1932, a bipartisan amendment offered by Senator SPECTER and myself to allocate the extra $278,000,000 in revenue provided from the Judiciary Committee markup on reconciliation to supplement funding for the Bulletproof Vest Partnership, programs authorized by the Justice For All Act, and the Copyright Royalty Judges Program.

I thank my good friend and colleague, Senator SPECTER, for his leadership on and commitment to seeing that these important programs are funded as much as we can during these tough fiscal times. As Chairman and Ranking Member of the Judiciary Committee, Senator SPECTER and I have joined forces before to champion funding for these programs. I am privileged to partner with him again in that pursuit.

The Judiciary Committee markup on its reconciliation title provided $278,000,000 more in revenue than was mandated by the budget resolution instructions. We now seek to include additional provisions within the jurisdiction of our committee into the Senate reconciliation package. Our bipartisan amendment funds a number of Judiciary programs that enjoyed broad bipartisan support when Congress authorized them. These mandatory spending changes would simply spend some of the additional revenue that we raised through increases in immigration fees during our markup.

Our proposal would provide $60,000,000 over the next 5 years for such initiatives as the Bulletproof Vest Partnership Program, which helps law enforcement agencies purchase or replace body armor for their rank-and-file officers. Recently, concerns over body armor safety surfaced when a Pennsylvania police officer was shot and critically wounded through his new vest outfitted with a material called Zylon. The Justice Department has since announced that Zylon fails to provide the intended level of ballistic resistance. Unfortunately, an estimated 200,000 vests outfitted with that material have been purchased—many with Bulletproof Vest Partnership funds—and now must be replaced. Law enforcement agencies nationwide are struggling to find the funds necessary to replace defective vests with ones that will actually stop bullets and save lives. Our amendment will help them replace those faulty vests.

Our amendment also provides over $216,000,000 for programs authorized by the Justice For All Act of 2004, a landmark law that enhances protections for victims of Federal crimes, increases Federal resources available to State and local governments to combat crimes with DNA technology, and provides safeguards to prevent wrongful convictions and executions. The bipartisan amendment that Senator SPECTER and I propose will, among other things, allow for training of criminal justice and medical personnel in the use of DNA evidence, including evidence for post-conviction DNA testing. It will promote the use of DNA technology to identify missing persons. With these funds, State and local authorities will be better able to implement and enforce crime victims' rights laws, including Federal victim and witness assistance programs. State and locals can apply for grants to develop and implement victim notification systems so that they can share information on criminal proceedings in a timely and efficient manner. The amendment will also help improve the quality of legal representation provided to both indigent defendants and the public in State capital cases.

Last, but certainly not least, our amendment provides $6,500,000 over 5 years for the Copyright Royalty Judges Program at the Library of Congress. The Copyright Royalty Distribution Reform Act of 2004 created a new program in the Library to replace most of the current statutory responsibilities of the Copyright Arbitration Royalty Panels program. The Copyright Royalty Judges Program will determine distributions of royalties that are disputed and will set or adjust royalty rates, terms and conditions, with the exception of satellite carriers' compulsory licenses. Our amendment would help pay the salaries and related expenses of the three royalty judges and three administrative staff required by law to support this program.

The Specter-Leahy amendment will give to programs that help protect police officers and victims of violent crime, allow State and local governments to combat crimes with DNA technology, and provide safeguards to prevent wrongful convictions and executions. Chairman SPECTER and I are proud that the Judiciary Committee was able to agree to a reconciliation package that will provide $278 million more in revenue than was mandated by the Budget Resolution instructions. I thank our colleagues for supporting our amendment and agreeing to use that additional money to fund some of these important priorities that continue to lack adequate Federal resources.

AMENDMENT NO. 2413

Mr. WARNER. Mr. President, I rise today in support of an amendment to S. 1932, the deficit reduction bill. I am pleased to be joined in this bipartisan effort with Senators LIEBERMAN, ROBERTS, DURBIN, and ALLEN. I am grateful to each of them for working closely with me in crafting this amendment. In addition, I would like to thank Chairman ENZI and Senator KENNEDY for working closely with me in support of this amendment.

Under the deficit reduction bill, certain educational programs are authorized or reauthorized that provide Federal dollars to help low-income students with the costs associated with higher education. These programs include: (1) Pell grants—in fiscal year 2005 $12.787 billion was spent on Pell grants by the Federal Government; (2) ProGAP grants—a new mandatory spending program consisting of approximately $1.45 billion a year that is designed to provide supplemental grants to low-income Pell grant recipients, regardless of their majors; and (3) SMART grants—a new mandatory spending program consisting of $450 million a year that is designed to provide supplemental grants to low-income Pell grant recipients in their third and fourth year of college who are pursuing majors in math, science, engineering, and foreign languages.

These initiatives are commendable. I support them. Each program will significantly increase dollars targeted to low-income individuals who wish to pursue higher education to help them with the costs associated with their schooling.

But while I support these programs, I also fervently believe that when the Congress expends taxpayer money, it ought to do so in a manner that meets our Nation's needs.

The fact of the matter is that should this bill become law, the Federal Government will spend, next year alone, approximately $14.5 billion on grants to help low-income students attend higher education. I repeat $14.5 billion.

Of this $14.5 billion, though, without this amendment, only $450 million each year will be specifically targeted towards encouraging students to enter courses of study that are critical to our national security. That amounts to only about 3 percent of the total amount spent. I repeat, 3 percent. That is astonishing to me.

It is astonishing to me because a key component of America's national, homeland, and economic security in the post 9/11 world of global terrorism is having home-grown, highly-trained scientific minds to compete in today's one-world market. Yet alarmingly,

America faces a huge shortage of these technical minds.

Strikingly, America faced a similar situation nearly 50 years ago. On October 4, 1957, the Soviet Union successfully launched the first manmade satellite—Sputnik—into space. The launch shocked America, as many of us had assumed that we were preeminent in the scientific fields. While prior to that unforgettable day America enjoyed an air of post World War II invincibility, afterwards our Nation recognized that there was a cost to its complacency. We had fallen behind.

In the months and years to follow, we would respond with massive investments in science, technology and engineering.

In 1958, Congress passed the National Defense Education Act to inspire and induce individuals to advance in the fields of science and math. In addition, President Eisenhower signed into law legislation that established the National Aeronautics and Space Administration, NASA. And a few years later, in 1961, President Kennedy set the Nation's goal of landing a man on the Moon within the decade.

These investments paid off. In the years following the Sputnik launch, America not only closed the scientific and technological gap with the Soviet Union, we surpassed them. Our renewed commitment to science and technology not only enabled us to safely land a man on the Moon in 1969, it spurred research and development which helped ensure that our modern military has always had the best equipment and technology in the world. These post-Sputnik investments also laid the foundation for the creation of some of the most significant technologies of modern life, including personal computers, and the Internet.

Why is any of this important to us today? Because as the old saying goes: he or she who fails to remember history is bound to repeat it.

The truth of the matter is that today America's education system is coming up short in training the highly technical American minds that we now need and will continue to need far into the future.

The fact is that over the last two decades the number of young Americans pursuing bachelor degrees in science and engineering has been declining. In fact, the proportion of college-age students earning degrees in math, science, and engineering is now substantially higher in 16 countries in Asia and Europe than it is in the United States. If these current trends continue, then, according to the National Science Board, less than 10 percent of all scientists and engineers in the world will be working in America by 2010.

This shortage in America of highly trained, technical minds is already having very real consequences for us as a country. For example, the U.S. production of patents, probably the most direct link between research and economic benefit, has declined steadily relative to the rest of the world for decades, and now stands at only 52 percent of the total.

In the past, this country has been able to compensate for its shortfall in homegrown, highly trained, technical and scientific talent by importing the necessary brain power from foreign countries. However, with increased global competition, this is becoming harder and harder. More and more of our imported brain power is returning home to their native countries. And regrettably, as they return home, many American high-tech jobs are being outsourced with them.

Simply put, in today's one world market, while we in America are sleeping at night, the other half of the world is thinking and contriving of every possible way to compete against us economically. Moreover, while we are sleeping at night, there are persons in this world who are awake, working hard in support of efforts aimed at taking our security and our freedoms away from us.

Fortunately, we can do something here today to help us become better prepared. Certainly, the SMART grant program is an important step in the right direction. But while the SMART grant program is one small step for man, it is not a giant leap for America. More has to be done. Remember, even with the SMART grant program, next year only 3 percent of the $14.5 billion targeted towards low-income students will be focused on meeting our security needs.

That is why I am offering this amendment today. The Warner, Lieberman, Roberts, Durbin, and Allen amendment is simple. It simply allows the Secretary of Education to provide to low-income Pell grant recipients who pursue majors at the college and university level in critical national and homeland security fields of math, science, engineering, and foreign languages, an additional sum of money on top of their normal ProGAP grants. The amendment gives incentives and inducements to students who accept the challenge of pursuing the more rigorous and demanding curriculum of these studies that are critical to our Nation.

The amendment achieves its goal without adding a single new dollar to the underlying bill.

The Warner, Lieberman, Roberts, Durbin, and Allen amendment does not change the Pell grant program or the SMART grant program in any way. It merely changes the formula of payments to students who will receive ProGAP grants. This change is desperately needed to put our nation on the road to meeting the ever increasing competition from India, China, and other nations where more and more of their students are pursuing studies in the scientific area.

The amendment builds upon the SMART grant program by enabling the Secretary to provide even greater incentives to encourage individuals to pursue studies critical fields. The amendment accomplishes this goal by allowing the Secretary of Education to award larger ProGAP grants to students majoring in programs of math, science, engineering and foreign languages that are key to our national and homeland security.

While I believe studying the liberal arts is an important component to having an enlightened citizenry, we simply must do more to address this glaring shortage in other critical fields.

America can ill afford a 21st century Sputnik. This amendment will make sure that additional monies get focused on training the highly skilled minds that are needed in the 21st century to protect our national, economic, and homeland security.

I urge my colleagues to support this amendment.

Mr. GREGG. The game plan is to go to the Santorum or Baucus amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2383

Mr. CONRAD. The next amendment in order is the Baucus amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I call up amendment 2383 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 2383.

Mr. BAUCUS. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To exclude discounts provided to mail order and nursing facility pharmacies from the determination of average manufacturer price and to extend the discounts offered under fee-for-service Medicaid for prescription drugs to managed care organizations)

On page 110, after line 24, add the following:

(4) EXCLUSION OF DISCOUNTS PROVIDED TO MAIL ORDER AND NURSING FACILITY PHARMACIES FROM THE DETERMINATION OF AVERAGE MANUFACTURER PRICE.—

(A) IN GENERAL.—Section 1927(k)(1)(B)(ii)(IV) (42 U.S.C. 1396r–8(k)(1)(B)(ii)(IV)), as added by paragraph (1)(C), is amended to read as follows:

''(IV) Chargebacks, rebates provided to a pharmacy (excluding a mail order pharmacy, a pharmacy at a nursing facility or home, and a pharmacy benefit manager), or any other direct or indirect discounts.''.

(B) EFFECTIVE DATE.—Paragraph (3) shall apply to the amendment made by subparagraph (A).

(5) EXTENSION OF PRESCRIPTION DRUG DISCOUNTS TO ENROLLEES OF MEDICAID MANAGED CARE ORGANIZATIONS.—

(A) IN GENERAL.—Section 1903(m)(2)(A) (42 U.S.C. 1396b(m)(2)(A)) is amended—

(i) in clause (xi), by striking ''and'' at the end;

(ii) in clause (xii), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(xiii) such contract provides that payment for covered outpatient drugs dispensed to individuals eligible for medical assistance who are enrolled with the entity shall be subject to the same rebate agreement entered into under section 1927 as the State is subject to and that the State shall have the option of collecting rebates for the dispensing of such drugs by the entity directly from manufacturers or allowing the entity to collect such rebates from manufacturers in exchange for a reduction in the prepaid payments made to the entity for the enrollment of such individuals.''.

(B) CONFORMING AMENDMENT.—Section 1927(j)(1) (42 U.S.C. 1396r–8(j)91)) is amended by inserting ''other than for purposes of collection of rebates for the dispensing of such drugs in accordance with the provisions of a contract under section 1903(m) that meets the requirements of paragraph (2)(A)(xiii) of that section'' before the period.

(C) EFFECTIVE DATE.—The amendments made by this paragraph take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) on or after such date.

Mr. BAUCUS. Mr. President, this amendment modifies the way retail pharmacies are paid for brand-name generic drugs under Medicaid. The underlying bill makes some important, positive changes but has the unintended consequence of forcing the independents—that is, the independent drugstores and the chains—in a disadvantaged position compared with mail-order drug companies and long-term care drug companies, the point being that the last category, because they are large-sized, have greater purchasing power to be able to acquire drugs on a discount basis, whereas the earlier category, the independent pharmacist and the chains themselves who do not have the same purchasing power, will be forced to pay higher prices compared to the larger. It is a complicated subject.

This is an amendment designed to even the playing field so the smaller guys get a break. It will not be to the disadvantage of the larger guys, because with their larger size, they will be able to get discounts that will more than offset the amendment provided for the smaller guys.

Mr. GREGG. I ask unanimous consent for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2383) was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2417

Mr. GREGG. I send to the desk an amendment by Senator LEVIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] for Mr. LEVIN, proposes an amendment numbered 2417.

Mr. GREGG. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish an International Border Community Interoperable Communications Demonstration Project)

On page 95, after line 21, insert the following:

SEC. 3005A. COMMUNICATION SYSTEM GRANTS.

(a) DEFINITIONS.—In this section—

(1) the term ''demonstration project'' means the demonstration project established under subsection (b)(1);

(2) the term ''Department'' means the Department of Homeland Security;

(3) the term ''emergency response provider'' has the meaning given that term in section 2(6) the Homeland Security Act of 2002 (6 U.S.C. 101(6)); and

(4) the term ''Secretary'' means the Secretary of Homeland Security.

(b) IN GENERAL.—

(1) ESTABLISHMENT.—There is established in the Department an ''International Border Community Interoperable Communications Demonstration Project''.

(2) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select not fewer than 2 communities to participate in a demonstration project.

(3) LOCATION OF COMMUNITIES.—Not fewer than 1 of the communities selected under paragraph (2) shall be located on the northern border of the United States and not fewer than 1 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

(c) PROJECT REQUIREMENTS.—The demonstration projects shall—

(1) address the interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers;

(2) foster interoperable communications—

(A) among Federal, State, local, and tribal government agencies in the United States involved in preventing or responding to terrorist attacks or other catastrophic events; and

(B) with similar agencies in Canada and Mexico;

(3) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(4) foster the standardization of interoperable communications equipment;

(5) identify solutions that will facilitate communications interoperability across national borders expeditiously;

(6) ensure that emergency response providers can communicate with each another and the public at disaster sites or in the event of a terrorist attack or other catastrophic event;

(7) provide training and equipment to enable emergency response providers to deal with threats and contingencies in a variety of environments; and

(8) identify and secure appropriate joint-use equipment to ensure communications access.

(d) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall distribute funds under this section to each community participating in a demonstration project through the State, or States, in which each community is located.

(2) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under paragraph (1), a State receiving funds under this section shall make the funds available to the local governments and emergency response providers participating in a demonstration project selected by the Secretary.

(e) FUNDING.—Amounts made available from the interoperability fund under section 3005(c)(3) shall be available to carry out this section without appropriation.

(f) REPORTING.—Not later than December 31, 2005, and each year thereafter in which funds are appropriated for a demonstration project, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration projects under this section.

Mr. GREGG. I ask unanimous consent it be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2417) was agreed to.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2348

Mr. CONRAD. Mr. President, the next amendment in order is the Schumer amendment.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I offer amendment 2348.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself and Mr. ROCKEFELLER, proposes an amendment numbered 2348.

Mr. SCHUMER. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the provisions increasing the Medicaid rebate for generic drugs)

On page 125, strike lines 3 through 14.

Mr. ROCKEFELLER. Mr. President, I will speak for a moment about the Schumer-Rockefeller generics amendment to the budget reconciliation bill.

The amendment that Senator SCHUMER and I are offering today would eliminate the provision in this bill that increases the generics Medicaid rebate from 11 percent to 17 percent. Increasing the rebate for generics would jeopardize consumer access to lower-cost prescription drugs and that's why this provision needs to be stricken from this bill.

The reconciliation bill before us has a number of flaws—it cuts Medicaid by $7.5 billion despite Hurricane Katrina and the high health care costs working families continue to face. It imposes even greater premiums on Medicare beneficiaries when Part B premiums have already gone up by more than $10 per month in each of the last 2 years. And, it fails to address many of the problems we know will occur when the Medicare drug benefit is implemented on January 1, 2006. But, that's not all.

This bill also includes a provision—which was added to the Finance Committee reconciliation bill the night before the markup—that would increase the rebate amount that generic manufacturers pay to State Medicaid programs from 11 percent to 17 percent. That's an increase of 55 percent.

At a time when access to generic drugs represents the greatest opportunity for prescription drug cost savings, this bill seeks to limit such access. Not only will this policy result in greater costs to Medicaid over the long term, but it could also threaten access to lower-cost drugs for all Americans.

In the recent past, when Missouri and New Jersey considered implementing generic drug rebate increases for the purpose of achieving savings, they actually found they would have incurred greater costs as a result of reduced access to affordable generic drugs.

New Jersey officials estimated that increasing rebates on generics used in their Pharmaceutical Assistance for the Aged and Disabled and Senior Gold programs would have increased state costs $18 million in the first year. Missouri's SeniorRx Program estimated that increasing generic rebates would have increased state costs by $8.5 million dollars in the first year alone.

According to a 1998 study by the Congressional Budget Office, generic drugs save consumers approximately $8–10 billion each year. Why would we undercut access to generics when low-cost prescription drugs should be a priority?

I question the merits of such a far-reaching policy that was added in the dead of night seemingly for the purpose of achieving greater budget savings. I understand the temptation to act in reconciliation to accomplish long-standing policy goals as well as to address requests from special interest groups.

We should resist such temptation when we have not done our homework—when we don't know the real rationale or effects of this policy or the interaction with other policies. We can do better.

We can be more thoughtful—and we have a responsibility to be very careful when we're dealing with pocketbook issues that affect working families, our states, as well as long-term costs to the Federal Government.

I thank the Chair and urge my colleagues to vote ''yes'' on the Schumer-Rockefeller generic drug amendment.

Mr. SCHUMER. Mr. President, this is a very simple amendment. In a sincere effort to cut costs, what has happened in this bill is, in effect, we have eliminated the ability of generic drugs to be sold using Medicaid. That will raise costs dramatically.

Over half the prescription drugs used in Medicaid are generic. They are only 16 percent of the cost, but because we have raised the fees so dramatically on what a generic drug company must pay a pharmacy to handle the drug, it is now going to be the same as a prescription drug. Even though the prescription drug costs a whole lot more and, therefore, it is a much lower base, pharmacies are not going to use the generic. In the long run, that will cost the Medicaid Program billions of dollars.

This is a huge mistake. It was not done by design. They raised all the fees and figured that will bring this amount of money in the next year.

Can anyone imagine we are saying, in Medicaid, where we need to save money, we are not going to use generic drugs? My amendment corrects that situation and is within the fiscal confines of the bill.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we do not need an amendment to improve this situation because this bill has in it already very significant incentives for generic utilization through the way we reimburse generics and the dispensing fee we require.

A very significant thing is to remember that brand drugs account for 67 percent of Medicaid prescriptions, but they also account for 81 percent of the Medicaid rebates. This is reasonable policy for us, then, to create parity between brand and generic rebates. This amendment would upset that parity.

The amendment before the Senate also simply strikes generic rebates; it does not pay for it. So I strongly oppose bringing the Committee on Finance out of compliance with our budget instructions. This amendment would do that. I ask Members to oppose the amendment.

Mr. GREGG. I ask for the yeas and nays.

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 agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 299 Leg.]

YEAS—49

Akaka	Baucus	Biden
Allen	Bayh	Bingaman
Boxer	Jeffords	Nelson (NE)
Byrd	Johnson	Obama
Cantwell	Kennedy	Pryor
Carper	Kerry	Reed
Clinton	Kohl	Reid
Collins	Landrieu	Rockefeller
Conrad	Lautenberg	Salazar
Dayton	Leahy	Sarbanes
Dodd	Levin	Schumer
Dorgan	Lieberman	Snowe
Durbin	Lincoln	Specter
Feingold	McCain	Stabenow
Feinstein	Mikulski	Wyden
Harkin	Murray	
Inouye	Nelson (FL)	

NAYS—50

Alexander	DeWine	Martinez
Allard	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Roberts
Brownback	Enzi	Santorum
Bunning	Frist	Sessions
Burns	Graham	Shelby
Burr	Grassley	Smith
Chafee	Gregg	Stevens
Chambliss	Hagel	Sununu
Coburn	Hatch	Talent
Cochran	Hutchison	Thomas
Coleman	Inhofe	Thune
Cornyn	Isakson	Vitter
Craig	Kyl	Voinovich
Crapo	Lott	Warner
DeMint	Lugar	

NOT VOTING—1

Corzine

The amendment (No. 2348) was rejected.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that the Senator from Nebraska have 2 minutes to introduce an amendment and then withdraw it.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 2391

Mr. HAGEL. Mr. President, I call up amendment No. 2391 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. HAGEL], for himself and Mr. SUNUNU, proposes an amendment numbered 2391.

Mr. HAGEL. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require Fannie Mae and Freddie Mac to register under the Securities Act of 1933)

At the appropriate place, insert the following:

SEC. ____. REGISTRATION OF GSE SECURITIES.

(a) FANNIE MAE.—

(1) MORTGAGE-BACKED SECURITIES.—Section 304(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(d)) is amended by striking the fourth sentence and inserting the following: ''Securities issued by the corporation under this subsection shall not be exempt securities for purposes of the Securities Act of 1933.''.

(2) SUBORDINATE OBLIGATIONS.—Section 304(e) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(e)) is

amended by striking the fourth sentence and inserting the following: ''Obligations issued by the corporation under this subsection shall not be exempt securities for purposes of the Securities Act of 1933.''.

(3) SECURITIES.—Section 311 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723c) is amended—

(A) in the section heading, by striking ''ASSOCIATION'';

(B) by inserting ''(a) IN GENERAL.—'' after ''SEC. 311.'';

(C) in the second sentence, by inserting ''by the Association'' after ''issued''; and

(D) by adding at the end the following:

''(b) TREATMENT OF CORPORATION SECURITIES.—

''(1) IN GENERAL.—Any stock, obligations, securities, participations, or other instruments issued or guaranteed by the corporation pursuant to this title shall not be exempt securities for purposes of the Securities Act of 1933.

''(2) EXEMPTION FOR APPROVED SELLERS.—Notwithstanding any other provision of this title or the Securities Act of 1933, transactions involving the initial disposition by an approved seller of pooled certificates that are acquired by that seller from the corporation upon the initial issuance of the pooled certificates shall be deemed to be transactions by a person other than an issuer, underwriter, or dealer for purposes of the Securities Act of 1933.

''(3) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) APPROVED SELLER.—The term 'approved seller' means an institution approved by the corporation to sell mortgage loans to the corporation in exchange for pooled certificates.

''(B) POOLED CERTIFICATES.—The term 'pooled certificates' means single class mortgage-backed securities guaranteed by the corporation that have been issued by the corporation directly to the approved seller in exchange for the mortgage loans underlying such mortgage-backed securities.

''(4) MORTGAGE RELATED SECURITIES.—A single class mortgage-backed security guaranteed by the corporation that has been issued by the corporation directly to the approved seller in exchange for the mortgage loans underlying such mortgage-backed securities or directly by the corporation for cash shall be deemed to be a mortgage related security, as defined in section 3(a) of the Securities Exchange Act of 1934.''.

(b) FREDDIE MAC.—Section 306(g) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455(g)) is amended to read as follows:

''(g) TREATMENT OF SECURITIES.—

''(1) IN GENERAL.—Any securities issued or guaranteed by the Corporation shall not be exempt securities for purposes of the Securities Act of 1933.

''(2) EXEMPTION FOR APPROVED SELLERS.—Notwithstanding any other provision of this title or the Securities Act of 1933, transactions involving the initial disposition by an approved seller of pooled certificates that are acquired by that seller from the Corporation upon the initial issuance of the pooled certificates shall be deemed to be transactions by a person other than an issuer, underwriter, or dealer for purposes of the Securities Act of 1933.

''(3) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) APPROVED SELLER.—The term 'approved seller' means an institution approved by the Corporation to sell mortgage loans to the Corporation in exchange for pooled certificates.

''(B) POOLED CERTIFICATES.—The term 'pooled certificates' means single class mortgage-backed securities guaranteed by the Corporation that have been issued by the Corporation directly to the approved seller in exchange for the mortgage loans underlying such mortgage-backed securities.''.

(c) NO EFFECT ON OTHER LAW.—Nothing in this section or the amendments made by this section shall be construed to affect any exemption from the provisions of the Trust Indenture Act of 1939 provided to the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

(d) REGULATIONS.—The Securities and Exchange Commission may issue such regulations as may be necessary or appropriate to carry out this section and the amendments made by this section.

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective 1 year after the date of enactment of this Act.

Mr. HAGEL. Mr. President, the significance of Fannie Mae and Freddie Mac to our economy cannot be overstated. Together they guarantee almost 46 percent of all mortgage loans in the United States. They also back over $3.9 trillion in mortgage-backed securities and have amassed over $1.7 trillion in outstanding debt. This amendment would require Fannie and Freddie to register their debt in securities with the Securities and Exchange Commission, like any other company. Both are currently exempt from having to do so and, because of this, both are exempt from the accounting requirements of Sarbanes-Oxley. The Senate Banking Committee, under the leadership of Chairman SHELBY, passed a comprehensive, strong, GSE regulatory reform bill earlier this year. We need to take this bill up in this Congress.

AMENDMENT NO. 2391, WITHDRAWN

I ask unanimous consent that Senator SUNUNU be allowed to speak for 1 minute, after which I ask that amendment No. 2391 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I join the Senator from Nebraska in supporting this amendment. We absolutely need strong, credible, effective regulation of Fannie Mae and Freddie Mac. These are enormous, complex financial institutions. We want to ensure their safety and soundness. We want to ensure they stay focused on their chartered mission, which is to provide liquidity in our secondary mortgage market. It sends the wrong message if we treat them differently from other big investment services companies. It sends the wrong message if we don't have a credible regulator. We need to pass legislation that includes this kind of a provision, SEC registration for their stocks and bonds. It is common sense. We have passed legislation in the Banking Committee that is increasingly unlikely, given the opposition, lack of cooperation of the GSEs in working on this legislation. Their allied interest groups have weighed in against the legislation. I think it does a disservice to the capital markets and to the consumers if we fail to have a strong, credible regulator. I certainly support the amendment, but I will yield back to the Senator from Nebraska.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from New Hampshire.

Mr. GREGG. I ask unanimous consent that the only amendments remaining in order be two by Senator REED, one by Senator LIEBERMAN, one by Senator SANTORUM, and one by Senator SNOWE.

The PRESIDING OFFICER. In my personal capacity as a Senator from Texas, I object.

Mr. GREGG. The Chair objects.

Mr. CONRAD. The Chair objects.

Mr. GREGG. And one by Senator CORNYN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, reserving the right to object, the last one is a Cornyn amendment?

Mr. GREGG. It appears there may be.

Mr. CONRAD. I think we can accept it.

Mr. GREGG. We will now go to Senator SANTORUM.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2419

(Purpose: To amend title XVIII of the Social Security Act to make a technical correction regarding purchase agreements for power-driven wheelchairs under the Medicare program, to provide for coverage of ultrasound screening for abdominal aortic aneurysms under part B of such program, to improve patient access to, and utilization of, the colorectal cancer screening benefit under such program, and to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of such title)

Mr. SANTORUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for himself, Mr. BUNNING, Mr. THOMAS, Mr. VOINOVICH, Mr. LIEBERMAN, Mr. DODD, and Mr. ROCKEFELLER, proposes an amendment numbered 2419.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. SANTORUM. Mr. President, this is a four-part amendment. The first part would provide for a screening for aortic aneurysms, offered by Senator BUNNING and Senator DODD. The second part of the amendment would allow for the purchase of electronic mobility equipment for our seniors, something Senator VOINOVICH has been working on, as opposed to having a long-term lease. The third part is offered by Senator THOMAS, which has to do with rural mental health care under Medicare. And finally, the piece I have been offering is on colorectal screenings. We passed that benefit back in 1997. As a result of that payment of the benefit for screenings, we have only seen a 1-percent increase in screenings. This is an attempt to try to increase that by allowing for the payment of the predoctor visit as well as the part B deductible.

I ask unanimous consent to add Senator LANDRIEU as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent to be listed as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2419.

The amendment (No. 2419) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. We now go to Senator REED.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 2409

Mr. REED. Mr. President, I ask that amendment No. 2409 be called up for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Mr. BAUCUS, Mrs. MURRAY, Mr. KENNEDY, Mr. BINGAMAN, Mr. CORZINE, Mrs. CLINTON, and Mr. OBAMA, proposes an amendment numbered 2409.

The amendment is as follows:

(Purpose: To strike provisions relating to reforms of targeted case management)

Strike section 6031 of the bill.

Mr. REED. This amendment strikes section 6031 of the reconciliation act which pertains to case management services. States have the ability to identify groups such as children and adults with AIDS, children in foster care, other vulnerable groups, and find comprehensive services. These services include educational and social as well as medical services. The underlying reconciliation bill will force these services to be paid for by third parties, the State or others. That will decrease the use of these services and actually end up costing more to the States, and it will disrupt many of the very appropriate programs we have. In fact, many of these programs save money by dealing with these people.

I would point out that this legislation does not require an offset, nor does it require a supermajority vote since we are striking language in the underlying bill.

I reserve any time I have.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am shocked anybody from the other side of the aisle would raise any questions against the policy we have in our bill. This is not a Republican policy. This is not a Bush administration policy. This is a policy that was offered by the previous administration, the Clinton administration. The targeted case management provision of this bill merely codifies that policy that was offered by the Clinton administration. I have a letter I got from the U.S. Psychiatric Rehabilitation Association expressing thanks for the targeted case management provisions:

Your measured steps and considerations of TCM will preserve the needed services to those who cannot attain housing, employment, or health care on their own. [We] appreciate your work in helping to ensure that mentally disabled Americans have the opportunity to access Medicaid services.

It seems to me this is something that ought to be of the heart and the brain of anybody on the other side of the aisle.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Rhode Island has 7 seconds.

Mr. REED. Mr. President, this bill will hurt programs that exist today that help children, people with AIDS, a host of people. I received this information not from the Clinton administration but from providers in my own community, Christian Brothers who deal with children, social workers who deal with adults.

Mr. GREGG. Mr. President, I ask unanimous consent that Senator SMITH be added to the list of amendments that will be considered.

Mr. CONRAD. Reserving the right to object, we don't yet know what the Smith amendment is. Can we get that first?

Mr. GREGG. I withdraw that.

Mr. REED. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 2409.

The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Oklahoma (Mr. COBURN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 300 Leg.]

YEAS—46

Akaka	Durbin	Mikulski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Biden	Harkin	Nelson (NE)
Bingaman	Inouye	Obama
Boxer	Jeffords	Pryor
Byrd	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Rockefeller
Chafee	Kohl	Salazar
Clinton	Landrieu	Sarbanes
Conrad	Lautenberg	Schumer
Dayton	Leahy	Stabenow
DeWine	Levin	Wyden
Dodd	Lieberman	
Dorgan	Lincoln	

NAYS—52

Alexander	Brownback	Cochran
Allard	Bunning	Coleman
Allen	Burns	Collins
Bennett	Burr	Cornyn
Bond	Chambliss	Craig
Crapo	Inhofe	Smith
DeMint	Isakson	Snowe
Dole	Kyl	Specter
Domenici	Lott	Stevens
Ensign	Lugar	Sununu
Enzi	Martinez	Talent
Frist	McCain	Thomas
Graham	McConnell	Thune
Grassley	Murkowski	Vitter
Gregg	Roberts	Voinovich
Hagel	Santorum	Warner
Hatch	Sessions	
Hutchison	Shelby	

NOT VOTING—2

Coburn	Corzine

The amendment (No. 2409) was rejected.

Mr. GREGG. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2380, AS MODIFIED, 2420, AND 2386

Mr. GREGG. Mr. President, I now send three amendments to the desk and ask that they be considered and agreed to en bloc, and the motions to reconsider be laid on the table—one for Senator LIEBERMAN and two for Senator SUNUNU.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 2380, AS MODIFIED

On page 368, between line 5 and 6, insert the following:

SEC. 6116. QUALITY MEASUREMENT SYSTEMS AMENDMENTS.

Section 1860E–1, as added by section 6110(a)(2), is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B)—

(i) in clause (vi), by striking ''and'' at the end;

(ii) in clause (vii), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new clause:

''(viii) measures that address conditions where there is the greatest disparity of health care provided and health outcomes between majority and minority groups.''; and

(B) in subparagraph (E)—

(i) in clause (v), by striking ''and'' at the end;

(ii) by redesignating clause (vi) as clause (vii); and

(iii) by inserting after clause (v) the following new clause:

''(vi) allows quality measures that are reported to be stratified according to patient group characteristics; and'';

(2) in subsection (c)(4)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(D) The report commissioned by Congress from the Institute of Medicine of the National Academy of Sciences, titled 'Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care'.''; and

(3) in subsection (d)(2), by inserting ''experts in minority health,'' after ''government agencies,''.

AMENDMENT NO. 2420

(Purpose: To convert the Digital Transition and Public Safety Fund program payment amounts into limitations, and for other purposes)

On page 94, line 7, after ''(1)'' insert ''not to exceed''.

On page 94, line 13, after ''(2)'' insert ''not to exceed''.

On page 94, line 19, after ''(3)'' insert ''not to exceed''.

On page 95, line 1, after ''(4)'' insert ''not to exceed''.

On page 95, line 4, after ''(5)'' insert ''not to exceed''.

On page 95, beginning in line 10, strike ''The amounts payable'' and insert ''Any amounts that are to be paid''.

On page 95, line 12, after the period insert ''Any amount in the Fund that is not obligated under subsection (c) by that date shall be transferred to the general fund of the Treasury.''.

AMENDMENT NO. 2386

(Purpose: To ensure that amounts are not obligated out of the Digital Transition and Public Safety Fund until the proceeds of the auction are actually deposited by the FCC)

On page 95, line 12, after the period insert ''The Secretary may not obligate any amounts from the Fund until the proceeds of the auction authorized by section 309(j)(15)(C)(v) are actually deposited by the Commission pursuant to subsection (b).''.

Mr. LIEBERMAN. Mr. President, a very important provision is being passed in this year's reconciliation bill establishing Medicare Value-Based Purchasing Programs. Value-based purchasing brings a pay-for-performance provision to Medicare. Senator GRASSLEY and Senator BAUCUS and the Finance Committee staff on both sides of the aisle have pushed forward an initiative that has been needed for a long time in American health care. I applaud them for their efforts.

A recent study published in the New England Journal of Medicine found that less than 55 percent of patients in America receive appropriate medical care. This means that if you go to the doctor and have pneumonia there is a good chance you may not receive the right antibiotic; or CPR might be performed on a patient with the incorrect number of breaths; or you may not receive the best surgery for your heart condition. Americans are not systematically receiving appropriate medical treatment. And receiving appropriate medical treatment should not be a matter of luck.

We know that it is too easy for Americans to get inappropriate medical care. But there are patient groups throughout our country that are in even more medical danger. Disparities in health care quality in minority groups are well documented. This would mean that a Hispanic or African-American male is less likely to receive the right medication for a heart condition than a White male. These findings are not related to income, insurance status, age, or what hospital a person goes to, among other factors. Special attention must be paid to minority patient groups in our current efforts to improve the quality of medical care in the U.S.

The 2003 Institute of Medicine report, Unequal Treatment, recommended that the ''collection, reporting, and monitoring of patient care data by health plans and federal, and state payors should be encouraged'' to move towards eliminating health disparities.

My amendment to section 6110 S. 1932 addresses this IOM recommendation to more specifically encourage the collection and reporting of health care quality data for both majority and minority groups as Medicare Value-Based Purchasing Programs are being developed and established.

My amendment encourages the Secretary of the Department of Health and Human Services to focus on diseases where there are disparities between majority and minority groups. Diseases such as infant mortality, diabetes, heart disease, breast cancer, cervical cancer, HIV/AIDS, childhood immunizations, and adult immunizations are all disproportionately problematic in minority patient groups. They must be considered in any systematic attempt to measure and improve health care quality.

My amendment also encourages the collection of specific data on patient characteristics that are key to measuring and collecting data on health care quality. Collecting information on gender, race/ethnicity, language spoken, and insurance status are encouraged. Without this information, we will not have any way of knowing whether or not disparities between majority and minority groups are decreasing.

In the existing provisions of section 6110, the Secretary of the Department of Health and Human Services will work with various expert groups in development and implementing quality measurement systems. However, experts in minority health are not currently included in the legislation. My amendment ensures that experts in minority health will be included in developing and implementing a health care quality measurement system.

Lastly, my amendment would reward hospitals, physicians, clinics, and home health care providers, among other groups that demonstrate improvement in quality of care for patient subgroups and minorities.

I thank Senators GRASSLEY and BAUCUS and the Finance Committee staff for working with us to try to focus necessary attention on the health care needs of all Americans. This would mark the first time our Federal Government made a commitment to improving the quality of health care that minority groups—our constituents—are receiving. I believe this groundbreaking legislation to bring pay-for-performance accountability to Medicare is an important step forward and I believe it will be much more powerful and have much greater impact if we tackle how to eliminate racial and ethnic disparities in health care.

Mr. GREGG. Mr. President, we now turn to Senator REED for his second amendment.

Mr. REED. Mr. President, I call up amendment No. 2396.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant journal clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 2396.

The amendment is as follows:

(Purpose: To strike subtitle C of title II relating to FHA asset disposition)

On page 86, strike line 22 and all that follows through page 90, line 19.

Mr. REED. Mr. President, my amendment would restore the ability of HUD to preserve and rehabilitate affordable housing.

The FHA upfront grant and below-market sales programs are designed to help local governments purchase FHA foreclosed multifamily properties in order to preserve and rehabilitate these units into affordable housing.

Currently, the money for this program comes from the FHA General Insurance Fund, not from appropriations. This gives HUD significant flexibility in providing these funds if the need arises.

The proposal before us today will restrict HUD from using the FHA General Insurance Fund to support both the below-market sales program and the upfront grant program. It is a program of about $50 million a year.

My amendment would strike the language prohibiting the use of these funds to allow them the flexibility to continue this program. Because it strikes language, no supermajority vote is necessary, and no offset is necessary.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise in opposition to the Reed amendment. In the Banking Committee, as part of the reconciliation process, we save, in this instance, $270 million. This proposal simply makes the FHA's use of rehab grants and below-market sales subject to appropriations.

If these programs are, in fact, beneficial—some of them are—appropriations can still be granted in the future, and using the appropriations process allows the Congress to better oversee the use of these dollars and to ensure that our resources are well spent.

I urge my colleagues to oppose this amendment. This $270 million is a lot of savings that we can put forth today.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. CHAFEE). Is there a sufficient second?

There appears to be a sufficient second.

If all time is yielded back, the question is on agreeing to the amendment. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—48

Akaka	Dorgan	Lincoln
Baucus	Durbin	Mikulski
Bayh	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Harkin	Nelson (NE)
Bond	Inouye	Obama
Boxer	Jeffords	Pryor
Byrd	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Rockefeller
Chafee	Kohl	Salazar
Clinton	Landrieu	Sarbanes
Conrad	Lautenberg	Schumer
Dayton	Leahy	Specter
DeWine	Levin	Stabenow
Dodd	Lieberman	Wyden

NAYS—51

Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Ensign	Murkowski
Bennett	Enzi	Roberts
Brownback	Frist	Santorum
Bunning	Graham	Sessions
Burns	Grassley	Shelby
Burr	Gregg	Smith
Chambliss	Hagel	Snowe
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Collins	Isakson	Thomas
Cornyn	Kyl	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner

NOT VOTING—1

Corzine

The amendment (No. 2396) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. ENSIGN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. I ask unanimous consent that Senator SMITH be allowed to offer an amendment.

Mr. CONRAD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Could we also put in order my amendment?

Mr. GREGG. And at a later date, Senator CONRAD be put on the list of Senators who can offer an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oregon.

AMENDMENT NO. 2390

Mr. SMITH. I ask unanimous consent to call up amendment No. 2390. I also ask unanimous consent that Senator FEINGOLD be added as a cosponsor to my amendment. I am already pleased that Senator CLINTON is a cosponsor.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH], for himself, Mrs. CLINTON, and Mr. FEINGOLD, proposes an amendment numbered 2390.

Mr. SMITH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a demonstration project regarding medicaid coverage of low-income HIV-infected individuals)

On page 188, after line 24, add the following:

SEC. 6037. DEMONSTRATION PROJECT REGARDING MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

(a) REQUIREMENT TO CONDUCT DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Secretary shall establish a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State medicaid program to HIV-infected individuals described in subsection (b) in accordance with the provisions of this section.

(2) LIMITATION ON NUMBER OF APPROVED APPLICATIONS.—The Secretary shall only approve as many State applications to provide medical assistance in accordance with this section as will not exceed the limitation on aggregate payments under subsection (d)(2)(A).

(3) AUTHORITY TO WAIVE RESTRICTIONS ON PAYMENTS TO TERRITORIES.—The Secretary shall waive the limitations on payment under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) in the case of a State that is subject to such limitations and submits an approved application to provide medical assistance in accordance with this section.

(b) HIV-INFECTED INDIVIDUALS DESCRIBED.—For purposes of subsection (a), HIV-infected individuals described in this subsection are individuals who are not described in section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i))—

(1) who have HIV infection;

(2) whose income (as determined under the State Medicaid plan with respect to disabled individuals) does not exceed 200 percent of the poverty line (as defined in section 2110(c)(5) of the Social Security Act (42 U.S.C. 1397jj(c)(5)); and

(3) whose resources (as determined under the State Medicaid plan with respect to disabled individuals) do not exceed the maximum amount of resources a disabled individual described in section 1902(a)(10)(A)(i) of such Act may have and obtain medical assistance under such plan.

(c) LENGTH OF PERIOD FOR PROVISION OF MEDICAL ASSISTANCE.—A State shall not be approved to provide medical assistance to an HIV-infected individual in accordance with the demonstration project established under this section for a period of more than 5 consecutive years.

(d) LIMITATIONS ON FEDERAL FUNDING.—

(1) APPROPRIATION.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section, $450,000,000 for the period of fiscal years 2006 through 2010.

(B) BUDGET AUTHORITY.—Subparagraph (A) constitutes budget authority in advance of appropriations Act and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under that subparagraph.

(2) LIMITATION ON PAYMENTS.—In no case may—

(A) the aggregate amount of payments made by the Secretary to eligible States under this section exceed $450,000,000; or

(B) payments be provided by the Secretary under this section after September 30, 2010.

(3) FUNDS ALLOCATED TO STATES.—The Secretary shall allocate funds to States with approved applications under this section based on their applications and the availability of funds.

(4) PAYMENTS TO STATES.—The Secretary shall pay to each State, from its allocation under paragraph (3), an amount each quarter equal to the enhanced Federal medical assistance percentage described in section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)) of expenditures in the quarter for medical assistance provided to HIV-infected individuals who are eligible for such assistance under a State Medicaid program in accordance with the demonstration project established under this section.

(e) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct an evaluation of the demonstration project established under this section. Such evaluation shall include an analysis of the cost-effectiveness of the project and the impact of the project on the Medicare, Medicaid, and Supplemental Security Income programs established under titles XVIII, XIX, and XVI, respectively, of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., 1381 et seq.).

(2) REPORT TO CONGRESS.—Not later than December 31, 2010, the Secretary shall submit a report to Congress on the results of the evaluation of the demonstration project established under this section.

(f) EFFECTIVE DATE.—This section shall take effect on January 1, 2006.

SEC. 6038. ADDITIONAL INCREASE IN REBATE FOR SINGLE SOURCE AND INNOVATOR MULTIPLE SOURCE DRUGS.

Section 1927(c)(1)(B)(i)(VI) (42 U.S.C. 1396r–8(c)(1)(B)(i)(VI)), as added by section 6002(a)(3), is amended by striking ''17'' and inserting ''17.8''.

Mr. SMITH. The amendment I am offering authorizes $450 million for State demonstration projects to provide Medicaid coverage to low-income individuals living with HIV. It is similar to S. 311, Early Treatment for HIV Act. I introduced this earlier this year with strong support of 33 of my colleagues. As Medicaid generally covers only those disabled by full-blown AIDS, the amendment would vastly improve the treatment available to some of our most vulnerable citizens.

With more States having difficulty maintaining their AIDS drug assistance program, it is imperative that we provide alternative methods of delivering treatment to those individuals with HIV who are living in poverty. It is simply the right thing to do. I ask for my colleagues' support for this fiscally and morally defensible policy.

Mr. GREGG. I ask for a voice vote.

The PRESIDING OFFICER. Is all time yielded back?

Mr. GREGG. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2390) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2371

Ms. SNOWE. Mr. President, I call up amendment 2371 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from Maine [Ms. SNOWE], for herself, Mr. WYDEN, Mr. MCCAIN, Ms. STABENOW, and Mrs. CLINTON, proposes an amendment numbered 2371.

Ms. SNOWE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title XVIII of the Social Security Act to provide the authority for negotiating fair prices for medicare prescription drugs)

After section 6115, insert the following:

SEC. 6116. NEGOTIATING FAIR PRICES FOR MEDICARE PRESCRIPTION DRUGS.

(a) IN GENERAL.—Section 1860D–11 (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to noninterference) and inserting the following:

''(i) AUTHORITY TO NEGOTIATE PRICES WITH MANUFACTURERS.—

''(1) IN GENERAL.—Subject to paragraph (4), in order to ensure that beneficiaries enrolled under prescription drug plans and MA–PD plans pay the lowest possible price, the Secretary shall have authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered part D drugs, consistent with the requirements and in furtherance of the goals of providing quality care and containing costs under this part.

''(2) MANDATORY RESPONSIBILITIES.—The Secretary shall be required to—

''(A) negotiate contracts with manufacturers of covered part D drugs for each fallback prescription drug plan under subsection (g); and

''(B) participate in negotiation of contracts of any covered part D drug upon request of an approved prescription drug plan or MA–PD plan.

''(3) RULE OF CONSTRUCTION.—Nothing in paragraph (2) shall be construed to limit the authority of the Secretary under paragraph (1) to the mandatory responsibilities under paragraph (2).

''(4) NO PARTICULAR FORMULARY OR PRICE STRUCTURE.—In order to promote competition under this part and in carrying out this part, the Secretary may not require a particular formulary or institute a price structure for the reimbursement of covered part D drugs.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 101 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

Ms. SNOWE. Mr. President, I ask unanimous consent that Senator CLINTON be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I am offering this amendment on behalf of myself and Senator WYDEN, who has offered considerable leadership on this issue over the years providing affordable medications to our seniors, along with Senator MCCAIN and Senator STABENOW. So many of us in Congress have worked to make prescription drug coverage a part of the Medicare Program, but the fact remains that the costs are rising since the time we first created this program, from $523 billion to now up to $720 billion for the Part D Program.

As we see in this first chart, the brand-named prices are consistently outpacing inflation because they have no competition. As we can see with the generic drugs, where there is competition, the price is lower. We want to give the Secretary of Health and Human Services the ability to negotiate prices, particularly for those seniors who will not have access to more than two prescription drug plans or where the plans ask for negotiating authority.

This is not price setting. This is price saving. In fact, we have explicit language in the legislation that says this is not about price setting. It does not give the Secretary that authority. It allows him to save money for the Part D Program that is expected and projected to increase in cost by more than 8.5 percent as called for by the Congressional Budget Office. That is the CBO's very own numbers.

Finally, 80 percent of seniors in America have called for the Secretary to have this authority.

Mrs. FEINSTEIN. Mr. President, I rise today to voice my support for amendment No. 2371 offered by Senators SNOWE and WYDEN, which I am pleased to cosponsor. The amendment ensures that the Health and Human Services, HHS Secretary has an active role in managing the costs of the newly-created Medicare prescription drug program, part D, by striking language in the Medicare Modernization Act of 2003 that prohibits the HHS Secretary from using the bulk purchasing power of the Federal Government to obtain prescription drugs at the lowest possible cost to taxpayers.

On the eve of the vote on the final Medicare bill, my colleague Senator WYDEN and I agreed that this prohibition language, also referred to as ''the noninterference clause,'' was a major flaw in the overall bill. Although we both voted in favor of the bill because it afforded seniors and the disabled the first-ever opportunity to voluntarily sign up for a drug benefit in Medicare, we agreed to work to repeal this prohibition language in the bill. I have been pleased to join with Senators SNOWE and WYDEN on legislation the past two Congresses to do just that.

Since casting my vote on the final Medicare bill which, at the time, I believed was for a $400 billion bill, we have all learned that more accurate estimates of the cost of the overall bill were withheld from Congress and that the true cost of the bill will now exceed $720 billion over the next 10 years. Now, more than ever, Congress must do everything it can to ensure that the government and taxpayer dollars are getting the best deal out there on the cost of drugs covered by Medicare.

That is what this amendment will do. The amendment strikes the so-called ''noninterference'' clause, gives the HHS Secretary authority to negotiate prices with drug manufacturers, and requires that the HHS Secretary do so for covered part D drugs for each fallback prescription drug plan—plans where the Federal Government is assuming the risk—and upon the request of an approved prescription drug plan or a medicare advantage prescription drug plan.

What the amendment does not do is require the Secretary to set drug prices or formularies. I have heard the argument that this amendment will result in price controls. That argument has been made time and time again by drug companies who would rather profit from the Federal Government paying too much for drugs than allow the Federal Government to use its purchasing power to negotiate for the best deals on drug prices.

The reality is that this amendment specifically states that the Secretary may not require a particular formulary or institute a price structure for the reimbursement of covered part D drugs.

I have also heard the argument that the Secretary won't be able to negotiate better drug prices than private plans currently do. I come from a State with the largest purchasing power in the country for drugs in its Medicaid program and it is clear that the size of California's market has helped California's ability to negotiate more competitive drug prices in Medicaid.

But don't take my word for it. In 2004, CBO stated, ''giving the Secretary an additional tool—the authority to negotiate prices with manufacturers of such drugs—would put greater pressure on those manufacturers and could produce some additional savings.'' With respect to sole source drugs, CBO went on to say, ''there is potential for some savings if the Secretary were to have the authority to negotiate prices with manufacturers of single-source drugs that do not face competition from therapeutic alternatives.''

Prescription drug prices for existing drugs—these are not new drugs, but old ones—have been rising at two to three times the inflation rates, according to the Government Accountability Office. So I ask the question: Why are we not doing everything in our power to ensure the Federal Government is getting the lowest prices for drugs?

The Snowe-Wyden amendment ensures fiscal responsibility in an entitlement program whose escalating costs pose a very serious problem for future generations. I am pleased to be a cosponsor of this amendment and urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. SNOWE. The former Secretary of HHS said: I would like to have had the opportunity to negotiate.

Let us give this power to the Secretary to save money for the program and to save money for seniors.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. GREGG. I yield to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the fact is that the Government does not negotiate prices, it sets prices. The second thing is that we set in place in the Medicare bill plans to negotiate prices, and we know now from experience, and I did not know it when this amendment was offered before, that these plans are negotiating prices that are much lower for beneficiaries and the taxpayers than we even anticipated when we passed the bill 2 years ago.

One thing that ought to be taken into consideration is the fact that there is no savings from this amendment. I would like to quote from The Washington Post, February 17: Governments are notoriously bad for setting prices, and the U.S. Government is notoriously bad at setting prices in the medical realm.

We need to defeat this amendment as we defeated it a few months ago.

Ms. SNOWE. I ask unanimous consent to add Senator KERRY and Senator DODD as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, the amendment is not germane to the measure before the Senate so I raise a point of order under section 305 of the Budget Act.

Ms. SNOWE. Mr. President, I move to waive that.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—51

Akaka	Dorgan	Lincoln
Bayh	Durbin	McCain
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Graham	Nelson (FL)
Brownback	Harkin	Obama
Byrd	Inouye	Pryor
Cantwell	Jeffords	Reed
Carper	Johnson	Reid
Chafee	Kennedy	Rockefeller
Clinton	Kerry	Salazar
Coburn	Kohl	Sarbanes
Collins	Landrieu	Schumer
Conrad	Lautenberg	Snowe
Dayton	Leahy	Specter
DeWine	Levin	Stabenow
Dodd	Lieberman	Wyden

NAYS—48

Alexander	Bunning	Cornyn
Allard	Burns	Craig
Allen	Burr	Crapo
Baucus	Chambliss	DeMint
Bennett	Cochran	Dole
Bond	Coleman	Domenici
Ensign	Kyl	Shelby
Enzi	Lott	Smith
Frist	Lugar	Stevens
Grassley	Martinez	Sununu
Gregg	McConnell	Talent
Hagel	Murkowski	Thomas
Hatch	Nelson (NE)	Thune
Hutchison	Roberts	Vitter
Inhofe	Santorum	Voinovich
Isakson	Sessions	Warner

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the ayes are 51, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. GREGG. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to reconsider was laid on the table.

Mr. GREGG. I would now like to turn to the amendment of Senator CORNYN.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 2408

Mr. CORNYN. I call up amendment No. 2408 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 2408.

Mr. CORNYN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate the converter box subsidy program)

On page 94, strike line 7 through 12.

Mr. CORNYN. Mr. President, in 1928, Herbert Hoover ran for President based on the slogan ''a chicken in every pot and a car in every garage.''

Under the provisions of this bill, the American taxpayer is being asked to subsidize television—digital television to be specific—to the tune of $3 billion.

I congratulate the leadership and particularly Chairman GREGG for the good work he has done trying to save the beleaguered American taxpayer quite a bit of money and to reduce the Federal deficit. What we are being asked to do here, what the taxpayers are being asked to suffer is a transfer of money from their pocket basically to the living rooms of the television-watching public so we can transition from analog to digital TV. But to make things even more ironic, what this $3 billion is supposed to do is to provide converters so they can take the digital signal and transition it back to the analog and reverse the action of this Congress. It makes no sense. We can do better than this.

I urge my colleagues to support the amendment.

Mr. GREGG. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment.

The amendment (No. 2408) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. At this point, I believe the Senator from North Dakota has an amendment to offer.

AMENDMENT NO. 2422

Mr. CONRAD. Mr. President, I call up amendment 2422.

The PRESIDING OFFICER. The clerk will report.

The Journal clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself and Mr. SALAZAR, proposes an amendment numbered 2422.

Mr. CONRAD. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure Medicaid enrollees have access to small, independent pharmacies located in rural and frontier areas)

On page 121, after line 25, add the following:

''(5) RULES APPLICABLE TO CRITICAL ACCESS RETAIL PHARMACIES.—

''(A) REIMBURSEMENT LIMITS.—Notwithstanding paragraph (2)(A), in the case of a critical access retail pharmacy (as defined in subparagraph (C)), the upper payment limit—

''(i) for the ingredient cost of a single source drug, is the lesser of—

''(I) 108 percent of the average manufacturer price for the drug; or

''(II) the wholesale acquisition cost for the drug; and

''(ii) for the ingredient cost of a multiple source drug, is the lesser of—

''(II) 140 percent of the weighted average manufacturer price for the drug; or

''(II) the wholesale acquisition cost for the drug.

''(B) APPLICATION OF OTHER PROVISIONS.—The preceding provisions of this subsection shall apply with respect to reimbursement to a critical access retail pharmacy in the same manner as such provisions apply to reimbursement to other retail pharmacies except that, in establishing the dispensing fee for a critical access pharmacy the Secretary, in addition to the factors required under paragraph (4), shall include consideration of the costs associated with operating a critical access retail pharmacy.

''(C) CRITICAL ACCESS RETAIL PHARMACY DEFINED.—For purposes of subparagraph (A), the term 'critical access retail pharmacy' means an retail pharmacy that is not within a 20-mile radius of another retail pharmacy.''.

(2) INCREASE IN BASIC REBATE FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS.—Section 1927(c)(1)(B)(i)(VI) (42 U.S.C. 1396r–8(c)(1)(B)(i)(VI), as added by section 6002(a)(3), is amended by striking ''17'' and inserting ''18.1''.

Mr. CONRAD. Mr. President, in the interest of time, very briefly, this is to help rural remote pharmacies with modestly enhanced reimbursement. I very much thank my colleagues on both sides of the aisle who have agreed to support this amendment. I especially thank the chairman of the Finance Committee for his support.

Mr. GREGG. I urge the amendment be agreed to.

The PRESIDING OFFICER. Is all time yielded back?

Mr. GREGG. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2422) was agreed to.

AMENDMENT NO. 2392

Mr. GREGG. Mr. President, I wish to reiterate my statement which was inadvertently omitted from yesterday's RECORD with regard to amendment No. 2392 that we will support an effort to pass legislation to make the technical change deleted from our bill in a more appropriate vehicle.

PHARMACY DISPENSING FEES

Mr. REED. Mr. President, I engage my colleague, the Chairman of the Senate Finance Committee, in a colloquy about his intent regarding Medicaid pharmacy dispensing fees in the Medicaid pharmacy reimbursement reform section of the Budget Reconciliation Act.

As I understand the intent of these provisions, States are required to pay dispensing fees to pharmacies for Medicaid prescriptions, but there are no specific minimum fees set forth in the bill. States are given some guidance regarding the factors to use when setting the fees, but there are no requirements to do anything more than take those factors into ''consideration'' when setting fees.

I am concerned that the States will not be able to accurately account for these factors when setting these dispensing fees. As a consequence, pharmacies will be paid significantly less for the drug product that they provide to Medicaid recipients. This could make it difficult for Medicaid recipients to continue to obtain their prescription medications from their neighborhood pharmacy, and many pharmacies may have to close or reduce hours. The total payment to pharmacies for the drug product and dispensing fee must be adequate to pay pharmacies to buy the drug, dispense the medication, and have a reasonable return. It is my understanding that States would have to pay double or triple the dispensing fees currently being paid to he pharmacies just to break even.

I am also concerned that States do not have any guidance or direction in the bill on how to set their dispensing fees for generic drugs in relation to brand name drugs. While the bill does say that States should set dispensing fees for non innovator multiple source drugs higher than innovator multiple source drugs that are therapeutically equivalent and bioequivalent, I urge that the language require that fees for generic drugs in general be set higher than fees for brand name drugs. This will encourage the dispensing of generic drugs which can be one-fifth the cost of a brand name drug.

Mr. GRASSLEY. I thank the Senator for his concerns and want to clarify for him the intent of the bill regarding dispensing fees and respond to some of his concerns. I agree that States will need to review and increase the fees that they pay pharmacies for dispensing Medicaid prescriptions. We want to be sure that Medicaid recipients can continue to have access to prescription medications from their local pharmacies. Coming from a rural State, I know that many of my constituents rely on pharmacies for health care services and the pharmacist may be the only health care professional for many miles.

The overall assumptions made in the bill is that States will increase their dispensing fees to account for the fact that States would probably be paying pharmacists a lower amount for the drug product that more accurately reflects the cost of the drug product that is being dispensed. The amount of the dispensing fee increase will depend on many factors in each State.

We expect that each State will regularly undertake surveys of current pharmacy dispensing costs to determine their dispensing fees, and that such costs would include those that are listed in the bill. States would set their dispensing fees based on those surveys. We also expect that States will pay pharmacies a reasonable return for dispensing Medicaid prescriptions.

Our expectation is that States will do all they can to encourage the dispensing of generic drugs in Medicaid. It is my expectation that States will set significantly higher fees for generics than for brands, such as one and a half or twice the brand name fee. If an innovator multiple source drug is less than or equal to the cost of a generic, then the State should pay the generic dispensing fee for that drug.

Mr. REED. I thank the Chairman for his clarification regarding dispensing fees. I look forward to working with you as this process moves forward to ensure that any reforms in the Medicaid pharmacy payment system will provide adequate reimbursement to pharmacies for dispensing Medicaid prescriptions since beneficiary access to lifesaving medications depends on pharmacies to dispense them.

MEDICAID WAIVERS

Mr. ROCKEFELLER. Last month, the Centers for Medicare and Medicaid Services—CMS, approved a comprehensive Section 1115 waiver for the State of Florida, the latest in a string of waivers that allows States to dramatically reshape the financing and entitlement guarantees established by law in the Medicaid program. These far-reaching Medicaid waivers are generally negotiated in secret without input from the very beneficiaries who would be affected by such drastic changes to the program. That is why I have filed an amendment to this budget reconciliation bill that will require CMS to post public notification on their website within 5 business days whenever a State submits a waiver concept paper for feedback or a formal waiver proposal for discussion and review.

Mr. GRASSLEY. Senator ROCKEFELLER, I share your concerns about the Section 1115 waivers recently negotiated by CMS and several States, including Florida and Vermont. I am also concerned about pending waivers being negotiated in South Carolina, Kentucky, Georgia and West Virginia. Medicaid is a joint Federal-State partnership in all respects, including its financing, and both Congress and beneficiaries should be aware of the extent to which CMS is negotiating waivers with States that modify the Federal-State financing relationship or the Federal guarantee of health benefits. CMS has taken several steps to improve the waiver information available on its website since early 2002. However, as you pointed out at the Finance Committee hearing last week, CMS does not post notification on their website when they have received formal or informal communication from a State regarding a waiver and the ''State Waiver Programs and Demonstrations'' portion of the website is not updated by CMS on a regular basis.

Mr. BAUCUS. Senator GRASSLEY, I think it is more than just a question of transparency. It is also a question of legality. In many cases, the content of the waivers that CMS is negotiating fundamentally alters the Federal guarantee of Medicaid benefits. This is not the intended purpose of Medicaid demonstration authority. Section 1115 waiver authority allows the Secretary of the Department of Health and Human Services to waive certain provisions of the Medicaid program if the changes are determined to ''promote the objectives'' of Medicaid. I am concerned that the current waivers being approved by CMS go well beyond CMS' authority and that Congress should be more vigilant in its oversight.

Mr. GRASSLEY. Senator BAUCUS, I certainly appreciate your views on this issue. You and I have worked hard over the last couple of years to improve Medicaid waiver transparency, and I think we have made some progress. But, I understand your desire to do more. I want to continue working with you to ensure that the Senate Finance Committee fulfills its oversight obligation in this area. I also think that the Medicaid waiver amendment that Senator ROCKEFELLER is offering has merit, and I would like to continue working with him to improve the waiver information available on CMS' website.

Mr. ROCKEFELLER. Chairman GRASSLEY, I thank you for your willingness to work with me. This is a matter of good government. The Government Accountability Office has published several reports which indicate that the Department of Health and Human Services has failed to follow its own policy on providing opportunities for the public to learn about and comment on pending waiver requests. Congress has a responsibility to assert its oversight authority on Section 1115 waivers because Medicaid is too important a program to allow it to be waived

away through secret negotiations and without input from those who will be affected or their advocates.

MEDICAID PHARMACY, REIMBURSEMENT FOR PRESCRIPTIONS

Mr. VOINOVICH. Mr. Chairman, I applaud your leadership on the Medicare and Medicaid portion of this reconciliation package and am committed to working with you to achieve reductions in mandatory spending programs under your jurisdiction as instructed in the congressional budget resolution. I believe that it is necessary to maintain fiscal constraint and recognize the difficult task involved in achieving that end while ensuring that the country's health care safety net remains available for our citizens who truly need it the most.

As we move forward in advancing that goal, I understand that there are several changes included in the reconciliation package being considered today that address Medicaid pharmacy reimbursement for prescription drugs dispensed in the pharmacy setting. I know you and your staff worked very hard to craft the Medicaid provisions contained in this legislation and that we both share the common goal of ensuring that Medicaid beneficiaries continue to have access to cost-effective prescription drugs reimbursed at an appropriate rate.

In that light, I understand that it is not your intent to inadvertently disrupt the highly efficient drug distribution system responsible for assuring access to needed drugs across the Nation's pharmacies. I think we both believe that the drug distribution system can best be preserved if prompt-pay discounts paid to distributors are excluded from the new Medicaid pharmacy reimbursement methodology. Was this the Chairman's intention?

Mr. GRASSLEY. I do recognize the valuable role drug distributors play in the delivery of prescription medication and our Nation's health care and did intend to exclude prompt pay discounts from the methodology.

I say to my colleague from Ohio that I will work with him to ensure that my intention to exclude the discounts is preserved through the conference and enacted into law.

Mr. VOINOVICH. I thank the chairman and look forward to working with him in this effort. I know he agrees with me that Congress should not establish a Medicaid pharmaceutical reimbursement system that might discourage manufacturers from paying distributors prompt-pay discounts if wholesalers pay their bill prior to their contractual obligation—a practice that has occurred for the past 30 years.

We both understand that the drug distribution system has consistently ensured that every pharmacy in the Nation has access to prescription drugs in a timely manner. This system is highly complex but provides an extremely efficient delivery model that reduces health care costs to the overall health care system.

Within the system, pharmaceutical distributors are able to reduce the cost by minimizing the overall number of transactions required to distribute prescription drugs, over-the-counter products, and medical supplies. Nationally, wholesalers serve more than 130,000 customers. The typical distributor purchases products from an average of 850 vendors. These distributors take ownership of the products and responsibility for warehousing and distributing individual orders to retail pharmacies and other sites of care on a daily basis. This efficient model ensures that pharmacies have pharmaceutical products available for their patients.

I look forward to working with Chairman GRASSLEY to maintain this current drug distribution system and to ensure that when the legislation before us is enacted into law, it clearly excludes prompt-pay discounts from the pharmacy reimbursement methodology that will be used to pay pharmacies for drugs dispensed to Medicaid beneficiaries.

MEDICARE BAD DEBT, COLLECTION

Mrs. LINCOLN. I will discuss today with my distinguished colleague from Idaho, Senator CRAPO, to discuss the change in Medicare bad debt policy as proposed in this budget reconciliation bill. I feel there is a need to differentiate between debt owed by individuals and debt owed by States. The sponsors of this policy argue that it will encourage skilled nursing facilities to be more efficient in the collection of bad debt. However, how can the facility be more efficient if the state simply refuses to pay the Medicare copayments through its Medicaid program? In 2003, nursing homes in my home state of Arkansas never received the $589,263 in coinsurance owed to them from the Medicaid program. This body should examine the root of this problem before implementing the bad debt policy in this bill. It is my hope that the conference committee considers this when examining this policy.

Mr CRAPO. Senator LINCOLN makes a good point. While I support the Finance Committee's goal of encouraging accountability and incentivizing the collection of Medicare bad debt by skilled nursing facilities, I do see the need to differentiate between debt owed by individuals and debt owed by States. I believe this conference should consider this point as well.

Ms. MIKULSKI. Mr. President, I would like to take this opportunity to say how deeply concerned I am over the wrong priorities in the spending reconciliation bill that is before us today.

The United States faces a Federal deficit of $331 billion for fiscal year 2005 alone, according to the Congressional Budget Office. This is a complete turnaround from when President Bush took office just under five years ago. He inherited record budget surpluses and turned them into record deficits. Unfortunately, that has not stopped Republicans from pushing relentlessly for the wrong priorities and irresponsible policies.

As a result, we now have encountered years of record deficits that have contributed to $3 trillion added to our country's debt. Moreover, under President Bush's watch, American debt to foreigners has doubled. Japan holds $680 billion of our debt, China holds $240 billion, and the Carribean Banking Centers hold over $100 billion. Increasingly, our fate is in the hands of their central banks and investors.

We must take action so that we don't put this burden on our Nation's future generations. The budget reconciliation process was designed for such a situation: to give Congress the tools necessary for deficit reduction. Reconciliation could have offered us the opportunity to work across the aisle to take responsible steps toward reducing the deficit.

Instead, my colleagues on the other side of the aisle are pushing for the wrong priorities. Take for example their opposition to Senator CONRAD's commonsense amendment on fiscal responsibility. His amendment, called paygo, would have reinstated a rule meant to stop Congress from worsening the deficit. It was my hope that it would have once again served as a check against irresponsible spending or new rounds of tax cuts at a time when the Nation cannot afford them.

My colleagues across the aisle say that tough choices are needed to get our fiscal house in order. I agree—we should balance the federal budget just as every American must balance theirs, unless a natural disaster or other national crisis demands it. Anytime Congress wants to raise spending—or lower revenue—Congress should pause and be required to stand up to vote and defend its action. That is what this amendment would have required, but Republicans voted against fiscal responsibility.

Today, we are debating the spending reconciliation bill for fiscal year 2006, but it is only half of the equation. This bill makes $39 billion in cuts to critical spending programs. Many of these cuts will directly hurt low- and middle-income Americans. The bill takes away Americans' access to health care and affordable housing and jeopardizes their pensions. The bill attacks important conservation efforts by cutting funding and opening up the Arctic National Wildlife Refuge to drilling. But the bill stays silent on lowering energy prices for working families who can no longer afford to pay their monthly gas bills. Simply put, it leaves too many Americans out in the cold.

In several weeks, the Senate will be taking up a tax reconciliation bill. That bill will cut taxes by $70 billion, with an average giveaway of $35,500 for those making more than $1 million each year. Those with incomes between $50,000 and $200,000 would get just over $100 on average. The difference is striking, but not so much as the fact that this will all be done under the Senate's

procedure of reconciliation—which was designed to lower the deficit, not raise it. These tax cuts will undermine the cuts that the bill is making today to critical spending programs and will add an additional $31 billion to the deficit. This is irresponsible. It's just another example of how the President and his allies in Congress have the wrong priorities, and not the best interest of America, at heart.

What is most frustrating is the knowledge that the final budget will likely be even worse than what we pass in the Senate. The House of Representatives plans to cut $50 billion in critical services, including student loans, food stamps, child support enforcement, foster care, and health care. Again, these cuts will not go to lowering the deficit. Instead, they will finance another round of tax cuts at a time when we also have staggering energy costs, a war in Iraq, many unfunded education needs, an exploding population of seniors, and an unprecedented relief and rebuilding effort stemming from Katrina.

I believe we must work together to realign priorities so they reflect those of the American people. Working together, we can do better. I strongly urge my colleagues to vote against this misguided bill.

Mr. REED. Mr. President, I strongly oppose the so-called Deficit Reduction Omnibus Reconciliation Act of 2005. This reconciliation bill and the administration's budget are fiscally irresponsible and reflect misguided priorities. As a matter of fact, the reconciliation bill at the end of the day will further increase the deficit by more than $35 billion over the next 5 years.

In 2 weeks, both the Senate Finance and the House Ways and Means Committees are expected to report a second reconciliation bill that will cut taxes by $70 billion. This $70 billion reduction in tax revenue will more than eliminate the effect of the cuts to critical programs in the reconciliation bill that we are considering this week. With the enactment of two reconciliation bills, there is a real effort by this administration and the majority to perform a bait and switch on the American people.

Significant portions of the reduction that are achieved in this reconciliation bill are achieved by cuts in programs on which low- and moderate-income Americans rely. The Senate reconciliation package includes a total of $39.1 billion in spending cuts over 5 years, of which $10 billion will come from Medicaid and Medicare. The House reconciliation package could have cuts as high as $50 billion over the same period, with $9.5 billion coming out of Medicaid.

In contrast, the benefits of the second reconciliation bill that this body will soon undertake will go overwhelmingly to high-income individuals. The tax reconciliation bill is expected to extend many provisions from the 2003 tax cut that expire in 2008 to 2010 that lower the rate on dividend income and capital gains. Just extending these provisions through 2010 is likely to cost nearly $23 billion.

The bill before us today includes a series of spending reductions that target pharmaceutical pricing and reimbursement, curtail the definition of 'targeted case management' under Medicaid, and eliminate the 'HMO slush fund' under the Medicare Modernization Act of 2003 and the Federal Housing Administration's affordable housing preservation programs. A provision to update reimbursements for doctors will have a direct impact on seniors in the form of higher Medicare part B premiums.

Republicans have tried to disguise these cuts by restoring funding for the State Health Insurance Program SCHIP for States such as Rhode Island, allowing parents of severely disabled children to 'buy-into' Medicaid, and by increasing student financial aid.

Meanwhile, the House reconciliation bill is truly an even worse deal for low-income and vulnerable Americans, as it would impose new copayments on Medicaid beneficiaries and allow States to scale back coverage. It also would tighten rules designed to limit the ability of elderly people to shed assets in order to qualify for nursing home care. And, for the first time, people with home equity of $500,000 would be ineligible for nursing home care under Medicaid.

The House bill also includes $844 million in cuts to food stamps, overturns a critical court ruling, Rosales v. Thompson, which allows for Federal support of abused and neglected children in foster care who reside with family members, weakens States' ability to establish and enforce child support orders, and raises interest rates and fees that students pay on their college loans.

The House package takes almost $20 billion out of child support and student loans alone, compounding the effect on struggling working families.

I commend Chairman GRASSLEY and the rest of the Finance Committee for their diligence in attempting to craft a reconciliation measure that would not directly impact Medicaid beneficiaries. By contrast, the House, targeted beneficiaries through increased Medicaid cost sharing among other program changes.

In an effort to further minimize the impact of the reconciliation bill on these populations, I offered two amendments. The first amendment would restore Targeted Case Management services, TCM, to assist eligible high-need Medicaid beneficiary groups, such as children in foster care, children and adults with HIV/AIDS, children with developmental disabilities and mental retardation, individuals with substance abuse disorders and mental illness, and at-risk tribal populations, access to needed medical, social, educational, and other services. States have flexibility whether to offer TCM services and which population to cover, and, nearly every state now offers TCM services. We should not jeopardize an essential bridge to services for these populations.

By focusing cuts on Medicaid and other essential Federal programs, the reconciliation package will most harshly impact those who cannot advocate for themselves—abused and neglected children in foster care, at-risk youth, single parents, the disabled, persons with mental illness, and vulnerable elderly.

I understand that the intent of the TCM provision was to codify a HHS policy from January 2001. Again, I applaud the Chairman for attempting to clarify this provision, however, I am deeply concerned that the provision, when implemented, will severely restrict the providers' ability to serve our most vulnerable Medicaid beneficiaries.

The second amendment would strike the Banking Committee's portion of the reconciliation bill that eliminates the ability of HUD to use the FHA General Insurance Fund to provide grants to help preserve FHA-foreclosed multifamily properties as affordable housing. Given the current affordable housing crises in our country, the grants are more important than ever and should be maintained. I am disappointed that these and other amendments that would have addressed many of the deficiencies of the bill failed.

One such amendment was Senator CANTWELL's amendment to protect the Artic National Wildlife Refuge from drilling. Earlier this year, the Senate Budget Committee included in the fiscal year 2006 budget resolution provisions that paved the way to arctic drilling. Senator CANTWELL offered an amendment to strike language authorizing artic drilling from the reconciliation bill, which would undo this exploitation of the budget process and permit an open debate of the issue. Unfortunately, her amendment failed. The bill not only opens up the Artic to oil and gas development, but does so in a way that does not accord this pristine wilderness protection under existing mineral leasing laws and regulations, existing environmental protections, and existing rules of administrative procedure and judicial review. In short, it affords the Arctic Refuge less protection than current law affords other refuge or public land that is open to oil and gas development. Drilling in the Artic will not help us address our nation's energy problems. It is yet another giveaway to big oil companies.

The reconciliation bill also includes a provision that would extend agricultural commodity payments until 2011. Extending existing subsidy programs will continue policies that are bad for the environment. While the bill extends the life of subsidy programs and three conservation programs until 2011, it does not extend the life of four other conservation programs past 2007. These programs, which restore wetlands,

grasslands, and other wildlife habitat and protect farmland and ranchland are critical to meeting some of the Nation's most significant environmental challenges.

In the wake of Hurricanes Katrina and Rita, escalating home energy prices, and stagnant wage growth, taking money from important federal programs in order to pave the way for billions of dollars in tax cuts shows how out of touch the majority and administration are with hardworking Americans.

The bill before us is lamentable, and I only hope that those who support it today will reassess their positions in the weeks ahead as we consider other reconciliation bills that will further add to our deficit and continue a path towards misguided priorities.

Mr. DURBIN. Mr. President, my Amendment No. 2415 would inject a dose of accountability and responsibility into America's efforts to rebuild the gulf coast and Iraq.

It will bar from all reconstruction efforts, both at home and in Iraq, all firms found—over the last 5 years—to have overcharged or improperly billed the government by more than $10 million on one or more occasions.

It will also bar from all reconstruction efforts—both at home and in Iraq—all firms that have overcharged or defrauded the Government of more than $10 million over the last 5 years.

It will also bar from all reconstruction efforts—both at home and in Iraq—all firms that have been suspended or debarred from competing for federal contracts.

It includes a national security waiver for those instances where dealing with such firms may serve the national interest.

These are serious penalties, but in both Iraq and on the gulf coast we face serious challenges, and we should not do anything less than our very best to face those challenges.

We cannot move forward on the gulf coast without looking at the administration's weak oversight of funds in Iraq. The amendment I offer today seeks to do that by assuring the American people that the Government will spend gulf coast reconstruction funds wisely.

The bill we are debating is ultimately about saving taxpayer dollars. Why not start by weeding out companies that have overcharged the taxpayer in the past?

We enjoy the privilege of living in a vastly diverse country of vastly talented citizens. In the country with the world's biggest economy, we don't need to rely on just a few privileged firms to do America's work.

We don't need over-billers, underperformers, or those who have defrauded the American taxpayer to do America's work. We need to entrust America's work, and American taxpayer dollars, to firms that embrace hard work, accountability, and a sense of responsibility about the public trust into which they enter when they serve as a Government contractor.

America has countless firms that fit that bill. They come from across the gulf coast region and from across the country. This amendment simply helps assure that they will have a clear opportunity to shoulder the burden of rebuilding, by clearing away those firms that have abused the public trust.

Last Friday, the President announced that he would ask this Congress to reallocate $17.1 billion in hurricane emergency funding, taking it away from the Federal Emergency Management Agency's Disaster Relief Fund, and dedicating it to rebuilding and repairing of the gulf coast. The President wants the authority to replace critical infrastructure, facilities, and equipment damaged during this year's hurricanes. These are important projects addressing important needs, and I fully support them. We must move forward, but we have to do it right.

These are big projects, including the rebuilding of key stretches of Interstate 10, a main artery connecting Texas cities such as San Antonio to New Orleans and New Orleans to points east. The proposed projects include two Veterans Administration hospitals, major military bases, and other highways and bridges damaged by the storms.

This work will help shape the gulf coast region for a generation or more. We cannot afford to get it wrong.

Sadly, this administration has gotten it wrong before. On Sunday, the Special Inspector General for Iraqi Reconstruction, Stuart Bowen, released his latest report on reconstruction in Iraq. Bowen's report makes for sobering reading.

It tells a cautionary tale as we look forward to rebuilding our gulf coast communities. It paints a grim picture of conditions in Iraq and it tells a story of administration hubris, lack of foresight, poor planning, poor execution, and the squandering of millions and perhaps billions of U.S. taxpayer dollars.

The Special Inspector General has warned us all that America's ambitious reconstruction effort in Iraq, an effort managed by this administration, is, ''likely to fall far short of its goals.''

We cannot let the same fate befall our communities here at home. We need to ensure—here at home—the accountability that the administration's efforts in Iraq have sorely lacked. In both situations, the situation demands that we act with speed. In neither case, though, should we ignore our oversight responsibilities.

Special Inspector General Bowen's work assessing the administration's Iraq reconstruction efforts reveals the challenges we now face at home.

Since November 2003, Congress has appropriated $21 billion for Iraq reconstruction and relief. The President came to us that fall, seeking support for his ambitious plans to build Iraq anew, and in a bipartisan fashion, we gave him everything he asked for.

Billions of dollars later, Iraq is still struggling to rebuild.

As Michael O'Hanlon and Nina Kamp of the Brookings Institution described Iraq last month in the New York Times:

> On balance, the indicators are troubling. Electricity production remains stuck at prewar levels even as demand soars, and the power is off in Baghdad more often than it is on. Unemployment is stubbornly high. Infant mortality rates are still among the Middle East's highest. And Iraq is the most violent country in the region, not only in terms of war casualties but of criminal murders as well.

How did we come to this pass?

Secretary Rumsfeld and his tight circle of Defense Department advisors—awash in unreality—failed to plan for occupation and reconstruction. Their plans for rebuilding postwar Iraq were, according to the Inspector General, ''insufficient in both scope and implementation.''

The Coalition Provisional Authority managed Iraqi oil revenues placed in the Development Fund for Iraq. The Special Inspector General has found that it did so erratically and irresponsibly, often with no accountability, and no records.

The Special Inspector General found that in the town of Hillah, for example, the CPA left 7 million dollars worth of projects uncompleted. What's more, the money allocated for these projects is missing.

Indeed, the Special Inspector General has found that the CPA burned through nearly $100 million in Development Fund for Iraq money without keeping adequate records, and in too many instances, the money just vanished.

That is simply inexcusable, and there may be no way now to trace and recover those funds. But where we can track fraud and overbilling to specific companies, why should we keep giving more money to the offenders? If they won't protect the public trust, why should we trust them with new money?

Where is the accountability? Do we want any of the firms involved in the most egregious of these abuses handed new sums of money to rebuild New Orleans and the gulf coast?

Many of our Republican colleagues are demanding that we provide offsets for every penny we dedicate to Katrina reconstruction. In too many instances, they seek to place the burden for rebuilding the gulf coast squarely on the poor. Yet they failed to demand offsets, or even simple accountability, when the administration came to Congress looking for reconstruction funds for Iraq.

By adopting this amendment, we would promote honesty, transparency, and accountability in hurricane reconstruction and we would bar the door to contractors that have abused the public trust. We need to learn from the gross failings we have seen in Iraq, learn and do better.

Now we face a crisis at home. The President has waited 2 months to create his Gulf Coast Recovery and Rebuilding Council, which he announced yesterday, and 2 months to name Donald Powell to serve as Coordinator of Federal Support for the Gulf Coast's Recovery and Rebuilding. Let us hope history is not repeating itself.

Does the administration have a plan to hold accountable those who have misused Iraq reconstruction funds, and to ensure that the same companies, or similar firms, are not handed more taxpayer dollars in massive contracting projects?

All the major multinational firms working in Iraq have ''cost plus'' contracts. Under such contracts, the Government reimburses companies for all their costs, plus a percentage of those costs as a fee.

I don't think that is the best way to protect the taxpayer, but that is what this administration has done. If we are going to give corporations cost-plus contracts, is it too much to ask that they take care to charge us only for legitimate costs and not to take advantage of our trust, the public trust, to sneak in millions of dollars in illegitimate expenses? Why should we give this important work to companies that will pad their expense sheets and hope that we don't catch their overbillings?

Writing big, no-bid deals was quick and easy, but it wasn't good for America, and it wasn't good for our reconstruction efforts in Iraq. The administration has shown itself unable or unwilling to manage these contracts.

America can do better than this. At home on the gulf coast, it absolutely must do so. It is time to cut off companies that gorge themselves at the public trough.

General John Abizaid, the Commander of U.S. Central Command, said recently that the key to military success in Iraq, ''is whether we can learn from our mistakes.''

The same holds true for our reconstruction efforts, both at home and abroad. Yet poor financial controls and questionable performance by contractors continues to squander an important part of the treasure we sink into this effort. We already have seen how FEMA and the Administration dropped the ball in planning for disaster, and in responding to the crisis.

We must not fail. The reconstruction challenge now before us is here at home.

Mr. PRYOR. Mr. President, the average American might not follow the intricacies of our budget reconciliation process. However, they do know when the government has misplaced its priorities, shirked its responsibilities and shortchanged the families who need help the most.

Given our record budget deficits, I am prepared to make tough decisions to cut government spending, but what this bill represents is a misguided effort to balance the budget on the backs of hard-working families.

I question the rationale of some of my colleagues in this body who propose providing tax breaks for multimillionaires and special interests, while cutting resources that are critical to the families of Arkansas. For example, I am particularly disappointed that this package slashes: health care by $27 million for seniors and the poor; agriculture supports for farmers by $3 billion.

Mr. President, I want to tell you about Maya Romney of Arkansas. A Down's syndrome patient, Maya is able to receive critical therapies through Easter Seals, allowing her to interact in a classroom setting and live more independently. Quite simply, Maya's therapy services could be in jeopardy because Easter Seals is funded primarily through Medicaid. And while this saddens me greatly, it should also sadden everyone in this body because we all have Mayas in our State or others who depend on Medicaid.

This program, that some of my colleagues look to cut, provides vital resources for persons with disabilities and seniors. In my State, almost 50 percent of our Medicaid recipients are children. Additionally, 958 beneficiaries in Arkansas right now are Hurricane Katrina evacuees.

I know that in the long-term we can find ways to save money and improve the efficiency of Medicaid—in fact the Senate has supported measures to do just that. But, it is unacceptable to impose arbitrary cuts for a program that does so much to support families. By taking away these services we are endangering the health of too many Americans.

As an Arkansan, I am particularly disappointed in proposed cuts to agriculture. I know that the chairman of the Agriculture Committee has worked hard to make sure these cuts are distributed fairly, and he has done the best he can. I commend him for that.

But now is not the time to be cutting our support of agriculture in this country. Our farmers have gone through too much in the past year—rising energy costs, drought, and storm damage. They need us now more than ever.

But instead of reaching out to help the community that feeds America, some of my colleagues have proposed slashing $3 billion from agricultural programs, and imposing further payment limits that will dramatically hurt family farms.

Rural America is fed up. It seems as though every time this administration has needed to find revenue, whether to pay for the war in Iraq, cut the deficit, or provide relief from Hurricane Katrina, agriculture has been first on the chopping block.

Our farmers know they must do their fair share, but they are currently doing much more than that.

For the government's part, we should be investing in rural America not taking from it. There is enormous potential in rural communities and we should harness that potential to help drive our economy.

Now as I said earlier, the budget process requires us to take responsibility in balancing our books. But in the dense pages of the reconciliation package, we have lost sight of fiscal responsibility and are blithely ignoring several issues that will affect our budget for years to come.

After the Senate considers these budget cuts we will then vote on a set of tax breaks totaling $70 billion. It is no secret that the only reason we are looking at these budget cuts is to make room for tax cuts—most of which could be argued will not make it in to the pockets of people that need it the most.

And oddly enough, some of the tax cuts that we will be voting on, such as the capital gains and dividends cuts do not even expire for another 2 years.

But even more baffling is the fact that neither this budget bill or the tax cut bill we will consider in the coming weeks takes into account the billions of dollars we have spent and will continue to spend in Iraq. Neither bill takes into account the billions of dollars we have spent and will spend in the gulf coast.

I have voted for tax cuts in the past, and I will vote for them in the future but if we were truly being honest brokers this body would have the courage to look at all of our fiscal issues in a single package. Instead, we seem content to legislate in a vacuum where we refuse to recognize the reality of our fiscal situation.

We separate tax cuts bill from the budget bill, and the budget bill from emergency spending bill because deep down we know that we are wrong. We know that if we were to look at this fiscal puzzle as a whole, there would be no way to justify our actions. We would have to finally admit that we are being fiscally irresponsible.

Overall, this measure shows America that their government is willing to turn their backs on the families who need our help the most in order to provide favors for special interest groups. I cast my vote in opposition to this bill: it does not reflect my priorities, and it certainly does not reflect America's priorities.

Mr. President, I would like to express my serious concerns about efforts today, and possibly during the conference committee, that could dramatically cut Medicaid funding through this bill. Medicaid provides vital services for millions of Americans, especially persons with disabilities, children, and seniors. As we all know, access to health care is critically important for improving the quality of life and promoting greater independence for these individuals.

In my State alone, 17 percent of Arkansans depend on the Medicaid Program. An additional 1,000 Hurricane Katrina evacuees currently residing in Arkansas are receiving their health care through the State's Medicaid Program. It is essential that State Medicaid Programs and patients get the

support they need, particularly at a time when States are facing budgetary crises and struggling to deal with skyrocketing costs associated with providing health care.

I understand that tough financial decisions have to be made in order keep this country's fiscal house in order, but I do not believe it is fair that we require our seniors, our children, and the disabled to shoulder this burden. It is simply unacceptable to impose arbitrary cuts for a program that does so much to support families in need. I believe we can find appropriate savings in Medicaid without jeopardizing the health care of so many Americans, and this body has supported measures to do that in the past. For example, I supported a bill to charge the Institutes of Medicine with evaluating Medicaid to find appropriate cost savings and improve efficiency within the program. But the proposals many Members of the House of Representatives are promoting in their version of this legislation completely fail to consider the implications for the health and well-being of Medicaid recipients. Rather, these cuts would have more to do with paying for tax cuts targeted to benefit the wealthiest Americans.

I believe Senator GRASSLEY and some members of the Finance Committee tried hard to soften the blow of the cuts required by the budget resolution, but I recognize that a much worse bill will likely emerge from the conference committee with the House of Representatives, and we will likely regret starting down this slope toward drastic cuts to an essential part of our Nation's health care system.

I have heard from many organizations and constituents who have expressed their concerns. Dana Plunkett and Angela Romney have both sent letter expressing their concerns for their children. Both of these mothers' children participate in the Easter Seals program which relies heavily on Medicaid. Dana's son Larry is able to live in an independent living facility because of Medicaid. Angela's daughter Maya who has Down's syndrome has been able to receive vital therapies to allow her to interact in a classroom setting and live more independently.

I am aware of the challenges many families, health care providers, States, and private payers for health care face under our burdened health care system. I appeal to my colleagues on both sides of the aisle to find a solution to adequately fund Medicaid and avoid gutting the program during conference negotiations.

Mr. BURNS. Mr. President, this week, the Senate is undertaking a significant effort to reduce Federal spending and return fiscal responsibility to the Congress. Not since 1997 has Congress attempted a budget reconciliation bill. But the fiscal situation facing the American people today demands a serious commitment from the Federal Government to reduce deficit spending. This reconciliation package is an important part of that process.

I recommend the chairman of the Budget Committee for his efforts on reconciliation. He has been an outstanding advocate for fiscal restraint, while trying to respond fairly to the competing demands for increased spending. While I do have some concerns about certain cuts included in this bill, on the whole I think it is a balanced package that accomplishes meaningful restraints on Government spending.

One of the positives of this bill is the provisions relating to energy production in the Arctic National Wildlife Refuge. It is time to open ANWR for oil production to increase our domestic supply of petroleum. We need to look no further than the gas pump to see what happens when U.S. oil production lulls. High gas prices hurt Montanans and dependence on foreign oil hurts our national security.

The Energy Information Administration states that the coastal plain region harboring the 1.5 million-acre 1002 Area is ''the largest unexplored, potential productive onshore basin in the United States.'' Studies by the U.S. Geological Survey, USGS, estimate that drilling in ANWR could yield up to 16 billion barrels of oil—an amount roughly equal to 30 years of oil imports from Saudi Arabia.

Most people don't understand that the 1002 Area is only 1.5 million acres within the 19 million acre Arctic National Wildlife Refuge. This budget allows for development of only 2000 of those 19 million acres in ANWR. That means 99.99 percent of ANWR will be untouched. If this tragedy-filled hurricane season has taught us anything, we should realize that by concentrating our production and refinery capability in the Gulf of Mexico, we are risking supply disruption.

We need to do more offshore, and more onshore across this country. Last week, I held a hearing on onshore oil and gas development. The backlog we face in processing permits for reasonable onshore production contributes to the energy crisis we are facing now. All segments of the economy are directly impacted by the costs of fuel to produce and move our output. From keeping warm in our homes to moving food to the market, the American taxpayer faces a tighter budget as a result of skyrocketing energy costs. We simply must consider all options when it comes to increasing production, and ANWR are an important part of that.

The United States has some of the strictest environmental laws in the entire world. We can safely and carefully produce oil within our own shores, or we can ignore our responsibility to domestically produce this resource. Royalty revenues from oil production in ANWR is expected to produce $2.5 billion for the Federal Government over the next 5 years alone, plus provide valuable jobs, and reduce our dependence on foreign oil.

It is time for this body to do the right thing and increase our domestic production of energy, and ANWR is a good place to start. So I applaud the work of the chairman of the Energy Committee for including ANWR in this budget.

I am also pleased with the provisions to address digital television transition. Setting a firm date of April 7, 2009, allows the FCC to make critical spectrum available for the emergency workers who protect our communities. Our first responders need access to this spectrum to ensure communications in times of national emergencies.

In a rural State like Montana, this spectrum can also be used to expand broadband access, linking rural communities not just for emergency needs, but for education, telehealth, and economic development.

The revenues generated by this spectrum auction generate billions toward paying down the national debt, but also give us the flexibility to address some other priorities, including essential air service. I was pleased to be able to include language in this bill that will provide an additional $75 million for essential air.

Thirty-seven States rely on essential air, but skyrocketing fuel prices are placing that service in jeopardy. The provision I included will increase EAS funding over the next 5 years, and ensure that communities relying on essential air will continue to have transportation options.

Also important to Montana is ensuring that Federal incentives for higher education remain intact. Though significant cost savings have been achieved in the reconciliation package adopted by the Senate's Health, Education, Labor and Pensions Committee, many positive changes have been made to benefit the students who most need assistance.

The higher education reforms save $9.8 billion over 5 years, while still preserving critical benefits for students across the country. For first- and second-year college students, the loan limits will be increased to $3,500 for the first year and $4,500 for the second year. This is especially important in a State like Montana, which ranks third-from-last in retention of first-year college students who continue on to their second year.

Not only are we increasing the overall aid available, but are also emphasizing the various types of education needed from the current workforce. This bill provides for additional funding for grants for Pell-eligible students who major in math, science, technology, engineering, and some foreign languages. All too often, employers comment that they have skilled jobs available, but are unable to find the kind of specialization they need from students, and by providing incentives for students to study in these underutilized areas, they are able to obtain an affordable education and fill a much-needed place in the workforce.

I am especially proud of the provision in this bill which provides for

deferment on loan payment for borrowers serving in active duty or in the National Guard. This provision sends a strong message of support to our men and women in uniform, and I am pleased to support its inclusion.

While there is plenty to praise in this reconciliation package, I have very strong concerns about the proposals to cut $4 billion out of agriculture programs. When this Senate debated the spending cuts and reconciliation instructions earlier this year, this body agreed to $3 billion in agriculture cuts.

While I would prefer no cuts to farm bill programs, I understand that everyone must do his or her part to reduce Government spending. The House of Representatives wanted to cut more out of farm programs, as did the President. I think the Senate settled on a fair amount, and I applaud the chairman of the Budget Committee for retaining that level in conference.

But we are not talking about $3 billion in cuts, the $3 billion that we all agreed to. Instead, farm programs are taking a massively disproportionate cut. Commodity and conservation programs are being reduced by nearly $4 billion. The extra money is not being returned to the Government to pay down the debt. It is going to a select group of interests, to subsidize small dairies. These budget cuts pit one producer against another. My Montana wheat growers are being asked to pay for dairy subsidies. That is simply unreasonable.

In these times of high energy and fertilizer costs, we are asking farmers to bear much more than their fair share of program cuts. I urge my colleagues to reconsider this proposal. Cuts to agriculture spending need to be fair and shared across the board. Giving one sector of one industry a billion dollars for 2 years, at the expense of farmers all over the country sends a terrible message to the hardworking families that feed this Nation.

Lastly, I want to turn to the issue of cuts to Medicare and Medicaid. While I believe the proposals to reform and strengthen Medicare and Medicaid included in this reconciliation package are generally good, there are some issues I want to highlight.

I remain concerned about our community and independent pharmacists. In Montana, they are small business men and women, and, all too often, they are the only place in small towns where folks can get the medication they need. I remain concerned about how this package may affect them and will do what I can to make sure they are not adversely affected by provisions in this bill.

However, this bill also provides funding to states that face shortfalls in the State Children's Health Insurance Program. SCHIP, and expands outreach and enrollment activities to cover more children. The SCHIP program has been incredibly important in Montana, in ensuring children have the health care they need to lead healthy, fruitful lives. I am glad to see that this bill also establishes a new grant program to finance innovative outreach and enrollment efforts designed to increase enrollment and promote an understanding of the value of health insurance coverage. I expect this outreach to be helpful in Montana, where reaching those in need is often difficult because of the vastness of our state.

This bill will also extend the Medicare Dependent Hospital program, which provides financial protections to rural hospitals with less than 100 beds that have a greater than 60 percent share of Medicare patients. Many of Montana's hospitals fall into this category, as our Medicare population, especially in the most rural areas continues to grow rapidly.

Medicaid options are expanded through the Family Opportunity Act, so that parents of severely disabled children can go to work, without risking Medicaid benefits. New incentives are provided to purchase long-term care, and new resources are provided to help states combat fraud and abuse that steal money away from low-income families that need it the most. These are good reforms, and they will greatly benefit Montanans.

Undertaking spending cuts on any scale is a difficult task. But Congress must do its duty to rein in the growth of the Federal Government, provide incentives to economic growth, and ensure that the safety nets we have in place are truly benefiting those who need assistance most. Although there are certainly things I would change about this package, I urge my colleagues to support it. The American public must know that Congress is willing to make difficult choices to reduce runaway Government spending and use tax dollars wisely. This budget is a good start, and I look forward to supporting its passage.

Mr. ROCKEFELLER. Mr. President, I oppose the legislation the Senate is considering today. This bill does not reflect American values. Although proponents of the bill try to claim that this is a deficit reduction bill, it is transparently not so. This bill is only the first half of their budget policy. The second half, which we will see in a couple of weeks, provides tax cuts almost double the size of these spending cuts. In the end, the policy advanced by this reconciliation process is to increase the deficit by more than $30 billion in order to provide additional tax cuts while shortchanging valuable programs.

I am extremely concerned about how this legislation will affect the people in my State of West Virginia. I believe that the effect will be very painful indeed. This bill cuts $10 billion from Medicaid, on which our most vulnerable members of society depend for basic health care. I have fought very hard to improve the provisions of this bill related to Medicare and Medicaid, but I am sorry to say that in the end, this bill will deal a terrible blow to those programs. And the effects will certainly be felt by our neediest and sickest citizens.

In a letter to the Congress, the National Council of Churches said of this budget bill, ''It violates all the fundamental Christian values of loving thy neighbor, caring for the poor, and showing mercy.'' In fact, they said that this proposed budget would be a ''moral disaster of monumental proportion.'' I think it is a very sad day when the Senate of the United States would vote for such legislation, especially in the context of a fiscal policy that is focused on giving additional tax cuts.

In a broader sense, I am very concerned about what this bill says about the state of Congress' budget process. I am afraid that the budget reconciliation process that was originally intended to help Congress enact difficult policies to reduce deficits is being utterly abused by the majority to enact policies that not only cannot garner broad support but also do nothing to improve our nation's fiscal situation. The unique role of the Senate is undermined when the reconciliation process is used to enact policies that are not related to deficit reduction, most egregiously in this bill drilling for oil in the Arctic National Wildlife Refuge.

Today, Federal Reserve Chairman Greenspan testified to the Joint Economic Committee that unless reversed the nation's ''budget trends will cause severe economic disruptions.'' I agree with Mr. Greenspan, and I stand ready to work with my colleagues toward the goal of deficit reduction. However, the reconciliation process underway in Congress today, in fact, will exacerbate our runaway deficits.

I vehemently oppose this bill. I ask my colleagues to join me in defeating it so that we can make real progress toward improving our Nation's budget situation in a way that is consistent with our American values, in a way that is truly compassionate toward the least fortunate of our fellow citizens.

Mr. President, I also wanted to make a brief statement about the fundamental importance of providing help and support to the families devastated by Hurricane Katrina. This is an unprecedented disaster. Many families lost every thing they own and they have been displaced for months, and that sadly will continue to be the case for quite some time.

For weeks, I joined Senators GRASSLEY, BAUCUS and others to fight for legislation to expand health care coverage for these needy families. Today, I voted for Senator LINCOLN's amendment to expand Medicaid coverage to help the evacuees of this disaster. I am disappointed that this amendment failed by a vote of 52 to 47. These families need and deserve health care. It is tragic that the Senate refused to help vulnerable Americans.

On the education front, the reconciliation package included by voice vote an Enzi-Kennedy amendment to provide support to the schools that have

already accepted evacuee students. The children and all the schools that accepted such students, without knowing how or when they would get funding deserve our support.

I voted against the Ensign-Santorum amendment that sought to change the Enzi-Kennedy bill into a direct voucher program. It would have removed the carefully negotiated provisions designed to maintain the basic civil rights protections in the underlying education package. This legislation, in my view, merely provides a one time emergency financial grant to the schools and communities that opened their doors and classrooms to evacuee students following such an historic disaster.

Mr. COBURN. Mr. President, I thank the leadership for giving me an opportunity to express some concerns with the version of ''value-based purchasing'' for physicians in the Medicare program, as presented in the Senate reconciliation legislation. While I commend the committee's efforts in finding budget off-sets to stop the Medicare payment cuts facing physicians next year I believe the committee, and Congress as a whole, has accepted the idea of ''value-based purchasing'' with little discussion, vetting and evidence that it will actually do what people say it will do.

We have a big problem in the Medicare system. Our physicians, the bread and butter of the Medicare program who provide millions of services each year to Medicare beneficiaries, are facing unprecedented cuts in their reimbursement at a time when their own costs are skyrocketing. We have known about this problem for years, have taken action to prevent previously scheduled cuts and once again we must take action this year to prevent more cuts. I commend the Senate Finance Committee's efforts for at least preventing these cuts for a year and recommending that physicians receive a modest one percent increase instead of a 4.4 percent cut. I know the physician community is grateful for this effort in a time of budget deficits, hurricanes and other problems.

I am concerned about another provision included in the bill—specifically, value-based purchasing, a.k.a. ''pay-for-performance.'' My concern is that this concept is not ready to be codified and be taken to prime-time. In the last decade, we have already declared two Medicare physician payment systems—the current sustainable growth rate formula and the volume performance standard—dysfunctional and unworkable. I do not see the value of diving so quickly into adding a new, untested and unproven system on top of an already declared disaster—the sustainable growth rate or ''SGR.''

As a physician, I can attest that most doctors are dedicated to improving the quality of care they provide their patients. The concept of continuing medical education and continuous quality improvement is engrained in our medical culture. For years, physicians have been involved in peer review, the development of clinical guidelines and best practices, and outcome measurement. The concept of value-based purchasing is to turn these practices into a payment system that pays higher performers more and pays less to those who cannot make the grade. In theory, this has great promise and I believe it will improve the quality of care provided to all Medicare beneficiaries while increasing efficiency in the system.

However, I am concerned that the language included in S. 1932, the ''Deficit Reduction Omnibus Reconciliation Act of 2005'' will not achieve these goals. While it does give physicians a 1 percent update for 2006, it does not address the impending cuts scheduled for January 1, 2007. The proposed legislation does not fix the SGR, it instead places cuts on top of cuts, and infuses a system that mandates greater volume on top of one that penalizes physicians for volume increases. Value-based purchasing and the SGR are not compatible and cannot work together. In exchange for a one percent increase in 2006, physicians could receive cuts of up to 7.5 percent in 2007, 2008, 2009, 2010 and 2011. If you think your physician constituents are frustrated now, wait until they understand this.

Under the suggested program, some physicians may have the opportunity to earn back that additional two percent cut if they meet specific ''quality'' and/or ''efficiency'' measures. Many of these measures have not yet been developed, have not yet been vetted by consensus building groups like the National Quality Forum and may or may not be evidenced-based. Before there is value-based purchasing, there must be agreed upon, comprehensive quality and efficiency measures for each medical specialty developed by the specialties themselves. In this proposed legislation, bureaucrats in Baltimore would primarily develop the measures that physicians across the country—with limited input from the physician and specialist community. I can tell you as a doctor that I am not interested in having some bureaucrat in Baltimore tell me how to deliver a baby in Muskogee, OK, and my patients are not either. Physicians must be the ones to develop these measures if they are going to be held accountable and if it is really going to improve quality and not just be another layer of paperwork and bureaucratic administration.

I believe pay-for-performance is critical to improving quality in our healthcare system. But we must get it right. Our physicians are facing year after year of cuts and beneficiaries are facing a loss of access to the physicians they know and trust. I believe the correct course is to deliberately and methodically build up toward a new physician payment system that accurately accounts for the cost in providing care to beneficiaries while encouraging and rewarding high quality and improvement.

Mr. DODD. Mr. President, I rise today to express my opposition to the spending reconciliation bill, which has been misleadingly titled the ''Deficit Reduction Omnibus Reconciliation Act of 2005.'' As some of my colleagues have mentioned, the spending bill before us today is only one-third of the budget reconciliation picture—the other two pieces are a tax cut bill and a bill to increase the debt limit. Taken together, this package of reconciliation legislation would increase the budget deficit and impose greater costs on some of the most vulnerable members of our society. It would also allow for drilling in the Arctic National Wildlife Refuge, which would be environmentally damaging and do nothing to reduce our dependence on foreign oil. The bill fails to reflect the priorities of the people of our nation and it fails to seriously address the major challenges we face as a Nation.

We are living today in an increasingly global society, one that presents tremendous opportunities. But with those opportunities come challenges. Today, countries like China and India are becoming increasingly desirable for venture capitalists interested in investment, for students interested in higher education, and for companies interested in labor that is not only inexpensive but well-educated and well-trained, too. With economic development and expansion have come greater competitive pressures.

Our labor market is under strain—real wages are stagnating, health care is becoming increasingly unaffordable, and pension benefits are being eroded and cut. The science and math scores of our high school seniors are at the bottom of the pack of industrialized nations. And we are the only nation in the developed world where literacy levels of older adults are higher than those of young adults.

Our Nation faces a choice. Are the administration and Congress going to respond to new challenges in a sensible and progressive way or will they continue to ignore the facts and adhere to policies that have brought Americans higher deficits, higher unemployment, and lower incomes? Will they continue to hold to the primitive philosophy that lower taxes on the most affluent, higher taxes on everyone else, and less investment in education, research, and business growth will somehow magically restore us to our place of economic preeminence in the world?

This view is naive and betrays a fundamental misunderstanding of our history. Our economic success has not been achieved despite investments we made in our people, but because of them. The not-so-benign neglect that characterizes much of our current national economic policy is not a strategy for success. It's an excuse for complacency, and ultimately a recipe for mediocrity.

Regrettably, this reconciliation package continues failed policies that will only continue to erode our Nation's place in the world.

First and foremost, the budget reconciliation package takes the worst fiscal record of any president in history and makes it worse. It takes procedural rules specifically designed to reduce the deficit and uses them to increase the deficit by $30 to 35 billion over the next 5 years. Part one of this reconciliation legislation may be cutting spending by $35 billion, but part two will provide tax breaks costing even more—$70 billon.

This fiscal irresponsibility is not an isolated case. Under President Bush, the Federal budget has gone from a surplus of $236 billion in 2000 to a deficit of $319 billion in 2005. The national debt has risen by nearly two and a half trillion dollars since 2000, totaling roughly $8 trillion as of this morning. That amounts to $27,041.81 for every man, woman, and child in the United States. Every minute in 2005, Republican budget policies have added $1,048,952 to the national debt.

As we have borrowed more, we have been forced to rely increasingly heavily on foreign lenders—particularly the central banks of countries like China and Japan—to fund our profligate ways. Foreign holdings of U.S. Treasury debt have more than doubled under the Bush administration from $1.01 trillion in January 2001 to $2.06 trillion in August 2005. Japan now holds $684 billion of that debt and China now holds $248 billion. We are playing a dangerous game here by relying so heavily on borrowing from abroad.

Some in this administration have reportedly argued that deficits don't matter. I strongly disagree. By blowing a massive hole in our budget, this administration and the Republican majority in Congress have seriously jeopardized our ability to meet the needs of our nation's other critical priorities.

The cost of the Bush administration's deficits is reflected right here in this spending reconciliation bill. In order to pay for just a small piece of the Bush tax cuts for the most affluent, this legislation would impose harmful cuts that would fall disproportionately on working Americans and the most vulnerable in our society.

For example, this bill cuts funding for Medicare and Medicaid, which provide health care to poor children, working men and women, the disabled, and the elderly. It cuts funding to rehabilitate FHA-insured multi-family housing. It dramatically increases the premiums paid by pension plans to the Pension Benefit Guarantee Corporation, the Federal pension insurer, making it more expensive for companies to offer defined benefit pension plans for their employees.

While many of the health care cuts in the Senate's reconciliation bill are less severe than what is contained in parallel House reconciliation proposal, I remain concerned that even under the Senate plan Medicare beneficiaries will have to pay more for critically needed services and access to Medicaid services could be limited for some beneficiaries.

As bad as the cuts are in the bill before this body, the companion legislation in the House of Representatives is much, much worse. It contains food stamp cuts for roughly 300,000 people, most of them in working families. It contains Medicaid cuts that would reduce health care benefits and increase health care costs for roughly 6 million children, as well as many low-income parents, the elderly, and people with disabilities. And it contains cuts in child support enforcement, child care assistance, and Federal foster care assistance.

So let us not be under any illusions: any conference agreement with the other body is likely to be even more harmful to the well-being of Americans.

The reason for these cuts is to pay for a small portion of President Bush's tax breaks for those who need them least. More than 70 percent of the benefits of the Bush 2001 and 2003 tax break packages have gone to the 20 percent of taxpayers with the highest incomes, according to the nonpartisan Tax Policy Center of the Urban Institute and the Brookings Institution. More than 25 percent of the tax-cut benefits have gone to the top one percent. I believe these priorities are seriously out of step with the values of this Nation.

In addition to cutting assistance for the poor to pay for tax cuts for the wealthy, this legislation would open the Arctic National Wildlife Refuge to drilling. Not only would such drilling be incredibly damaging to the region's fragile ecosystem, it would do nothing to reduce our Nation's dependence on foreign oil. Reasonable estimates project that drilling in the Refuge would provide only enough oil to satisfy U.S. demand for 6 months. Moreover, this supply would not even come on-line for 10 years. The belief that our country can drill our way out of dependence on foreign energy sources is misguided.

As a nation, we face significant challenges in both the short and long term. Americans are concerned about finding and keeping good jobs, paying for soaring energy prices, and whether they will have good health care when they need it. They are concerned about hurricane disaster relief and rebuilding assistance, and preparedness for the threat of an avian flu crisis. They are concerned about the war in Iraq and protecting the homeland from terrorist attacks. They are concerned about our education system and our competitiveness in the global economy.

The budget resolution—and the reconciliation legislation that carries out its instructions—is a statement of priorities. Unfortunately, the bill before this body today fails to seriously address the concerns of American families and businesses.

We can do better than this legislation. We can do better than harmful cuts for the poor and for children and for seniors. We can do better than using these cuts to pay for tax breaks for the most well-off in our society—who are, by the way, hardly clamoring for the kind of tax largesse that this Administration and its allies in the Congress insist on heaping upon them.

We should be investing in our society—in our education system and our knowledge base. We should be investing in science and technology and research and development. This legislation is not about investing in America. It is about fiscal irresponsibility in the name of tax breaks for those who need them least. Therefore, Mr. President, I cannot support this bill.

While I am unhappy with this reconciliation package overall, I am pleased that this bill does contain lifesaving legislation that I have introduced the past two Congresses that will provide Medicare coverage for screening for a dangerous condition known as abdominal aortic aneurysm—or AAA—a silent killer that claims the lives of 15,000 Americans each year. AAAs occur when there is a weakening of the walls of the aorta, the body's largest blood vessel. This artery begins to bulge, most often very slowly and without symptoms, and can lead to rupture and severe internal bleeding. AAA is a devastating condition that is often fatal without detection, with less than 15 percent of those afflicted with a ruptured aorta surviving. Estimates indicate that 2.7 million Americans suffer from AAA. Further, research indicates that when detected before rupturing, AAAs are treatable and curable in 95 percent of the cases. And while most AAAs are never diagnosed, nearly all can be detected through an inexpensive and painless screening.

I want to thank my colleague Senator JIM BUNNING for joining me in supporting this important and lifesaving legislation. When we first introduced this legislation in the last Congress, we were joined by patients who had suffered a ruptured aorta as result of an AAA and their families. At this event these patients shared with us their harrowing and personal stories of battling this deadly condition. It is because of struggles like theirs that we are here today at the outset of an effort to prevent abdominal aortic aneurysms from advancing to the point of rupture by providing coverage for a simple yet lifesaving screening. Simply put this legislation is about saving lives and I am pleased that it is contained in the bill passed today.

Finally, I would also like to say a brief word about the amendment being offered by Senator BYRD that deals with the issue of H–1B and L–1 visas. His amendment would strike the text in the underlying bill dealing with immigrant worker visas and replace it with a $1,500 fee for employers who file a petition to hire a foreign worker under the L–1 visa program.

Immigration reform is a critical issue that this body must address. It is a matter of national security, of overall economic well being, and of protecting American workers. Simply put,

the underlying bill is not the appropriate place to address such critical and complicated immigration issues as the H–1B visa. So I thank Senator BYRD for offering his amendment. I strongly support it and I hope that my colleagues will as well when it comes to a vote.

Mr. FEINGOLD. Mr. President, today's vote is the first part of a three-step budget reconciliation package that actually leaves this Nation's budget worse off than it is now, not by tens of millions of dollars, which itself would have been a disservice to the American public, but by tens of billions of dollars.

Using reconciliation to push through legislation that will worsen our budget deficit and add billions more to the mountain of debt our children and grandchildren will have to pay is a perversion of a process designed to expedite measures to reduce the deficit.

Reconciliation was intended to help facilitate the enactment of measures to reduce the deficit. It is ironic, to say the least, that it should be used to enact measures that only aggravate our budget deficits and increase our massive debt.

No one who has served in this body for the past 10 years, and especially the past 4½ years, should pretend to be shocked, however. This is only the latest abuse of a reconciliation process that in recent years has been the principal tool used to enact some of the most reckless fiscal policies in recent history.

But for even the most cynical, there are new lows in this bill, most notably the use of reconciliation to jam through a controversial policy measure to permit drilling for oil in the Arctic National Wildlife Refuge. At the very least, the Senate should be allowed to conduct a full and open debate on this misguided decision to undermine the crown jewel of our National Wildlife Refuge System. To say that the inclusion of this provision in the reconciliation package is based on dubious revenue assumptions would be kind. By perverting the budget process to push through oil and drilling in the Arctic Refuge, the majority has successfully squandered away the legacy of environmental stewardship initiated by President Eisenhower in 1960.

Also of concern are the significant changes to the Medicare and Medicaid programs, cutting programs that offer critical health care services to people who most need it. The Senate package does adopt some positive changes, such as cutting the Medicare Advantage slush fund, preventing Medicare cuts to physician payments, and protecting inpatient rehabilitation hospitals. Unfortunately, the President has made it clear that he does not support many of the provisions that will protect beneficiaries, but instead would rather give money to insurance and pharmaceutical companies.

The administration has stated that it prefers provisions offered in the House budget package. The House plan for Medicaid cuts includes cutting programs for children, pregnant mothers, the disabled, and the elderly, while including stipulations to shift costs onto already poor and vulnerable populations. This bill will result in considerable changes to these programs that could negatively affect multiple generations of American families, and I am deeply concerned about the possibility of a final conference report that adopts the House approach on these issues.

In one of the few bright spots in this package, the Agriculture Committee overwhelmingly and in a bipartisan manner proposed an extension of the Milk Income Loss Contract, MILC, program as part of its reconciliation package. This committee action and the lack of an attempt to remove the extension on the floor show the strong support for this vital dairy safety net. I renew my call to the administration to fulfill the President's campaign promise and actively work with members of the House to reaffirm the Senate's strong support for MILC.

I close by cautioning my colleagues in the majority party that the precedents set by previous reconciliation bills and being set in this one lay the groundwork for the leveraging through of policies they may find troubling the day Democrats become the majority party in the Senate. And that day will come.

My friends across the aisle may be thinking, ''We have nothing to lose. When Democrats take control, there will be enough of them who will object to the kinds of abuses of the reconciliation process in which we engaged.''

Well, if that is their thinking, they may be right. But I suggest that it is an unreliable strategy. The best protection against possible Democratic abuse of reconciliation in the future is to ensure that the rules are enforced as they were intended at all times, not just when they serve your immediate policy objectives.

Using reconciliation to enact controversial energy and health policies is an abuse of that process. Using reconciliation to enact legislation that will worsen budget deficits and increase the debt is an abuse of that process.

And, please, let's not waste the Senate's time with arguments that somehow this particular bill before us isn't an abuse because this bill, by itself, does not worsen the deficit. No matter how many pieces you slice it into, the reconciliation package will leave us with bigger deficits, not smaller ones.

When Congress and the White House become serious about cleaning up the fiscal mess they created, and when they are willing to spread the burden of that clean up across all programs—defense and nondefense discretionary programs, entitlements, and the spending done through the Tax Code—I am ready to help. But so long as we see reconciliation measures that are contemptuous of the principles on which reconciliation was based, I must oppose them.

Mrs. BOXER. Mr. President, I strongly oppose the reconciliation bill before the Senate.

The bill would cut vital programs for the middle class, elderly, and poor in order to pave the way for yet another tax cut for the richest individuals in the county.

Hurricane Katrina focused the Nation's attention on America's poor and displaced. In the wake of the storm, the people demanded that Congress act to help Americans in need and were justifiably angry at the administration's slow and inadequate response. Americans recognize that their government should aid those in distress in order to make this a better country for everyone.

That is why I cannot believe only 2 months after Katrina, we have a bill that would cut Medicare and Medicaid by $27 billion, increase Medicare premiums for seniors, cut the availability of affordable housing, and cut support for our farmers by $3 billion.

Even worse, the House of Representatives is looking to make even deeper cuts to Medicare and Medicaid and to cut the food stamp program, child support enforcement, the foster care program, and student loan programs.

These cuts will harm millions of Americans.

And why are the Republicans doing this? Not to reduce the deficit, which is spinning out of control, but to provide tax cuts for millionaires that will at the end of the day actually increase the deficit.

The tax portion of the reconciliation package will provide $70 billion in tax breaks—$30 billion more than the proposed spending cuts. In a perversion of the budget reconciliation process, the Republicans will be adding to, not decreasing, the Nation's $8 trillion debt.

The majority of those $70 billion in tax breaks will go to the wealthy. People making over $1 million a year will get an average tax cut of $35,491. In comparison, those making between $50,000 to $200,000 a year will get a break of $122. And those making less than $50,000 a year will get an average tax cut of $6.

That means that people who are most hurt by the spending cuts—the middle class, seniors, and the poor—will get almost no benefit the tax cuts.

The reconciliation package also is a windfall for big oil. It would allow them to drill in one of American's most pristine areas—Alaska's Arctic National Wildlife Refuge. Fragile wilderness will be opened, threatened, and ultimately ruined for the sake of 6 months' worth of oil.

What makes America the greatest Nation in the world is our sense of community and compassion. Americans look out for each other, and our government should do the same.

The budget reconciliation package reflects none of the core American values of compassion and equity. Instead,

it harms those who are most vulnerable in order to benefit the rich and a handful of special interests.

For these reasons, I cannot support the budget reconciliation spending bill and will vote against it.

Mr. BUNNING. Mr. President, Earlier today, an amendment I have worked closely with Senator DODD from Connecticut on was passed as part of the budget reconciliation package. The amendment is based on legislation we introduced which would provide a new, one-time screening benefit for abdominal aortic aneurysms, AAAs, under Medicare for certain, eligible beneficiaries.

I am pleased this amendment was accepted, and I appreciate the hard work from Senator DODD in helping get this amendment passed. I hope that we can continue working to ensure that this provision is included in the final reconciliation package.

AAAs occur when there is a weakening of the walls of the aorta, the body's largest blood vessel. The artery begins to bulge and can lead to a rupture and often severe internal bleeding. In cases where an artery ruptures, the survival rate is less than 15 percent, and approximately 15,000 people die from ruptured abdominal aortic aneurysms each year.

When detected before rupturing, AAAs are treatable and curable in 95 percent of cases. Nearly all AAAs can be detected through an inexpensive ultrasound screening. Once detected, a physician can monitor small aortic aneurysms and begin treating the risk factors, such as high blood pressure and smoking. Large or rapidly growing aneurysms are often treated using either an open surgical procedure or a less invasive stent graft, both of which serve to repair the artery.

It is estimated that between 5 to 7 percent of adults of the age of 60 have AAAs.

Our amendment targets AAA screenings to Medicare beneficiaries with a family history and those who exhibit risk factors recommended for screening by the U.S. Preventative Services Task Force, specifically men who smoke. The amendment also limits screening to those eligible beneficiaries who participate in the Welcome to Medicare Physical.

This amendment could save thousands of lives each year, and I am pleased we were able to include it in this package.

Mr. KOHL. Mr. President, I am in reluctant but adamant opposition to the reconciliation bill before us. I say reluctant, because I am glad to see the Senate using the reconciliation procedure for the purposes for which it was intended: making difficult choices to reduce spending. And reluctant because some of the policy changes incorporated in this bill are necessary and worthy of the Senate's support.

One such provision relates to extension of the Milk Income Lost Contract, MILC, program. MILC, which expired at the end of the last fiscal year, provides counter-cyclical support for the nation's dairy sector. It is targeted. It is fair. It is essential. Moreover, it enjoys the President's support. It makes sense as part of the balanced Agriculture package in this bill.

But my opposition to the entire package is adamant because this bill is just one piece of a fiscally and morally bankrupt budget. Though this bill asks for sacrifices from seniors, students, farmers and working families, the budget of which it is part will add over $30 billion to the deficit over the next 5 years. Though this bill makes real cuts in Medicaid, Medicare, aid to farmers and funding for conservation programs across the country, the budget of which it is part will add $3 trillion to the national debt by 2010.

If this bill was what many on the floor have argued—a carefully crafted compromise to cut $39 billion from our growing federal deficit, I would have to think hard before opposing it. But the budget calls for today's bill to be followed with $70 billion tax cut, the bulk of which will go to those with more than $1 million in annual income.

I am willing to make the hard choices to bring our budget deficit down. I am not willing to support taking needed services away from those that need them the most—and use those cuts as a fig leaf to hide tax breaks for those who need them the least.

Our budget is the most basic expression of what we stand for as a government. Is this budget really what we want to vote to say? That we are the sort of country that threatens our own economic stability by piling deficit upon deficit? That we show our fiscal toughness by chopping aid to those in need? That we show our compassion only to those whose biggest problem is finding a really good tax shelter for their growing capital gains?

Make no mistake, this bill is the first piece of the budget that says just that, and for that reason alone, it deserves our solid opposition. But beyond that, there are individual provisions in this bill to which I take exception. One is the use of this bill's extraordinary fast track procedures to accomplish what big Oil's proponents have not been able to get through the Senate in the past: opening the Arctic National Wildlife Refuge to oil drilling.

I have long supported protecting this valuable and fragile natural wonder, and I think it is unfortunate that we are drilling in this wilderness for a relatively small payback. Those on the other side of this issue who use the current high price of oil to justify the violation of this pristine area are short sighted. According to the Department of Energy's own analysis the oil from the refuge will only lower the price of a barrel of oil by one penny. In addition, this oil will not come on line for almost a decade. Instead of threatening our natural heritage, I believe we should be looking instead at encouraging conservation efforts, and taking a careful look at high oil company profits. We do need to act to lower our dependency on foreign oil, but we cannot drill our way out of dependency.

I'm also particularly disappointed that the bill we are considering today contains harmful program cuts that would fall disproportionately on the most vulnerable in our society. This legislation cuts funding for health care provided through the Medicaid program, which provides health insurance to poor children, pregnant women, and elderly. My Republican colleagues argue that we must cut waste and fraud in Medicaid and I am not opposed to that. However, I do not agree with the arbitrary way they have gone about cutting funding from this critical safety net program—without which millions of Americans would be uninsured—and using that money to pay for tax cuts for people with high incomes. I'm also concerned about the increased burden this bill places on seniors through additional cuts in the Medicare program and an increase in Medicare Part B premiums. I hope my colleagues will support several of the amendments offered today to help minimize the impact these cuts could have on our Nation's elderly.

I urge my colleagues to reject this bill—and the irresponsible and cruel budget of which it is part.

Mrs. FEINSTEIN. Mr. President, I rise today truly alarmed about the administration's fiscal irresponsibility. In the past 5 years, the President's policies have turned record surpluses into record deficits. Just a few weeks ago, the Department of Treasury announced that this year's budget deficit is the third largest in history at $319 billion.

But, that is not where the bad story ends.

By sleight of hand, the administration continues to use other resources to finance debt, including foreign lenders and Social Security. The real deficit is a staggering $551 billion, 4.5 percent of GDP.

Administration officials are nonchalant about the fiscal disarray.

I am deeply worried. We all should be.

On October 18, the national debt passed the $8 trillion mark. Even more disturbing, the national debt is being financed by Chinese, Japanese, and other overseas lenders. To put this into perspective, in absolute dollars, the country is borrowing more than ever in its history, close to $2 trillion from foreign nations. We owe over $680 billion to Japan, $390 billion to the European Union, $240 billion to China, and $57 billion to OPEC nations, to name a few.

It is beyond me how this administration can turn a blind eye to these numbers, or how Congress can approve legislation that exacerbates these fiscal problems.

Instead of facing up to the fiscal truth, President Bush ignores the mountain of debt that will burden generations to come.

First, this President shortened the budget timeline from 10 years to 5 years. Relying on this kind of gimmickry covers up for the President's destructive fiscal decisions, especially as they relate to tax cuts for the rich.

Second, this Republican Congress voted against a system to keep the budget in balance. I am referring to the pay-go rule endorsed by Federal Chairman Alan Greenspan and former Secretary of Treasury Robert Rubin. Pay-go would have required an offset for any decrease in revenue. The method would have ensured a balanced approach to tax cuts. Unfortunately, Republican congressional leaders opted for shunting aside integrity in budgeting. They back pay-go in name, but not in practice.

By any standard, the decisions to ignore a 10 year budget timeline and disregard balancing methods have caused massive red ink and send the country precisely in the wrong direction.

In fact, Federal Reserve Chairman Alan Greenspan put it this way:

> The federal budget deficit is on an unsustainable path, in which large deficits result in rising interest rates and ever-growing interest payments that augment deficits in future years . . . Unless this trend is reversed, at some point these deficits will cause the economy to stagnate or worse.

I fear this reconciliation package, coupled with the administration's tax cuts, will lead us to even worse times.

Reconciliation is simply asking too much of middle income families who are facing cost increases for basic needs.

For instance, energy costs to heat one's home have increased 20 percent from last year. Education costs for public universities have increased 7.1 percent. Interest rates that impact college loan payments have doubled over the last 10 months. And, gas prices have increased 19 percent over the last 4 months.

Instead of assisting families with these increased costs, raising the standard of living for the poor, or improving the opportunities to attain a college education, this package adds to financial pressures.

For health care alone, premiums have climbed higher than $10,000 for families, and this bill will do nothing to reduce out-of-pocket health care spending.

More perniciously, what the bill does do is cut $10 billion in health care spending for the poorest Americans.

While the bill provides a 1-year temporary relief to physicians, a 1 percent increase in Medicare reimbursements is not enough. This is a Band-Aid fix, at best. When expenses to practice are increasing at a rate of 3 to 5 percent annually, a 1-year 1 percent increase in reimbursements is insufficient. In my State, where the cost of living is beyond the reach of many Californians, doctors are simply choosing not to see any new Medicare patients or are retiring early due to low reimbursement levels.

To make matters worse, the temporary relief for physicians in the bill is borne on the back of Medicare beneficiaries in the form of higher Part B premiums. This provision will directly increase the amount Medicare beneficiaries pay each month in premiums by $2.90 in 2007. That is a 33-percent increase in monthly premiums. While it is vital that Congress prevent future cuts in Medicare reimbursement to physicians, the provision in this bill amounts to a $1.4 billion tax on seniors. That is unacceptable.

Further, it is no secret that increased debt puts pressure on inflation. In just this past year, the Federal Reserve enacted 11 consecutive interest rate increases.

This means the American people will have to make higher mortgage payments, pay higher interest, and for those who own debt, it will take even longer to pay off their credit cards.

For some, this bill will put a college education out of reach. Middle-income families, who have no choice but to borrow money for college, will struggle even more to pay tuition bills.

Due to increasing costs of basic needs, there are 1 million more Americans living in poverty this year than there were last year. Not only does this budget reconciliation do nothing to reduce that number, it puts many more Americans at risk of poverty due to higher health care costs and reduced access to social services and education.

As for the environment, this reconciliation blatantly undermines the natural wonders of our country. Shamefully, it opens the Arctic National Wildlife Refuge for drilling to already profit-soaked oil companies.

And, if that is not enough, this administration's fiscal policy forces our children to pay it all back—not only to the Social Security Trust Fund, but to foreign nations.

At any point, foreign countries can stop investing in the dollar, and any small movement could have a significant and immediate impact on the fiscal stability of our Nation's currency.

Does this Congress believe it is good foreign policy to put our economic interests and security in the hands of China, Japan, and the European Union?

Let me be clear, this budget reconciliation is asking Americans to: pay more in interest payments, pay more in health care premiums without improving benefits, borrow more from foreign lenders, further damage our habitat and environment, and leave an even larger bill for future generations to pay.

We should be talking about helping American families, not punishing them with new financial burdens. And, for what good reason? None whatsoever.

The Bush administration's Pavlovian response to everything that ills the economy is: tax cuts—not to middle- and low-income families, who need it most, but, instead, to the wealthiest Americans.

The wealthiest Americans have received tax cuts that are 140 times the size of the average tax cut for middle-income families. That means millionaires have received an average tax break of $100,000 a year while middle-income families have received a mere $742.

Let me be frank, the President's tax cuts do not help working Americans. In fact, the after-inflation wages of the average American earners have dropped for the first time in a decade.

Meanwhile, the President's tax cuts account for 57 percent of the deficit increase. In fact, President Bush's tax cuts are more expensive than all spending increases combined, including new spending for homeland security, the war in Iraq, operations in Afghanistan, expanded antiterrorism efforts, and all domestic spending increases. It is a fiscal record of excess and recklessness.

And without batting an eye, this President goes right along, reiterating his intention of making tax cuts permanent—at a cost of $11 trillion over 75 years—making it clear that even in the wake of hurricanes, rising gas prices, increasing interest rates, and higher health care costs, this administration will continue to push for lining the pockets of the wealthy.

I believe we can do better. I believe we can bring fiscal responsibility back to the budget process and help middle-income families. We have done it in the past. We can do it now.

In 1982, Ronald Reagan agreed to undo a significant share of tax cuts to combat substantial budget deficits.

Ten years later, President George H.W. Bush changed his position on taxes and signed a bipartisan deficit-reduction package.

More recently, in the late 1990s, after inheriting a national deficit totaling 4.7 percent of GDP, the Clinton administration turned deficits into our first budget surpluses since 1969.

Today, with the national deficit including trust fund accounts reaching 4.5 percent of GDP, it is time to do the same.

In the words of Former Secretary of Treasury Robert Rubin:

> We are at a critical juncture with respect to the longer-term future of our economy, and the outcome at this juncture will be enormously affected—for good or for ill—by the policy action we take in response to the great issues we face.

It is time to have the courage to act responsibly. This so called deficit reduction package is not what it claims to be. Yes, it will cut spending by more than $30 billion, but in a few weeks these savings will be spent on tax breaks for the rich. In the end, this reconciliation package titled ''Deficit Reduction'' will actually increase the deficit by $36 billion. This fiscal strategy edges us closer to fiscal insanity and leaves our children and their children impoverished and riddled with debt. The first step to doing better is voting no on this reconciliation bill.

Mr. JOHNSON. Mr. President, in order to meet its reconciliation instructions, the Banking Committee

recommended that S. 1562, the Safe and Fair Deposit Insurance Act of 2005 be included in the banking title of the budget reconciliation bill.

Earlier this year, I joined with Senators ENZI, HAGEL, and ALLARD in introducing this important legislation which has garnered strong bipartisan support and was overwhelmingly approved by the Banking Committee last month. Additionally, it has the strong support of the administration, Treasury Department, the Federal Deposit Insurance Corporation, and the financial services industry.

Deposit insurance is one of the cornerstones of our country's financial system. It protects depositors against risks they cannot control, ensures stability, and allows deposits to remain in our local communities. This important legislation will ensure that deposit insurance maintains its strength even during times of economic weakness.

Borne out of the need to promote financial stability during the Great Depression, deposit insurance has served depositors well by providing stability to banks and to the economy, and it is especially critical to our Nation's smaller financial institutions and community banks.

While there have been differing opinions as to how deposit insurance should be reformed, there is general agreement that the system needs to be reformed and modernized. The banking industry is rapidly evolving and is becoming increasingly complex and sophisticated. Yet the last time any change was made to our system of deposit insurance was over 20 years ago. Reform is long overdue. The time has come for the system that was put in place to promote the stability of the banking system be appropriately reformed to keep pace with the evolution of that system.

Depositors must have confidence that their hard-earned money is protected, including the funds that cover their daily living expenses to the funds they are saving for retirement and a rainy day. To that end, this legislation introduces some very key reforms.

First, it merges the bank insurance fund with the savings association insurance fund to create the deposit insurance fund. By doing so, we create a stronger and more diversified fund, and eliminate the possibility for disparities in premiums between banks and thrifts.

Second, insurance premiums will be risk-based to ensure that banks pay based on the risk they pose to the system, and the FDIC will be able to price insurance premiums accordingly. The current system does not allow for premium assessments to be based on risk, and therefore, safer banks are subsidizing riskier banks. This inflexibility will be eliminated and the assessment burden will be distributed more evenly and fairly over time. When deposit insurance is priced for risk, whether the coverage limit is higher or lower is less relevant. Banks will have to pay higher premiums for riskier behavior, reducing any moral hazard. It is important to note, however, that in developing a new risk based premium system, the FDIC should not negatively impact the cost of homeownership or community credit by charging higher premiums to institutions simply because they fund mortgages and other types of lending through advances from Federal Home Loan Banks. Congress reaffirmed this relationship between community lenders and Home Loan Banks most recently in the Gramm-Leach-Bliley Act, and deposit insurance reform is not intended to impose any financial cost on the relationship through direct or indirect premiums.

Third, the FDIC will have the discretion to periodically index coverage levels for both general and retirement accounts to keep pace with inflation. This is a compromise made in order to secure the Bush administration's support. Frankly, I feel some form of automatic indexation would be far preferable, and I am disappointed that indexation is left as a discretionary matter. The real value of deposit insurance coverage is now less than half of what it was in 1980 when it was set at $100,000. By increasing the level of coverage for retirement accounts, we are adjusting for the real value of coverage. Insuring retirement accounts up to $250,000 will keep the coverage level up with inflation and will promote financial stability for individual retirees. Retirement accounts are the only accounts under this bill that will get a higher coverage level. I believe in the current environment, with the uncertainty surrounding social security and pension benefits, that it is critical that we provide appropriate coverage for the hard-working Americans who have saved for their retirement and long-term care needs. This legislation strikes the appropriate balance in that regard.

Finally, I would be remiss if I did not recognize the banking community in South Dakota for the invaluable and critical role they have played in this process over the past 5 years. I truly appreciate the input and recommendations that I have received from the industry overall. I would also like to thank Chairman SHELBY, and Ranking Member SARBANES for their leadership, Senators ENZI, HAGEL and ALLARD for the many hours of hard work, and FDIC Chairman Don Powell for his commitment to deposit insurance reform.

Mr. SALAZAR. Mr. President, I voice my opposition to the reconciliation bill before the Senate today. America can and should do better. This bill, which masquerades as a vehicle to help shrink the deficit, is actually a part of a broader, fiscally irresponsible package of policy and legislation that will actually increase the size of the deficit by over $30 billion in the next 5 years, even as this bill cuts programs that are important to the most vulnerable Americans. In other words, this series of proposals moves America in exactly the wrong direction.

This bill moves in the wrong direction when it comes to agriculture. Agriculture program spending amounts to about 1 percent of the spending in the Federal budget, however, at a time when fuel prices are at a record high and many rural areas in Colorado across the country continue to feel the effects of weather-related natural disasters, agriculture programs have been forced to take $3 billion worth of cuts. These cuts will come out of the programs that farmers, ranchers and rural communities count on most, including commodity program payments and conservation programs like the Conservation Reserve Program, CRP. During my time in the Senate I have spoken many times about my concern that too often Washington leaves our rural communities to wither on the vine. I believe that this budget reconciliation package only contributes to their decline.

This bill moves in the wrong direction when it comes to health care and education. The bill cuts college student aid by over $7 billion, creating less opportunity for young Americans when we should be in the business of creating more. It makes deep Medicaid and Medicare cuts, hurting the poor, elderly, and disabled who struggle with healthcare costs. Because of this bill, seniors will see a 33 percent increase in premiums for Medicare Part B. Because of this bill, independent, community pharmacies, particularly in rural areas, will see a change in reimbursement formulas that could force them to close their doors, further eroding access to health care in this country.

This bill moves in the wrong direction when it comes to the environment and to energy policy. It would open the pristine Arctic National Wildlife Refuge to oil drilling. Ultimately, this fight is not about barrels of oil, it's about the deeper moral decisions we make as a nation about how best to address our energy needs. Drilling for oil in the Arctic National Wildlife Refuge won't do a thing for gas prices this winter. It won't do a thing for gas prices in 10 years or even 15 years. In fact, it won't do a thing for energy prices ever, because even if this provision passes and becomes law, the total amount of ''technically recoverable oil,'' according to the administration's own estimates, would reduce gas prices by only a penny—and then, not before 10 to 15 years from now.

This reconciliation bill does not reflect the right budget priorities. This bill tightens the squeeze already being felt by so many hardworking Americans trying to make ends meet as oil and gas prices soar and winter approaches. Adding insult to injury, these irresponsible cuts will not even help the country with the bottom line, because they are being combined with tax breaks for the wealthiest Americans that exceed, by tens of billions of dollars, the value of the cuts themselves. The average benefit of these tax

breaks for those with incomes more than $1 million would be $35,491. But for those with incomes under $50,000, the average benefit comes to $6. America can do better.

Mr. LEVIN. Mr. President, earlier this year I voted against the budget resolution that passed the Congress because it reflected the wrong priorities. That budget resolution short changed vital public needs such as education and health care for all Americans in order to further cut taxes mainly for the wealthiest Americans. The bill before us today is the first part of a three-part budget reconciliation process set up to help carry out that misguided budget. Budget reconciliation is a special process that gives privileged short cuts under the rules of the Senate. For many of the same reasons that I opposed the original budget resolution, I must also oppose this reconciliation bill. Instead of improving our fiscal situation, the reconciliation package worsens the problem.

This first of the three reconciliation bills is focused on spending cuts. It cuts funding for Medicaid, Medicare, low-income housing grants and other important programs. These cuts, along with the revenue that could be generated as a result of a shortsighted decision to drill in the Arctic National Wildlife Refuge, ANWR, in Alaska, are projected to reduce the deficit by $39.1 billion over the next 5 years.

However, at the same time, both Houses of Congress are working on separate versions of the second part of the reconciliation package—the tax bill. That bill would extend $70 billion worth of tax cuts benefiting largely the wealthiest Americans. It simply does not make sense to say we need to cut $39.1 billion out of vital programs to reduce the deficit while at the same time increasing the deficit with $70 billion in tax cuts. These bills continue an irresponsible and inequitable tax policy that recklessly adds to our deficit.

The third part of this three-part reconciliation process will be a bill to allow the national debt to increase by another $781 billion. The need for that third bill shows how dreadful our budget situation has become. The U.S. national debt has already climbed above $8 trillion. In the fiscal year that just ended, we spent over $350 billion just to pay the interest on that debt. That is 14 percent of the Federal Government's spending last year. That is money that doesn't go toward important infrastructure improvements, homeland security or other priorities like health care, education or environmental protection. We simply cannot afford to continue building up this massive debt.

Not only is it financially irresponsible to add to this already heavy debt, but it adds risk to our national security. Forty-four percent of our national debt is held by foreign investors. If these investors ever decide, for economic or political reasons, to stop financing our debt, our markets could be severely impacted. This can provide other countries with greater leverage during trade or other negotiations with us.

In addition to the fiscal irresponsibility in this reconciliation package, it is unconscionable that this body would once again decide to cut services for the poor and the disabled and the elderly and disadvantaged children and then to turn around next week and provide the mostly the wealthiest Americans with $70 billion of tax cuts. I will say at the outset, this bill contains some good provisions. This bill halts an unwise looming 4.4 percent decrease for physicians treating Medicare patients and instead provides a 1 percent increase. This bill was amended and now contains a provision that will prevent a reduction in Federal money for Michigan Medicaid. This bill also has several provisions to help victims of Hurricane Katrina.

However, a large portion of the spending cuts in this reconciliation bill impacts the millions of Medicare and Medicaid beneficiaries as well as providers. This is not the first time Congress has attempted to balance the budget on the backs of people who rely on Medicare and Medicaid. In 1997, Congress cuts payments to providers and services to beneficiaries and the cuts were overreaching. It is my fear the same result will come from our actions today. This bill before us cuts reimbursement for several types of Medicare providers including nursing facilities, hospitals and managed care. This bill also places caps on payments for Medicare and Medicaid services. People who rely on Medicare and Medicaid are going to be hurt by this bill. I hope that my colleagues take a long look at by how much the bad outweighs the good in this bill.

In addition, I also regret that the majority decided to include in this budget reconciliation the opening of the Arctic National Wildlife Refuge, ANWR, to oil and gas development.

I have consistently opposed opening ANWR to oil and gas development because I believe it is the wrong approach to addressing our Nation's need for long-term energy security. The actual reserves in the area that will be available for leasing under this provision are too small to have a significant impact on our Nation's energy independence and will not produce any oil for more than a decade. I do not believe that this limited potential for oil and gas development in ANWR warrants endangering what is one of the last remaining pristine wilderness areas in the United States.

But, also, the process for consideration of ANWR on the budget reconciliation bill has been flawed from the start. Including this important issue in the budget reconciliation bill has short-circuited the normal legislative process and has eliminated the opportunity for Congress to give the issue the consideration it deserves. In fact, this issue was not even considered when the Senate debated the Energy Policy Act of 2005 for 2 weeks this past summer. Opening ANWR to oil and gas development was not considered on the Energy bill because the votes were not there to pass it except by including it in the budget reconciliation bills that we are considering now.

On a positive note, I am pleased that I was able to include language in this bill that recognizes the needs of border States when awarding emergency and interoperable communications grants.

First responders in border States like Michigan, New Mexico, and Minnesota face unique challenges and must be able to communicate with a number of Federal, State, and local entities including FEMA, Customs and Border Protection, and the National Guard in addition to police, firefighters and emergency medical services personnel from other jurisdictions who may assist in the event of a large scale disaster or terrorist attack. What is often overlooked is that first responders near border crossings must also be able to maintain seamless communication with their Canadian or Mexican counterparts across the border. My amendment would assist our first responders by creating demonstration projects at our northern and southern borders. The amendment provides that the Secretary of Homeland Security shall establish at least two International Border Community Interoperable Communications Demonstration Projects—with at least one of these demonstration projects on each of the northern and southern borders. These interoperable communications demonstrations will address the interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers at our borders.

In closing, I sincerely hope that future budgets coming from this body will be more responsible than this one. Furthermore, as imprudent as this bill is, I hope it won't be made worse in conference after merging with the even more misguided House bill. Major bipartisan efforts will be needed to make true progress on the long-term fiscal problems we face. I will continue to fight for fair and fiscally responsible policies that help generate jobs and economic security from which all Americans can benefit.

Mr. HATCH. Mr. President, this past March, I stood here to express my reluctant support for the fiscal year 2006 concurrent budget resolution. My support was reluctant for one reason only. I believed the budget did not go far enough in slowing the growth of Federal spending.

My colleagues will remember that passing that budget resolution was not an easy thing. Both the original Senate version and the conference report passed by very narrow margins. Not one Democrat voted in favor of the budget resolution, so it was left up to those of us on this side of the aisle to pass that resolution.

The major reason why the budget was so difficult to pass was the inherent problem in getting a majority to agree on legislation that cuts the growth in spending for entitlement programs. Entitlement programs are those that grow automatically without any action from Congress. While they are many of the most important programs in the Government, they are also the most expensive. Some Senators wanted more cuts in spending growth than did others, and it was hard to get a consensus, especially when there was absolutely no support from the other side.

Nevertheless, we did manage to pass the budget resolution, which was the first step in the process we are trying to complete here tonight with the budget reconciliation bill. This bill ''reconciles'' the spending in the budget with the programmatic changes necessary to achieve the budget numbers. And while the projected spending growth in this budget over the next few years is still alarming, the cuts in that growth included in this bill are very much a good first step in the right direction.

What Senator GREGG, the chairman of the Budget Committee, emphasized in his opening remarks is very significant. This is the first time since 1997 that Congress has attempted to restrain the growth of entitlement spending programs. I think we can conclude that although the magnitude of the change is not as large as many of us would like to see, the directional change is very important.

According to the Congressional Budget Office, this reconciliation bill would reduce federal outlays by more than $39 billion over the next 5 years and by almost $109 billion over the next 10 years. I realize that many of my colleagues on the other side of the aisle are scoffing at the idea these numbers are not large enough in terms of reducing the deficit. Why, then, are we not seeing any spending reduction proposals from them? It is because it is much easier to throw rocks at our attempts to rein in spending growth than it is to make the hard choices themselves.

Rather than having an honest debate about how best to deal with out-of-control budgets, most of what we are hearing from our friends on the other side is the same old tiresome accusation that we are reducing spending for lower-income Americans so that we can cut taxes, once again, for those Americans who are wealthy and do not need a tax reduction. This, of course, is a gross distortion of the truth.

As Chairman GREGG has pointed out, the spending growth reductions in this bill are not directed at low-income individuals. We worked very hard to make sure that was the case, especially in the Finance Committee which has jurisdiction over such important safety-net programs as Medicaid.

Indeed, the bill includes a significant amount of new spending. The amount of this new spending, some of which I recognize is necessary, is one of the problems I have with the bill. In addition, a great deal of the deficit reduction in this bill is achieved by raising fees or selling a portion of the broadcast spectrum. That being said, I will detail some of my specific objections about this in a little while.

As to criticisms about so-called tax cuts, there are not any in this bill. The tax reconciliation bill comes later, after this bill has passed. And the tax provisions that will be in that bill are generally in the nature of preventing tax increases on the middle class, not tax cuts for the wealthy. Moreover, most of those provisions enjoy broad support on both sides of the aisle.

Do I believe this reconciliation bill is perfect? Far from it.

Do I think we could have and should have done more in trimming the spending growth of entitlement programs? Absolutely.

As I mentioned before, the significance of this bill is not in the amount of deficit reduction it delivers, but in the change in direction that it represents. I hope we can pass it and then use it as a building block for more deficit reduction next year.

We have only a few short years to make much larger changes in our entitlement spending programs. All of us know that they are on an upward trajectory that is simply not sustainable. Passing this reconciliation bill now begins to turn the tide. It sets the stage for more responsible spending. With a smart mix of pro-growth policies that will help ensure continued economic growth and future spending restraint, we can begin to lower the deficit and put our budget in a condition to withstand the storms ahead.

Now, I would like to take the time to get into some of the details of the changes included in the bill by the three committees on which I serve.

As a senior member of the Senate Finance Committee, I worked hard with Chairman GRASSLEY to ensure that our Committee met the goal of finding $10 billion in savings. Unfortunately, the Finance package also spends a significant amount of money when I believe that our national focus needs to be on saving money. Some of it is necessary. Some not.

And, I am very troubled by how we are paying for this spending. Close to $5 billion comes from eliminating the MedicareAdvantage Regional Plan Stabilization Fund, something I strongly oppose. The stabilization fund is a critical component to facilitating regional Preferred Provider Organizations, PPOs, in the Medicare Advantage program, thus providing these plans to beneficiaries throughout the country, particularly in rural areas.

The MMA has made Medicare Advantage plans more widely available with greater beneficiary savings than ever before, including in rural areas and many other areas that previously were not served by Medicare Advantage plans.

Since the MMA was enacted in 2003, there has been a large increase in the availability of Medicare Advantage health plans that provide additional benefits and corresponding reductions in total health care costs. For example, in rural areas where there has historically been minimal managed care available, there are now three regional PPOs offering an integrated package of medical and prescription drug benefits with extra coverage at lower prices, one of these regional PPOs even offers a zero drug deductible.

The stabilization fund will help make it possible to provide secure access to these new, lower-cost coverage options in underserved areas. While more Medicare beneficiaries than ever will have regional Medicare Advantage options in 2006, further progress is needed for people with Medicare in 13 States, specifically: my home state of Utah; Alaska; Colorado; Connecticut; Idaho; Maine; Massachusetts; New Hampshire; New Mexico; Oregon; Rhode Island; Vermont; and Washington.

When developing the MMA, the Congress recognized that some states might not be served by regional Medicare Advantage plans in the initial years of the program and strategically created the benefit stabilization fund, which sunsets in 2013, to encourage plans to operate in all areas of the Nation. Utah is one of those States and that is why I strongly supported the creation of the stabilization fund during the MMA negotiations.

The stabilization fund helps to make sure that, in future years, plans will choose to serve the people with Medicare who do not have Medicare Advantage options in 2006. And, conversely, repealing the fund, or cutting its revenues, means reduced benefits and higher costs for these seniors in future years.

Many Medicare Advantage plans are already serving Medicare beneficiaries with some very generous benefit offerings for 2006, with the expectation that there would be stability in the program. For the health plans that are interested in potentially providing this regional PPO coverage, it is essential for them to know that they will get some help with starting up if they need it in areas that had been underserved before, and that the Medicare program will keep their payments predictable.

If Congress and the Centers for Medicare and Medicaid Services, CMS, start cutting promised funding and/or changing program rules even before the first benefit is administered, we send a very negative signal to plans, and that may mean worse coverage options and higher costs for Medicare beneficiaries in the future.

Cuts to or reductions in the stabilization fund, and therefore, payments to regional plans amount to adding costs for beneficiaries in the form of higher premiums, reduced benefits, or both. Without this fund, it will be difficult to convince plans to offer coverage to beneficiaries who currently do not have access to regional PPOs.

Maintaining the current stabilization fund will encourage more regional PPOs to enter the Medicare Advantage program and make sure that significantly more people, including my fellow Utahns, have access to Medicare Advantage plans next year.

I do not understand why we would be eliminating this fund, especially before the Medicare drug plan program is even operational. It just does not make good policy sense and that is why I oppose the elimination.

This is especially vexing given that there are a number of other sources for revenue. I will be fighting for more extensive restrictions on asset transfers and the inclusion of provisions which would prohibit intergovernmental transfers. Including these provisions would have severely curtailed activities where individuals and some State governments have intentionally defrauded the Medicaid program.

I have heard the arguments about why we should not have included them in the proposal, but I do not buy those arguments. More aggressive legislating in these areas would preclude some of the other reductions necessitated in this bill, such as those for the stabilization fund.

The provisions on payment for prescription drugs under the Medicaid program are another deep concern of mine. These have only been made worse by adoption of amendments in the Chamber. Let me say that while I agree that changes are warranted, I am very worried about the approach included in the bill. I am not sure that the new definitions created for Average Manufacturer's Price, AMP, Weighted Average Manufacturer's Price, WAMP, and the new formula which were created for the Federal Upper Payment Limit, FUPL, will address the criticisms of the current policy. In fact, these new definitions could make the situation worse. I am also troubled that the genesis of these changes was not a desire for good policy, but rather an interest in seeking funding from a ''deep pocket.'' That trend was only exacerbated during Senate consideration of the Finance title, as we added two rebate-related amendments with spending implications that totaled several billions of dollars more.

It is clear to me that, as consideration of the conference report begins, we must continue discussions with the various stakeholders who have a vested interest in making this policy work, in particular, the pharmacists and the pharmaceutical companies.

The budget resolution contained a reconciliation instruction directing the Senate Health, Education, Labor, and Pensions, HELP Committee, on which I serve, to reduce spending by $13.7 billion in 5 years. We on the HELP Committee worked very hard to achieve this goal, which required difficult spending vs. savings decisions.

Within the past months, as we wrote reauthorizing language for the Workforce Investment Act, WIA, Head Start, the Perkins Act, career and technical education, and the Higher Education Act, HEA, we kept in mind the need to meet the reduction in spending goals. Each of these reauthorization bills was unanimously approved in committee.

While I recognize the tough choices we needed to make, I am pleased overall with the reconciliation bill as it relates to education provisions, accounting for a total savings of $9.8 billion. Spending increases in the bill include increases in Pell grants, along with ProGAP, a new grant assistance to Pell eligible students.

Another new program, SMART grants, would provide assistance to students studying math, science, technology, engineering, or a foreign language. Subsidized borrowing levels were increased, along with a permanent extension of the Taxpayer-Teacher Protection Act. Additional loan deferments were made for members of the Armed Services or the reserves. These programs would give Utah students, particularly those of low or moderate income, greater access to college educations and will boast our local and national economy as we seek to meet the demands of the 21st century workforce.

Significant savings were found in student loans, mostly from lending institutions, including a requirement for guaranty agencies to deposit one percent of their collections in the Federal Reserve fund, a reduction in lender insurance and repeal of the provision that guarantees 100 percent of loans for certain lenders. An additional fee is charged for lenders originating consolidation loans, and permanent restrictions are made on transfer or refunding of certain tax-exempt bonds that receive a 9.5 percent rate of return.

I have concerns about last-minute changes to include major spending increases, even though they appear to have been reconciled by savings. However, my colleagues should know that I am paying particular attention to fixing the interest rate for undergraduate and graduate non-consolidation borrowing at 6.8 percent, preferring a choice of a variable rate similar to the House provision. I am also concerned about the way certain bills are structured that are currently before the Senate that deal with the inclusion of Katrina public and private school payments.

The HELP Committee also included provisions increasing significantly the amounts of premiums employers that sponsor defined benefit pension plans must pay to the Pension Benefit Guarantee Corporation, PBGC. These increases were larger than they needed to be, and represent placeholders until we can pass the pension reform bill that was produced by the Finance and HELP Committees. I hope we will soon be able to consider and pass that legislation, partly for the reason of reducing these premium increases to more reasonable amounts.

The Judiciary Committee greatly exceeded its reconciliation targets, and I applaud that accomplishment even though I do not support the means by which it was achieved. Federal spending is out of control and, as my colleagues know, this has been a concern of mine for a long time. I am gratified to see that so many others now share my concerns and, more importantly, that we are finally doing something about irresponsible spending despite the efforts of a few members on the other side of the aisle to scuttle this reconciliation bill.

I am pleased that the Judiciary Committee did not report a proposed tax on the explosives industry. It was just plain wrong, and it would have hurt a lot of people in Utah. Naturally, I fought tooth and nail to make sure it was off the table and I, along with others, succeeded in stopping it.

This brings us to the current Judiciary title. I do not think we should have used a reconciliation measure to alter immigration policy, particularly in light of the current debate on comprehensive immigration reform. For this, and other reasons, I offered an amendment that would have imposed a 5 percent increase in all immigration related fees instead of simply allowing more people into the country as a way of reducing our Nation's deficit. Unfortunately, my amendment was defeated in committee.

That being said, I recognize that it is not easy to come up with savings. It means tough choices. But it is our job to make the tough calls and the Judiciary Committee did just that.

I strongly support moving this package through the Senate. However, I want my colleagues to understand my concerns and that I intend to continue working with them on improving the package. I know this was an extremely difficult task, and I appreciate all the hard work of many of my colleagues, and particularly the chairmen of the committees on which I serve.

Mr. GRASSLEY. Mr. President, the Senate will vote shortly on final passage of S. 1932. We have had a good debate on this bill. I commend the chairman of the Budget Committee for his effective and fair management of the consideration of this bill this week.

The Senate Finance Committee title was carefully crafted to address a wide range of member priorities. The Senate Finance Committee title is a compromise—one that was meticulously negotiated over many months. It represents clear-headed, commonsense reforms.

But here is something that should make a lot of people wonder what is going on around here. I noted with interest a recent Washington Post article which notes:

> The Senate package is gaining kudos from some unlikely sources. Liberal budget and antipoverty groups say the Senate budget-cutting legislation largely avoids cuts that will hit low-income beneficiaries . . .

And here is another one. The Associated Press reports:

> As a result, the Senate's Medicare and Medicaid cuts largely won't touch beneficiaries of the programs, instead tapping

drug companies, pharmacies and insurance subsidies for much of the savings.

I am therefore somewhat confused why more of my friends and colleagues from the Democratic side are not going to support final passage of this bill. I think I know partly what the answer is—is it because the House version of this bill is much more far-reaching than the Senate proposal? Is it because the same groups that praise the Senate bill oppose the process moving forward on that basis?

I would make the point that I think the Senate's position in going to conference with the House would be strengthened if S. 1932 passed with strong bipartisan support. I do not understand why the liberal budget groups are not urging Democrats to unite in support of the Senate bill.

I believe that the American people want us to join together to get things done. They want us to get our fiscal house in order, but they also want us to enact compassionate policies that help honest-to-goodness working families. The Senate bill meets both of those priorities. Here is the bottom line, and I want all my friends on the other side of the aisle to hear this. Here is what a vote against the Senate bill we have before us today means. Opposition to the Senate bill's balanced approach to Medicaid reform and program improvements is opposition to achieving savings, preserving services, and protecting beneficiaries.

A ''no'' vote is a vote against cutting wasteful spending in Medicaid and other changes that provide additional resources to State Medicaid programs.

A ''no'' vote is a vote against having the State and Federal Government pay less for drugs.

A ''no'' vote is a vote against tightening up asset transfers, thereby paying less for nursing home care through Medicaid.

A ''no'' vote is a vote against increasing State and Federal payments from drug companies.

A ''no'' vote is a vote against a $2 billion windfall to the States.

Opposition to the Senate bill's balanced approach to Medicaid reform and program improvements is opposition to the bipartisan Family Opportunity Act.

So that means that a ''no'' vote is a vote against the Family Opportunity Act's expansion of Medicaid eligibility for severely disabled children. Opposition to this provision means forcing many working families to refuse better jobs or promotions—keeping them poor in order to qualify for Medicaid or, worse, relinquish custody of their disabled child to the State so that their child can continue to get the services they need.

A ''no'' vote is also a vote against the Family Opportunity Act's protection for families whose newborn is diagnosed with a severe disability from being liable for thousands of dollars of medical costs.

A ''no'' vote is a vote against ''Money Follows the Person,'' which provides grants to States to increase the use of home and community based services, rather than institutional services. ''Money Follows the Person'' also eliminates barriers so that individuals can receive support for long-term services in the settings of their choice.

Opposition to the Senate bill's balanced approach to Medicaid reform and program improvements is opposition to a down payment on Hurricane Katrina disaster relief.

So that means that a ''no'' vote is a vote against providing $1.8 billion to protect Medicaid benefits in Alabama, Louisiana, and Mississippi for people affected by Hurricane Katrina.

Opposition to the Senate bill's balanced approach to Medicaid reform and program improvements is opposition to protecting health coverage for thousands of children and improving the State Children's Health Insurance Program.

A ''no'' vote is a vote against preventing funding shortfalls in the Children's Health Insurance Program in 23 States.

A ''no'' vote is a vote against providing new options for private coverage of long-term care through Long-term Care Partnerships.

A ''no'' vote also means opposition to closing loopholes that permit the unscrupulous ''gaming'' of Medicaid eligibility rules to intentionally shelter assets to qualify for taxpayer-financed long-term care coverage in Medicaid.

Those who vote against this bill are also opposing the Senate bill's balanced approach to Medicaid reform and program improvements is opposition to protecting access for rural beneficiaries.

So that means that a ''no'' vote is a vote against protecting small rural hospitals and sole community hospitals by extending the hold-harmless provisions that protect them from losses resulting from implementation of the hospital outpatient prospective payment system.

A ''no'' vote is also opposition to extending the Medicare Dependent Hospital Program, which provides financial protections to rural hospitals with less than 100 beds that have a greater than 60 percent share of Medicare patients.

A ''no'' vote also means opposition to expanding coverage of additional preventive benefits under Federal Qualified Health Centers.

Why would my Democratic colleagues oppose such commonsense, practical policies that save the States money, expand access for low income and disabled children, help rural hospitals and make progress to rebalancing the institutional bias in the Medicaid program?

I am saddened that it appears my colleagues cannot put partisan politics aside and get behind a bill that saves money for States, protects and expands access, and preserves benefits. I urge my colleagues to support the Senate bill. Let's show the American people that we can put politics aside and stand together and get things done for the good of the country.

Mr. GREGG. Mr. President, pursuant to section 313(c) of the Congressional Budget Act of 1974, I ask unanimous consent to have printed in the RECORD a list of material in S. 1932 considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of section 313. The inclusion or exclusion of material on the following list does not constitute a determination of extraneousness by the Presiding Officer of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXTRANEOUS PROVISIONS—SENATE BILL

(Prepared by Senate Budget Committee Majority Staff)

TITLE I—AGRICULTURE, NUTRITION AND FORESTRY

Provision	Violation/comments
N/A	N/A.

TITLE II—BANKING, HOUSING, AND URBAN AFFAIRS

Provision	Violation/comments
Sec. 2014(b)(3)(F)	313(b)(1)(A)—Report to Congress.
Sec. 2018(a)	313(b)(1)(A)—Studies of potential changes to the federal deposit insurance system—just a study.
Sec. 2018(b)	313(b)(1)(A)—Studies of potential changes to the federal deposit insurance system—just a study.
Sec. 2025	313(b)(1)(A)—Authorization of Appropriations—no money involved.

TITLE III—COMMERCE, SCIENCE, AND TRANSPORTATION

Provision	Violation/comments
3005(c)(2)	313(b)(1)(E)—Low-power TV and translator outlays occur after 2010, increasing the deficit.
3005(c)(3)	313(b)(1)(E)—Interoperability grant outlays occur after 2010, increasing the deficit.
3005(c)(4)	313(b)(1)(E)—E911 outlays occur after 2010, increasing the deficit.
3005(c)(5)	313(b)(1)(E)—Coastal assistance outlays occur after 2010, increasing the deficit.
3005(d)	313(b)(1)(A)—Transferring offsetting receipts that federal government has already received does not produce a change in outlays.

Provision	Violation/comments
3005(f)	313(b)(1)(A)—Does not produce a change in outlays as additional receipts could not be spent and would be deposited in Treasury anyway.

TITLE IV—ENERGY AND NATURAL RESOURCES

Provision	Violation/comments
N/A	N/A.

TITLE V—ENVIRONMENT AND PUBLIC WORKS

Provision	Violation/comments
N/A	N/A.

TITLE VI—FINANCE

Provision	Violation/comments
6012(a)(5)(F)	313(b)(1)(A)—Requirements on insurance sellers produce no change in outlays or revenues.
6012(b)(4)	313(b)(1)(A)—State reporting requirement produces no change in outlays or revenues.
6012(c)	313(b)(1)(A)—Annual report to Congress produces no change in outlays or revenues.
6022	313(b)(1)(A)—CBO score of zero
6026(a), Sec. 1937(a)	313(b)(1)(A)—Medicaid CFO produces no change in outlays or revenues.
6026(a), Sec. 1937(b)	313(b)(1)(A)—Oversight Board produces no change in outlays or revenues.
6026(a), Sec. 1937(e)	313(b)(1)(A)—Annual report produces no change in outlays or revenues.
6036(e)	313(b)(1)(A)—Reports produce no change in outlays or revenues.
6043(c)(2)	313(b)(1)(A)—Budget neutrality language produces no change in outlays or revenues.
6103(c)	313(b)(l)(A)—Study and Report by HHS Inspector General produces no change in outlays or revenues.
6103(d)	313(b)(1)(A)—Rehabilitation Advisory Council produces no change in outlays or revenues.
6110(a), 1860E–1(e)	313(b)(1)(A)—Arrangement with an Entity to Provide Advice and Recommendations produces no change in outlays or revenues.
6110(b)(3)(E)	313(b)(1)(A)—Report produces no change in outlays or revenues.
6110(c)(1)(C)	313(b)(1)(A)—Sense of the Senate produces no change in outlays or revenues.
6110(g)(1)	313(b)(i)(A)—Requirement for skilled nursing facilities to report functional capacity of Medicare residents upon admission and discharge produces no change in outlays or revenues.
6113(d)	313(b)(1)(A)—Evaluation of PACE providers serving rural service areas produces no change in outlays or revenues.
6026(a), Sec. 1936(d)	313(b)(1)(A)—5–year plan produces no additional change in outlays or revenues.
6026(a), Sec. 1936(3)(3)	313(b)(1)(A)—Annual report requirement produces no change in outlays or revenues.

TITLE VII—HEALTH, EDUCATION, LABOR AND PENSIONS

Provision	Violation/comments
Sec. 7101(f)	313(b)(1)(A)—Pro-GAP Sunset language/does not produce a change in outlays.
Sec. 7101(b)	313(b)(1)(A)—Pro-GAP Sense of the Senate/does not produce a change in outlays.
Sec. 7102(a), (b) and (d)	313(b)(1)(A)—SMART Grant findings/purpose/name, do not produce a change in outlays.
Sec. 7102(i)	313(b)(1)(A)—SMART Grant matching assistance/does not produce a change in outlays.
Sec. 7109	313(b)(1)(A)—Single Holder Rule/does not produce a change in outlays.
Sec. 7122(b)	313(b)(1)(A)—Evaluation of Simplified Needs Test/does not produce a change in outlays.
Sec. 7153(h), (i), (j), and Sec. 7155	313(b)(1)(A)—Authorizes waivers of provisions of discretionary and programs, and addresses certain reporting requirements/do not produce a change in outlays.
Sec. 7201(d)(3)	313(b)(1)(A)—Pensions: (d)(3) special rule regarding future legislation/does not produce a change in outlays.
Sec. 7301, Sec. 7302 and Sec. 7311	313(b)(1)(A)—HEA general provisions and definitions/do not produce a change in outlays.
Sec. 7314	313(b)(1)(A)—Protection of Student Speech and Assoc Rights/does not produce a change in outlays.
Sec. 7315	313(b)(1)(A)—Nat'l Advisory Comm. on Inst Quality/does not produce a change in outlays.
Sec. 7316	313(b)(1)(A)—Drug and Alcohol Abuse Prevention/does not produce a change in outlays.
Sec. 7317	313(b)(1)(A)—Prior Rights and Obligations—updates discretionary authorizations/does not produce a change in outlays.
Sec. 7318	313(b)(1)(A)—Cost of Higher ED Consumer Info/does not produce a change in outlays.
Sec. 7319	313(b)(1)(A)—Performance Based Org for Delivery of Fed Student Assist/does not produce a change in outlays.
Sec. 7320	313(b)(1)(A)—Procurement Flexibility/does not produce a change in outlays.
Sec. 7331	313(b)(1)(A)—Teacher Quality Enhancement /does not produce a change in outlays.
Sec. 7341–7350 Sec.	313(b)(1)(A)—Institutional Aid/does not produce a change in outlays.
Sec. 7351	313(b)(1)(A)—Technical Corrections/does not produce a change in outlays.
Sec. 7361 2(A)	313(b)(1)(A)—Pell—max authorized grant. Nothing in Pro-GAP is driven off of ''max'' Pell Grant/does not produce a change in outlays.
Sec. 7362	313(b)(1)(A)—TRIO Programs/does not produce a change in outlays.
Sec. 7363	313(b)(1)(A)—GEAR-UP/does not produce a change in outlays.
Sec. 7364	313(b)(1)(A)—Repeal of Academic Achievement Scholarships/does not produce a change in outlays.
Sec. 7365	313(b)(1)(A)—SEOG/does not produce a change in outlays.
Sec. 7366	313(b)(1)(A)—LEAP/does not produce a change in outlays.
Sec. 7367	313(b)(1)(A)—Migrant ED/does not produce a change in outlays.
Sec. 7368	313(b)(1)(A)—Robert C. Byrd Honors/does not produce a change in outlays.
Sec. 7369	313(b)(1)(A)—Child Care Access Means Parents in School/does not produce a change in outlays.
Sec. 7370	313(b)(1)(A)—Repeal of Learning Anytime Anywhere Partnerships/does not produce a change in outlays.
Sec. 7386	313(b)(1)(A)—Reports to Credit Bureaus & Institutions/does not produce a change in outlays.
Sec. 7387	313(b)(1)(A)—Common Forms and Formats/does not produce a change in outlays.
Sec. 7388	313(b)(1)(A)—Information to Borrower and Privacy/does not produce a change in outlays.
Sec. 7389	313(b)(1)(A)—Consumer Education Information/does not produce a change in outlays.
Sec. 7391	313(b)(1)(A)—Federal Work Study/does not produce a change in outlays.
Sec. 7393	313(b)(1)(A)—Grants for Work Study Programs/does not produce a change in outlays.
Sec. 7394	313(b)(1)(A)—Job Location and Development Programs/does not produce a change in outlays.
Sec. 7395	313(b)(1)(A)—Work Colleges—discretionary program/does not produce a change in outlays.
Sec. 7412	313(b)(1)(A)—Terms of Loans—technical change/does not produce a change in outlays.
Sec. 7422	313(b)(1)(A)—Discretion of Financial Aid Administrators/does not produce a change in outlays.
Sec. 7432	313(b)(1)(A)—Compliance Calendar/does not produce a change in outlays.
Sec. 7437	313(b)(1)(A)—Institutional and Financial Info/Assist to Students/does not produce a change in outlays.
Sec. 7438	313(b)(1)(A)—Nat'l Student Loan Data System/does not produce a change in outlays.
Sec. 7439	313(b)(1)(A)—Early Awareness of Financial Aid Eligibility/does not produce a change in outlays.
Sec. 7442	313(b)(1)(A)—Reg. Relief and Improvement/does not produce a change in outlays.
Sec. 7443	313(b)(1)(A)—Transfer of Allotments/does not produce a change in outlays.
Sec. 7445	313(b)(1)(A)—Purpose of Admin Payments/does not produce a change in outlays.
Sec. 7446	313(b)(1)(A)—Advisory Committee on Student Financial Assist/does not produce a change in outlays.
Sec. 7447	313(b)(1)(A)—Regional meetings/does not produce a change in outlays.
Sec. 7448	313(b)(1)(A)—Year 2000/does not produce a change in outlays.
Sec. 7451	313(b)(1)(A)—Recognition of Accrediting Agency or Assoc/does not produce a change in outlays.
Sec. 7452	313(b)(1)(A)—Administrative Capacity Standard/does not produce a change in outlays.
Sec. 7453	313(b)(1)(A)—Program Review and Data/does not produce a change in outlays.
Sec. 7501	313(b)(1)(A)—Developing Institutions Definitions/does not produce a change in outlays.
Sec. 7502	313(b)(1)(A)—Auth Activities/does not produce a change in outlays.
Sec. 7503	313(b)(1)(A)—Duration of Grant/does not produce a change in outlays.
Sec. 7504	313(b)(1)(A)—Hispanic American Post baccalaureate/does not produce a change in outlays.
Sec. 7505	313(b)(1)(A)—Applications/does not produce a change in outlays.
Sec. 7506	313(b)(1)(A)—Cooperative Arrangements/does not produce a change in outlays.
Sec. 7507	313(b)(1)(A)—Authorization of Appropriations/does not produce a change in outlays.
Sec. 7601	313(b)(1)(A)—International Education Programs/does not produce a change in outlays.
Sec. 7602	313(b)(1)(A)—Graduate and Undergraduate Language and Area Centers and Programs/does not produce a change in outlays.
Sec. 7603	313(b)(1)(A)—Undergrad International Studies and Foreign Languages/does not produce a change in outlays.
Sec. 7604	313(b)(1)(A)—Research Studies/does not produce a change in outlays.
Sec. 7605	313(b)(1)(A)—Tech Innovation and Cooperation for Foreign Info Access/does not produce a change in outlays.
Sec. 7606	313(b)(1)(A)—Selection of Certain Grant Recipients/does not produce a change in outlays.
Sec. 7607	313(b)(1)(A)—American Overseas Research Centers/does not produce a change in outlays.
Sec. 7608	313(b)(1)(A)—Auth of Appropriations/does not produce a change in outlays.

Provision	Violation/comments
Sec. 7609	313(b)(1)(A)—Centers for Intl Business Education/does not produce a change in outlays.
Sec. 7610	313(b)(1)(A)—Education and Training Programs/does not produce a change in outlays..
Sec. 7611	313(b)(1)(A)—Auth of Appropriations/does not produce a change in outlays.
Sec. 7612	313(b)(1)(A)—Minority Foreign Service ProfDev Program/does not produce a change in outlays.
Sec. 7613	313(b)(1)(A)—Institutional Development/does not produce a change in outlays.
Sec. 7614	313(b)(1)(A)—Study Abroad Program/does not produce a change in outlays.
Sec. 7615	313(b)(1)(A)—Advanced Degree in Intl Relations/does not produce a change in outlays.
Sec. 7616	313(b)(1)(A)—Internships/does not produce a change in outlays.
Sec. 7617	313(b)(1)(A)—Financial Assistance/does not produce a change in outlays.
Sec. 7618	313(b)(1)(A)—Report/does not produce a change in outlays.
Sec. 7619	313(b)(1)(A)—Gifts and Donations/does not produce a change in outlays.
Sec. 7620	313(b)(1)(A)—Auth. of Appropriations for Inst of Intl Public Policy/does not produce a change in outlays.
Sec. 7621	313(b)(1)(A)—Definitions/does not produce a change in outlays.
Sec. 7622	313(b)(1)(A)—Assessment and Enforcement/does not produce a change in outlays.
Sec. 7701–Sec. 7716	313(b)(1)(A)—Graduate and Postsecondary Improvement Programs/does not produce a change in outlays.
Sec. 7801	313(b)(1)(A)—Misc. Discretionary Programs/does not produce a change in outlays.
Sec. 7901	313(b)(1)(A)—Amendments to Other Laws/does not produce a change in outlays.
Sec. 7902	313(b)(1)(A)—Agreement with Gallaudet University/does not produce a change in outlays.
Sec. 7903	313(b)(1)(A)—Agreement with Nat'l Tech Inst for the Deaf/does not produce a change in outlays.
Sec. 7904	313(b)(1)(A)—Cultural Experiences Grants/does not produce a change in outlays.
Sec. 7905	313(b)(1)(A)—Audit/does not produce a change in outlays.

Mr. GREGG. Mr. President, at this time, we have come to the end of the amendment process. I now ask, before we go to final passage, we have 5 minutes equally divided between myself and Senator CONRAD, and then we will go to final passage.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, first of all, I thank the staffs, the very professional staffs on both sides. I especially thank the chairman of the Budget Committee for his professionalism and his diligence in working on this bill. He has been such a pleasure to work with. His word is gold.

I appreciate very much his staff, as well—Scott Gudes, Gail Millar, Jim Hearn, Cheri Reidy, and the rest of the majority staff.

I want to also thank my staff—Mary Naylor, John Righter, my counsel Lisa Konwinski, Jim Esquea, Sarah Kuehl, Mike Jones, Cliff Isenberg, Jim Miller, Kobye Noel, Shelley Amdur, Steve Baily, Rock Cheung, Dana Halvorson, Tyler Haskell, Jim Klumpner, Jamie Morin, Stu Nagurka, Anne Page, Steve Posner, and David Vandivier.

Mr. President, you can't judge a book by its cover. The language being used here is that this is a package of deficit reduction. But this is the first chapter. The first chapter reduces spending by $39 billion. But the next chapter will reduce taxes by $70 billion. The third chapter will increase the debt by $781 billion. You have to read the whole book to know the conclusion. The conclusion of their book is more deficits and more debt.

No one should believe this vote is about deficit reduction while insisting on another $70 billion of tax cuts as part of this package. In the second chapter of the book, the deficit actually goes up. The majority's proposal to increase the debt limit by $781 billion, which is the third chapter of their book. With passage of this, the debt of this country will have increased by $3 trillion during just this President's administration.

This package represents a continuation of the failed fiscal policies of this administration.

We can do better as a nation, and we can do much better—and we must.

This budget, if approved, will increase the debt of this country over the next 5 years by another $3 trillion.

These policies are driving us deeper and deeper into debt to foreign nations.

In just the 4 years or 5 years of this administration, we have seen the debt of the country multiplied by $3 trillion.

I urge my colleagues to say no. Let us not continue any further down this course of deficits and debt.

Mr. GREGG. Mr. President, let me begin by thanking all my colleagues for their very constructive efforts today. The fact that we were able to complete the voting process today was a reflection of the willingness of people in this Chamber, especially the staff who acted in an extraordinarily professional way.

Also, of course, I want to thank Senator CONRAD and his staff, Mary Naylor and her team.

Senator CONRAD has been an incredibly positive, constructive, and professional individual to work with on this bill. This bill would not have been completed—even though he may not agree with the bill, which he doesn't, obviously, and he has argued his position—he has been more than fair in allowing us to proceed through the bill. And it is a reflection of his extraordinary professionalism.

I thank everyone on the staff, except his chart maker.

(Laughter)

I also especially want to thank my staff—led by the inimitable Scott Gudes—Gail Miller, Jim Hearn, Cheri Reidy, and the rest of the staff—Dave Fisher and Denzel McGuire. We have had two staff members who have had children just recently, Bill Lucia and Matt Howe. Matt's child was born just as the debate started. I am sure he called him ''deficit reduction.'' We are all very excited about that. We very much appreciate the extraordinary job the staff has done here.

I think it is important for our membership to remember that this is the first time in 8 years that this Congress has stepped forward to try to reduce spending by addressing the entitlement and mandatory accounts of our Government. This is a major step forward in the activity of fiscal responsibility.

The other side of the aisle has tried to join this bill with other bills. The simple fact is, the only vote you will cast—the only vote that will be cast in the next few minutes—will be the only vote you are going to have to significantly reduce the deficit. It will be a veto to reduce the deficit by approximately $35 billion.

If you oppose the next bill that comes down the pike—the tax relief bill—that is your choice. But that is not what you are voting on here. What you are voting on here is the opportunity to reduce the deficit, and it is the only opportunity you are going to have, and it is the first time, as I mentioned, in 8 years that we will be proceeding down this road. It is a step toward fiscal responsibility, and it is a reflection of the Republican Congress's commitment to pursue a path of fiscal responsibility.

I ask for the yeas and nays.

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 and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, it has been a long day. The next vote on final passage will be our last vote of the day. This will be our 22nd rollcall vote of the day.

I thank the chairman and the ranking member for a tremendous job. About 4 or 5 days ago, we said it was going to be done by 6 o'clock. We were going to complete this bill. Indeed, they have accomplished just that.

We will be in session tomorrow, but there will be no rollcall votes. We will go to the DOD authorization bill. Again, there will be no rollcall votes tomorrow. We will be on the DOD authorization bill on Friday and Monday.

We will have rollcall votes Monday night. We will not be voting before 5:30 on Monday.

With that, congratulations. I yield the floor.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—52

Alexander	Ensign	Murkowski
Allard	Enzi	Nelson (NE)
Allen	Frist	Roberts
Bennett	Graham	Santorum
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hagel	Smith
Burns	Hatch	Specter
Burr	Hutchison	Stevens
Chambliss	Inhofe	Sununu
Coburn	Isakson	Talent
Cochran	Kyl	Thomas
Cornyn	Landrieu	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner
Dole	McCain	
Domenici	McConnell	

NAYS—47

Akaka	Dodd	Lincoln
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Obama
Boxer	Harkin	Pryor
Byrd	Inouye	Reed (RI)
Cantwell	Jeffords	Reid (NV)
Carper	Johnson	Rockefeller
Chafee	Kennedy	Salazar
Clinton	Kerry	Sarbanes
Coleman	Kohl	Schumer
Collins	Lautenberg	Snowe
Conrad	Leahy	Stabenow
Dayton	Levin	Wyden
DeWine	Lieberman	

NOT VOTING—1

Corzine

The bill (S. 1932), as amended, was passed.

Mr. GREGG. I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each; further, that Senator BUNNING be recognized now for 10 minutes, to be followed by Senator WYDEN for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

INTEGRITY IN PROFESSIONAL SPORTS ACT

Mr. BUNNING. Mr. President, today I and some of my colleagues, in a bipartisan effort, introduced the Integrity in Professional Sports Act. I especially thank my colleague from Arizona, Senator JOHN MCCAIN, for working with me on this important legislation. I thank the chairman of the Commerce Committee, Senator STEVENS, and Senators GRASSLEY and ROCKEFELLER, for cosponsoring our bill.

This is certainly not a bill any of us wanted to introduce. We wish Congress did not have to get involved in the issue of drug abuse in professional sports. Unfortunately, this might be the only way to get professional sports to finally clean up its act.

As a former major league baseball player and member of its Hall of Fame, protecting the integrity of our national pastime is a matter near and dear to my heart. I know it is near and dear to the hearts of so many across America. We have heard a lot of talk over the last year about the leagues working to implement new, tougher drug-testing standards. So far, that is all it has been, a lot of talk. Major League Baseball and its baseball union told us over a month ago they hoped to have a new agreement in place by the end of the World Series. The World Series is over and there is still no agreement. The time for talking is over. The leagues have had their chance and have failed to lead. Now we are going to do it for them.

We are, in a way, obligated to act since they cannot. We must not only ensure that our Federal drug laws are not being circumvented, but we also need to restore some integrity to the games that tens of millions of Americans enjoy so much. We must act for the sake of our children who see these players as heroes and want to emulate them. Like it or not, professional athletes are role models. They need to set a better example to kids who see them smashing home runs or sacking the quarterback and want to be like them. Unfortunately, too many professional athletes are injecting themselves and popping pills with false hopes and dangerous health effects. Now these acts are being emulated by kids even in high school because of the pressure they feel to perform at such a young age. We have a duty to help bring this to an end.

As Members of Congress, we can play an important role in educating the public on the terrible health effects from steroids. Illegal performance-enhancing drugs are a serious problem in professional sports and they need to stop now. I hope my colleagues will continue to join us in this bipartisan cause. I look forward to working with both sides of the aisle on moving this bill forward swiftly.

I yield to my colleague from Arizona, Senator MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I am very proud to join Senator BUNNING, who many know is a Major League Baseball Hall of Famer. Not many know he was a founding member of Major League Baseball's Players Union. He brings to this issue impeccable credentials and an enormous amount of passion. I am pleased to be supportive of his leadership in this effort.

It is my hope this legislation would not be necessary. Senator BUNNING and I both come to this legislation with great reluctance. But as Senator BUNNING pointed out, the Major League Baseball players said they would, by the World Series, come up with an agreement. That has not happened.

The legislation is an effort to set minimum standards that have proven effective in Olympic sports and would also introduce independence—and this is crucial—into the drug testing programs of professional leagues.

Without an independent entity, such as the U.S. Anti-doping Agency that establishes and manages a testing and adjudication program, the fox will continue to guard the henhouse. That is exactly the problem that the U.S. Olympic movement faced several years ago, and they brought integrity back to American Olympic sports by putting the responsibility for testing in the hands of an independent entity.

There are some who argue that Senator BUNNING and I have no business legislating an issue which is basically a labor-management issue. We agree. We agree. We do not want to have to legislate. We do not want to have to force both entities to do something they otherwise should have done, but we have no choice. As the Senator from Kentucky has so eloquently pointed out, our obligation is not to the people who are making millions of dollars this year. Our obligation is not even to those who are members of professional sports. Our obligations are to the families of the young people who believe the only way they can make it in the major leagues is to inject these substances into their bodies.

Anybody who followed the hearing on the House side, where there was testimony from parents of young men who had committed suicide as a result of the use of these substances, knows this issue has now transcended a labor-management issue. Senator BUNNING and I come to this floor more in sorrow than in anger that we have had to take this extraordinary step. But we will take it; we will take it for the benefit of young Americans who believe the only way they can make it in the major leagues is by using these substances and to give hope to others who refuse to do it and want to make it on their own merits.

Mr. President, I again thank the Senator from Kentucky, who has been a role model to so many millions of young Americans for so many years, for his involvement in this effort.

Mr. President, I yield the remainder of my time.

Mr. BUNNING. I thank the Senator.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, might I speak for a moment?

Mr. President, I wish to say, before Senator MCCAIN and Senator BUNNING leave the floor, I think my colleagues know I must recuse myself from all matters on baseball because my wife represents Major League Baseball. But as a personal matter, I wish to thank Senator MCCAIN and Senator BUNNING for their moral leadership. It is a

scourge not only for professional sports but for amateur sports because, increasingly, those who are competing on an amateur level believe they have to use steroids to compete. That is a tragedy.

We are seeing usage of steroids at 20 to 40 percent in high school athletes because they read the stories, and they see what others are doing who have been at the very highest levels.

So I wish to give my profound thanks to Senator MCCAIN and Senator BUNNING.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

MEDICARE PRESCRIPTION DRUG COSTS

Mr. WYDEN. Mr. President, it has been a long day in the Senate, especially for our capable and dedicated staff. I wish to take a couple of minutes to say thank you to the Senators who, a bit ago, supported the Snowe-Wyden legislation to hold down the cost of prescription medicine.

Tonight a majority of the Senate voted to make the Federal Government a smart shopper when it comes to prescription drugs. For the first time, the Senate voted to remove an error of commission: the authorization of a provision in the prescription drug law that bars the Federal Government from negotiating to hold down the cost of prescription drugs.

For the life of me, at a time when the Federal budget is hemorrhaging, when the Government must pay for the costs of Katrina, I do not see how you can argue against the Snowe-Wyden amendment that was offered tonight. It prohibits price controls—that is certainly critical—so we can encourage innovation and research in the pharmaceutical area, but what the Snowe-Wyden amendment does is ensure that the Federal Government is going to do what everybody does in the marketplace—and that is use its bargaining power to hold down the costs. That is what the Federal Emergency Management Agency does when it buys cots, what every Federal agency does to make sure taxpayers and our citizens have their concerns addressed responsibly.

Now, tonight, Senator SNOWE and I had to get a supermajority to prevail. I want it understood that no matter how many procedural hurdles are put in front of us, no matter how many roadblocks are put up, we are going to keep coming back on this issue again and again and again until the needs of seniors and our taxpayers are met.

The older people of this country are insisting that an offensive piece of special interest legislation, one that defies common sense, get changed. The AARP made the case when they backed our bipartisan bill. They pointed out that drugs seniors use, such as Lipitor, are going up more than twice the rate of inflation. Seniors want that changed. They will not abide it. Taxpayers will not abide it. And Senator SNOWE and I are going to stay at it until Medicare is liberated and can act as a smart shopper.

Fifty-one Senators—a majority of this body—said tonight it is time to get serious about holding down the cost of medicine in the United States. Fifty-one votes is not the supermajority we needed, but Senator SNOWE and I are going to stay at it until we get justice done for our older people.

Finally, I want to say a special thanks to our bipartisan group of sponsors and particularly thank Senator STABENOW, Senator MCCAIN, and Senator FEINSTEIN. They are all Senators who got this from the get-go. They understood this was a question of making sure that, at a time when the Federal Government begins the biggest expansion of entitlement health care in years, we take steps to protect the interests of taxpayers and the interests of older people who, right now, are beginning to sign up for the program and will, in fact, start participating formally next year.

We believed it was important tonight to offer this amendment. We wish we had more time to discuss it this evening. I went into it at some length yesterday, but I am pleased we made real progress. For the first time, a majority of the Senate says that this provision that keeps the Federal Government from being a smart shopper simply does not add up. It does not make sense. It defies logic. It is contrary to what everybody else does in the marketplace across the country. I wish we could have gotten the 60 votes needed to prevail tonight, but for the first time we got a majority, and we are going to come back again and again and again. We are going to do it because the older people of this country deserve a fair shake. They are going to insist we keep coming back.

I close my comments tonight by thanking the Presiding Officer, as well, for his support in this effort.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAMES GRAY, NATIONAL WRITING PROJECT FOUNDER

Mr. COCHRAN. Mr. President, I was saddened to learn today that James Gray passed away after a long illness on November 1, 2005. Mr. Gray was 78 years old and lived in Danville, CA. I knew him as the founder of the National Writing Project, which today is credited with perfecting the training model of teachers teaching teachers how to teach writing.

For more than 30 years, teachers of all grades and nearly the entire spectrum of subject areas have benefitted from the vision and dedication of Jim Gray to finding better ways of raising a new generation of writers. Thousands of teachers have participated every year in workshops, classes and retreats to perfect their skills, and as a result, an exponential tens of thousands of students continue taking new steps to becoming skillful writers.

It was his work that gave me the good fortune of meeting him, and my becoming a close friend to the Writing Project as the sponsor of legislation to make it a Federal program under the U.S. Department of Education.

Across the country, many teachers and students mourn him, but I hope they take his serious creativity in teaching and live his legacy of the National Writing Project. I extend to his family, and to all who knew him, my message of gratitude for his life's work and my deep sympathy.

I ask unanimous consent that a copy of the obituary of James Gray released today by the National Writing Project be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

NATIONAL WRITING PROJECT FOUNDER JAMES GRAY DEAD AT 78

James Gray, founder of the National Writing Project, died November 1 in Danville, California, after a long illness.

Gray, a former high school teacher and then a senior lecturer at the University of California, Berkeley's Graduate School of Education, founded the innovative Bay Area Writing Project in 1974. Acting on his belief that successful classroom teachers were an untapped resource for providing their peers with professional development, Gray brought together 25 talented Bay Area teachers and charged them with sharing their expertise about the teaching of writing.

The Bay Area Writing Project became the first site that offered a professional development model for teachers of writing. Now known as the National Writing Project (NWP), the program has grown to 189 university-based sites located in fifty states, Washington, DC, Puerto Rico, and the U.S. Virgin Islands.

Gray served as Executive Director of the NWP until his retirement in 1994 and remained on the NWP Board of Directors until his death.

Gray's simple but highly successful model has been responsible for transforming classroom practices and improving student writing performance at schools in rural, urban, and suburban communities across the U.S.

''Jim's belief in teachers and their knowledge, commitment, and creativity never wavered,'' said NWP Executive Director Richard Sterling. ''We are all the beneficiaries of his vision and his tireless work on behalf of the National Writing Project.''

For more information about Jim Gray and the National Writing Project, visit the NWP website at www.writingproject.org.

LAUNCHING OF JEWISH SOCIAL ACTION MONTH

Mr. LIEBERMAN. Mr. President, I rise today to announce the launching

of the first Jewish Social Action Month—a month where Jews around the world will be encouraged to engage in good works and service to their communities.

I am joined in this effort by my colleague in the House, Congressman STEVE ISRAEL of New York, as well as members of the Israeli Knesset.

Throughout the month—and every year in the second month of the Hebrew calendar, Heshvan, from here on out—Jews from across the globe will be encouraged to perform acts of loving kindness to their neighbors, regardless of faith.

The concept of Social Action can be interpreted broadly and there are endless possibilities for action.

The Israeli Friends of the Earth, for example, will be launching initiatives to clear up the debris which ruins our countryside.

In Boston, Jewish students are working to help students in inner city schools develop their reading and writing skills.

In New York, Jewish groups are delivering Thanksgiving meals to the elderly who are housebound.

These are just three quick examples of the kinds of service we hope people will be inspired to undertake in November and continue year round—inspiring people of all faiths to join in service to their neighbors as well.

The idea for Jewish Social Action Month came from two young men—Josef Abramowitz of Boston and Aryeah Green of Israel—during a retreat in the Israeli desert.

They wanted a way to motivate people of all ages to realize the words of The Scriptures that tells us to help those who have the least among us. For instance, in Deuteronomy we are told to love a poor stranger and give him food and clothing because we too were strangers in Egypt and God fed and clothed us.

The President of Israel, Moshe Katsav, has been an enthusiastic supporter of Jewish Social Action Month and is lending the prestige of his office in Israel to urge that people heed this call to community service.

I want to thank all of those individuals, groups, synagogue and temple leadership and membership who are joining this effort.

Mr. President, I ask unanimous consent to have printed in the RECORD a number of statements and articles relating to Jewish Social Action Month.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECLARATION REGARDING CHODESH CHESED VETZEDEK, THE SOCIAL ACTION MONTH

It has been taught to you O man what is good and what the Lord requires of you, only to do justice and loving kindness and to walk humbly with your G-d (Micah VI:8).

At the foundation of our faith lies the importance of acts of loving kindness. Through its narratives and the laws of the Torah, God calls on us to make our world a holier, more just and caring place.

At Rosh Hashanah and Yom Kippur we think about our responsibilities to God, and everyone around us including the needy of the world who depend on our support. We promise to do more for them in the coming year. Just a few days later, we celebrate Succot. This festival recalls Biblical times when the Jewish people lived in temporary shelters as they journeyed through the desert. It also reminds us that in our own times there are people across the world in need of food, shelter, warmth and love.

As Succot ends, we enter the month of Cheshvan, the month that has no festivals, a time dedicated to putting into practice our pledges to be better people and to better the lives of those around us.

The Government of Israel, through its Ministry for Israeli Society and the World Jewish Community has invited communities in Israel and across the globe to proclaim this Cheshvan a month of Chesed and Tzedek (loving kindness and social justice). Everywhere, Jewish organisations will be launching Chesed and Social action programmes.

We are delighted to add our voices to this call which echoes the voice of our tradition. We invite our communities to seek ways to help and support those in need wherever they are, so that through our acts of loving kindness, we may indeed ''mend the world according to the Kingship of God''.

May our efforts bring peace and blessing upon our communities, the whole House of Israel and the whole world.

Rabbi Menachem HaCohen—Chief Rabbi of Romania, Rabbi Warren Goldstein—Chief Rabbi of South Africa, and Sir Jonathan Sacks—Chief Rabbi of the United Kingdom.

OFFICE OF THE PRIME MINISTER,
MINISTRY FOR ISRAELI SOCIETY &
THE WORLD JEWISH COMMUNITY,
Jerusalem, November 3, 2005.

I am delighted to send my greetings to this distinguished gathering at the Congress in Washington to launch the first ever Jewish Social Action Month. I would like to thank everyone who has come today and in particular my dear friend Senator Joe Lieberman and Congressman Steve Israel who are hosting this event. My thanks also Yossi Abramovitch, Rebecca Lieberman and all the members of Kol Dor who have worked so hard to make it such a success.

At the heart of the Jewish religion lies the importance of caring for others. According to the rabbis, God made all of humanity in his image in order to show that all people of all faiths, colors and creeds are important to the Almighty. We are taught in the Jerusalem Talmud that there is no limit to the amount of loving kindness we should do or to the Divine reward we receive for these actions.

It is therefore gives me great pride as Deputy Minister for Israeli Society and the World Jewish Community in the Government of Israel together with the Kol Dor Organization to launch the very first ever Jewish Social Action month whereby Jews from all over the world and from every background will take part in different activities to mend the world and make it a better place for us all.

I wish everyone here much success in their activities and I thank you all once again for your support for this important project.

Rabbi MICHAEL MELCHIOR,
Deputy Minister responsible for Israeli Society and the World Jewish Community.

TESTIMONY OF YOSEF I. ABRAMOWITZ IN SUPPORT OF DECLARING THE HEBREW MONTH OF HESHVAN GLOBAL JEWISH SOCIAL ACTION MONTH

Chairwoman Collette Avital, other Members of Knesset, Kol Dor conference chair Yael Andoran, fellow Kol Dor Members, friends and others who care about the future of the Jewish people and Jewish mission.

It is a great privilege to introduce a global Jewish idea to this important body, an idea that can: help unite Jews around the world; strengthen the global integrity of the Jewish people; highlight positive Jewish values; and, of course, catalyze the performance of hopefully countless acts of hesed and tzedek, of social action and social justice.

We at Kol Dor recognize that there are multiple points of entry into Jewish peoplehood, especially for the under-affiliated of the next generation who are not joining through traditionally prescribed ways. The prophetic call to repair the world, which resonates clearly in Israel's Declaration of Independence, clearly speaks to young Jews around the world, across the religious and political spectrum. We seek to harness this idealism, unfortunately often cast in a universal rather than particularly Jewish frame. We seek to join a strong social justice stream found in Jewish teachings—as Rav Gideon Sylvester just demonstrated—with the growing tide of alienated young Jews, and create a powerful current of Peoplehood with Purpose.

The idea is quite simple: The Jewish people, who have contributed so much to the moral advancement of civilization, will focus our energies and attention on the month of Heshvan and transforming it internationally into Jewish Social Action Month. Following the Yamim Noraim, when world Jewry is mobilized to celebrate the High Holy Days, Jews will be invited to express our people's universal hopes for humanity and civilization by actions—local, national, international—that express our values of aryevut, and tzedek.

The idea is to open-source this idea in all Jewish communities, from Hodu and Kush, from Metula to Eilat, from San Francisco to San Paulo, from Sydney to London, and everywhere in between.

As Jews, we know the power of symbols. In an era of Jewish history when we live with so many internal divisions, our communities want to rally around positive ideas and actions that unite Jews worldwide.

We seek neither to dictate nor control, but to provide leadership. We seek to link powerful ideas with personal example, doogma Isheet, and to seed the great imagination and intellectual power of Jews worldwide, as they seek ways to make a difference in the world.

We, Kol Dor members from sixteen countries, respectfully offer this committee and the Knesset the opportunity to provide not just leadership to Medinat Yisrael, but to Am Yisrael.

Thank you for your positive consideration of declaring Heshvan Global Jewish Social Action Month.

RABBI MICHAEL MELCHIOR OP ED PIECE FOR THE JTA FOR THE JEWISH SOCIAL ACTION MONTH

As the member of the Government of Israel with responsibility for the world Jewish community, I have the privilege of meeting Jews of all types, from all over the world. There are huge cultural, historical and theological variations amongst Jews and these lend color and variety to our people. But the differences also create problems. The deep rifts that occurred in Israel over the issue of disengagement and the battles between different groups demonstrated once again the profound divisions amongst us. The Jewish people stand in danger of splitting into different factions with different narratives. Amidst so much diversity, what can unite us?

Wherever I travel in the Jewish world, I am struck by the way that Jewish people of all types are determined to make a Kiddush Hashem (sanctification of God's name) and to avoid a Hillul Hashem (desecration of God's name). The concept of the Kiddush Hashem originates in the Biblical command ''I shall be sanctified amongst the people of Israel''. One interpretation of this verse is that Jews should display total dedication to their faith and even be willing to lay down their lives for it. This belief motivated millions of Jewish martyrs throughout our history to give up their lives rather than abandon their Judaism. Today, it is rare for Jews to be faced with such a stark choice between their faith and their lives, but Kiddush Hashem offers another powerful challenge which has particular resonance in our times. Each one of us has to ensure that the word ''Jewish'' is always associated with the highest levels of ethics and kindness, so that our behavior always brings credit to our heritage and to our God.

On a daily basis, we witness the disgrace that is attached to religion when it is linked with the horrors of priests engaging in child abuse and the fanaticism of ''religious'' suicide bombers. Tragically, throughout our long history, our own faith has also spawned instances of the desecration of God's name. The rabbis recognized these and declared that it was our failure to show care, compassion, decency and loving kindness to one another that caused so many of our sorrows including the destruction of the Temple. In our own times, the most famous desecration of God's name was the massacre of Arabs at prayer in the mosque in Hebron and the murder of the Israeli Prime Minister Yitzhak Rabin. It was these outrages that drove me to put to aside my work as a Chief Rabbi of Norway and to enter Israeli politics. I felt that it was crucial for the government of Israel to work on a grand scale to restore the image of Judaism from one of intolerance and fanaticism to one of ethics, tolerance and compassion. It was my duty as a rabbi to play my part in that campaign. This is a crucial message of Judaism. Holiness is not the exclusive possession of those who engage in detailed ritual observance nor is it the preserve of those who devote their energies to the pursuit of spirituality; true holiness is found in the small actions that make a profound difference to the lives of the people around us and the world they live in.

This is why I am so delighted that in partnership with the Koldor organization, my office is launching the Jewish Social Action Month this Cheshvan (November). It falls one month after Rosh Hashanah and Yom Kippur so it is a time to draw on all of the resolutions that we made over the High Holidays. It's also a month with no festivals in it which enables us to dedicate time to Social Action activities.

Throughout the month Jews from across the globe will be performing acts of loving kindness to their neighbors both Jewish and Gentile. The concept of social action can be interpreted broadly and there are endless possibilities for action. The Israeli Friends of the Earth, for example, will be launching initiatives to clear up the debris which ruins our countryside, the Israeli Police Force will be engaging in projects to show care and concern in the community, one youth movement will be organizing a sports event for the underprivileged, another arranging a national blood donation drive. It is beautiful to see how in Israel, and spreading across South America, North America, Russia, and Europe, Jews ranging from Chief Rabbis to the most secular of our people will be engaged in the Social Action Month.

I very much hope that you will feel moved to join in the project; to make a Kiddush Hashem and turn our world into a better place. I look forward to hearing about your activities and reading about them on the website of the Prime minister of Israel.

CHECK THE CALENDAR—CHESHVAN IS NOW JEWISH SOCIAL ACTION MONTH

(By Tzvi Kahn)

NEW YORK, June 30.—Aryeh Green and Yosef Abramowitz were sipping tea in a Bedouin tent last year in Sde Boker, a kibbutz in Israel's Negev desert, when they had an idea.

Participants at a conference of Kol Dor, an organization that seeks to revitalize Jewish activism and unity across the globe, the two were discussing how the group could promote Jewish identity and peoplehood.

''Most Jewish institutions and endeavors are out of touch with the next generation of Jews because of a lack of relevance,'' Abramowitz, CEO of Jewish Family and Life, which publishes several Jewish Web sites and magazines, told JTA. ''But we do know that the idealism and the desire to contribute to the world'' are predominant.

It occurred to them that a month in the Jewish calendar formally dedicated to social action would be an ideal means of mobilizing and inspiring the Jewish community.

Their initiative received a major boost this week when the Knesset's Committee on Immigration, Absorption and Diaspora Affairs proclaimed the Jewish month of Cheshvan, which falls in November this year, as Social Action Month.

According to Green, who serves as an adviser to former Israeli Cabinet minister Natan Sharansky, ''We agreed that if we wanted Kol Dor to succeed, we would have to focus on practical, tangible contributions.''

''What makes this initiative interesting and unique is that it harnesses the power of different social action and Jewish organizations to get involved,'' Green said. The goal is not to spearhead specific projects, but to ''pull together the existing frameworks of social action.''

The effort has garnered the support of various Jewish groups, including the Jewish Agency for Israel and Hillel: The Foundation for Jewish Campus Life, the Israel Defense Forces' education branch and the World Union of Jewish Students.

Abramowitz said Labor Party legislator Colette Avital, who chairs the Knesset's immigration committee, has sent a letter to various Jewish organizations expressing support.

Jewish schools in Israel and the Diaspora will be a particular focus of the initiative. According to Abramowitz, Social Action Month will receive special attention in the BabagaNewz, a monthly magazine on Jewish values that JFL publishes for elementary school students. The magazine serves 1,400 Jewish schools and has a circulation of more than 40,000.

The JFL journal Sh'ma and magazine JVibe also intend to publish features on the subject, he said.

Abramowitz said Cheshvan was selected for the project because it immediately follows the High Holidays, which usually spur higher levels of Jewish observance.

The Knesset decision also represents a victory for Kol Dor, whose philosophy formed the ideological foundation for Social Action Month.

''The paradigm that we are advocating in Jewish life is that peoplehood is a central mobilizing force,'' Abramowitz said, citing the success of the movement to rescue Soviet Jewry as one example.

The group seeks to use the Jewish concept of tikkun olam, or repairing the world, as a unifying theme.

REMEMBERING MRS. ROSA PARKS

Mr. ALEXANDER. This week we have honored the memory of Rosa Parks, a woman whose quiet stand for her individual rights reverberated across this country.

We often discuss how far we have to go as a country in terms of race relations. Thinking of Rosa Parks reminds me how far we have come. In 1955 when she refused to give up her seat on the bus in Montgomery, African Americans in the South could not eat in the same restaurants, go to the same colleges, sleep in the same motels, be cared for in the same hospitals or compete on the same sports teams as other Americans.

Rosa Parks' actions that day in Montgomery helped spark a movement that changed our country forever for the better. Condoleezza Rice, one of the bright minds leading our country today, rightly noted at the memorial service in Alabama, ''. . . that without Mrs. Parks, I would not be standing here today as Secretary of State.''

Rosa Parks and those who took up the call inspired me, too. As editor of the student paper at Vanderbilt University, I wrote editorials urging desegregation of that school in 1962.

We made great progress in those days, as we continue to do today. Our Nation has always been a work in progress, ever since our Founders signed the Declaration of Independence declaring that ''all men are created equal.'' We're still working to achieve that noble goal of recognizing our equality. But thanks to Americans like Rosa Parks, we've come a long way.

Rosa Parks' courage has earned for her a noble place in the history of our Nation's struggle for equal opportunity. We will miss her.

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 October 1, 2003, just east of West Hollywood, a gay man was attacked in his home with a bat by a pair of assailants. The two assailants took the victims house key after he ran home and left his keys in the door as he hurried inside. The victim, who identified his attackers as Evar Rivera and Selvan Campos in court, said he received 14 stitches for his injuries. According to police, anti-gay slurs were yelled during the bat attack, and police later classified the attack as a hate crime.

I believe that our Government's first duty is to defend its citizens, in all circumstances, from threats to them at

home. The Local Law Enforcement Enhancement Act is a major step forward in achieving that goal. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

NASA GLENN RESEARCH AWARDS

Mr. DEWINE. Mr. President, I rise today to honor the dedicated team of scientists, engineers, and innovators of NASA's Glenn Research Center in Cleveland for their hard work and perseverance. I have recognized in previous years the award-winning work of researchers and engineers at NASA Glenn and am proud to do so again today.

The Glenn Research Center has come up with a wide range of products that not only contribute to further progress in our space exploration mission, but also provide for remarkable enhancements in the quality of life of citizens throughout the United States. Through NASA's commercialization initiatives, these products have enabled the creation of new jobs in the country, thereby encouraging additional economic growth nationwide.

This year, four products introduced by NASA Glenn have been distinguished among the ''Top 100 Most Technologically Significant Products of the Year.'' They have been recognized by the editors of Research & Design Magazine and awarded four of the ''R&D 100'' awards—awards known by many as the ''Oscars of Invention.'' Their remarkable achievements clearly illustrate the high level of professionalism that distinguishes the Glenn Research Center, its employees, and the numerous organizations and individuals who work in partnership with the Center.

It is with great pride that I recognize each of the award participants and congratulate them for their outstanding work. In developing an award-winning family of rod-coil block copolymers, Dr. Mary Ann Meador and Dr. James Kinder of Glenn's Materials Division have improved ionic conductivity in lithium polymer batteries. These new polymers will enable cost-saving advances in battery technologies, resulting in improvements to products ranging from mobile phones to fuel cells. Through this important innovation, it will be possible to offer lower manufacturing costs, while increasing battery safety to meet future aerospace application requirements.

The NASA Glenn Sensors and Electronics Branch team has been recognized for its development of a new sensor-based fire detection system that effectively recognizes the presence of fire while screening out false alarms. Dr. Gary Hunter led the development effort in collaboration with colleagues from Case Western Reserve University, the Ohio State University, Makel Engineering, and the Federal Aviation Administration. This revolutionary device will improve fire alarms in cargo and baggage compartments of commercial aircraft and is also specifically adapted to fit the requirements of the International Space Station.

The Center also has received recognition for its work on a material known as the Glenn Refractory Adhesive for Bonding and Exterior Repair, GRABER. This material, which was considered for use in the Space Shuttle Return to Flight program, was developed and tested by Dr. Mrityunjay ''Jay'' Singh, now a four-time ''R&D 100'' award winner, and Tarah Shpargel of NASA Glenn's Ceramics Branch. This dynamic material will allow in-space repair of both large and small cracks in the space shuttle thermal protection system—a capability that is absolutely essential for the safety and success of future Space Shuttle missions following the tragic loss of the *Columbia*. In addition to its applications in space, GRABER has a number of potential industrial applications due to its low cost and excellent adhesive properties.

Finally, NASA Glenn's Numerical Evaluation of Stochastic Structures Under Stress, NESSUS, software program has been recognized as an award winner this year. The NESSUS program combines state-of-the-art algorithms with general-purpose numerical analysis methods to predict responses in hi-tech systems, such as aerospace and automotive structures, biomechanics, and gas turbine engines. Dr. Shantaram Pai, of Glenn's Structural Mechanics and Dynamics Branch, was responsible for developing the probabilistic heat transfer module integrated in the system and managing the integration of nine other NASA-developed modules into NESSUS, enabling analysis of a diverse range of problems.

I extend my most genuine congratulations to everyone who participated in each of NASA Glenn's award-winning projects.

SUPERFUND LITIGATION

Mr. BROWNBACK. Mr. President, I rise today to speak on the issue of clarifying Congress's intent regarding agricultural operations in respect to Superfund litigation. I, along with my colleague from Idaho, Senator CRAIG, offered an amendment during the agriculture appropriations conference committee that would have done that very thing. The amendment passed the Senate, by a 9 to 8 vote, yet was stripped from the final conference report. Needless to say, I am disappointed with this result. So much so, in fact, I decided not to sign the conference report.

When the Comprehensive Environmental Response, Compensation, and Liability Act, or CERCLA, was passed in 1980 and the Emergency Planning and Community Right-To-Know Act, or EPCLA, was passed in 1986, agriculture was never part of the deal. These acts were intended to provide for clean up of toxic waste dumps and spills such as Love Canal and Times Beach. To this end, Congress created the Superfund to tax building blocks, such as petrochemicals, inorganic raw materials and petroleum oil, used to make all hazardous products and waste. Animal agriculture waste, or manure, is clearly not among these materials. In fact, if you would have tried to attach agriculture to either of these two acts, they would not have passed. It was not Congress's intent to apply Superfund rules to manure which contains naturally occurring organic compounds—such as orthophosphate, ammonia and hydrogen sulfide—which occur naturally in the environment in the same form as they appear in manure.

Recently, municipal and State governments have filed suit against livestock and poultry operations claiming Superfund liability in Texas and Oklahoma.

On April 24, 2004, the City of Waco, TX, filed suit in Federal court against eight dairies in the North Bosque River Watershed and later amended the suit to include six additional dairies, seeking $45 million in damages under Superfund. The suit alleges that orthophosphate is discharged from the dairies and has affected the water quality of Lake Waco which is located approximately 100 miles downstream from the dairies.

On June 13, 2005, the attorney general of the State of Oklahoma filed suit in Federal court against 14 major integrated poultry production firms claiming joint and several liability for damaged water quality in the Illinois River Watershed caused by poultry litter runoff from agricultural lands to which it has been applied as fertilizer. The suit seeks to recover past, present, and future response costs under Superfund, as well as natural resource damages that is expected to add up to several hundreds of millions of dollars. If these two cases are successful, other municipalities and States could bring similar lawsuits and every animal feeding operation and farm could be held liable under Superfund.

This is another example of our judicial system overstepping its boundaries. Our judicial system is usurping the will of Congress and creating laws Congress never meant to create.

Animal agriculture operations have been appropriately regulated and required to have permits for years under the Clean Water Act, the Clean Air Act, and various State laws to protect the environment, but never under Superfund. My amendment would have left these laws in place. My amendment would have only protected agricultural producers from another example of an activist judicial system. Agriculture is already an over regulated industry and adding the possibility of Superfund litigation will be too much to bear for farmers and ranchers.

Further, Superfund was created with a specific goal and mission in mind. The EPA is burdened to meet these goals as it is. To now add the millions

of acres of agriculture as possible Superfund sites would be too heavy a burden for the EPA to carry. Including agriculture within Superfund takes away from Superfund's initial, worthy mission.

As I stated earlier, I am disappointed that the Superfund amendment was stripped from this report after having passed the Senate. I fully intend to bring this item up next year and I am currently looking for ways to move this legislation. This needs to happen for our farmers and ranchers.

PROTECTING OUR HOMELAND SECURITY

Mr. LEVIN. Mr. President, despite the potential threat from terrorists armed with easily accessible powerful firearms, Congress still has taken no action to require Federal registration of .50 caliber sniper rifles. We must do more to protect our families and communities.

The .50 caliber sniper rifle is a favorite weapon of militaries around the world and is also among the most powerful weapons legally available to private individuals in the United States. Published reports indicate that .50 caliber sniper rifles are capable of accurately hitting a target more than 1,500 yards away with a bullet measuring a half inch in diameter. In addition, these thumb-size bullets come in armor-piercing, incendiary, and explosive varieties that can easily punch through aircraft fuselages, fuel tanks, and engines. Currently, these highly destructive sniper rifles, which have no sporting purpose, are subject to only minimal Federal regulation and are treated the same as other long rifles, including shotguns, hunting rifles, and smaller target rifles.

In August, the House of Delegates of the American Bar Association adopted a resolution in support of ''Federal, State, and territorial laws that would restrict the sale, distribution, transfer, and possession of .50 caliber sniper weapons except to the U.S. military, and the National Guard and law enforcement agencies.'' The ABA report that accompanied the resolution states:

> Despite its destructive potential, the .50 caliber weapon is sold like any other rifle. Under current law, one needs only be 18 years of age, have a driver's license and pass a minimal background check in order to buy the gun.
>
> The U.S. Congress has acted to restrict various weapons including specific firearms and ammunition. Rockets, mortars and ammunition over .50 caliber size cannot be sold or legally possessed by civilians. Machine guns, sawed-off shotguns, imported junk handguns, silencers, guns made of plastic or otherwise undetectable by metal screening devices and some armor-piercing ammunition are currently banned or restricted under federal law.

I am a cosponsor of the Fifty-Caliber Sniper Weapon Regulation Act introduced by Senator FEINSTEIN. This bill would reclassify .50 caliber rifles under the National Firearms Act, NFA, treating them the same as other high-powered or especially lethal firearms like several of those mentioned in the ABA's report. Among other things, reclassification of .50 caliber sniper rifles under the NFA would subject them to new registration requirements. Future transfers or sales of .50 caliber sniper rifles would have to be conducted through a licensed dealer with an accompanying background check. In addition, the rifle being sold would have to be registered with Federal authorities.

We must take proactive steps to help prevent terrorists armed with military style firearms purchased in the U.S. from carrying out attacks on innocent Americans. I urge the Senate to take up and pass commonsense gun safety legislation, like the Fifty-Caliber Sniper Weapon Regulation Act, to assist our law enforcement officials in protecting our homeland security.

ADDITIONAL STATEMENTS

TRIBUTE TO ARTHUR GIBB SR.

• Mr. JEFFORDS. Mr. President, this week my home State lost a devoted public servant, an environmental pioneer, a good friend, and a great Vermonter: Art Gibb.

I first met Art when we served together in the Vermont Legislature where Art was known for his unassuming and gracious temperament. Art also established a reputation as an insightful legislator with an unusual ability to forge consensus. These skills impressed me and, for over 30 years, I frequently sought Art's wisdom and advice when I found myself confronted with difficult decisions both in Washington and Montpelier.

Though Art was remarkably accomplished as a member of the Vermont Legislature, he will undoubtedly be remembered for his work on the Governor's Commission on Environmental Control through which he helped save Vermont's beauty and natural resources from reckless overdevelopment. Gov. Deane Davis appointed Art to lead the commission, which became known as the ''Gibb Commission,'' in 1969 as developers began exploiting lenient building regulations in an effort to turn a quick profit at the expense of public health and the environment. The Gibb Commission traveled the State, held public hearings, and worked tirelessly to draft recommendations to address this pressing concern. The result of the Gibb Commission's work was the bold and pioneering Act 250, legislation that has protected Vermont's waterways, forests, and natural landscape ever since.

Art's leadership of the Gibb Commission and his work during his two decades in the legislature earned him well-deserved accolades. Still, Art never operated with any fanfare. Despite his newsworthy accomplishments, Art was never interested in seeing his name in the headlines. His temperament and fair and nonpartisan nature won Art the respect and admiration of colleagues on both sides of the aisle. Today, Art's portrait hangs in the State House, a rare honor and a fitting tribute for a man who left such an important mark on Vermont, both as a person and a policymaker.

When Art retired from the Vermont Senate in 1986 I noted, on the floor of the U.S. House of Representatives, ''I am more than certain, however, that all of us in Vermont will continue to benefit from his,—Art's—wit, his intelligence, his commitment, and his grace for many, many years to come.'' This statement proved to be true, as Art remained an active member of the community and even served 12 years on the State Environmental Board after his retirement. Today, as we remember Art, I take comfort in the certainty that generations of Vermonters will continue to benefit for years to come from Art's devotion to the preservation and conservation of our great State.

I extend my deepest condolences to Art's surviving children Barbara, Dwight, Lowrie, Arthur, Jr. and Henry, as well as Art's ten grandchildren and seven great grandchildren. All Vermonters mourn with you knowing that without Art, Vermont would not be the beautiful and healthy place it is today.•

HONORING DR. BONNIE J. DUNBAR

• Mrs. MURRAY. Mr. President, today I would like to recognize the extraordinary achievements of a gifted Washingtonian named Dr. Bonnie J. Dunbar. Dr. Dunbar is widely acknowledged as one of the world's most experienced female astronauts as well as a pioneer in biomedicl engineering. In tribute to her accomplishments, Dr. Dunbar has been selected to receive the distinguished Women in Engineering Achievement Award for 2005.

Born and raised on a ranch in Sunnyside, WA, Dr. Dunbar took an early interest in space. As a child, she studied the exploits of astronauts like Alan Shepherd and spent her nights studying the sky for signs of passing satellites. By the third grade, she had already declared that she would one day be an astronaut. Encouraged by her parents to follow her dreams, Bonnie Dunbar attended the University of Washington where she received her bachelor and master degrees in engineering, an important precursor to her career at NASA. However, her journey to space was not without its hurdles.

Like a true pioneer, Dr. Dunbar worked to break down barriers. At a time when women were generally discouraged from pursuing science based careers, Dr. Dunbar both succeeded and prospered in her field, paving the way for countless women who shared her interest in science. After receiving her doctorate in Mechanical and Biomedical Engineering from the University of Houston, Dr. Dunbar went on to

hold a number of esteemed research and engineering positions in the private sector. During this time, Dr. Dunbar assisted in the development and manufacture of Space Shuttle Thermal Protection Systems integral to NASA flight operations.

In 1978, when NASA opened its astronaut program to women for the first time, Dr. Dunbar was one of the first candidates to enroll. Although she was not chosen in the final selection, NASA recognized her talents and hired her as a payload officer and flight controller. This would mark the beginning of a distinguished 27-year career at NASA. In 1981, Dr. Dunbar earned her astronaut wings and was assigned to the 1985 Challenger Spacelab mission. Following this successful mission, she was selected to participate in four more missions in space. All told, Dr. Dunbar logged more than 1,208 hours or 50 days in space.

Dr. Dunbar's exceptional performance during these missions garnered more than six NASA Space Flight Medals, including the Superior Accomplishment Award in 1997, and the NASA Exceptional Achievement Award in 1996.

Doctor Bonnie Dunbar's meteoric rise from a small ranching community in the State of Washington to a veteran of five successful missions to space is both extraordinary and inspiring. Her courageous trailblazing took the world's fascination for space to new plateaus and encouraged women to follow their dreams. She truly is a remarkable pioneer and a worthy recipient of the distinguished Women in Engineering Achievement Award for 2005.●

CELEBRATING THE 60TH ANNIVERSARY OF HULMAN-GEORGE FAMILY OWNERSHIP OF THE INDIANAPOLIS MOTOR SPEEDWAY

● Mr. LUGAR. Mr. President, I am pleased to rise today to recognize the important leadership of the Hulman-George family throughout their 60 years of stewardship of the Indianapolis Motor Speedway. I am honored to have this opportunity to congratulate them on reaching this signal milestone on November 14, 2005.

The Hulman-George family members have been remarkable champions of Indianapolis and the State of Indiana through their hosting of what many consider to be the greatest spectacle in racing, the Indianapolis 500. In recent years, they have also hosted the Brickyard 400 and the United States Grand Prix, remarkable events that bring people from around the world to Indianapolis to experience true Hoosier hospitality.

I have especially enjoyed a close relationship with the Hulman-George family, which began when I was Mayor of Indianapolis. My wife, Char, and I would take our four boys to the track for activities throughout the month of May.

On May 16, 1981, I first had the opportunity to participate in another great tradition at the Speedway when we gathered to celebrate the annual Armed Forces Induction Ceremony. This event came about because recruitment was low and members of our community were looking for a creative way to celebrate the decision of Hoosier men and women to serve our country in the Armed Forces. To address this dilemma, the Hulman-George family offered the Indianapolis Motor Speedway as a backdrop for an enlistment ceremony. Anyone who enlisted during the month of May would be a part of the Tony Hulman Squadron and would fly away from the infield to basic training. While the ceremony has evolved over the ensuing years, it remains special to me because it offers an excellent opportunity to celebrate the patriotism of so many talented and dedicated young Hoosiers.

As race fans gather in Indianapolis to cheer their favorite drivers on to victory, I am hopeful that they will take a moment to reflect upon the years of dedicated leadership that the Hulman-George family has provided in the Indianapolis community, leadership that has helped to make Indianapolis the motorsports capitol of world.

Like so many of my fellow Hoosiers, I am grateful that the Hulman-George family continues to call Indiana its home.●

DANNY J. BAKEWELL, SR.

● Mrs. BOXER. Mr. President, I am very pleased to take a few moments to recognize the many important accomplishments of Danny J. Bakewell, Sr., as he prepares to step down as CEO of the Brotherhood Crusade.

Danny J. Bakewell, Sr. has spent the past 35 years building the Brotherhood Crusade into a nationally-recognized charitable organization in southern California. In that time, he has raised over $60 million to support a host of programs. Nurturing nonprofit groups and local small businesses is first and foremost among the Brotherhood Crusade's priorities. The venerable institution funds programs that provide services for adults seeking job training and job placement, young people looking to realize their academic potential, and families seeking to improve their physical health.

The funding that Brotherhood Crusade provides is the lifeblood for many organizations, making it possible for them to be the catalyst in bringing change to communities and change to individuals.

Danny's commitment to equality for all, fair representation in the media, and strengthening communities has been steadfast, as evidenced by his activist work. He was active in the struggle to bring a peaceable end to apartheid in South Africa. Danny galvanized a coalition of community leaders to change the way entertainment companies represented slavery on prime time television. Along with his family, Danny launched a foundation to uplift the lives of children during their treatments associated with leukemia and other life-threatening diseases.

Danny Bakewell's success in the private sector have been important to under-served communities throughout Los Angeles county as well. He is the publisher of the Los Angeles Sentinel, the largest and oldest African-American owned newspaper west of the Mississippi River. Danny was the catalyst behind two development projects—the Compton Towne Center and Compton Renaissance Plaza—which have helped to bring economic vitality into an area that had been written off by many. In addition to creating much needed jobs for community residents and additional tax revenues for the city, these projects are giving residents a deeper sense of pride in their neighborhood.

I invite my colleagues to join me and the thousands of people touched by his work in commending Danny J. Bakewell, Sr. for his great leadership of the Brotherhood Crusade and tireless advocacy throughout his lifetime.●

PAYING TRIBUTE TO THE DETROIT WINDSOR TUNNEL ON ITS 75TH ANNIVERSARY

● Ms. STABENOW. Mr. President, I rise today to recognize the 75th anniversary of the Detroit Windsor Tunnel. Over the past 75 years, the tunnel has been an indispensable link between the United States and Canada.

In the years before the construction of the tunnel, cars and trucks crossed the Detroit River on ferries. During the winter, the river froze and made the ferry ride between Detroit and Windsor dangerous. On November 3, 1930, President Herbert Hoover ushered in a new era in U.S.-Canadian relations when he officially opened the Detroit Windsor Tunnel.

Not only has the tunnel been a vital commercial and cultural link between the United States and Canada, at the time of its construction it was an unparalleled engineering feat. The tunnel is approximately 1 mile long and reaches depths of 75 feet below the river. It is the only underwater international vehicular border crossing in the world. At full capacity, 2,400 vehicles can pass between Detroit and Windsor each hour through the tunnel.

During the tunnel's construction, there were as many as 600 workers simultaneously building the structure. One group of workers called the ''muckers'' dug a 32-foot hole in tight quarters through sand and clay deep below the Detroit River. As a tribute to the workers who built the Detroit Windsor Tunnel a year ahead of schedule, the first person to drive the distance of the tunnel and back was Joseph Zuccatto, a construction worker who earned 35 cents an hour.

The Detroit Windsor Tunnel is one of the cornerstones of the close economic relationship between the United States

and Canada. The United States and Canada trade $1.2 billion worth of goods and services each day that supports 5.2 million jobs. Trade between the United States and Canada is valued over $400 billion per year. Michigan's trade with Canada represents 19 percent of the United States land-based trade and supports 174,000 Michigan jobs.

The Detroit Windsor Tunnel is a crucial link between the U.S. and Canadian economies. The tunnel is one of the 15 busiest border crossings nationally, with more than 9 million vehicles passing through the tunnel each year. Additionally, at least 850 trucks and 5,000 commuters pass through the tunnel for business, entertainment, and shopping each day.

In recent years, all U.S. ports of entry have balanced increased border security requirements with the needs of tourists and business travelers to quickly enter and leave the United States. The Detroit Windsor Tunnel has enthusiastically responded to these challenges and worked with local, State and Federal officials to meet these urgent needs.

Mr. President, I commend the Detroit Windsor Tunnel on its 75th anniversary, for its service to the people of the United States and Canada, and for its continuous innovation to serve those who rely on it.●

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:20 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

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

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1960. A bill to protect the health and safety of all athletes, to promote the integrity of professional sports by establishing minimum standards for the testing of steroids and other performance-enhancing substances and methods by professional sports leagues, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4507. A communication from the Assistant to the Secretary of Defense, Nuclear and Chemical and Biological Defense Programs, transmitting, pursuant to law, a report from the Counterproliferation Program Review Committee entitled ''Report on Activities and Programs for Countering Proliferation and NBC Terrorism'' (revised to include administrative corrections); to the Committee on Armed Services.

EC–4508. A communication from the Director, Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to the total cost for the planning, design, construction and installation of equipment for the renovation of Wedges 2 through 5 of the Pentagon; to the Committee on Armed Services.

EC–4509. A communication from the Acting Deputy Secretary of Defense, transmitting, pursuant to law, the Seventeenth Report of the Federal Voting Assistance Program; to the Committee on Armed Services.

EC–4510. A communication from the Director, Office of Personnel Management and the Secretary of Defense, transmitting, pursuant to law, a report jointly submitted by the Office of Personnel Management and the Department of Defense relative to final regulations for the National Security Personnel System (NSPS); to the Committee on Armed Services.

EC–4511. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Payment and Billing Instructions'' (DFARS Case 2003–D009) received on October 31, 2005; to the Committee on Armed Services.

EC–4512. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a change in previously submitted reported information relative to the vacancy in the position of Assistant Secretary of Defense (Public Affairs), received on October 31, 2005; to the Committee on Armed Services.

EC–4513. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a change in previously submitted reported information relative to the vacancy in the position of Deputy Secretary of Defense, received on October 31, 2005; to the Committee on Armed Services.

EC–4514. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination and the designation of an acting officer for the position of Assistant Secretary of Defense (Public Affairs), received on October 31, 2005; to the Committee on Armed Services.

EC–4515. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense (International Security Policy), received on October 31, 2005; to the Committee on Armed Services.

EC–4516. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of Defense (Policy), received on October 31, 2005; to the Committee on Armed Services.

EC–4517. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the discontinuation of service in the acting role for the position of Director, Operational Test and Evaluation, received on October 31, 2005; to the Committee on Armed Services.

EC–4518. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Director, Defense Research and Engineering, received on October 31, 2005; to the Committee on Armed Services.

EC–4519. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the confirmation of a nominee for the position of Assistant Secretary of Defense (Legislative Affairs), received on October 31, 2005; to the Committee on Armed Services.

EC–4520. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Inspector General, received on October 31, 2005; to the Committee on Armed Services.

EC–4521. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Under Secretary of Defense (Personnel and Readiness), received on October 31, 2005; to the Committee on Armed Services.

EC–4522. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Deputy Under Secretary of Defense (Logistics and Materiel Readiness), received on October 31, 2005; to the Committee on Armed Services.

EC–4523. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a recess appointment for the position of Under Secretary of Defense (Policy), received on October 31, 2005; to the Committee on Armed Services.

EC–4524. A communication from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, the report of the discontinuation of service in the acting role and the confirmation of a nominee for the position of Assistant Secretary of the Army (Installations and Environment), received on October 31, 2005; to the Committee on Armed Services.

EC–4525. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Director, Defense Research and Engineering, received on October 31, 2005; to the Committee on Armed Services.

EC–4526. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Director, Defense Research and Engineering, received on October 31, 2005; to the Committee on Armed Services.

EC–4527. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the discontinuation of service in the acting role and confirmation of a nominee for the position of Deputy Under Secretary of Defense (Logistics and Materiel Readiness), received on October 31, 2005; to the Committee on Armed Services.

EC–4528. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the discontinuation of service in the acting role for

the position of Assistant Secretary of Defense (Legislative Affairs), received on October 31, 2005; to the Committee on Armed Services.

EC–4529. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a discontinuation of service in the acting role and a recess appointment in the position of Assistant Secretary of Defense (International Security Policy), received on October 31, 2005; to the Committee on Armed Services.

EC–4530. A communication from the Assistant Director, Executive and Political Personnel, Department of the Navy, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of the Navy (Research, Development and Acquisition), received on October 31, 2005; to the Committee on Armed Services.

EC–4531. A communication from the Assistant Director, Executive and Political Personnel, Department of the Navy, transmitting, pursuant to law, the report of a nomination for the position of Secretary of the Navy, received on October 31, 2005; to the Committee on Armed Services.

EC–4532. A communication from the Assistant Director, Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of a nomination for the position of Secretary of the Air Force, received on October 31, 2005; to the Committee on Armed Services.

EC–4533. A communication from the Assistant Director, Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of the Air Force, received on October 31, 2005; to the Committee on Armed Services.

EC–4534. A communication from the Assistant Director, Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of the confirmation of a nominee for the position of Under Secretary of the Air Force, received on October 31, 2005; to the Committee on Armed Services.

EC–4535. A communication from the Assistant Director, Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer in the position of Assistant Secretary of the Air Force (Installations, Environment, and Logistics), received on October 31, 2005; to the Committee on Armed Services.

EC–4536. A communication from the Assistant Director, Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of the discontinuation of service in the acting role for the position of Secretary of the Air Force, received on October 31, 2005; to the Committee on Armed Services.

EC–4537. A communication from the Assistant Director, Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of the designation of an acting officer in the position of Secretary of the Air Force, received on October 31, 2005; to the Committee on Armed Services.

EC–4538. A communication from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, the report of the discontinuation of service in the acting role for the position of Assistant Secretary of the Army (Manpower and Reserve Affairs), received on October 31, 2005; to the Committee on Armed Services.

EC–4539. A communication from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, the report of the discontinuation of service in the acting role for the position of Under Secretary of the Army, received on October 31, 2005; to the Committee on Armed Services.

EC–4540. A communication from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, the report of a nomination and designation of an acting officer for the position of Assistant Secretary of the Army (Installations and Environment), received on October 31, 2005; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1095. A bill to amend chapter 113 of title 18, United States Code, to clarify the prohibition on the trafficking in goods or services, and for other purposes.

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment:

S. 1699. A bill to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*Orlando J. Cabrera, of Florida, to be an Assistant Secretaryof Housing and Urban Development.

*Katherine Baicker, of New Hampshire, to be a Member of the Council of Economic Advisers.

*Matthew Slaughter, of New Hampshire, to be a Member of the Council of Economic Advisers.

*Rodney E. Hood, of North Carolina, to be a Member of the National Credit Union Administration Board for a term expiring April 10, 2009.

*Gigi Hyland, of Virginia, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2011.

By Mr. SPECTER for the Committee on the Judiciary.

Wan J. Kim, of Maryland, to be an Assistant Attorney General.

Sue Ellen Wooldridge, of Virginia, to be an Assistant Attorney General.

Steven G. Bradbury, of Maryland, to be an Assistant Attorney General.

Thomas O. Barnett, of Virginia, to be an Assistant Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWNBACK (for himself and Mr. INHOFE):

S. 1956. A bill to amend the Federal Food, Drug, and Cosmetic Act to create a new three-tiered approval system for drugs, biological products, and devices that is responsive to the needs of seriously ill patients, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HAGEL (for himself and Mr. NELSON of Nebraska):

S. 1957. A bill to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Mrs. MURRAY, Mr. CRAPO, Mr. SCHUMER, Mr. LEAHY, Mr. CRAIG, Mr. LEVIN, Mr. DEWINE, Mr. DAYTON, Mr. BAUCUS, and Mrs. CLINTON):

S. 1958. A bill to authorize the Attorney General to establish and carry out a program, known as the Northern Border Prosecution Initiative, to provide funds to northern border States to reimburse county and municipal governments for costs associated with certain criminal activities, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. OBAMA, Mr. LEVIN, Ms. STABENOW, Mr. KENNEDY, Mr. CORZINE, and Mr. SMITH):

S. 1959. A bill to direct the Architect of the Capitol to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall; to the Committee on Rules and Administration.

By Mr. BUNNING (for himself, Mr. MCCAIN, Mr. STEVENS, Mr. ROCKEFELLER, and Mr. GRASSLEY):

S. 1960. A bill to protect the health and safety of all athletes, to promote the integrity of professional sports by establishing minimum standards for the testing of steroids and other performance-enhancing substances and methods by professional sports leagues, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself and Mr. BENNETT):

S. Res. 298. A resolution designating Thursday, November 17, 2005, as ''Feed America Thursday;'' to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself, Mr. DEMINT, Mrs. CLINTON, Mr. NELSON of Nebraska, Mr. BROWNBACK, Mr. CRAIG, Mr. KERRY, Mr. COLEMAN, and Mr. SALAZAR):

S. Res. 299. A resolution to express support for the goals of National Adoption Month by promoting national awareness of adoption, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children; considered and agreed to.

By Mr. INOUYE (for himself, Mr. AKAKA, Mr. BYRD, Mr. FRIST, Mr. REID, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS,

Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 300. A resolution relative to the death of Henry Ku'ualoha Giugni, former Sergeant-at-Arms of the United States Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 331

At the request of Mr. JOHNSON, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 1496

At the request of Mr. CRAPO, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1496, a bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1516

At the request of Mr. LOTT, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Arkansas (Mr. PRYOR), the Senator from Delaware (Mr. BIDEN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1516, a bill to reauthorize Amtrak, and for other purposes.

S. 1699

At the request of Mr. SPECTER, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1699, a bill to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

S. 1767

At the request of Ms. SNOWE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1767, a bill to require the Federal Communications Commission to reevaluate the band plans for the upper 700 megaHertz band and the unauctioned portions of the lower 700 megaHertz band and reconfigure them to include spectrum to be licensed for small geographic areas.

S. 1791

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1848

At the request of Mr. SALAZAR, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1848, a bill to promote remediation of inactive and abandoned mines, and for other purposes.

S. 1947

At the request of Mr. SUNUNU, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1947, a bill to amend chapter 21 of title 38, United States Code, to enhance adaptive housing assistance for disabled veterans.

S. RES. 219

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 219, a resolution designating March 8, 2006, as ''Endangered Species Day,'' and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

AMENDMENT NO. 762

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 762 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2346

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 2346 intended to be proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2350

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 2350 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2353

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 2353 intended to be proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2356

At the request of Mrs. LINCOLN, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. CORZINE) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 2356 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2357

At the request of Mr. NELSON of Florida, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 2357 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2360

At the request of Mr. LOTT, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. JEFFORDS), the Senator from Illinois (Mr. DURBIN) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 2360 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2363

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 2363 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2371

At the request of Ms. SNOWE, the names of the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 2371 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2372

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 2372 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2373

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of amendment No. 2373 intended to be proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

At the request of Mr. CARPER, his name was added as a cosponsor of amendment No. 2373 intended to be proposed to S. 1932, supra.

AMENDMENT NO. 2380

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 2380 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2390

At the request of Mr. SMITH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 2390 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 2390 proposed to S. 1932, supra.

AMENDMENT NO. 2400

At the request of Ms. CANTWELL, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of amendment No. 2400 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWNBACK (for himself and Mr. INHOFE):

S. 1956. A bill to amend the Federal Food, Drug, and Cosmetic Act to create a new three-tiered approval system for drugs, biological products, and devices that is responsive to the needs of seriously ill patients, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWNBACK. 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. 1956

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 ''Access, Compassion, Care, and Ethics for Seriously Ill Patients Act'' or the ''ACCESS Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The necessity of placebo controlled studies has been questioned on both scientific and ethical grounds for seriously ill patients.

(2) The current standards of the Food and Drug Administration for approval of drugs, biological products, and devices deny the benefits of medical progress to seriously ill patients who face morbidity or death from their disease.

(3) Promising therapies intended to treat serious or life threatening conditions or diseases and which address unmet medical needs have received unjustified delays and denials of approval.

(4) Seriously ill patients have a right to access available investigational drugs, biological products, and devices.

(5) The current Food and Drug Administration and National Cancer Institute case-by-case exception for compassionate access must be required to permit all seriously ill patients access to available experimental therapies as a treatment option.

(6) The current emphasis on statistical analysis of clinical information needs to be balanced by a greater reliance on clinical evaluation of this information.

(7) Food and Drug Administration advisory committees should have greater representation of medical clinicians who represent the interests of seriously ill patients in early access to promising investigational therapies.

(8) The use of available investigational products for treatment is the responsibility of the physician and the patient.

(9) The use of combinations of available investigational and approved products for treatment is the responsibility of the physician and the patient.

(10) The development and approval of drugs, biological products, and devices intended to address serious or life-threatening conditions or diseases is often delayed by the inability of sponsors to obtain prompt meetings with the Food and Drug Administration and to obtain prompt resolution of scientific and regulatory issues related to the investigation and review of new technologies.

SEC. 3. TIERED APPROVAL SYSTEM FOR DRUGS, BIOLOGICAL PRODUCTS, AND DEVICES.

Section 506 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356) is amended to read as follows:

''SEC. 506. TIERED APPROVAL SYSTEM.

''(a) IN GENERAL.—Notwithstanding any other provision of law, the sponsor of an investigational drug, biological product, or device may submit an application to the Secretary for Tier I or Tier II approval in accordance with this section.

''(b) TIER I APPROVAL.—

''(1) IN GENERAL.—

''(A) APPLICATION CONTENT.—A sponsor of an investigational drug, biological product, or device applying for Tier I approval of the product shall submit to the Secretary an application as described under section 505(b)(1) or 505(b)(2), section 351(a) of the Public Health Service Act, or section 510(k) or 515(c)(1), as applicable, which shall contain—

''(i) data and information from completed Phase I clinical investigations and any other nonclinical or clinical investigations;

''(ii) preliminary evidence that the product may be effective against a serious or life-threatening condition or disease, which evidence may be based on uncontrolled data such as case histories, information about the pharmacological mechanism of action, data from animal and computer models, comparison with historical data, or other preliminary information, and may be based on a small number of patients; and

''(iii) an assurance that the sponsor will continue clinical investigation to obtain Tier III approval.

''(B) LIMITATION.—Tier I approval shall be primarily based upon clinical evaluation, not statistical analysis.

''(2) DETERMINATION BY SECRETARY.—

''(A) IN GENERAL.—Not later than 30 days after the receipt of an application for Tier I approval, the Secretary shall either—

''(i) approve the application; or

''(ii) refer the application to the Accelerated Approval Advisory Committee.

''(B) RECOMMENDATION.—Within 90 days after receipt of an application for approval, the Accelerated Approval Advisory Committee shall issue a recommendation to the Secretary on whether the Secretary should approve the application.

''(C) FINAL DECISION.—Within 30 days after receipt of the recommendation from the Accelerated Approval Advisory Committee, the Secretary shall either approve the application or shall issue an order setting forth a detailed explanation of the reasons why the application was not approved and the specific data that the sponsor must provide so that the application may be approved.

''(3) APPEAL.—If the Secretary does not approve an application for which the Accelerated Approval Advisory Committee recommended approval, the sponsor of the application shall have the right to appeal the decision to the Commissioner of Food and Drugs. The Commissioner shall provide the sponsor with a hearing within 30 days following the nonapproval of the application and shall issue an order within 30 days following the hearing either concurring in the nonapproval or approving the application. The Commissioner shall not delegate the responsibility described in this paragraph to any other person.

''(4) CRITERIA.—In making a determination under paragraph (2), the Secretary shall consider whether the totality of the information available to the Secretary regarding the safety and effectiveness of an investigational drug, biological product, or device, as compared to the risk of morbidity or death from a condition or disease, indicates that a patient (who may be representative of a small patient subpopulation) may obtain more benefit than risk if treated with the drug, biological product, or device. If the potential risk to a patient of the condition or disease outweighs the potential risk of the product, and the product may possibly provide benefit to the patient, the Secretary shall approve the application.

''(5) PRODUCT LABELING.—The labeling approved by the Secretary for the drug, biological product, or device—

''(A) shall state that the product is intended for use by a patient whose physician has documented in writing that the patient has—

''(i) exhausted all treatment options approved by Secretary for the condition or disease for which the patient is a reasonable candidate; and

''(ii) unsuccessfully sought treatment, or obtained treatment that was not effective, with an investigational drug, biological product, or device for which such individual is a reasonable candidate (which may include consideration of the lack of a source of supply or geographic factors); and

''(B) shall state that every patient to whom the product is administered shall, as a

mandatory condition of receiving the product, provide—

''(i) written informed consent, as described under part 50 of title 21, Code of Federal Regulations;

''(ii) a written waiver of the right to sue the manufacturer or sponsor of the drug, biological product, or device, or the physicians who prescribed the product or the institution where it was administered, for an adverse event caused by the product, which shall be binding in every State and Federal court; and

''(iii) consent for the manufacturer of the product to obtain data and information about the patient and the patient's use of the product that may be used to support an application for Tier II or Tier III approval.

''(6) LIMITATION ON CONDITIONS.—Tier I approval may be subject to the requirement that the sponsor conduct appropriate post-approval studies.

''(c) TIER II APPROVAL.—

''(1) IN GENERAL.—A sponsor of an investigational drug, biological product, or device applying for Tier II approval shall submit to the Secretary an application as described under section 505(b)(1) or 505(b)(2), section 351(a) of the Public Health Service Act, or section 510(k) or 515(c)(1), as applicable, which shall contain—

''(A) data and information that the drug, biological product, or device has an effect on a clinical endpoint or on a surrogate endpoint or biomarker that is reasonably likely to predict clinical benefit to a patient (who may be representative of a small patient subpopulation) suffering from a serious or life-threatening condition or disease; and

''(B) an assurance that the sponsor will continue clinical investigation to obtain Tier III approval.

''(2) DETERMINATION BY SECRETARY.—

''(A) IN GENERAL.—Not later than 30 days after the receipt of an application for Tier II approval, the Secretary shall either—

''(i) approve the application; or

''(ii) refer the application to the Accelerated Approval Advisory Committee.

''(B) RECOMMENDATION.—Within 90 days after receipt of an application for approval, the Accelerated Approval Advisory Committee shall issue a recommendation to the Secretary on whether the Secretary should approve the application.

''(C) FINAL DECISION.—Within 30 days after receipt of the recommendation from the Accelerated Approval Advisory Committee, the Secretary shall either approve the application or issue an order setting forth a detailed explanation of the reasons why the application was not approved and the specific data that the sponsor must provide so that the application may be approved.

''(3) APPEAL.—If the Secretary does not approve an application for which the Accelerated Approval Advisory Committee recommended approval, the sponsor of the application shall have the right to appeal the decision to the Commissioner of Food and Drugs. The Commissioner shall provide the sponsor with a hearing within 30 days following the nonapproval of the application and shall issue an order within 30 days following the hearing either concurring in the nonapproval or approving the application. The Commissioner shall not delegate the responsibility described in this paragraph to any other person.

''(4) LIMITATION ON CONDITIONS.—

''(A) POST-APPROVAL STUDIES.—Tier II approval may be subject to the requirement that the sponsor conduct appropriate post-approval studies to validate the surrogate endpoint or biomarker or otherwise confirm the effect on the clinical endpoint.

''(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to permit the Secretary to condition Tier II approval on compliance with any other standards, including any standard necessary to meet Tier III approval.

''(d) TIER III APPROVAL.—For purposes of this Act, the term 'Tier III approval' means—

''(1) with respect to a new drug or new biological product, approval of such drug or product under section 505(b)(1) or 505(b)(2) or section 351 of the Public Health Service Act, as the case may be; and

''(2) with respect to a new device, clearance of such device under section 510(k) or approval of such device under section 515(c)(1).

''(e) PROMOTIONAL MATERIALS.—Approval of a product under either Tier I or II may be subject to the requirements that—

''(1) the sponsor submit copies of all advertising and promotional materials related to the product during the preapproval review period and, following approval and for such period thereafter as the Secretary determines to be appropriate, and at least 30 days prior to the dissemination of the materials;

''(2) all advertising and promotional materials prominently disclose the limited approval for the product and data available supporting the safety and effectiveness of the product; and

''(3) the sponsor shall not disseminate advertising or promotional material prior to obtaining written notification from the Secretary that the advertising or promotional material complies with this subchapter.

''(f) EXPEDITED WITHDRAWAL OF APPROVAL.—The Secretary may withdraw Tier I or Tier II approval using expedited procedures (as prescribed by the Secretary in regulations which shall include an opportunity for a hearing) if—

''(1) the sponsor fails to conduct post-approval studies with due diligence, considering all of the circumstances involved;

''(2) a post-approval study fails to verify clinical benefit of the product for even a small patient subpopulation;

''(3) other evidence demonstrates that the product is not safe or effective under the conditions of use for even a small patient subpopulation; or

''(4) the sponsor disseminates false or misleading promotional materials with respect to the product and fails to correct the material promptly after written notice from the Secretary.

''(g) ACCELERATED APPROVAL ADVISORY COMMITTEE.—

''(1) IN GENERAL.—In order to facilitate the development and expedite the review of drugs, biological products, and devices intended to treat serious or life threatening conditions, the Secretary shall establish the Accelerated Approval Advisory Committee.

''(2) DELEGATION.—The Secretary may delegate authority for the Accelerated Approval Advisory Committee to the Commissioner of Food and Drugs. The Accelerated Approval Advisory Committee shall be staffed and administered in the Office of the Commissioner.

''(3) COMPOSITION.—

''(A) IN GENERAL.—The Committee shall be composed of 11 voting members, including 1 chairperson and 5 permanent members each of whom shall serve a term of 3 years and may be reappointed for a second 3-year term, and 5 nonpermanent members who shall be appointed to the Committee for a specific meeting, or part of a meeting, in order to provide adequate expertise in the subject being reviewed. The Committee shall include as voting members no less than 2 representatives of patient interests, of which 1 shall be a permanent member of the Committee. The Committee shall include as nonvoting members a representative of interests of the drug, biological product, and device industry.

''(B) APPOINTMENTS.—The Secretary shall appoint to the Committee persons who are qualified by training and experience to evaluate the safety and effectiveness of the types of products to be referred to the Committee and who, to the extent feasible, possess skill in the use of, or experience in the development, manufacture, or utilization of, such products. The Secretary shall make appointments to the Committee so that the Committee shall consist of members with adequately diversified expertise and practical experience in such fields as clinical medicine, biological and physical sciences, and other related professions. Scientific, industry, and consumer organizations and members of the public shall be afforded an opportunity to nominate individuals for appointment to the Committee. No individual who is in the regular full-time employ of the United States and engaged in the administration of this chapter may be a member of the Committee.

''(4) COMPENSATION.—Committee members, while attending meetings or conferences of the Committee or otherwise engaged in its business, shall be entitled to receive compensation at rates to be fixed by the Secretary, but not at rates exceeding the daily equivalent of the rate in effect for grade GS–18 of the General Schedule, for each day so engaged, including traveltime, and while so serving away from their homes or regular places of business each member may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, for persons in the Government service employed intermittently.

''(5) ASSISTANCE.—The Secretary shall furnish the Committee with adequate clerical and other necessary assistance.

''(6) ANNUAL TRAINING.—The Secretary shall employ nongovernmental experts to provide annual training to the Committee on the statutory and regulatory standards for product approval.

''(7) TIMELINE.—The Committee shall be scheduled to meet at such times as may be appropriate for the Secretary to meet applicable statutory deadlines.

''(8) MEETINGS.—

''(A) OPPORTUNITIES FOR INTERESTED PERSONS.—Any person whose product is specifically the subject of review by the Committee shall have—

''(i) the same access to data and information submitted to the Committee as the Secretary;

''(ii) the opportunity to submit, for review by the Committee, data or information, which shall be submitted to the Secretary for prompt transmittal to the Committee; and

''(iii) the same opportunity as the Secretary to participate in meetings of the Committee.

''(B) ADEQUATE TIME; FREE AND OPEN PARTICIPATION.—Any meetings of the Committee shall provide adequate time for initial presentations and for response to any differing views by persons whose products are specifically the subject of the Committee review, and shall encourage free and open participation by all interested persons.

''(C) SUMMARIES.—At all meetings of the Committee, the Secretary shall provide a summary to the Committee of all Tier I and Tier II applications that the Committee did not consider that were approved by the Secretary since the last meeting of the Committee.

''(h) COMMENCEMENT OF REVIEW.—If the Secretary determines, after preliminary evaluation of the data and information submitted by the sponsor, that the product may be effective, the Secretary shall evaluate for filing, and may commence review of portions

of, an application for Tier I or Tier II approval before the sponsor submits a complete application. The Secretary shall commence such review only if the applicant provides a schedule for submission of information necessary to make the application complete.

''(i) INAPPLICABILITY OF PROVISIONS.—The following provisions shall not apply to Tier I or Tier II applications and approvals:

''(1) Chapter VII, subchapter C, parts 2 and 3 relating to fees for drugs, biological products, and devices.

''(2) The provisions of the Drug Price Competition and Patent Term Restoration Act of 1984 that authorize approval of abbreviated new drug applications and applications submitted under section 505(b)(2). Market exclusivity and patent term restoration of Tier I and Tier II approved drugs, biological products, and devices shall be determined solely at the time of Tier III approval without regard to prior Tier I or Tier II approval. Prior to Tier III approval, the Secretary shall not approve any application submitted under section 505(b)(2) or section 505(j) that references a drug approved under subsections (b) or (c) of this section.''.

SEC. 4. ETHICS IN HUMAN TESTING.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end of section 505(i) the following:

''(5) Notwithstanding any other provision of law, the Secretary shall prohibit placebo-only or no-treatment-only concurrent controls in any clinical investigation conducted under this chapter or, in the use of the last-observation-carried-forward convention, in any clinical investigation conducted under this chapter or section 351 of the Public Health Service Act with respect to any life-threatening condition or disease where reasonably effective approved alternative therapies exist for the specific indication.''.

SEC. 5. EXPANDED ACCESS TO INVESTIGATIONAL DRUGS AND DEVICES.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end of section 561 the following:

''(f) EXPANDED ACCESS PROGRAM.—The Food and Drug Administration shall establish a new program to expand access to investigational treatments for individuals with serious or life threatening conditions and diseases. In carrying out this expanded access program, the Secretary shall publish and broadly disseminate written guidance that—

''(1) describes such expanded access programs for investigational drugs, biological products, and devices intended to treat serious or life-threatening conditions or diseases;

''(2) encourages and facilitates submission of Tier I and Tier II applications and approvals; and

''(3) facilitates the provision of investigational drugs and devices to seriously ill individuals without unreasonable delay by recognizing that the use of available investigational products for treatment is the responsibility of the physician and the patient.

''(g) IMPLEMENTATION OF EXPANDED ACCESS PROGRAMS.—

''(1) TRAINING OF PERSONNEL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall implement training programs at the Food and Drug Administration with respect to the expanded access programs established under this section.

''(2) POLICIES, REGULATIONS, AND GUIDANCE.—The Secretary shall establish policies, regulations, and guidance designed to most directly benefit seriously ill patients.

''(h) DEVELOPMENT OF SURROGATE ENDPOINTS AND BIOMARKERS.—The Secretary shall—

''(1) establish a program to encourage the development of surrogate endpoints and biomarkers that are reasonably likely to predict clinical benefit for serious or life-threatening conditions for which there exist significant unmet medical needs;

''(2) request the Institute of Medicine to undertake a study to identify validated surrogate endpoints and biomarkers, and recommend research to validate surrogate endpoints and biomarkers, that may support approvals for products intended for the treatment of serious or life-threatening conditions or diseases; and

''(3) make widely available to the public a list of drugs, biological products, and devices that are being investigated for serious or life-threatening conditions or diseases and that have not yet received Tier I or Tier II approval for marketing.''.

(b) CONFORMING AMENDMENT.—Section 561(c) of the Federal Food, Drug, and Cosmetic Act is amended by striking the heading and inserting ''EXPANDED ACCESS TO INVESTIGATIONAL DRUGS AND DEVICES FOR SERIOUSLY ILL PATIENTS''.

SEC. 6. MODERNIZATION OF THE FOOD AND DRUG ADMINISTRATION.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

''SEC. 565. POLICIES RELATED TO STUDY EVALUATION INFORMATION.

''(a) IN GENERAL.—

''(1) NONSTATISTICAL MEASURES.—The Secretary shall give equal weight to clinical judgment and statistical analysis in the evaluation of the safety and effectiveness of drugs, biological products, and devices, and shall not disapprove a product application solely on the basis of a statistical analysis or the rigid use of the 95 percent confidence level convention. This policy shall apply—

''(A) in evaluating clinical study designs and endpoints; and

''(B) in making decisions with respect to product applications.

''(2) TYPES OF NONSTATISTICAL MEASURES.—The policy established under paragraph (1), for the purposes described in such paragraph—

''(A) shall include but not be limited to such nonstatistical information as—

''(i) clinical evaluation information, such as case history reports;

''(ii) scientific and clinical studies designed to measure or define mechanisms of action or molecular targeting;

''(iii) data from animal and computer models; and

''(iv) comparison with historical data; and

''(B) shall incorporate the use of—

''(i) evaluations of the adverse effect of delaying the availability of an investigational drug to even a small subpopulation of seriously ill patients; and

''(ii) scientific, observational, or clinical studies designed and conducted to collect well-documented information.

''(b) MEETINGS.—A meeting to address any pending scientific, medical, regulatory, or other issue relating to the development, investigation, review, or other aspect of a drug, biological product, or device shall ordinarily be held within 15 days of the receipt of a written request for the meeting by the sponsor of the product, which may be extended to 30 days for good cause. Such meetings shall ordinarily be conducted in person, but may be conducted by telephone or other form of communication if both parties agree. In order to reduce the burden of meetings, only those Food and Drug Administration employees who are intended to actively participate in the discussion shall attend a meeting. Minutes of a meeting shall be promptly prepared and exchanged by both parties immediately following the meeting and shall accurately summarize what occurred at the meeting

''(c) RULE OF CONSTRUCTION.—The provisions of chapter V and section 351 of the Public Health Service Act shall be construed to incorporate the policy established in this section.''.

SEC. 7. MEMBERSHIP OF ONCOLOGY DRUGS ADVISORY COMMITTEE.

Membership of the Oncology Drugs Advisory Committee of the Food and Drug Administration shall consist of no less than 2 patient representatives who are voting members of the committee.

By Mr. KERRY (for himself, Mr. OBAMA, Mr. LEVIN, Ms. STABENOW, Mr. KENNEDY, Mr. CORZINE, and Mr. SMITH):

S. 1959. A bill to direct the Architect of the Capitol to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall; to the Committee on Rules and Administration.

Mr. KERRY. Mr. President, our Nation is mourning the recent loss of an icon in this country's civil rights movement and a true national hero, Ms. Rosa Parks. Today, along with Senators OBAMA, LEVIN, STABENOW, KENNEDY, CORZINE and SMITH, I am introducing legislation to honor the memory of Rosa Parks by placing her statue in the United States Capitol. This will help future generations understand her efforts to increase equality in the United States.

When I met Rosa Parks, I was overwhelmed by this graceful, small woman's quiet strength and humility—her conviction in taking on the army of power that was deployed before her—her courage to dig in, knowing full well the power of the courthouse, the power of the sheriff's badge, the power of the vigilante, the power of the establishment—knowing that on dark country roads or after a knock on the door in the middle of the night, people still disappeared and died almost anonymous deaths. So many were killed just trying to be citizens in the land of the free.

Rosa Parks reminded many and taught even more how to speak the truth to power. In an era when these words are thrown around too easily, she lived the words 'courage' and 'patriot'—she loved the dream of our country more than herself, and she was willing to risk it all to live the dream.

In the struggle for civil rights, some were called to stand up to Bull Connor's fire hoses and police dogs—some to stand up to Klan terrorism—and some to stand up to state sponsored acts of violence. But some were called simply to sit down—at lunch counters in Greensboro and Nashville and Atlanta—or on a bus in Montgomery.

Ms. Parks' dedication to civil rights has had an impact on the lives of all Americans. Her act of courage on December 1, 1955 inspired a movement that eventually brought about laws to

end segregation, ensure voting rights, end discrimination in housing, and create a greater equality throughout this Nation. Thanks to Rosa Parks, a path was forged for future generations to encourage freedom and social justice. Her legacy of courage and commitment plays an important role each time our Nation acts for equality and justice, and most of all, in the hope for a better America.

If just one woman was able to do all this, then how much greater the responsibility is for those of us with privilege and power who pay tribute to her today. The life of Rosa Parks demands deeds, not epitaphs. Our final words cannot be spoken or written while her cause is still unfinished. No simple words can match what she did in that sacred moment on a municipal bus in Montgomery, Alabama. What matters now is what we do after the candles are quenched, the speeches have been exhausted, and the next bus comes by.

I am grateful for the opportunity to join my colleagues in this body, as well as those in the House of Representatives, to honor the legacy of this graceful, humble, and courageous woman who embodies the American spirit. If this legislation is adopted, when our children and our grandchildren visit the United States Capitol, they will have the opportunity to learn more about the women who risked so much for their freedom. Ms. Parks belongs among the other great leaders that have shaped this country and made the world a better place.

Sometimes the days seem heavy and the odds seem high, but that moment on a bus in Montgomery always comes. Someone gets on that bus, refuses to equivocate or yield and changes history. Today, that someone must be us, for Rosa Parks and for our country.

The bus still comes by again and again and each time we have to decide whether to go quietly to the back, or by simple acts of courage and conviction, change the direction of our own country's journey. A statue of Rosa Parks in the Capitol can help future Senators and Congressmen find the courage necessary to make sure our Nation takes the right course in the future.

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. 1959

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

SECTION 1. PLACEMENT OF STATUE OF ROSA PARKS IN NATIONAL STATUARY HALL.

(a) OBTAINING STATUE.—The Architect of the Capitol shall enter into an agreement to obtain a statue of Rosa Parks, under such terms and conditions as the Architect considers appropriate and consistent with applicable law.

(b) PLACEMENT.—Not later than 2 years after the date of enactment of this Act, the Architect shall place the statue obtained under subsection (a) in the United States Capitol in a suitable permanent location in National Statuary Hall.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act, and any amounts so appropriated shall remain available until expended.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 298—DESIGNATING THURSDAY, NOVEMBER 17, 2005, AS ''FEED AMERICA THURSDAY''

Mr. HATCH (for himself and Mr. BENNETT) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 298

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which our Nation was founded;

Whereas 33,000,000 Americans, including 13,000,000 children, continue to live in households that do not have an adequate supply of food;

Whereas almost 3,000,000 of those children experience hunger; and

Whereas selfless sacrifice breeds a genuine spirit of Thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

Resolved, That the Senate—

(1) designates Thursday, November 17, 2005, as ''Feed America Thursday''; and

(2) requests that the President issue a proclamation calling on the people of the United States to sacrifice 2 meals on Thursday, November 17, 2005, and to donate the money that they would have spent on food to a religious or charitable organization of their choice for the purpose of feeding the hungry.

Mr. HATCH. Mr. President, I rise today to offer S. Res. 298, designating Thursday, November 17, 2005, as Feed America Thursday. I appreciate my friend, Senator ROBERT BENNETT, joining with me in this resolution.

On Thanksgiving Day, we remember with deep gratitude the many bounties of life, including an appreciation for families and friends and the great country in which we live. Part of what makes this country great is the spirit of selfless giving and generosity of its citizens. The great outpouring of support and assistance for the victims of Hurricane Katrina is a most recent example.

In this season of Thanksgiving, it is important to also remember that over 33 million Americans, including 13 million children, continue to live in households that do not have an adequate supply of food. These fellow citizens in need of food must not be forgotten.

On behalf of the Utah congressional delegation, Congressman CHRIS CANNON has submitted a companion resolution in the House of Representatives. We urge our distinguished colleagues to join us in designating Thursday, November 17, 2005, as Feed America Thursday, to encourage our fellow citizens to sacrifice two meals on that day and donate the money they would have spent on food to a religious or charitable organization of their choice for the purpose of feeding the hungry.

SENATE RESOLUTION 299—TO EXPRESS SUPPORT FOR THE GOALS OF NATIONAL ADOPTION MONTH BY PROMOTING NATIONAL AWARENESS OF ADOPTION, CELEBRATING CHILDREN AND FAMILIES INVOLVED IN ADOPTION, AND ENCOURAGING AMERICANS TO SECURE SAFETY, PERMANENCY, AND WELL-BEING FOR ALL CHILDREN

Ms. LANDRIEU (for herself, Mr. DEMINT, Mrs. CLINTON, Mr. NELSON of Nebraska, Mr. BROWNBACK, Mr. CRAIG, Mr. KERRY, Mr. COLEMAN, and Mr. SALAZAR) submitted the following resolution; which was considered and agreed to:

S. RES. 299

Whereas there are approximately 532,000 children in the foster care system in the United States, approximately 129,000 of whom are waiting to be adopted;

Whereas the average length of time a child in foster care remains in foster care is almost 3 years;

Whereas for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected is endless;

Whereas every year 25,000 children ''age out'' of foster care by reaching adulthood without being placed in a permanent home;

Whereas, since 1987, the number of annual adoptions has ranged from 118,000 to 127,000;

Whereas approximately 2,100,000 children in the United States live with adoptive parents;

Whereas approximately 6 of every 10 Americans have been touched personally by adoption in that they, a family member, or a close friend was adopted, has adopted a child, or has placed a child for adoption;

Whereas every day loving and nurturing families are formed when committed and dedicated individuals make an important difference in the life of a child through adoption; and

Whereas on November 4, 2004, the President proclaimed November 2004 as National Adoption Month: Now, therefore, be it

Resolved, That the Senate recognizes November 2005 as National Adoption Month.

SENATE RESOLUTION 300—RELATIVE TO THE DEATH OF HENRY KU'UALOHA GIUGNI, FORMER SERGEANT-AT-ARMS OF THE UNITED STATES SENATE

Mr. INOUYE (for himself, Mr. AKAKA, Mr. BYRD, Mr. FRIST, Mr. REID, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr.

DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON OF FLORIDA, Mr. NELSON OF NEBRASKA, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 300

Whereas Henry Ku'ualoha Giugni was born on January 11, 1925, in Honolulu, Hawai'i;

Whereas Henry Giugni served with distinction in the United States Army, after enlisting at the age of 16 after the attacks on Pearl Harbor, and served in combat at the Battle of Guadalcanal during World War II;

Whereas Henry Giugni began his service in the Senate in 1963 as Senior Executive Assistant and Chief of Staff to Senator Daniel K. Inouye;

Whereas Henry Giugni served as Sergeant-at-Arms from 1987 until 1990;

Whereas Henry Giugni was the first person of color and first Polynesian to be appointed to be the Sergeant-at-Arms;

Whereas Henry Giugni promoted minorities and women by appointing the first minority, an African American, to lead the Sergeant-at-Arms' Service Department, and was the first to assign women to the Capitol Police plainclothes unit;

Whereas Henry Giugni's special interest in people with disabilities resulted in a major expansion of the Special Services Office, which now conducts tours of the U.S. Capitol for the blind, deaf, and wheelchair-bound, and publishes Senate maps and documents in Braille;

Whereas in 2003, Henry Giugni received an Honorary Doctorate of Humane Letters from the University of Hawaii at Hilo in recognition of his extraordinary contributions to Hawaii and the nation;

Whereas Henry Giugni carried Hawai'i's flag while marching with Dr. Martin Luther King for civil rights in Selma, Alabama;

Whereas Henry Giugni presided over the inauguration of President George H.W. Bush, and escorted numerous foreign dignitaries, including Nelson Mandela, Margaret Thatcher, and Vaclav Havel when they visited the United States Capitol; and

Whereas on November 3, 2005, Henry Giugni passed away at the age of 80; Now therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Henry Giugni.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of Henry Giugni.

AMENDMENTS SUBMITTED & PROPOSED

SA 2402. Ms. SNOWE (for herself, Ms. COLLINS, Mr. ROCKEFELLER, and Mr. DURBIN) submitted an amendment intended to be proposed by her to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table.

SA 2403. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2404. Mr. ENSIGN (for himself, Mr. SANTORUM, and Mr. KYL) proposed an amendment to amendment SA 2352 proposed by Mr. ENZI (for himself, Mr. KENNEDY, Mr. ALEXANDER, Mr. DODD, Ms. LANDRIEU, Mr. COCHRAN, Mr. LOTT, and Mrs. HUTCHISON) to the bill S. 1932, supra.

SA 2405. Mrs. CLINTON (for herself, Ms. MIKULSKI, Mr. HARKIN, Mr. LAUTENBERG, Mr. JEFFORDS, Mr. REED, Mr. SALAZAR, Mr. OBAMA, Mrs. BOXER, Ms. STABENOW, Mr. CORZINE, Mr. SCHUMER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. CARPER, Mr. JOHNSON, and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2406. Mr. DURBIN (for himself, Mr. DORGAN, Mr. LAUTENBERG, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2407. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2408. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1932, supra.

SA 2409. Mr. REED (for himself, Mr. BAUCUS, Mrs. MURRAY, Mr. KENNEDY, Mr. BINGAMAN, Mr. CORZINE, Mrs. CLINTON, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 1932, supra.

SA 2410. Mr. BAUCUS (for himself, Mr. OBAMA, Ms. MIKULSKI, Mrs. MURRAY, Ms. STABENOW, Mr. FEINGOLD, Mr. REED, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2411. Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mrs. BOXER, Mrs. MURRAY, Mr. LAUTENBERG, Mr. SCHUMER, Mr. CORZINE, Ms. CANTWELL, and Ms. MIKULSKI) proposed an amendment to the bill S. 1932, supra.

SA 2412. Mr. VITTER (for Mr. STEVENS (for himself, Mr. VITTER, Ms. LANDRIEU, Mr. DOMENICI, Mr. CRAIG, Mr. LOTT, Mr. INOUYE, and Mr. BINGAMAN)) proposed an amendment to the bill S. 1932, supra.

SA 2413. Mr. WARNER (for himself, Mr. LIEBERMAN, Mr. ROBERTS, Mr. DURBIN, Mr. ALLEN, and Mr. OBAMA) proposed an amendment to the bill S. 1932, supra.

SA 2414. Mr. BYRD (for himself and Mr. HARKIN) proposed an amendment to the bill S. 1932, supra.

SA 2415. Mr. DURBIN (for himself, Mr. DORGAN, Mr. LAUTENBERG, Mr. JOHNSON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2416. Mr. SUNUNU (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2417. Mr. GREGG (for Mr. LEVIN) proposed an amendment to the bill S. 1932, supra.

SA 2418. Mr. GREGG (for Mr. SUNUNU (for himself, Mr. DURBIN, Mr. CRAIG, Mr. PRYOR, Mr. ISAKSON, Mr. NELSON of Nebraska, Mr. THUNE, Mr. KERRY, and Mr. CHAMBLISS)) proposed an amendment to the bill S. 1932, supra.

SA 2419. Mr. SANTORUM (for himself, Mr. BUNNING, Mr. THOMAS, Mr. VOINOVICH, Mr. LIEBERMAN, Mr. DODD, Mr. ROCKEFELLER, Ms. LANDRIEU, and Mr. CONRAD) proposed an amendment to the bill S. 1932, supra.

SA 2420. Mr. GREGG (for Mr. SUNUNU) proposed an amendment to the bill S. 1932, supra.

SA 2421. Mr. BURNS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2422. Mr. CONRAD (for himself and Mr. SALAZAR) proposed an amendment to the bill S. 1932, supra.

TEXT OF AMENDMENTS

SA 2402. Ms. SNOWE (for herself, Ms. COLLINS, Mr. ROCKEFELLER, and Mr. DURBIN) submitted an amendment intended to be proposed by her to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 368, between lines 5 and 6, insert the following:

SEC. 6116. CLARIFICATION OF CONGRESSIONAL INTENT REGARDING THE COUNTING OF RESIDENTS IN A NONHOSPITAL SETTING.

(a) D–GME.—Section 1886(h)(4)(E) (42 U.S.C. 1395ww(h)(4)(E)) is amended by adding at the end the following new sentences: ''For purposes of the preceding sentence, the term 'all, or substantially all, of the costs for the training program' means the stipends and benefits provided to the resident and other amounts, if any, as determined by the hospital and the entity operating the nonhospital setting. The hospital is not required to pay the entity any amounts other than those determined by the hospital and the entity in order for the hospital to be considered to have incurred all, or substantially all, of the costs for the training program in that setting.''.

(b) IME.—Section 1886(d)(5)(B)(iv) (42 U.S.C. 1395ww(d)(5)(B)(iv)) is amended by adding at the end the following new sentences: ''For purposes of the preceding sentence, the term 'all, or substantially all, of the costs for the training program' means the stipends and benefits provided to the resident and other amounts, if any, as determined by the hospital and the entity operating the nonhospital setting. The hospital is not required to pay the entity any amounts other than those determined by the hospital and the entity in order for the hospital to be considered to have incurred all, or substantially all, of the costs for the training program in that setting.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2005.

SA 2403. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 130, after line 25, insert the following:

SEC. 6005. IMPROVED REGULATION OF DRUGS SOLD UNDER A NEW DRUG APPLICATION APPROVED UNDER SECTION 505C OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

Section 1927 (42 U.S.C. 1396r–8) is amended—

(1) in subsection (c)(1)(C), by adding at the end the following:

''(iv) Notwithstanding any other provision of this section, in the case of a manufacturer that approves, allows, or otherwise permits any other drug of the manufacturer to be sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act that has, as of January 1, 2006, been marketed for at least 6 months and where the product of the average manufacturer price of the manufacturer's authorized drugs and the total units of such authorized drugs, if any, during the second quarter of 2005 for which a rebate was paid under any State plan approved under this title (and which was reported as required under subsection (b)(2)(A)), does not exceed $10,000,000, the term 'best price' shall not include any price for such authorized drug available for the innovator multiple source drug of such manufacturer.''; and

(2) in subsection (k)(1)(C), as amended by section 6003(b)(2)(A), by adding at the end the following:

''(G) Notwithstanding subparagraph (C) or any other provision of this section, in the case of a manufacturer that approves, allows, or otherwise permits any other drug of the manufacturer to be sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act that has, as of January 1, 2006, been marketed for at least 6 months and where the product of the average manufacturer price of the manufacturer's authorized drugs and the total units of such authorized drugs, if any, during the second quarter of 2005 for which a rebate was paid under any State plan approved under this title (and which was reported as required under subsection (b)(2)(A)), does not exceed $10,000,000, the term 'average manufacturer price' shall not include any price paid for such authorized drug by wholesalers for drugs distributed to the retail pharmacy class of trade for the innovator multiple source drugs of such manufacturer.''.

SA 2404. Mr. ENSIGN (for himself, Mr. SANTORUM, and Mr. KYL) proposed an amendment to amendment SA 2352 proposed by Mr. ENZI (for himself, Mr. KENNEDY, Mr. ALEXANDER, Mr. DODD, Ms. LANDRIEU, Mr. COCHRAN, Mr. LOTT, and Mrs. HUTCHISON) to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

Strike all after the first word of the amendment and insert the following:

D—Hurricane Katrina Education Relief

SEC. 7951. SHORT TITLE.

This subtitle may be cited as the ''Hurricane Katrina Education Relief Act''.

SEC. 7952. FINDINGS.

Congress finds the following:

(1) Hurricane Katrina has had a devastating and unprecedented impact on students who attended schools in the disaster areas.

(2) Due to the devastating effects of Hurricane Katrina, a significant number of students have enrolled in schools outside of the area in which they resided on August 22, 2005, including a significant number of students who enrolled in nonpublic schools because their parents chose to enroll them in such schools.

(3) 372,000 students were displaced by Hurricane Katrina. Approximately 700 schools have been damaged or destroyed. Nine States each have more than 1,000 of such displaced students enrolled in their schools. In Texas alone, over 45,000 displaced students have enrolled in schools.

(4) In response to these extraordinary conditions, this subtitle creates a one-time only emergency grant for the 2005–2006 school year tailored to the needs and particular circumstances of students displaced by Hurricane Katrina.

SEC. 7953. WAIVERS AND OTHER ACTIONS.

(a) IN GENERAL.—If the Secretary of Education determines that it is necessary, in order to provide assistance as efficiently and expeditiously as possible to students, local educational agencies, institutions of higher education, States, or other individuals or entities affected directly or indirectly by Hurricane Katrina, the Secretary may waive or modify, on a case-by-case basis, any requirement of Federal law or regulation that the Secretary administers or enforces (other than a law or regulation of Government-wide applicability or regarding civil rights or safety). The waivers or modifications that the Secretary of Education may issue include extending program reporting deadlines or allowing States, local educational agencies, and institutions of higher education to use funds more broadly to help displaced students.

(b) EFFECTIVE PERIOD.—No waiver or modification issued pursuant to subsection (a) shall be in effect after September 30, 2006.

(c) REPORT ON WAIVERS.—

(1) INITIAL REPORT.—Not later than 1 month after the date of enactment of this Act, the Secretary of Education shall prepare and submit a report on the States and local educational agencies requesting a waiver of any provision under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) due to the impact of Hurricane Katrina to the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate.

(2) FOLLOW-UP REPORT.—Not later than 3 months after September 30, 2006, the Secretary of Education shall prepare and submit a report describing the waivers that were granted under this subtitle, and the impact of such waivers, to the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate.

SEC. 7954. IMMEDIATE AID TO RESTART SCHOOL OPERATIONS.

(a) PURPOSE.—It is the purpose of this section—

(1) to provide immediate and direct assistance to institutions of higher education and local educational agencies in Louisiana, Mississippi, and Alabama that serve an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina;

(2) to assist administrators and personnel of such institutions and agencies who are working to restart operations;

(3) to facilitate the reopening of, and the re-enrollment of students in, institutions of higher education and elementary schools and secondary schools served by local educational agencies; and

(4) to assist institutions of higher education, elementary schools, and secondary schools in restoring operations disrupted by Hurricane Katrina.

(b) GRANTS AUTHORIZED.—From amounts appropriated to carry out this section, the Secretary of Education is authorized to make competitive grants—

(1) to institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), in Louisiana, Mississippi, and Alabama, that serve an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina; and

(2) to State educational agencies (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801 et seq.)) in Louisiana, Mississippi, and Alabama to enable those agencies to award subgrants, pursuant to subsection (d), to local educational agencies serving an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(c) AMOUNT OF GRANTS.—In determining the amount of a grant under this section, the Secretary of Education shall take into consideration—

(1) the number of schools and institutions of higher education in the State affected by Hurricane Katrina;

(2) the number of students in the State affected by Hurricane Katrina;

(3) the severity of the damage inflicted upon the affected schools and affected institutions; and

(4) the estimated length of time to restore operations at the affected schools and affected institutions.

(d) SUBGRANTS.—

(1) APPLICATIONS.—Each local educational agency desiring a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require to ensure expedited and timely payment to the local educational agency.

(2) ELIGIBILITY AND CONSIDERATION.—In determining whether to award a subgrant under this section, or the amount of the subgrant, the State educational agency shall consider the following:

(A) The number of school-aged children served by the local educational agency in the academic year preceding the academic year for which the grant is awarded.

(B) The severity of the impact of Hurricane Katrina on the local educational agency and the extent of the needs in each local educational agency in the State that is in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(e) USES OF FUNDS.—

(1) IN GENERAL.—An institution of higher education receiving a grant, or a local educational agency receiving a subgrant, under this section shall use the subgrant funds for—

(A) recovery of student and personnel data, and other electronic information;

(B) replacement of information systems, including hardware and software;

(C) financial operations;

(D) reasonable transportation costs for students;

(E) rental of mobile educational units and leasing of neutral sites or spaces;

(F) initial replacement of instructional materials and equipment, including textbooks;

(G) redeveloping instructional plans, including curriculum development;

(H) initiating and maintaining education and support services; or

(I) such other activities related to the purpose of this section that are approved by the Secretary of Education.

(2) USE WITH OTHER AVAILABLE FUNDS.—An institution of higher education receiving a grant, or a local educational agency receiving a subgrant, under this section may use such funds in coordination with other Federal, State, or local funds available for the activities described in paragraph (1).

(3) PROHIBITIONS.—Grant funds or subgrant funds received under this section shall not be used for either of the following:

(A) Construction or major renovation of schools or institutions of higher education.

(B) Payments to administrators, faculty, or teachers who are not actively engaged in—

(i) restarting or re-opening schools or institutions of higher education; or

(ii) restoring operations of schools or institutions of higher education.

(f) SUPPLEMENT NOT SUPPLANT.—

(1) IN GENERAL.—Except as provided in paragraph (2), funds made available under this section shall be used to supplement, not supplant, any funds made available through the Federal Emergency Management Agency or through a State.

(2) EXCEPTION.—Paragraph (1) shall not prohibit the provision of Federal assistance under this section to an eligible educational agency or institution of higher education that is or may be entitled to receive, from another source, benefits for the same purposes as under this section if such agency or institution—

(A) has not received such other benefits by the time of application for Federal assistance under this section; and

(B) agrees to repay all duplicative Federal assistance received to carry out the purposes of this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, and there is appropriated, out of any money in the Treasury not otherwise appropriated, $450,000,000 to carry out this section.

SEC. 7955. HOLD HARMLESS FOR AGENCIES SERVING MAJOR DISASTER AREAS.

(a) LOCAL EDUCATIONAL AGENCIES AND TITLE I OF ESEA FUNDS.—In the case of a local educational agency that serves an area in which the President has declared that a major disaster exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina, the amount made available for such local educational agency under each of sections 1124, 1124A, 1125, and 1125A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333, 6334, 6335, and 6337) for fiscal year 2006 shall be not less than the amount made available for such local educational agency under each of such sections for fiscal year 2005.

(b) STATE EDUCATIONAL AGENCIES AND IDEA FUNDS.—In the case of a State educational agency that serves an area in which the President has declared that a major disaster exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina, the amount made available for such State educational agency under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) for fiscal year 2006 shall be not less than the amount made available for such State educational agency under such Act for fiscal year 2005.

SEC. 7956. TEACHER AND PARAPROFESSIONAL RECIPROCITY; DELAY.

(a) TEACHER AND PARAPROFESSIONAL RECIPROCITY.—

(1) TEACHERS.—

(A) AFFECTED TEACHER.—In this subsection, the term ''affected teacher'' means a teacher who is displaced due to Hurricane Katrina and relocates to a State that is different from the State in which such teacher resided on August 22, 2005.

(B) IN GENERAL.—A local educational agency may consider an affected teacher hired by that agency who is not highly qualified in the State in which the agency is located to be highly qualified, for purposes of section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319) and section 612(a)(14) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)), through the last day of the 2005–2006 school year if such teacher was highly qualified, consistent with section 9101(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(23)) and section 602(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(10)), on or before August 22, 2005, in the State in which such teacher resided on August 22, 2005.

(2) PARAPROFESSIONALS.—

(A) AFFECTED PARAPROFESSIONAL.—In this subsection, the term ''affected paraprofessional'' means a paraprofessional who is displaced due to Hurricane Katrina and relocates to a State that is different from the State in which such paraprofessional resided on August 22, 2005.

(B) IN GENERAL.—A local educational agency may consider an affected paraprofessional hired by such agency who does not satisfy the requirements of section 1119(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(c)) in the State in which such agency is located to satisfy such requirements, for purposes of such section, through the last day of the 2005–2006 school year if such paraprofessional satisfied such requirements on or before August 22, 2005, in the State in which such paraprofessional resided on August 22, 2005.

(b) DELAY.—The Secretary of Education may delay, for a period not to exceed 1 year, applicability of the requirements of paragraphs (2) and (3) of section 1119(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(a)(2) and (3)) and section 612(a)(14)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)(C)) with respect to the States of Alabama, Louisiana, and Mississippi (and local educational agencies within the jurisdiction of such States), if any such State or local educational agency demonstrates that a failure to comply with such requirements is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of local educational agencies within the State.

SEC. 7957. ASSISTANCE FOR HOMELESS YOUTH.

(a) IN GENERAL.—The Secretary of Education shall provide assistance to local educational agencies serving homeless children and youths displaced by Hurricane Katrina, consistent with section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433), including identification, enrollment assistance, assessment and school placement assistance, transportation, coordination of school services, supplies, referrals for health, mental health, and other needs.

(b) EXCEPTION AND DISTRIBUTION OF FUNDS.—

(1) EXCEPTION.—For purposes of providing assistance under subsection (a), subsections (c), (d)(2), and (e)(1) of section 722 and subsections (b) and (c) of section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(c), (d)(2), and (e)(1), 11433(b) and (c)) shall not apply.

(2) DISBURSEMENT.—The Secretary of Education shall disburse funds under subsection (a) to State educational agencies based on demonstrated need, as determined by the Secretary, and those State educational agencies shall distribute funds available under subsection (c) to local educational agencies based on demonstrated need, for the purposes of carrying out section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, and there is appropriated, out of any money in the Treasury not otherwise appropriated, to carry out this section $10,000,000.

SEC. 7958. GENERAL PROVISION.

Nothing in sections 7951 through 7957 of this subtitle shall be construed to permit discrimination on the basis of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.)), national origin, or disability in any program funded under sections 7951 through 7957 of this subtitle.

SEC. 7959. TEMPORARY EMERGENCY IMPACT AID FOR DISPLACED STUDENTS.

(a) TEMPORARY EMERGENCY IMPACT AID AUTHORIZED.—

(1) AID TO STATE EDUCATIONAL AGENCIES.—From amounts appropriated under subsection (o), the Secretary of Education shall provide emergency impact aid to State educational agencies to enable the State educational agencies—

(A) to make emergency impact aid payments to eligible local educational agencies and eligible BIA-funded schools to enable those eligible local educational agencies and schools to provide for the instruction of displaced students served by the agencies and schools; and

(B) to make immediate impact aid payments to individual accounts established on behalf of displaced students who are attending eligible nonpublic schools located within the State.

(2) AID TO LOCAL EDUCATIONAL AGENCIES AND BIA-FUNDED SCHOOLS.—A State educational agency shall make emergency impact aid payments to eligible local educational agencies and eligible BIA-funded schools in accordance with subsection (d).

(3) STATE EDUCATIONAL AGENCIES IN CERTAIN STATES.—In the case of the States of Louisiana and Mississippi, the State educational agency shall carry out the activities of eligible local educational agencies that are unable to carry out this section, including eligible local educational agencies in those States for which the State exercises the authorities normally exercised by the local educational agencies.

(b) DEFINITIONS.—In this section:

(1) CHILD WITH A DISABILITY.—The term ''child with a disability'' has the meaning given the term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(2) DISPLACED STUDENT.—The term ''displaced student'' means a student who enrolls in a school (other than the school that the student was enrolled in, or was eligible to be enrolled in, on August 22, 2005), and who resided, on August 22, 2005, in an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(3) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The term ''eligible local educational agency'' means a local educational agency

that serves an elementary school or secondary school (including a charter school) in which there is enrolled a displaced student.

(4) ELIGIBLE NONPUBLIC SCHOOL.—The term ''eligible nonpublic school'' means a nonpublic school that—

(A) operates in accordance with State law or is accredited or licensed;

(B) was in existence on August 22, 2005; and

(C) serves a displaced student.

(5) ELIGIBLE BIA-FUNDED SCHOOL.—In this section, the term ''eligible BIA-funded school'' means a school funded by the Bureau of Indian Affairs in which there is enrolled a displaced student.

(c) APPLICATION.—

(1) STATE EDUCATIONAL AGENCY.—A State educational agency that desires to receive emergency impact aid under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary of Education may reasonably require, which shall include—

(A) information on the displaced student child count of the State provided by eligible local educational agencies in the State and eligible BIA-funded schools in the State under paragraph (2);

(B) information on the child count of the State of displaced students enrolled in eligible nonpublic schools;

(C) a description of how parents and guardians will be notified of their options for enrolling their children in public or nonpublic schools in the State;

(D) a description of the process by which parents and guardians may apply for payment through individual accounts, including the information such parents and guardians will be required to provide such State educational agency;

(E) a description of the procedure to be used by such State educational agency to provide payments to parents and guardians through individual accounts;

(F) a description of the process to be used by such State educational agency to obtain attestations of attendance of displaced students from eligible nonpublic schools, in order for such agency to provide payments to parents and guardians through individual accounts; and

(G) a description of how such State educational agency will prioritize funding for displaced students attending eligible nonpublic schools, if necessary, including any criteria such as household income.

(2) LOCAL EDUCATIONAL AGENCIES AND BIA-FUNDED SCHOOLS.—An eligible local educational agency or eligible BIA-funded school that desires an emergency impact aid payment under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require, including documentation submitted for each quarter of the 2005–2006 school year that indicates the following:

(A) In the case of an eligible local educational agency, the number of displaced students enrolled in the elementary schools and secondary schools (including charter schools), including the number of displaced students who are identified as children with disabilities and are served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), served by such agency.

(B) In the case of an eligible BIA-funded school, the number of displaced students, including the number of displaced students who are identified as children with disabilities and are served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), enrolled in such school.

(3) DETERMINATION OF NUMBER OF DISPLACED STUDENTS.—In determining the number of displaced students for a quarter under paragraph (2), an eligible local educational agency or eligible BIA-funded school shall include in such number the number of displaced students served during such quarter prior to the date of enactment of this Act.

(d) AMOUNT OF EMERGENCY IMPACT AID.—

(1) AID TO STATE EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—The amount of emergency impact aid received by a State educational agency for the 2005–2006 school year shall equal the sum of—

(i) the number of displaced students (who are not identified as children with disabilities and are not served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)), as determined by the eligible local educational agencies and eligible BIA-funded schools in the State under subsection (c)(2), and the number of such displaced students enrolled in eligible nonpublic schools in the State whose parents or guardians request payments pursuant to this section, times $6,000; and

(ii) the number of displaced students who are identified as children with disabilities and are served under part B of the Individuals with Disabilities Education Act, as determined by the eligible local educational agencies and eligible BIA-funded schools in the State under subsection (c)(2), and the number of such displaced students enrolled in eligible nonpublic schools in the State whose parents or guardians request payments pursuant to this section, times $7,500.

(B) INSUFFICIENT FUNDS.—If the amount available under this section to provide emergency impact aid under this subsection is insufficient to pay the full amount that a State educational agency is eligible to receive under this section, the Secretary of Education shall ratably reduce the amount of such emergency impact aid.

(2) AID TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES AND ELIGIBLE BIA-FUNDED SCHOOLS; PAYMENTS TO INDIVIDUAL ACCOUNTS.—

(A) IN GENERAL.—A State educational agency that receives emergency impact aid under this subtitle shall provide payments under this section to eligible local educational agencies and eligible BIA-funded schools (as provided under subparagraph (B)), and to the individual accounts on behalf of displaced students enrolled in eligible nonpublic schools (as provided under subparagraph (C)) whose parents or guardians have requested such funds in accordance with subsection (e)(2), for the 2005–2006 school year by such dates as determined by the Secretary of Education. The Secretary of Education shall establish a timeline for reporting on the number of displaced students for each quarter in order to make the appropriate disbursements in a timely manner.

(B) PAYMENTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES AND ELIGIBLE BIA-FUNDED SCHOOLS.—

(i) IN GENERAL.—Payments to eligible local educational agencies and eligible BIA-funded schools shall be based on the number of displaced students reported for each quarter under subsection (c)(2) and in the amount determined under clause (ii).

(ii) PAYMENT AMOUNT.—Each payment under clause (i) shall equal 25 percent of the sum of—

(I) the number of displaced students (who are not identified as children with disabilities and are not served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)) reported by the eligible local educational agency or eligible BIA-funded school for each quarter (as determined under subsection (c)(2)) times $6,000; and

(II) the number of displaced students who are identified as children with disabilities and are served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) reported by the eligible local educational agency or eligible BIA-funded school for each quarter (as determined under subsection (c)(2)) times $7,500.

(iii) INSUFFICIENT FUNDS.—If the amount available under this section to make payments under this subsection is insufficient to pay the full amount that an eligible local educational agency or eligible BIA-funded school is eligible to receive for any quarter under this section, the State educational agency shall ratably reduce the amount of the payments.

(C) PAYMENTS TO INDIVIDUAL ACCOUNTS.—

(i) IN GENERAL.—A State educational agency shall make payments to an individual account on behalf of a displaced student for each quarter for which the displaced student is enrolled in an eligible nonpublic school in the amount determined under clause (ii).

(ii) PAYMENT AMOUNT.—Each payment under clause (i) shall equal 25 percent of the lesser of—

(I) $6,000; or

(II) the total amount of tuition, fees, and transportation costs, if any, of the displaced student for the 2005–2006 school year.

(iii) MAXIMUM AMOUNT.—In providing payments to an individual account for the 2005–2006 school year on behalf of a displaced student, a State educational agency may provide not more than 4 quarterly payments to such account.

(e) USE OF FUNDS.—

(1) DISPLACED STUDENTS IN PUBLIC SCHOOLS.—An eligible local educational agency or eligible BIA-funded school receiving emergency impact aid payments under this section shall use the payments to provide instructional opportunities for displaced students who enroll in elementary schools and secondary schools (including charter schools) served by such agency or in such a school, and for other expenses incurred as a result of the agency or school serving displaced students, which uses may include–

(A) paying the compensation of personnel, including teacher aides, in schools enrolling displaced students;

(B) identifying and acquiring curricular material, including the costs of providing additional classroom supplies, and mobile educational units and leasing sites or spaces;

(C) basic instructional services for such students, including tutoring, mentoring, academic counseling, supplemental educational services, or after-school programs;

(D) reasonable transportation costs for students;

(E) health services (including counseling); and

(F) alternative education services.

(2) DISPLACED STUDENTS IN NONPUBLIC SCHOOLS.—

(A) IN GENERAL.—A State educational agency that receives emergency impact aid under this section shall, at the request of the parent or guardian of a displaced student who enrolls in an eligible nonpublic school in the State, use such emergency impact aid to provide payment on a quarterly basis, in accordance with subsection (d)(2)(C), to an individual account on behalf of such displaced student. Payment shall be by individual check made payable to the displaced student's parent or guardian and mailed by the State educational agency to the eligible nonpublic school of the parent or guardian's direction and the parent or guardian shall restrictively endorse the check to such eligible nonpublic school.

(B) USE OF FUNDS.—An eligible nonpublic school that receives a check pursuant to subparagraph (A) may use the funds for—

(i) paying the compensation of personnel, including teacher aides;

(ii) identifying and acquiring curricular material, including the costs of providing additional classroom supplies, and mobile educational units and leasing sites or spaces;

(iii) basic instructional services for the displaced students, including tutoring, mentoring, academic counseling, or after-school programs;

(iv) reasonable transportation costs for the displaced students;

(v) health services (including counseling);

(vi) education and support services; and

(vii) alternative education services.

(3) PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES.—

(A) IN GENERAL.—In the case of a displaced student who is identified as a child with a disability and is served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), any payment made on behalf of such student to an eligible local educational agency or any payment available in an account for such student, shall be used to pay the cost of providing the student with special education and related services consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) SPECIAL RULE.—Notwithstanding any other provision of this section, a State educational agency may provide payment to an eligible local educational agency that provides services to a displaced student attending an eligible nonpublic school under section 612(a)(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(10)) in an amount that is not more than $1,500 per displaced student served.

(C) SPECIAL EDUCATION; RELATED SERVICES.—In this paragraph, the terms ''special education'' and ''related services'' have the meaning given such terms in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(f) RETURN OF AID.—

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY OR ELIGIBLE BIA-FUNDED SCHOOL.—An eligible local educational agency or eligible BIA-funded school that receives an emergency impact aid payment under this section shall return to the State educational agency any payment provided to the eligible local educational agency or school under this section that the eligible local educational agency or school has not obligated by the end of the 2005–2006 school year in accordance with this section.

(2) STATE EDUCATIONAL AGENCY.—A State educational agency that receives emergency impact aid under this section, shall return to the Secretary of Education—

(A) any aid provided to the agency under this section that the agency has not obligated by the end of the 2005-2006 school year in accordance with this section; and

(B) any payment funds returned to the State educational agency under paragraph (1).

(g) LIMITATION ON USE OF AID AND PAYMENTS.—Aid and payments provided under this section shall be used only for expenses incurred during the 2005–2006 school year.

(h) ADMINISTRATIVE EXPENSES.—A State educational agency that receives emergency impact aid under this section may use not more than 1 percent of such aid for administrative expenses.

(i) SPECIAL FUNDING RULE.—In calculating funding under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) for an eligible local educational agency that receives an emergency impact aid payment under this section, the Secretary of Education shall not count displaced students served by such agency for whom an emergency impact aid payment is received under this section, nor shall such students be counted for the purpose of calculating the total number of children in average daily attendance at the schools served by such agency as provided in section 8003(b)(3)(B)(i) of such Act (20 U.S.C. 7703(b)(3)(B)(i)).

(j) TERMINATION OF AUTHORITY.—The authority provided by this section shall terminate on August 1, 2006.

(k) BY-PASS.—If a State educational agency is unable or unwilling to carry out this section, the Secretary of Education may make such arrangements with the State as the Secretary determines appropriate to carry out this section on behalf of displaced students attending an eligible nonpublic school in the State. For a State in which State law prohibits the State from using Federal funds to directly provide services on behalf of students attending nonpublic schools and provides that another entity shall provide such services, the Secretary of Education shall make such arrangements with that entity.

(l) NONDISCRIMINATION.—

(1) IN GENERAL.—A State educational agency may provide payment under this section to the parent or guardian of a displaced student who enrolls in an eligible nonpublic school in the State only if the eligible nonpublic school selected by the student provides assurances that it does not discriminate against participating displaced students on the basis of race, color, national origin, religion, or sex.

(2) APPLICABILITY AND SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the prohibition of sex discrimination in paragraph (1) shall not apply to a nonpublic school that is operated by, controlled by, or connected to a religious organization to the extent that the application of paragraph (1) is inconsistent with the religious tenets or beliefs of the school.

(B) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—Notwithstanding paragraph (1) or any other provision of law, a parent or guardian may choose, and a nonpublic school may offer, a single-sex school, class, or activity.

(3) GENERAL PROVISION.—Nothing in this section may be construed to alter or modify the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(4) RULE OF CONSTRUCTION.—Payments made to an individual account (or any other form of support provided to students under this section) under this section shall be considered assistance to the student and shall not be considered assistance to the school that enrolls the student. The amount of any payment (or other form of support provided on behalf of a displaced student) under this section shall not be treated as income of a parent or guardian of the student for purposes of Federal tax laws or for determining eligibility for any other Federal program.

(5) RELIGIOUSLY AFFILIATED SCHOOLS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, an eligible nonpublic school participating in any program under this subtitle that is operated by, supervised by, controlled by, or connected to, a religious organization may exercise its rights in matters of employment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), including the exemptions provided under such title.

(B) MAINTENANCE OF PURPOSE.—Notwithstanding any other provision of law, funds made available under this section to displaced students that are received by an eligible nonpublic school, as a result of the student's parent or guardian's choice, shall not, consistent with the first amendment of the United States Constitution, necessitate any change in the eligible nonpublic school's teaching mission, require any eligible nonpublic school to remove religious art, icons, scriptures, or other symbols, or preclude any eligible nonpublic school from retaining religious terms in its name, selecting its board members on a religious basis, or including religious references in its mission statements and other chartering or governing documents.

(C) RULE OF CONSTRUCTION.—For purposes of this section, the provisions of section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) shall apply to this section as if section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) were part of this section.

(m) TREATMENT OF STATE AID.—A State shall not take into consideration emergency impact aid payments received under this section by a local educational agency in the State in determining the eligibility of such local educational agency for State aid, or the amount of State aid, with respect to free public education of children.

(n) RETURN OF UNEXPENDED FUNDS.—The Secretary of Education shall return to the Treasury any funds appropriated under this section that are unexpended or unobligated by September 30, 2006.

(o) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, and there is appropriated, out of any money in the Treasury not otherwise appropriated, $1,200,000,000 to carry out this section.

SEC. 7960. LIMITATION ON USE OF FUNDS.

Aid, payments, assistance, or other funding provided under this subtitle shall be used only for expenses incurred during the 2005–2006 school year.

SEC. 7961. SUNSET PROVISION.

Except as otherwise provided in this subtitle, the provisions of this subtitle shall be effective for the period beginning on the date of enactment of this Act and ending on August 30, 2006.

SA 2405. Mrs. CLINTON (for herself, Ms. MIKULSKI, Mr. HARKIN, Mr. LAUTENBERG, Mr. JEFFORDS, Mr. REED, Mr. SALAZAR, Mr. OBAMA, Mrs. BOXER, Ms. STABENOW, Mr. CORZINE, Mr. SCHUMER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. CARPER, Mr. JOHNSON, and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. con. Res. 95); which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___ KATRINA COMMISSION

SEC. ___01. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the Katrina Commission (in this title referred to as the ''Commission'').

SEC. ___02. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

(5) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party; and

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens who represent a diverse range of citizens and enjoy national recognition and significant depth of experience in such professions as governmental service, emergency preparedness, mitigation planning, cataclysmic planning and response, intergovernmental management, resource planning, recovery operations and planning, Federal coordination, military coordination, and other extensive natural disaster and emergency response experience.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before October 1, 2005.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. ___03. DUTIES.

The duties of the Commission are to—

(1) examine and report upon the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States of America especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath;

(2) ascertain, evaluate, and report on the information developed by all relevant governmental agencies regarding the facts and circumstances related to Hurricane Katrina prior to striking the United States and in the days and weeks following;

(3) build upon concurrent and prior investigations of other entities, and avoid unnecessary duplication concerning information related to existing vulnerabilities;

(4) make a full and complete accounting of the circumstances surrounding the approach of Hurricane Katrina to the Gulf States, and the extent of the United States government's preparedness for, and response to, the hurricane;

(5) planning necessary for future cataclysmic events requiring a significant marshaling of Federal resources, mitigation, response, and recovery to avoid significant loss of life;

(6) an analysis as to whether any decisions differed with respect to response and recovery for different communities, neighborhoods, parishes, and locations and what problems occurred as a result of a lack of a common plan, communication structure, and centralized command structure; and

(7) investigate and report to the President and Congress on its findings, conclusions, and recommendations for immediate corrective measures that can be taken to prevent problems with Federal response that occurred in the preparation for, and in the aftermath of, Hurricane Katrina so that future cataclysmic events are responded to adequately.

SEC. ___04. FUNCTIONS OF COMMISSION.

(a) IN GENERAL.—The functions of the Commission are to—

(1) conduct an investigation that—

(A) investigates relevant facts and circumstances relating to the catastrophic impacts that Hurricane Katrina exacted upon the Gulf Region of the United States especially in New Orleans and surrounding parishes, and impacted areas of Mississippi and Alabama; and

(B) shall include relevant facts and circumstances relating to—

(i) Federal emergency response planning and execution at the Federal Emergency Management Agency, the Department of Homeland Security, the White House, and all other Federal entities with responsibility for assisting during, and responding to, natural disasters;

(ii) military and law enforcement response planning and execution;

(iii) Federal mitigation plans, programs, and policies including prior assessments of existing vulnerabilities and exercises designed to test those vulnerabilities;

(iv) Federal, State, and local communication interoperability successes and failures;

(v) past, present, and future Federal budgetary provisions for preparedness, mitigation, response, and recovery;

(vi) the Federal Emergency Management Agency's response capabilities as an independent agency and as part of the Department of Homeland Security;

(vii) the role of congressional oversight and resource allocation;

(viii) other areas of the public and private sectors determined relevant by the Commission for its inquiry; and

(ix) long-term needs for people impacted by Hurricane Katrina and other forms of Federal assistance necessary for large-scale recovery;

(2) identify, review, and evaluate the lessons learned from Hurricane Katrina including coordination, management policies, and procedures of the Federal Government, State and local governments, and nongovernmental entities, relative to detection, planning, mitigation, asset prepositioning, and responding to cataclysmic natural disasters such as Hurricane Katrina; and

(3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

SEC. ___05. POWERS OF COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this Act—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. ___06. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under section ___10.

(c) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. ___07. STAFF OF COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chairman, in consultation with the vice chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. ___08. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. ___09. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. ___10. REPORTS OF COMMISSION; TERMINATION.

(a) INTERIM REPORTS.—The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—Not later than 6 months after the date of the enactment of this title, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this Act, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

SEC. ___11. FUNDING.

(a) EMERGENCY APPROPRIATION OF FUNDS.—There are authorized to be appropriated $3,000,000 for purposes of the activities of the Commission under this title and such funding is designated as emergency spending under section 402 of H. Con. Res. 95 (109th Congress).

(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

SA 2406. Mr. DURBIN (for himself, Mr. DORGAN, Mr. LAUTENBERG, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ACCOUNTABILITY IN FEDERAL CONTRACTING.

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds appropriated or otherwise made available by the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109–61), by the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109–62), or through the Iraq Relief and Reconstruction Fund may be obligated or expended in connection with a contract with a contractor that, during the previous 5 years—

(1) has been found by an executive agency, the Special Inspector General for Iraq Reconstruction, or any Inspector General having oversight authority with respect to Hurricane Katrina and Hurricane Rita reconstruction contracts to have overcharged or improperly billed the Federal Government by a total of at least $10,000,000 through one or more overcharges;

(2) has been found by an executive agency, the Special Inspector General for Iraq Reconstruction, or any Inspector General having oversight authority with respect to Hurricane Katrina and Hurricane Rita reconstruction contracts to have committed one or more fraudulent acts resulting in total costs or losses to the Federal Government of at least $10,000,000; or

(3) has had rendered against it a judgment or conviction for an offense constituting a cause for suspension or debarment under the Federal suspension and debarment regulations.

(b) NATIONAL SECURITY WAIVER.—The President may waive the restrictions under subsection (a) on a case-by-case basis if the President determines that such waiver is in the national security interest of the United States and submits to the appropriate congressional authorities a report describing the reasons for such determination.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL AUTHORITIES.—The term ''appropriate congressional authorities'' means—

(A) the Majority Leader and the Minority Leader of the Senate;

(B) the Speaker of the House of Representatives and the Minority Leader of the House of Representatives; and

(C) the Committees on Appropriations of the Senate and the House of Representatives.

(2) EXECUTIVE AGENCIES.—The term ''executive agency'' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SA 2407. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 95, after line 21, insert the following:

SEC. 3005A. COMMUNICATION SYSTEM GRANTS.

(a) DEFINITIONS.—In this section—

(1) the term ''demonstration project'' means the demonstration project established under subsection (b)(1);

(2) the term ''Department'' means the Department of Homeland Security;

(3) the term ''emergency response provider'' has the meaning given that term in section 2(6) the Homeland Security Act of 2002 (6 U.S.C. 101(6)); and

(4) the term ''Secretary'' means the Secretary of Homeland Security.

(b) IN GENERAL.—

(1) ESTABLISHMENT.—There is established in the Department an ''International Border Community Interoperable Communications Demonstration Project''.

(2) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select not fewer than 2 communities to participate in a demonstration project.

(3) LOCATION OF COMMUNITIES.—Not fewer than 1 of the communities selected under paragraph (2) shall be located on the northern border of the United States and not fewer than 1 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

(c) PROJECT REQUIREMENTS.—The demonstration projects shall—

(1) address the interoperable communications needs of police officers, firefighters,

emergency medical technicians, National Guard, and other emergency response providers;

(2) foster interoperable communications—

(A) among Federal, State, local, and tribal government agencies in the United States involved in preventing or responding to terrorist attacks or other catastrophic events; and

(B) with similar agencies in Canada and Mexico;

(3) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(4) foster the standardization of interoperable communications equipment;

(5) identify solutions that will facilitate communications interoperability across national borders expeditiously;

(6) ensure that emergency response providers can communicate with each another and the public at disaster sites or in the event of a terrorist attack or other catastrophic event;

(7) provide training and equipment to enable emergency response providers to deal with threats and contingencies in a variety of environments; and

(8) identify and secure appropriate joint-use equipment to ensure communications access.

(d) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall distribute funds under this section to each community participating in a demonstration project through the State, or States, in which each community is located.

(2) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under paragraph (1), a State receiving funds under this section shall make the funds available to the local governments and emergency response providers participating in a demonstration project selected by the Secretary.

(e) FUNDING.—Amounts made available from the interoperability fund under section 3005(c)(3) shall be available to carry out this section without appropriation.

(f) REPORTING.—Not later than December 31, 2005, and each year thereafter in which funds are appropriated for a demonstration project, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration projects under this section.

SA 2408. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 94, strike line 7 through 12.

SA 2409. Mr. REED (for himself, Mr. BAUCUS, Mrs. MURRAY, Mr. KENNEDY, Mr. BINGAMAN, Mr. CORZINE, Mrs. CLINTON, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

Strike section 6031 of the bill.

SA 2410. Mr. BAUCUS (for himself, Mr. OBAMA, Ms. MIKULSKI, Mrs. MURRAY, Ms. STABENOW, Mr. FEINGOLD, Mr. REED, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 256, between lines 5 and 6, insert the following:

Subchapter D—Sense of the Senate

SEC. 6065. TO EXPRESS THE SENSE OF THE SENATE REGARDING MEDICAID RECONCILIATION LEGISLATION TO BE REPORTED BY A CONFERENCE COMMITTEE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Medicaid program provides essential health care and long-term care services to more than 50,000,000 low-income children, pregnant women, parents, individuals with disabilities, and senior citizens. It is a Federal guarantee that ensures that the most vulnerable will have access to needed medical services.

(2) The Medicaid program provides critical access to long-term care and other services for the elderly and individuals living with disabilities, and is the single largest provider of long-term care services. The Medicaid program also pays for personal care and other supportive services that are typically not provided by private health insurance or under the Medicare program, but are necessary to enable individuals with spinal cord injuries, developmental disabilities, neurological degenerative diseases, serious and persistent mental illnesses, HIV/AIDS, and other chronic conditions to remain in the community, to work, and to maintain independence.

(3) The Medicaid program supplements the Medicare program for more than 6,000,000 low-income elderly or disabled Medicare beneficiaries, assisting those beneficiaries with their Medicare premiums and co-insurance, wrap-around benefits, and the costs of nursing home care that the Medicare program does not cover. The Medicaid program spent nearly $40,000,000,000 in 2002 on services not covered under the Medicare program.

(4) The Medicaid program provides health insurance for more than ¼ of America's children and is the largest purchaser of maternity care, paying for more than ⅓ of all the births in the United States each year. The Medicaid program also provides vital access to care for children with disabilities, covering more than 70 percent of the poor children with disabilities in the United States.

(5) Medicaid's benefits for children are comprehensive, including mandatory coverage for Early and Periodic Screening Diagnosis and Treatment benefits covering all medically necessary care. Medicaid ensures that children have the benefits, health services and health care support they need to be fully immunized and that children can secure eyeglasses, dental care, and hearing aids when necessary, and that children have access to comprehensive, regularly scheduled, and as-needed health examinations, as well as preventive interventions, to correct physical and mental conditions that threaten to delay proper growth and development.

(6) More than 16,000,000 American women depend on the Medicaid program for their health care. Women comprise the majority of seniors (71 percent) on Medicaid. Half of nonelderly women with permanent mental or physical disabilities have health care coverage under the Medicaid program. The Medicaid program also provides critical access to treatment for low-income women diagnosed with breast or cervical cancer.

(7) The Medicaid program is the Nation's largest source of payment for mental health services, HIV/AIDS care, and care for children with special needs. Much of this care is either not covered by private insurance or is limited in scope or duration. The Medicaid program is also a critical source of funding for health care for children in foster care and for health care services provided in schools.

(8) Funds under the Medicaid program help to ensure access to care for all Americans. The Medicaid program is the single largest source of revenue for the Nation's safety net hospitals, health centers, and nursing homes, and is critical to the ability of these providers to adequately serve all Americans.

(9) The Medicaid program serves a major role in ensuring that the number of Americans without health insurance, approximately 45,000,000 in 2003, is not substantially higher. The system of Federal matching for State Medicaid expenditures ensures that Federal funds will grow as State spending increases in response to unmet needs, enabling the Medicaid program to help buffer the drop in private coverage during recessions. More than 4,800,000 Americans lost employer-sponsored health care coverage between 2000 and 2003, during which time the Medicaid program enrolled an additional 8,400,000 Americans.

(10) Many individuals living below the Federal poverty level are ineligible for Medicaid because of stringent income eligibility rules. For parents, eligibility levels are often very far below the Federal poverty level. On average, a working parent in a family of three would have to make less than $224 per week and a non-working parent in a family of three would have to make less than $150 per week to qualify. Single individuals with disabilities would be ineligible if they have more than $147 per week in income.

(11) Eligibility levels for pregnant women and children are generally at or just above the Federal poverty level, but a family with income just over minimum wage can be disqualified for Medicaid. At the minimum eligibility levels for pregnant women, earning as little as $8.80 per hour at a full-time job could disqualify a pregnant woman from Medicaid eligibility. A working parent in a family of three earning less than $8.40 per hour at a full-time job could make their child 6 years-old or older ineligible for Medicaid.

(12) Title III of the budget reconciliation bill of the House of Representatives, as reported out by the Committee on Energy and Commerce, would adversely affect these low-income beneficiaries, many of whom are children or have special health care needs, by increasing beneficiary cost-sharing, limiting access to benefits, and restricting eligibility for long-term care services that the Medicaid program covers. These new limits make up ⅔ of the House of Representative's projected Medicaid spending reductions, accounting for $30,100,000,000 of the total $45,300,000,000 in Medicaid reductions over 10 years.

(13) Making beneficiaries pay more for more limited benefits under Medicaid may put a significant financial burden on these very low-income individuals. Research also demonstrates that increasing beneficiary cost-sharing can make prescription drugs and other essential health services unaffordable for beneficiaries, can cause the health of children and adults to deteriorate, and can lead to higher emergency room and hospital costs.

(14) By contrast, while this title includes substantial cuts to the Medicaid program, it does not include direct limits on beneficiary access to Medicaid services. Even so, enactment of this title would result in a net Medicaid cut of $14,200,000,000 over 10 years, less than ⅓ of the projected Medicaid reductions contained in the House of Representative's budget reconciliation bill.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the conferees for any budget reconciliation bill of the 109th Congress shall not report a reconciliation bill that would—

(1) with respect to low-income children, pregnant women, disabled individuals, elderly individuals, individuals with chronic illnesses like HIV/AIDS, cancer, and diabetes, individuals with mental illnesses, and other Medicaid beneficiaries—

(A) impair access to Medicaid services;

(B) undermine eligibility for such Medicaid beneficiaries;

(C) make Medicaid services unavailable by making them unaffordable to such Medicaid beneficiaries; or

(D) cut health care services for such Medicaid beneficiaries; or

(2) undermine the Federal guarantee of health insurance coverage that the Medicaid program provides, which would threaten not only the health care safety net of the United States, but the entire health care system of the United States.

SA 2411. Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mrs. BOXER, Mrs. MURRAY, Mr. LAUTENBERG, Mr. SCHUMER, Mr. CORZINE, Ms. CANTWELL, and Ms. MIKULSKI) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 188, after line 24, add the following:

SEC. 6037. AUTHORITY TO CONTINUE PROVIDING CERTAIN ADULT DAY HEALTH CARE SERVICES OR MEDICAL ADULT DAY CARE SERVICES.

The Secretary shall not—

(1) withhold, suspend, disallow, or otherwise deny Federal financial participation under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) for adult day health care services or medical adult day care services, as defined under a State medicaid plan approved on or before 1982, if such services are provided consistent with such definition and the requirements of such plan; or

(2) withdraw Federal approval of any such State plan or part thereof regarding the provision of such services.

SA 2412. Mr. VITTER (for Mr. STEVENS (for himself, Mr. VITTER, Ms. LANDRIEU, Mr. DOMENICI, Mr. CRAIG, Mr. LOTT, Mr. INOUYE, and Mr. BINGAMAN)) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 95, strike lines 13 through 21, and insert the following:

(f) USE OF EXCESS PROCEEDS.—Any proceeds of the auction authorized by section 309(j)(15)(C)(v) of the Communications Act of 1934, as added by section 3003 of this Act, that exceed the sum of the payments made from the Fund under subsection (c), the transfer from the Fund under subsection (d), and any amount made available under section 3006 (referred to in this subsection as ''excess proceeds''), shall be distributed as follows:

(1) The first $1,000,000,000 of excess proceeds shall be transferred to and deposited in the general fund of the Treasury as miscellaneous receipts.

(2) After the transfer under paragraph (1), the next $500,000,000 of excess proceeds shall be transferred to the interoperability fund described in subsection (c)(3).

(3) After the transfers under paragraphs (1) and (2), the next $1,200,000,000 of exceess proceeds shall be transfered to the assistance program described in subsection (c)(5).

(4) After the transfers under paragraphs (1) through (3), any remaining excess proceeds shall be transferred to and deposited in the general fund of the Treasury as miscellaneous receipts.

SA 2413. Mr. WARNER (for himself, Mr. LIEBERMAN, Mr. ROBERTS, Mr. DURBIN, Mr. ALLEN, and Mr. OBAMA) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 369, between lines 11 and 12, insert the following:

''(D) the Secretary—

''(i) shall determine if an increase in the amount of a grant under this section is needed to help encourage students to pursue courses of study that are important to the current and future national, homeland, and economic security needs of the United States; and

''(ii) after making the determination described in clause (i), may increase the maximum and minimum award level established under subparagraph (A) by not more than 25 percent, for students eligible for a grant under this section who are pursuing a degree with a major in mathematics, science, technology, engineering, or a foreign language that is critical to the national security of the United States; and

''(E) not later than September 30 of each fiscal year, the Secretary shall notify Congress, in writing, of the Secretary's determination with respect to subparagraph (D)(i) and of any increase in award levels under subparagraph (D)(ii).

SA 2414. Mr. BYRD (for himself and Mr. HARKIN) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

At the appropriate place, insert the following:

SEC. ___. SUSPENSION OF DEBATE LIMITATION ON RECONCILIATION LEGISLATION THAT CAUSES A DEFICIT OR INCREASES THE DEFICIT.

(a) IN GENERAL.—For purposes of consideration in the Senate of any reconciliation bill or resolution, or amendments thereto or debatable motions and appeals in connection therewith, under section 310(e) of the Congressional Budget Act of 1974, section 305(b)(1), (2), and (5), section 305(c), and the limitation on debate in section 310(e)(2) of that Act, shall not apply to any reconciliation bill or resolution, amendment thereto, or motion thereon that includes reductions in revenue or increases in spending that would cause an on-budget deficit to occur or increase the deficit for any fiscal year covered by such bill or resolution.

(b) GERMANENESS REQUIRED.—Notwithstanding subsection (a), no amendment that is not germane to the provisions of such reconciliation bill or resolution shall be received.

SA 2415 Mr. DURBIN (for himself, Mr. DORGAN, Mr. LAUTENBERG, Mr. JOHNSON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ACCOUNTABILITY IN FEDERAL CONTRACTING.

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds appropriated or otherwise made available by the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109–61), by the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109–62), or through the Iraq Relief and Reconstruction Fund may be obligated or expended in connection with a contract entered into after the date of the enactment of this Act with a contractor that, during the previous 5 years—

(1) has been found by an executive agency, the Special Inspector General for Iraq Reconstruction, or any Inspector General having oversight authority with respect to Hurricane Katrina and Hurricane Rita reconstruction contracts to have overcharged or improperly billed the Federal Government by a total of at least $10,000,000 through one or more overcharges;

(2) has been found by an executive agency, the Special Inspector General for Iraq Reconstruction, or any Inspector General having oversight authority with respect to Hurricane Katrina and Hurricane Rita reconstruction contracts to have committed one or more fraudulent acts resulting in total costs or losses to the Federal Government of at least $10,000,000; or

(3) has been suspended or debarred under the Federal suspension and debarment regulations.

(b) NATIONAL SECURITY WAIVER.—The President may waive the restrictions under subsection (a) on a case-by-case basis if the President determines that such waiver is in the national security interest of the United States and submits to the appropriate congressional authorities a report describing the reasons for such determination.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL AUTHORITIES.—The term ''appropriate congressional authorities'' means—

(A) the Majority Leader and the Minority Leader of the Senate;

(B) the Speaker of the House of Representatives and the Minority Leader of the House of Representatives; and

(C) the Committees on Appropriations of the Senate and the House of Representatives.

(2) EXECUTIVE AGENCIES.—The term ''executive agency'' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SA 2416. Mr. SUNUNU (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 130, after line 25, add the following:

SEC. 6005. ELECTRONIC PRESCRIPTION INCENTIVES FOR MEDICAID MANAGED CARE ORGANIZATIONS.

(a) IN GENERAL.—Section 1903(m)(2)(A) (42 U.S.C. 1396b(m)(2)(A)) is amended—

(1) in clause (xi), by striking ''and'' at the end;

(2) in clause (xii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(xiii) notwithstanding clause (x), such contract provides that—

''(I) for each electronic prescription written by a physician during the period beginning on January 1, 2006, and ending on December 31, 2009, the entity shall make a payment of an amount equal to—

''(aa) $1.00, minus

''(bb) an amount equal to the percentage of total claims that consist of electronic prescription drug claims under this title by medicaid managed care organizations (as determined under section 6005(b) of the Deficit Reduction Omnibus Reconciliation Act of 2005, expressed in cents);

''(II) for each non-electronic prescription written by a physician during the period described in subclause (I), the entity shall reduce the dispensing fee otherwise applicable by an amount equal to—

''(aa) $1.00, minus

''(bb) an amount equal to the percentage of total claims under this title by medicaid managed care organizations that consist of non-electronic claims (as so determined and expressed in cents).''.

(b) DATA FOR DETERMINING ELECTRONIC CLAIMS.—

(1) IN GENERAL.—For purposes of section 1903(m)(2)(A)(xiii) of the Social Security Act (as added by subsection (a)), subject to the update required under paragraph (2), in determining the percentage of total claims that consist of electronic prescription drug claims by medicaid managed care organizations under title XIX of the Social Security Act and the percentage of total claims that consist of non-electronic prescription drug claims, the Secretary shall use an estimate of the number of electronic claims and non-electronic claims that will be submitted as of January 1, 2006.

(2) UPDATE.—For each 6 month period beginning after January 1, 2006, the Secretary shall update the estimate of the number of electronic prescription drug claims and non-electronic prescription drug claims used to determine the percentage of total claims that consist of such electronic claims and the percentage of total claims that consist of such non-electronic claims.

(3) MOST RECENT DATA.—To the extent feasible, the Secretary shall use the most recent data available, including real-time data on drug claims submitted under title XIX pf the Social Security Act with respect to medicaid managed care organizations, to determine the percentage of total claims that consist of electronic claims and the percentage of total claims that consist of non-electronic claims.

(c) STUDY AND REPORT.—The Comptroller General of the United States shall conduct a study regarding the feasibility of applying electronic prescription incentives similar to the incentives required under section 1903(m)(2)(A)(xiii) of the Social Security Act (as added by subsection (a)) to fee-for-service Medicaid. Not later than January 1, 2007, the Comptroller General shall submit a report to Congress on the results of the study conducted under this subsection.

SA 2417. Mr. GREGG (for Mr. LEVIN) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 95, after line 21, insert the following:

SEC. 3005A. COMMUNICATION SYSTEM GRANTS.

(a) DEFINITIONS.—In this section—

(1) the term ''demonstration project'' means the demonstration project established under subsection (b)(1);

(2) the term ''Department'' means the Department of Homeland Security;

(3) the term ''emergency response provider'' has the meaning given that term in section 2(6) the Homeland Security Act of 2002 (6 U.S.C. 101(6)); and

(4) the term ''Secretary'' means the Secretary of Homeland Security.

(b) IN GENERAL.—

(1) ESTABLISHMENT.—There is established in the Department an ''International Border Community Interoperable Communications Demonstration Project''.

(2) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select not fewer than 2 communities to participate in a demonstration project.

(3) LOCATION OF COMMUNITIES.—Not fewer than 1 of the communities selected under paragraph (2) shall be located on the northern border of the United States and not fewer than 1 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

(c) PROJECT REQUIREMENTS.—The demonstration projects shall—

(1) address the interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers;

(2) foster interoperable communications—

(A) among Federal, State, local, and tribal government agencies in the United States involved in preventing or responding to terrorist attacks or other catastrophic events; and

(B) with similar agencies in Canada and Mexico;

(3) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(4) foster the standardization of interoperable communications equipment;

(5) identify solutions that will facilitate communications interoperability across national borders expeditiously;

(6) ensure that emergency response providers can communicate with each another and the public at disaster sites or in the event of a terrorist attack or other catastrophic event;

(7) provide training and equipment to enable emergency response providers to deal with threats and contingencies in a variety of environments; and

(8) identify and secure appropriate joint-use equipment to ensure communications access.

(d) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall distribute funds under this section to each community participating in a demonstration project through the State, or States, in which each community is located.

(2) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under paragraph (1), a State receiving funds under this section shall make the funds available to the local governments and emergency response providers participating in a demonstration project selected by the Secretary.

(e) FUNDING.—Amounts made available from the interoperability fund under section 3005(c)(3) shall be available to carry out this section without appropriation.

(f) REPORTING.—Not later than December 31, 2005, and each year thereafter in which funds are appropriated for a demonstration project, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration projects under this section.

SA 2418. Mr. GREGG (for Mr. SUNUNU (for himself, Mr. DURBIN, Mr. CRAIG, Mr. PRYOR, Mr. ISAKSON, Mr. NELSON of Nebraska, Mr. THUNE, Mr. KERRY, and Mr. CHAMBLISS)) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 90, between lines 19 and 20, insert the following:

Subtitle D—Adaptive Housing Assistance

SEC. 2031. SHORT TITLE.

This subtitle may be cited as the ''Specially Adapted Housing Grants Improvements Act of 2005''.

SEC. 2032. ADAPTIVE HOUSING ASSISTANCE FOR DISABLED VETERANS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

(a) ASSISTANCE AUTHORIZED.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2102 the following new section:

''§ 2102A. Assistance for veterans residing temporarily in housing owned by a family member

''(a) ASSISTANCE AUTHORIZED.—If a disabled veteran described in subsection (a)(2) or (b)(2) of section 2101 of this title resides, but does not intend to permanently reside, in a residence owned by a member of such veteran's family, the Secretary may assist the veteran in acquiring such adaptations to such residence as are determined by the Secretary to be reasonably necessary because of the veteran's disability.

''(b) LIMITATION ON AMOUNT OF ASSISTANCE.—Subject to section 2102(d) of this title, the assistance authorized under subsection (a) may not exceed—

''(1) $10,000, in the case of a veteran described in section 2101(a)(2) of this title; or

''(2) $2,000, in the case of a veteran described in section 2101(b)(2) of this title.

''(c) LIMITATION ON NUMBER OF RESIDENCES SUBJECT TO ASSISTANCE.—A veteran eligible for assistance authorized under subsection (a) may only be provided such assistance with respect to 1 residence.

''(d) REGULATIONS.—Assistance under this section shall be provided in accordance with such regulations as the Secretary may prescribe.

''(e) TERMINATION OF AUTHORITY.—The authority to provide assistance under subsection (a) shall expire at the end of the 5-year period beginning on the date of enactment of the Specially Adapted Housing Grants Improvements Act of 2005.''.

(b) LIMITATIONS ON ADAPTIVE HOUSING ASSISTANCE.—Section 2102 of such title is amended—

(1) in subsection (a), by striking ''The assistance authorized by section 2101(a)'' and all that follows through ''any one case—'' and inserting ''Subject to subsection (d), the assistance authorized under section 2101(a) of this title shall be afforded under 1 of the following plans, at the election of the veteran—'';

(2) by amending subsection (b) to read as follows:

''(b) Subject to subsection (d), and except as provided in section 2104(b) of this title, the assistance authorized by section 2101(b)

of this title may not exceed the actual cost, or in the case of a veteran acquiring a residence already adapted with special features, the fair market value, of the adaptations determined by the Secretary under such section 2101(b) to be reasonably necessary.''; and

(3) by adding at the end the following new subsection:

''(d)(1) The aggregate amount of assistance available to a veteran under sections 2101(a) and 2102A of this title shall be limited to $50,000.

''(2) The aggregate amount of assistance available to a veteran under sections 2101(b) and 2102A of this title shall be limited to the lesser of—

''(A) the sum of the cost or fair market value described in section 2102(b) of this title and the actual cost of acquiring the adaptations described in subsection (a); and

''(B) $10,000.

''(3) No veteran may receive more than 3 grants of assistance under this chapter.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter of such title is amended by inserting after the item relating to section 2102 the following:

''2102A. Assistance for veterans residing temporarily in housing owned by family member.''.

SEC. 2033. GAO REPORTS.

(a) INTERIM REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress an interim report on the implementation of section 2102A of title 38, United States Code (as added by section 2(a)), by the Department of Veterans Affairs.

(b) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a final report on the implementation of such section 2102A by the Department of Veterans Affairs.

On page 166, strike lines 12 through 15 and insert the following:

''(A) for fiscal year 2006, $50,000,000;

''(B) for each of fiscal years 2007 and 2008, $49,000,000;

''(C) for each of fiscal years 2009 and 2010, $74,000,000; and

''(D) for fiscal year 2011 and each fiscal year thereafter, $75,000,000.

SA 2419. Mr. SANTORUM (for himself, Mr. BUNNING, Mr. THOMAS, Mr. VOINOVICH, Mr. LIEBERMAN, Mr. DODD, Mr. ROCKEFELLER, Ms. LANDRIEU, and Mr. CONRAD) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 368, between lines 5 and 6, insert the following:

SEC. 6116. TECHNICAL CORRECTION REGARDING PURCHASE AGREEMENTS FOR POWER-DRIVEN WHEELCHAIRS.

(a) IN GENERAL.—Section 1834(a)(7)(A) (42 U.S.C. 1395m(a)(7)(A)), as amended by section 6109 of this Act, is amended—

(1) in clause (i)(I), by striking ''Payment'' and inserting ''Except as provided in clause (iii), payment''; and

(2) by adding at the end the following new clause:

''(iii) PURCHASE AGREEMENT OPTION FOR POWER-DRIVEN WHEELCHAIRS.—

''(I) IN GENERAL.—In the case of a power-driven wheelchair, at the time the supplier furnishes the item, the supplier shall offer the individual the option to purchase the item, and payment for such item shall be made on a lump-sum basis if the individual exercises such option.

''(II) MAINTENANCE AND SERVICING.—In the case of a power-driven wheelchair for which a purchase agreement has been entered into under subclause (I), maintenance and servicing payments shall, if the Secretary determines such payments are reasonable and necessary, be made (for parts and labor not covered by the supplier's or manufacturer's warranty, as determined by the Secretary to be appropriate), and such payments shall be in an amount determined to be appropriate by the Secretary.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to items furnished on or after October 1, 2006.

SEC. 6117. MEDICARE COVERAGE OF ULTRASOUND SCREENING FOR ABDOMINAL AORTIC ANEURYSMS; NATIONAL EDUCATIONAL AND INFORMATION CAMPAIGN.

(a) IN GENERAL.—Section 1861 (42 U.S.C. 1395x) is amended—

(1) in subsection (s)(2)—

(A) by striking ''and'' at the end of subparagraph (Y);

(B) by adding ''and'' at the end of subparagraph (Z); and

(C) by adding at the end the following new subparagraph:

''(AA) ultrasound screening for abdominal aortic aneurysm (as defined in subsection (bbb)) for an individual—

''(i) who receives a referral for such an ultrasound screening as a result of an initial preventive physical examination (as defined in section 1861(ww)(1));

''(ii) who has not been previously furnished such an ultrasound screening under this title; and

''(iii) who—

''(I) has a family history of abdominal aortic aneurysm; or

''(II) manifests risk factors included in a beneficiary category (not including categories related to age) recommended for screening by the United States Preventive Services Task Force regarding abdominal aortic aneurysms;''; and

(2) by adding at the end the following new subsection:

''Ultrasound Screening for Abdominal Aortic Aneurysm

''(bbb) The term 'ultrasound screening for abdominal aortic aneurysm' means—

''(1) a procedure using sound waves (or such other procedures using alternative technologies, of commensurate accuracy and cost, that the Secretary may specify) provided for the early detection of abdominal aortic aneurysm; and

''(2) includes a physician's interpretation of the results of the procedure.''.

(b) INCLUSION OF ULTRASOUND SCREENING FOR ABDOMINAL AORTIC ANEURYSM IN SCREENING SERVICES FOR WHICH EDUCATION, COUNSELING, AND REFERRAL IS PROVIDED FOR UNDER BENEFITS FOR INITIAL PREVENTIVE PHYSICAL EXAMINATION.—Section 1861(ww)(2) (42 U.S.C. 1395x(ww)(2)) is amended by adding at the end the following new subparagraph:

''(L) Ultrasound screening for abdominal aortic aneurysm as defined in section 1861(bbb).''.

(c) PAYMENT FOR ULTRASOUND SCREENING FOR ABDOMINAL AORTIC ANEURYSM.—Section 1848(j)(3) (42 U.S.C. 1395w–4(j)(3)) is amended by inserting ''(2)(AA),'' after ''(2)(W),''.

(d) FREQUENCY AND QUALITY STANDARDS.—Section 1862(a)(1) (42 U.S.C. 1395y(a)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (L);

(2) by striking the semicolon at the end of subparagraph (M) and inserting '', and''; and

(3) by adding at the end the following new subparagraph:

''(N) in the case of ultrasound screening for abdominal aortic aneurysm—

''(i) which is performed more frequently than is provided for under section 1861(s)(2)(AA); or

''(ii) which is performed by an individual or diagnostic laboratory that does not meet quality assurance standards that the Secretary, in consultation with national medical, vascular technologist and sonographer societies, shall establish, including with respect to individuals performing ultrasound screening for abdominal aortic aneurysm (other than physicians) and diagnostic laboratories, that the individual or laboratory is certified by the appropriate State licensing or certification agency or, in the case of a service performed in a State that does not license or certify such individuals or laboratories, by a national certification or accreditation organization recognized by the Secretary;''.

(e) NON-APPLICATION OF PART B DEDUCTIBLE.—Section 1833(b) (42 U.S.C. 1395l(b)) is amended in the first sentence—

(1) by striking ''and (6)'' and inserting ''(6)''; and

(2) by inserting '', and (7) such deductible shall not apply with respect to ultrasound screening for abdominal aortic aneurysm (as defined in section 1861(bbb))'' before the period at the end.

(f) NATIONAL EDUCATIONAL AND INFORMATION CAMPAIGN.—

(1) IN GENERAL.—After consultation with national medical, vascular technologist, and sonographer societies, the Secretary of Health and Human Services shall carry out a national education and information campaign to promote awareness among health care practitioners and the general public with respect to the importance of early detection and treatment of abdominal aortic aneurysms.

(2) USE OF FUNDS.—The Secretary may use amounts appropriated pursuant to this subsection to make grants to national medical, vascular technologist, and sonographer societies (in accordance with procedures and criteria specified by the Secretary) to enable them to educate practitioners and providers about matters relating to such aneurysms.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2006 and each fiscal year thereafter such sums as may be necessary to carry out this subsection.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to ultrasound screenings for abdominal aortic aneurysm performed on or after January 1, 2007.

SEC. 6118. IMPROVING PATIENT ACCESS TO, AND UTILIZATION OF, COLORECTAL CANCER SCREENING UNDER MEDICARE.

(a) INCREASE IN PART B REIMBURSEMENT FOR COLORECTAL CANCER SCREENING AND DIAGNOSTIC TESTS.—

(1) IN GENERAL.—Section 1834(d) (42 U.S.C. 1395m(d)) is amended by adding at the end the following new paragraph:

''(4) ENHANCED PART B PAYMENT FOR COLORECTAL CANCER SCREENING AND DIAGNOSTIC TESTS.—

''(A) NONFACILITY RATES.—Notwithstanding paragraphs (2)(A) and (3)(A), the Secretary shall establish national minimum payment amounts for CPT codes 45378, 45380, and 45385, and HCPCS codes G0105 and GO121 for items and services furnished on or after January 1, 2007, which reflect a 5-percent increase above the relative value units in effect as the nonfacility rates for such codes on December 31, 2006, with such revised payment level to apply to items and services performed in a nonfacility setting.

''(B) FACILITY RATES.—Notwithstanding paragraphs (2)(A) and (3)(A), the Secretary shall establish national minimum payment amounts for CPT codes 45378, 45380, and 45385,

and HCPCS codes G0105 and GO121 for items and services furnished on or after January 1, 2007, which reflect a 5-percent increase above the relative value units in effect as the facility rates for such codes on December 31, 2006, with such revised payment level to apply to items and services performed in a facility setting.

''(C) ANNUAL ADJUSTMENTS.—In the case of items and services furnished on or after January 1, 2007, the payment rates described in subparagraphs (A) and (B) shall, subject to the minimum payment amounts established in such subparagraphs, be adjusted annually as provided in section 1848.''.

(2) NO EFFECT ON HOPD PAYMENTS.—The Secretary shall not take into account the provisions of section 1834(d)(4) of the Social Security Act, as added by subsection (a), in determining the amount of payment for any covered OPD service under the prospective payment system for hospitals outpatient department services under section 1833(t) of such Act (42 U.S.C. 1395l(t)).

(b) MEDICARE COVERAGE OF OFFICE VISIT OR CONSULTATION PRIOR TO A SCREENING COLONOSCOPY OR IN CONJUNCTION WITH A BENEFICIARY'S DECISION TO OBTAIN SUCH A SCREENING.—

(1) COVERAGE.—Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)), as amended by section 6117, is amended—

(A) in subparagraph (Z), by striking ''and'' at the end;

(B) in subparagraph (AA), by inserting ''and'' at the end; and

(C) by adding at the end the following new subparagraph:

''(BB) an outpatient office visit or consultation for the purpose of beneficiary education, assuring selection of the proper screening test, and securing information relating to the procedure and sedation of the beneficiary, prior to a colorectal cancer screening test consisting of a screening colonoscopy or in conjunction with the beneficiary's decision to obtain such a screening, regardless of whether such screening is medically indicated with respect to the beneficiary;''.

(2) PAYMENT.—

(A) IN GENERAL.—Section 1833(a)(1) (42 U.S.C. 1395l(a)(1)) is amended—

(i) by striking ''and'' before ''(V)''; and

(ii) by inserting before the semicolon at the end the following: '', and (W) with respect to an outpatient office visit or consultation under section 1861(s)(2)(BB), the amounts paid shall be 80 percent of the lesser of the actual charge or the amount established under section 1848''.

(B) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) (42 U.S.C. 1395w–4(j)(3)), as amended by section 6117, is amended by inserting ''(2)(BB),'' after ''(2)(AA),''.

(C) REQUIREMENT FOR ESTABLISHMENT OF PAYMENT AMOUNT UNDER PHYSICIAN FEE SCHEDULE.—Section 1834(d) (42 U.S.C. 1395m(d)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

''(5) PAYMENT FOR OUTPATIENT OFFICE VISIT OR CONSULTATION PRIOR TO SCREENING COLONOSCOPY.—With respect to an outpatient office visit or consultation under section 1861(s)(2)(BB), payment under section 1848 shall be consistent with the payment amounts for CPT codes 99203 and 99243.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to items and services provided on or after January 1, 2007.

(c) WAIVER OF DEDUCTIBLE FOR COLORECTAL CANCER SCREENING TESTS.—

(1) IN GENERAL.—Section 1833(b) (42 U.S.C. 1395l(b)), as amended by section 6117, is amended in the first sentence—

(A) by striking ''and'' before ''(7)''; and

(B) by inserting before the period at the end the following: '', and (8) such deductible shall not apply with respect to colorectal cancer screening tests (as described in section 1861(pp)(1))''.

(2) CONFORMING AMENDMENTS.—Paragraphs (2)(C)(ii) and (3)(C)(ii) of section 1834(d) (42 U.S.C. 1395m(d)) are each amended—

(A) by striking ''DEDUCTIBLE AND'' in the heading; and

(B) in subclause (I), by striking ''deductible or'' each place it appears.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to items and services furnished on or after January 1, 2007.

SEC. 6119. COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES UNDER PART B OF THE MEDICARE PROGRAM.

(a) COVERAGE OF SERVICES.—

(1) IN GENERAL.—Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)), as amended by section 6118(b), is amended—

(A) in subparagraph (AA), by striking ''and'' after the semicolon at the end;

(B) in subparagraph (BB), by inserting ''and'' after the semicolon at the end; and

(C) by adding at the end the following new subparagraph:

''(CC) marriage and family therapist services (as defined in subsection (ccc)(1)) and mental health counselor services (as defined in subsection (ccc)(3));''.

(2) DEFINITIONS.—Section 1861 (42 U.S.C. 1395x), as amended by section 6117, is amended by adding at the end the following new subsection:

''Marriage and Family Therapist Services; Marriage and Family Therapist; Mental Health Counselor Services; Mental Health Counselor

''(ccc)(1) The term 'marriage and family therapist services' means services performed by a marriage and family therapist (as defined in paragraph (2)) for the diagnosis and treatment of mental illnesses, which the marriage and family therapist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician or as an incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

''(2) The term 'marriage and family therapist' means an individual who—

''(A) possesses a master's or doctoral degree which qualifies for licensure or certification as a marriage and family therapist pursuant to State law;

''(B) after obtaining such degree has performed at least 2 years of clinical supervised experience in marriage and family therapy; and

''(C) in the case of an individual performing services in a State that provides for licensure or certification of marriage and family therapists, is licensed or certified as a marriage and family therapist in such State.

''(3) The term 'mental health counselor services' means services performed by a mental health counselor (as defined in paragraph (4)) for the diagnosis and treatment of mental illnesses which the mental health counselor is legally authorized to perform under State law (or the State regulatory mechanism provided by the State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician or as incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

''(4) The term 'mental health counselor' means an individual who—

''(A) possesses a master's or doctor's degree in mental health counseling or a related field;

''(B) after obtaining such a degree has performed at least 2 years of supervised mental health counselor practice; and

''(C) in the case of an individual performing services in a State that provides for licensure or certification of mental health counselors or professional counselors, is licensed or certified as a mental health counselor or professional counselor in such State.''.

(3) PROVISION FOR PAYMENT UNDER PART B.—Section 1832(a)(2)(B) (42 U.S.C. 1395k(a)(2)(B)) is amended by adding at the end the following new clause:

''(v) marriage and family therapist services and mental health counselor services;''.

(4) AMOUNT OF PAYMENT.—Section 1833(a)(1) (42 U.S.C. 1395*l*(a)(1)), as amended by section 6118, is amended—

(A) by striking ''and (W)'' and inserting ''(W)''; and

(B) by inserting before the semicolon at the end the following: '', and (X) with respect to marriage and family therapist services and mental health counselor services under section 1861(s)(2)(CC), the amounts paid shall be 80 percent of the lesser of the actual charge for the services or 75 percent of the amount determined for payment of a psychologist under subparagraph (L)''.

(5) EXCLUSION OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES FROM SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM.—Section 1888(e)(2)(A)(ii) (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting ''marriage and family therapist services (as defined in section 1861(ccc)(1)), mental health counselor services (as defined in section 1861(ccc)(3)),'' after ''qualified psychologist services,''.

(6) INCLUSION OF MARRIAGE AND FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS AS PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Section 1842(b)(18)(C) (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clauses:

''(vii) A marriage and family therapist (as defined in section 1861(ccc)(2)).

''(viii) A mental health counselor (as defined in section 1861(ccc)(4)).''.

(b) COVERAGE OF CERTAIN MENTAL HEALTH SERVICES PROVIDED IN CERTAIN SETTINGS.—

(1) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1861(aa)(1)(B) (42 U.S.C. 1395x(aa)(1)(B)) is amended by striking ''or by a clinical social worker (as defined in subsection (hh)(1)),'' and inserting '', by a clinical social worker (as defined in subsection (hh)(1)), by a marriage and family therapist (as defined in subsection (ccc)(2)), or by a mental health counselor (as defined in subsection (ccc)(4)),''.

(2) HOSPICE PROGRAMS.—Section 1861(dd)(2)(B)(i)(III) (42 U.S.C. 1395x(dd)(2)(B)(i)(III)) is amended by inserting ''or one marriage and family therapist (as defined in subsection (bbb)(2))'' after ''social worker''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to services furnished on or after January 1, 2007.

SA 2420. Mr. GREGG (for Mr. SUNUNU) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 94, line 7, after ''(1)'' insert ''not to exceed''.

On page 94, line 13, after ''(2)'' insert ''not to exceed''.

On page 94, line 19, after ''(3)'' insert ''not to exceed''.

On page 95, line 1, after ''(4)'' insert ''not to exceed''.

On page 95, line 4, after ''(5)'' insert ''not to exceed''.

On page 95, beginning in line 10, strike ''The amounts payable'' and insert ''Any amounts that are to be paid''.

On page 95, line 12, after the period insert ''Any amount in the Fund that is not obligated under subsection (c) by that date shall be transferred to the general fund of the Treasury.''.

SA 2421. Mr. BURNS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 122, strike line 23 and all that follows through page 124, line 10, and insert the following:

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect with respect to a State on the date on which a positive certification is made by the Secretary under paragraph (4)(B)(ii).

(4) PHARMACY REIMBURSEMENT STUDY.—

(A) STUDY AND REPORT.—

(i) STUDY.—The Secretary shall conduct a pharmacy reimbursement study comparing weighted AMP (as determined under section 1927(k)(1)(C) of the Social Security Act, as added by subsection (a)) to actual retail pharmacy acquisition costs and the cost of dispensing a prescription. The study shall include an analysis of the range in variation that can occur related to acquisition and dispensing costs with respect to chain and independent rural and urban pharmacies.

(ii) REPORT.—Not later than October 1, 2006, the Secretary shall submit a report to Congress on the results of the study conducted under this subparagraph that includes recommendations on dispensing fee levels that would adequately reimburse pharmacies and encourage the use of cost-effective generic drugs when appropriate.

(B) CERTIFICATION.—

(i) DETERMINATION.—Upon review of the findings of the study conducted under subparagraph (A), the Secretary shall make a determination as to whether the amendments made by this subsection would have a negative impact on access to healthcare.

(ii) POSITIVE CERTIFICATION.—If the Secretary makes a determination under clause (i) that the amendments made by this subsection will not have such negative impact, the Secretary shall submit a positive certification to that effect.

(c) INTERIM UPPER PAYMENT LIMIT.—

(1) IN GENERAL.—With respect to a State program under title XIX of the Social Security Act, during the period that begins on January 1, 2006, and ends on the date on which a positive certification is made by the Secretary under subsection (b)(4)(B)(ii), the Secretary shall—

(A) apply the Federal upper payment limit established under section 447.332(b) of title 42, Code of Federal Regulations to the State by substituting ''125 percent'' for ''150 percent''; and

(B) in the case of covered outpatient drugs under title XIX of such Act that are marketed as of July 1, 2005, and are subject to Federal upper payment limits that apply under section 447.332 of title 42, Code of Federal Regulations, use average wholesale prices, direct prices, and wholesale acquisition costs for such drugs that do not exceed such prices and costs as of such date to determine the Federal upper payment limits that apply under section 447.332 of title 42, Code of Federal Regulations to such drugs during such period.

(2) APPLICATION TO NEW DRUGS.—Paragraph (1)(A) shall apply to a covered outpatient drug under title XIX of the Social Security Act that is first marketed after July 1, 2005, but before the date on which a positive certification is made by the Secretary under subsection (b)(4)(B)(ii), and is subject to the Federal upper payment limit established under section 447.332(b) of title 42, Code of Federal Regulations.

SA 2422. Mr. CONRAD (for himself and Mr. SALAZAR) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

On page 121, after line 25, add the following:

''(5) RULES APPLICABLE TO CRITICAL ACCESS RETAIL PHARMACIES.—

''(A) REIMBURSEMENT LIMITS.—Notwithstanding paragraph (2)(A), in the case of a critical access retail pharmacy (as defined in subparagraph (C)), the upper payment limit—

''(i) for the ingredient cost of a single source drug, is the lesser of—

''(I) 108 percent of the average manufacturer price for the drug; or

''(II) the wholesale acquisition cost for the drug; and

''(ii) for the ingredient cost of a multiple source drug, is the lesser of—

''(II) 140 percent of the weighted average manufacturer price for the drug; or

''(II) the wholesale acquisition cost for the drug.

''(B) APPLICATION OF OTHER PROVISIONS.—The preceding provisions of this subsection shall apply with respect to reimbursement to a critical access retail pharmacy in the same manner as such provisions apply to reimbursement to other retail pharmacies except that, in establishing the dispensing fee for a critical access pharmacy the Secretary, in addition to the factors required under paragraph (4), shall include consideration of the costs associated with operating a critical access retail pharmacy.

''(C) CRITICAL ACCESS RETAIL PHARMACY DEFINED.—For purposes of subparagraph (A), the term 'critical access retail pharmacy' means an retail pharmacy that is not within a 20-mile radius of another retail pharmacy.''.

(2) INCREASE IN BASIC REBATE FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS.—Section 1927(c)(1)(B)(i)(VI) (42 U.S.C. 1396r–8(c)(1)(B)(i)(VI), as added by section 6002(a)(3), is amended by striking ''17'' and inserting ''18.1''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 3, 2005, at a time to be determined, to conduct a vote on the nomination of Mr. Matthew Slaughter, of New Hampshire, to be a member of the Council of Economic Advisers; Ms. Katherine Baicker, of New Hampshire, to be a member of the Council of Economic Advisers; Mr. Orlando J. Cabrera, of Florida, to be an Assistant Secretary of Housing and Urban Development; Ms. Gigi Hyland, of Virginia, to be a member of the National Credit Union Administration Board; and Mr. Rodney E. Hood, of North Carolina, to be a member of the National Credit Union Administration Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, November 3, 2005 at 12:15 p.m. in Senate Dirksen Office Building Room 226.

Agenda

I. Nominations: Wan Kim, to be an Assistant Attorney General, Civil Rights Division; Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel; Sue Ellen Wooldridge, to be an Assistant Attorney General, Environment and Natural Resources Division; Thomas O. Barnett, to be an Assistant Attorney General, Antitrust Division; James O'Gara, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy; Emilio Gonzalez, to be Director of the Bureau of Citizenship and Immigration Services, Department of Homeland Security; Julie L. Myers, to be an Assistant Secretary of Homeland Security.

II. Bills: S. 1088, Streamline Procedures Act of 2005; Kyl, Cornyn, Grassley, Hatch; S. 1789, Personal Data Privacy and Security Act of 2005; Specter, Leahy, Feinstein, Feingold; S. 751, Notification of Risk to Personal Data Act, Feinstein, Kyl; S. 1699, Stop Counterfeiting in Manufactured Goods Act, Specter, Leahy, Hatch, DeWine, Cornyn, Brownback, Feingold, Durbin, Kyl; S. 1095, Protecting American Goods and Services Act of 2005, Cornyn, Leahy; H.R. 683, Trademark Dilution Revision Act of 2005, Smith—TX; S. 1787, Relief to Victims of Hurricane Katrina and Other Natural Disaster Act of 2005, Vitter, Grassley, Cornyn, DeWine; S. 1647, Hurricane Katrina Bankruptcy Relief and Community Protection Act of 2005, Feingold, Leahy, Durbin, Kennedy, Feinstein.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Molly Barrett of my staff be given the privilege of the floor throughout the day and the votes that occur today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 1960

Mr. FRIST. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1960) to protect the health and safety of all athletes, to promote the integrity of professional sports by establishing minimum standards for the testing of steroids and other performance-enhancing substances and methods by professional sports leagues, and for other purposes.

Mr. FRIST. I ask for its second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read a second time on the next legislative day.

NATIONAL ADOPTION MONTH

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 299 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 299) to express the support for the goals of National Adoption Month by promoting national awareness of adoption, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 299) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 299

Whereas there are approximately 532,000 children in the foster care system in the United States, approximately 129,000 of whom are waiting to be adopted;

Whereas the average length of time a child in foster care remains in foster care is almost 3 years;

Whereas for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected is endless;

Whereas every year 25,000 children ''age out'' of foster care by reaching adulthood without being placed in a permanent home;

Whereas, since 1987, the number of annual adoptions has ranged from 118,000 to 127,000;

Whereas approximately 2,100,000 children in the United States live with adoptive parents;

Whereas approximately 6 of every 10 Americans have been touched personally by adoption in that they, a family member, or a close friend was adopted, has adopted a child, or has placed a child for adoption;

Whereas every day loving and nurturing families are formed when committed and dedicated individuals make an important difference in the life of a child through adoption; and

Whereas on November 4, 2004, the President proclaimed November 2004 as National Adoption Month: Now, therefore, be it

Resolved, That the Senate recognizes November 2005 as National Adoption Month.

HENRY KU'UALOHA GIUGNI, FORMER SERGEANT-AT-ARMS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 300 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 300) relative to the death of Henry Ku'ualoha Giugni, former Sergeant-at-Arms of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. INOUYE. Mr. President, I am deeply saddened to inform my colleagues that at 3:30 this morning, my friend and colleague, Henry Giugni, passed away at Shady Grove Adventist Hospital in Rockville, MD. His passing is a great loss for the people of Hawaii, the United States, and the Senate, an institution he loved dearly, and in which he served as its 30th Sergeant at Arms for 4 years, beginning on January 6, 1987.

I had the privilege of knowing Henry for nearly 50 years, beginning in 1956 when he joined my re-election campaign to the Hawaii Territorial House of Representatives. We quickly forged an unbreakable bond.

With his tireless work, dedication, and loyalty, he proved invaluable as the top aide on my staff when I served as a Hawaii legislator, U.S. Representative, and U.S. Senator.

His keen political instincts also made him invaluable on campaigns, and beginning with my first congressional race in 1959, when I successfully ran to be the State of Hawaii's first U.S. Representative, he coordinated my campaign activities on all of Hawaii's islands.

And, I am proud to say, I once anointed Henry as ''the supreme commander of Hawaiian politics'' in recognition of his political acumen and skill as a political strategist. It was an unofficial title that Henry relished.

Henry also enjoyed being called ''Dr. Giugni.'' Circumstances prevented him from receiving his undergraduate degree, but 2 years ago, the University of Hawaii at Hilo conferred upon him an honorary doctorate of humane letters for his exemplary service to the State of Hawaii and the Nation, and for serving as a role model for Native Hawaiians. It was an honor he truly deserved.

From January 6, 1987, to December 31, 1990, Henry served as the Senate's Sergeant at Arms, ably managing a budget of nearly $120 million, overseeing a staff of more than 2,000, and supervising support services, which included law enforcement and telecommunications.

More importantly, as the first person of color and the first person of Polynesian ancestry to serve in this position, he left an indelible mark during his tenure by promoting minorities and women. He appointed the first minority, an African-American man, to lead the Sergeant at Arms' Service Department, and he was the first to assign women to the Capitol Police plainclothes unit.

His special interest in people with disabilities resulted in a major expansion of the Special Services Office, which now conducts tours of the U.S. Capitol for the blind, deaf, and wheelchair-bound, and publishes Senate maps and documents in Braille.

In 1991, Henry joined Cassidy & Associates, one of Washington's leading public policy consulting firms. With his intimate knowledge of Hawaii and Washington, and with a vast network of contacts that spanned the entire country and crossed party lines, Henry was able to continue his support for policies that he believed best served the Nation.

Even as a high-powered vice chairman of Cassidy & Associates, Henry continued to describe himself as ''just a poor Hawaiian boy.'' Henry's soul was very much Hawaiian, but he was never poor in experience, generosity of the heart, or patriotism.

After the attack on Pearl Harbor, he enlisted in the Army at the age of 16, and saw combat at Guadalcanal. He was part of the Hawaii delegation that greeted then-Vice President Lyndon Baines Johnson in the islands just before the start of the Cuban missile crisis. As a staunch support of civil rights, he carried the Hawaii flag and marched with Dr. Martin Luther King in Selma, AL.

He volunteered to drive Senator EDWARD KENNEDY following the assassination of his brother, President John F. Kennedy. Henry was also a member of one of the first official delegations that traveled to the People's Republic of China following President Nixon's historic visit.

As Senate Sergeant at Arms, he presided over the inauguration of President George H.W. Bush, and escorted numerous foreign dignitaries, including Nelson Mandela, Margaret Thatcher, and Vaclav Havel, when they visited the U.S. Capitol.

Indeed, for a ''poor Hawaiian boy'' who was born in Hawaii in 1925 to Alfred Giugni and Kealoha Hookano, Henry has done much on the national stage since his days when he studied at Hanahauoli School, Iolani School, and the University of Hawaii at Manoa, and when he worked as a Honolulu firefighter, police officer, and liquor inspector.

However, while he was an acquaintance of Presidents and kings, his heart was always with the native people of Hawaii, who are still struggling for their moment in the sun.

I ask my colleagues to join me and all who have known and loved Henry in expressing our heartfelt condolences to his wife, Muriel Roselani; his four daughters, H. Kealoha Giugni, Deborah Roselani McMillan, Heather Haunani Giugni, and Gina Pilialoha Giugni-Halbach; 11 grandchildren; and 12 great-grandchildren.

I look forward to submitting a resolution expressing our condolences to the Giugni family.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, it is with deep sadness that I learned of the death of Henry K. Giugni, who passed away this morning. He was a former Sergeant at Arms.

In January 1987, it was my pleasure, as the Senate majority leader, to nominate Mr. Giugni to be the Sergeant at Arms of the Senate. When the Senate elected him to the position, Mr. Giugni became not only the thirtieth Sergeant at Arms of the Senate, he became the first Polynesian-American to serve in this capacity.

Mr. Giugni brought a wealth of experience to this most important Senate position. Born in Hawaii in 1925, he enlisted in the U.S. Army during World War II. After the war, he joined the Honolulu Police Force. From 1963 to 1987, he had served as the administrative assistant in the office of my dear friend and colleague, my hero—Senator DANIEL K. INOUYE.

As the second ranking officer in the United States Senate, Mr. Giugni performed the duties of the office of Sergeant at Arms of the Senate proudly and with distinction. In his 4 years as head of the largest office in the Senate, Mr. Giugni supervised a number of major changes and improvements. This included the purchase and installation of millions of dollars of new computer and telecommunications equipment for Senators and their offices.

Mr. Giugni took special pride in having helped to make the U.S. Capitol accessible to the disabled by expanding the Special Services Office. Under his direction, the office implemented tours and other programs for the disabled, and published a braille version of Senate documents.

Sergeant at Arms Giugni worked with the House Sergeant at Arms to improve the operation of the Capitol Police Force. And, his office instituted cost-effective measures of hiring civilian guards to perform duties which he did not believe required uniformed officers.

Mr. Giugni left his work at the Senate in 1990 to become vice president of corporate development for Washington, DC, firm, Cassidy Associates. His presence in the Senate, and his devotion to it, were quickly and sorely missed. But I was pleased and proud of having nominated him to this most important position, and I was even more pleased and proud of the work he had performed while there.

I close my remarks with a poem that I have always cherished. It is a poem that evokes the triumph of a life well lived over the sorrow of death. It is a poem that addresses the life and career of my good friend, Henry K. Giugni.

Let fate do her worst, there are relics of joy,
Bright dreams of the past, which she cannot destroy;
that come, in the nighttime of sorrow and care,
And bring back the features that joy used to wear.
Long, long be my heart with such memories filled,
Like the vase in which roses have once been distilled,
You may break, you may shatter the vase, if you will,
But the scent of the roses will hang around it still.

Mr. AKAKA. Mr. President, I would like to take a moment to say a few words of a dear friend, Henry Giugni, who passed away this morning. Henry enjoyed an illustrious career both on and off Capitol Hill. He began his career in Washington as Senator INOUYE's Chief of Staff and continued until he was appointed Sergeant at Arms of the United States Senate. In both positions, he enjoyed the confidence and respect of all and he served them well. He was a well-recognized presence on the Hill, particularly in the Senate. After leaving the Hill, Henry joined one of the largest consulting firms in Washington where he was serving his clients effectively.

I will remember Henry as one of the first friends who welcomed me and my family to Washington when I was elected to Congress nearly 30 years ago. His kindness continued over many years and we knew him to be a loving husband and father. Millie and I always appreciated his visits whether for business or a social call.

It was only a few weeks ago that Millie and I chatted with him and we were extremely saddened to hear of his passing. Millie and I express our warmest aloha to his wife Lani and their family. Henry was our dear and cherished friend and we will miss him greatly. God bless Henry and his family. May he rest in peace.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 300) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas Henry Ku'ualoha Giugni was born on January 11, 1925, in Honolulu, Hawai'i;

Whereas Henry Giugni served with distinction in the United States Army, after enlisting at the age of 16 after the attacks on Pearl Harbor, and served in combat at the Battle of Guadalcanal during World War II;

Whereas Henry Giugni began his service in the Senate in 1963 as Senior Executive Assistant and Chief of Staff to Senator Daniel K. Inouye;

Whereas Henry Giugni served as Sergeant-at-Arms from 1987 until 1990;

Whereas Henry Giugni was the first person of color and first Polynesian to be appointed to be the Sergeant-at-Arms;

Whereas Henry Giugni promoted minorities and women by appointing the first minority, an African American, to lead the Sergeant-at-Arms' Service Department, and was the first to assign women to the Capitol Police plainclothes unit;

Whereas Henry Giugni's special interest in people with disabilities resulted in a major expansion of the Special Services Office, which now conducts tours of the U.S. Capitol for the blind, deaf, and wheelchair-bound, and publishes Senate maps and documents in Braille;

Whereas in 2003, Henry Giugni received an Honorary Doctorate of Humane Letters for the University of Hawaii at Hilo in recognition of his extraordinary contributions to Hawaii and the nation;

Whereas Henry Giugni carried Hawai'i's flag while marching with Dr. Martin Luther King for civil rights in Selma, Alabama;

Whereas Henry Giugni presided over the inauguration of President George H.W. Bush, and escorted numerous foreign dignitaries, including Nelson Mandela, Margaret Thatcher, and Vaclav Havel when they visited the United States Capitol; and

Whereas on November 3, 2005, Henry Giugni passed away at the age of 80; Now therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Henry Giugni.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of Henry Giugni.

ORDERS FOR FRIDAY, NOVEMBER 4, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, November 4. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to the consideration of S. 1042, the Defense authorization bill, as under the previous order. I further ask unanimous consent that during Friday and Monday's sessions, amendments may be debated and then set aside with the time reserved for use at a later time.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, we are going to be in session tomorrow to resume consideration of the Defense authorization bill. Chairman WARNER and Senator LEVIN expect to have amendments offered on Friday, but we will

not have votes on those amendments on Friday. We will return to the bill on Monday and, as announced earlier, we will begin voting Monday evening at approximately 5:30.

Again, I appreciate everyone's patience over the last 9 hours. Voteaaramas are not a pretty part of the budget process, but under the direction of our able, our outstanding chairman and ranking member, it was made a lot less painful than it could have been. They give tremendous success to the American people—35, or just right at $35 billion in savings, and that goes directly to the bottom line when it comes to deficit reduction. As we travel around the country, people will say: Get serious, Congress, on fiscal discipline, on spending.

Well, this is the first time in 8 years that this body has gone after mandatory spending in a responsible way to the tune of $35 billion.

I also wish to thank my colleague, the assistant Republican leader, MITCH MCCONNELL, who did a tremendous job. We had, I guess, 22 rollcall votes today, and he did a terrific job in terms of whipping those votes on our side of the aisle, a truly remarkable accomplishment.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment as a further mark of respect to the late Henry K. Giugni.

There being no objection, the Senate, at 6:40 p.m., adjourned until Friday, November 4, 2005, at 9:30 a.m.

EXTENSIONS OF REMARKS

RECOGNIZING GENEVIEVE ROSKEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, I proudly ask you to join me in recognizing Genevieve Roskey of Saint Joseph, MO. Genevieve celebrated her 90th birthday on August 4 of this month, and it is my privilege to offer her my warmest regards on achieving this important milestone. Genevieve is a fine citizen of Missouri and the St. Joseph community. It is an honor to represent Genevieve in the United States Congress, and I wish her all the best on this birthday and many more in the future.

RECOGNIZING DR. ROBERT J. DILLMAN ON THE OCCASION OF HIS BEING NAMED ''BUSINESSPERSON OF THE YEAR'' BY THE POCONO MOUNTAINS CHAMBER OF COMMERCE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Dr. Robert J. Dillman, president of East Stroudsburg University of Pennsylvania, on the occasion of his being named ''Businessperson of the Year'' by the Pocono Mountains Chamber of Commerce.

Dr. Dillman is the 12th president of East Stroudsburg University and has served in that capacity since July, 1996.

Since then, he has initiated ambitious and innovative academic and economic development projects that have made a profound impact on the university and on the quality of life and economic revitalization of the region.

During Dr. Dillman's tenure, ESU has become the first university in the United States to offer an undergraduate degree in computer security.

At his direction, the university established an award-winning ''Business Accelerator'' that focuses on encouraging economic development and entrepreneurial endeavors in the region and has been successful in generating nearly 100 highly skilled jobs in Monroe County.

Dr. Dillman initiated and is leading the planning for the creation of a world class Science and Technology Center on campus.

Dr. Dillman has also partnered with the Pocono Record newspaper to develop a Jazzmasters and Broadway Series which was held for 4 consecutive years.

Under Dr. Dillman's direction, ESU has added a new graduate degree program, ''Masters in Management and Leadership.'' He also oversaw the creation of the Center for Research and Economic Development in 1999.

In recognition of his efforts in community development, workforce training, entrepreneurship and innovation, Dr. Dillman received the Ben Franklin Technology Partners Special Recognition Award in 2004.

Under his leadership, university enrollment has steadily increased. Undergraduate enrollment has risen 20 percent while graduate enrollment climbed 33 percent since 1996. And, just this year, Dr. Dillman oversaw the opening of University Ridge Apartments, a new complex that houses 541 students. Dr. Dillman also guided work that produced a new Admissions Welcome Center, Student Recreation Center, Alumni Center and an Enrollment Services Center.

Mr. Speaker, please join me in congratulating Dr. Dillman on this occasion. His work at East Stroudsburg University demonstrates that he is more than deserving of the ''Businessperson of the Year Award.'' The entire Pocono Mountain community has been enriched by his efforts and it is fitting that he is honored in this way.

IN HONOR AND RECOGNITION OF JAMES D. QUISENBERRY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of James D. Quisenberry of Lakewood, OH, upon his induction into the Ohio Veterans Hall of Fame, Class of 2005.

Mr. Quisenberry was one of twenty inductees selected by a 13-member executive committee comprised of veteran leaders from throughout Ohio. He is a highly decorated veteran, and has infused an unwavering sense of integrity, spirit, courage and energy into all personal and professional endeavors.

For the past 18 years, Mr. Quisenberry has been an active volunteer with the March of Dimes, and his vital outreach as a sponsor and counselor with Alcoholics Anonymous has uplifted the lives of countless individuals and families throughout our community. He also served for many years as a Boy Scout Leader. Mr. Quisenberry was instrumental in establishing the ''Greater Cleveland Veterans Memorial,'' and has reflected an ongoing spirit of volunteerism and leadership roles with numerous veterans and civic organizations. He is the current president of the Memorial Day Association of Greater Cleveland, which organizes the placement of flags on graves of veterans at Holy Cross Cemetery.

Mr. Speaker and colleagues, please join me in honor and recognition of James D. Quisenberry, upon his induction into the Ohio Veterans Hall of Fame. Mr. Quisenberry's unwavering commitment to his family, community and country, continues to enrich our community and our entire Nation.

IN HONOR AND MEMORY OF SPECIALIST KENDELL K. FREDERICK

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to honor Specialist Kendell K. Frederick who died the 19th of October 2005 in support of Operation Iraqi Freedom.

Frederick, a mechanic working on power generators, was killed outside of Tikrit, Iraq. He died of serious injuries when a roadside-improvised explosive device detonated near the military vehicle which he was driving.

Frederick, a native of Randallstown, Maryland was an Army Reservist assigned to Headquarters Company, 983rd Engineer Battalion in Monclova, OH.

The Randallstown High School Alumni is succeeded by his father, Peter Ramsahai, his mother, Michelle Murphy, his stepfather, Kenmore Murphy, his two sisters, and his brother.

Mr. Speaker, today I ask that you join with me in honoring the life of a man truly dedicated to serving his country.

RECOGNIZING THOMAS AND DORIS BOYCE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize two outstanding citizens of Missouri's Sixth Congressional District: Rev. and Mrs. Thomas W. Boyce of Blue Springs, MO. Thomas and Doris will celebrate their 50th wedding anniversary on August 21, 2005.

Mr. Speaker, I proudly ask you to join me in congratulating Reverend and Mrs. Boyce. Thomas and Doris Boyce have set an outstanding example for all of us to follow. Their marriage of 50 years truly exemplifies the qualities of commitment and dedication, and I am honored to represent them in the United States Congress.

HONORING CHUCK NICLAUS AS HE IS NAMED ''CITIZEN OF THE YEAR'' BY THE POCONO MOUNTAINS CHAMBER OF COMMERCE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Chuck Niclaus, president of Niclaus Engineering Corporation in Stroudsburg, PA, on the occasion of being named ''Citizen of the Year''

by the Pocono Mountains Chamber of Commerce.

Mr. Niclaus has been engaged in the engineering field for more than 28 years. His expertise includes civil engineering, land development, environmental sciences and surveying.

Extremely active in his community, Mr. Niclaus served as United Way Campaign Chairman in 2004 and has served as a member of the United Way's board of directors. He is a past president of the Rotary Club of Stroudsburg and he served on the board of directors of the Pocono Mountain Chamber of Commerce.

He is a past president and member of the board of directors of the Slate Belt Chamber of Commerce and is a past vice president of the Bangor Lions Club.

Mr. Niclaus received the United Way President's and Clifford E. Gilliam Awards in 2004 and the Paul Harris Fellow Award from Rotary International in 2003. He was named Rotarian of the Year in 1999.

Mr. Niclaus is a member of many professional associations including the American Society of Civil Engineers, the Environmental Assessment Association and the National Association of Environmental Professionals.

He has also been an active youth baseball and soccer coach.

Having graduated from the New Jersey Institute of Technology, Mr. Niclaus received his professional engineering licenses in New Jersey and Pennsylvania and possesses operator certificates for wastewater and water systems from the Pennsylvania Department of Environmental Protection.

Mr. Niclaus resides with his wife, Maureen, their three daughters, Erin, Mary and Elizabeth and their son, Tim.

Mr. Speaker, please join me in congratulating Mr. Niclaus at this time. His professional and community commitment speaks well of his desire to make the Stroudsburg area and the region surrounding it a better place to live and raise families. The recognition associated with being named "Citizen of the Year" by the Pocono Mountains Chamber of Commerce is well deserved.

IN HONOR AND RECOGNITION OF MARSHALL W. BUSEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of Marshall W. Busey of Cleveland, OH, upon his induction into the Ohio Veterans Hall of Fame, Class of 2005.

Mr. Busey was one of 20 inductees selected by a 13-member executive committee comprised of veteran leaders from throughout Ohio. He served our country as a member of the United States Army with honor, bravery and integrity, qualities he continues to bring to all personal, civic and professional endeavors within his life.

Mr. Busey's unwavering service to the veterans of our community has served to uplift the lives of countless veterans and their families. He led the effort to raise funds to purchase a 32-foot motor home converted for use by VA patients. He is President of the Memorial Day Association of Cuyahoga County and was Past President of the Greater Cleveland Veterans' Council. For 39 years, he served as the Sergeant of the Memorial Day "Rough Riders Firing Squad" and as the City of Cleveland Memorial Day Color Guard Sergeant for 14 years. Mr. Busey is an active member of the American Legion and was honored as the Legionnaire of the Year in 1975 and 1976. His service to others extends throughout the community, where he is active in raising funds for many charitable organizations.

Mr. Speaker and colleagues, please join me in honor and recognition of Marshall W. Busey, upon his induction into the Ohio Veterans Hall of Fame. Mr. Busey's honorable and dedicated service to his family, community and to our Nation serves to strengthen and give hope to the members of our community, thereby strengthening our entire Nation.

IN HONOR AND MEMORY OF SERGEANT BRIAN R. CONNER

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to honor and remember a man who devoted his life to keeping the citizens of the United States safe.

Sergeant Brian R. Conner of Baltimore, MD died on the 14th of October in the year 2005 in support of Operation Iraqi Freedom. Conner's death in Al Taji, Iraq occurred when a tractor trailer rear-ended the vehicle in which he and two other Maryland Guardsmen were riding. The weapons they carried as part of convoy operations were detonated upon impact.

Conner's unit in the Maryland National Guard's 243d Engineer Company was activated for duty in June and they left for Kuwait in August.

Not only did Conner serve his country through the Armed Forces, but he also served as a Lieutenant with the Baltimore City Fire Department.

His colleagues there remember him as a well-respected firefighter and a good friend. Conner was the proud father of three daughters and a devoted and loving brother and son.

Mr. Speaker, I ask you to join with me today to honor Sergeant Brian R. Conner for the dedication he has shown to his family, friends and the American people.

RECOGNIZES WORLD WAR II VETERANS OF PASCO COUNTY, FL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize the brave soldiers of Pasco County, FL who served during World War II.

At a ceremony to be held Saturday, November 12, 2005, I will present representatives from each of the five United States Armed Forces with commemorative coins honoring their service during World War II.

As General George Patton once said, "Wars maybe fought with weapons, but they are won by men. It is the spirit of the men who follow and of the man who leads that gains the victory."

The Pasco County veterans we are honoring this weekend clearly met General Patton's description above. They proved themselves in battle in Europe, Africa and the Far East. Their sacrifices on the battlefield preserved liberty and freedom for millions throughout the world.

Mr. Speaker, true American heroes like these Pasco County World War II veterans should be honored for their service to our Nation and for their commitment and sacrifices in battle. They are truly part of America's greatest generation.

RECOGNIZING REID M. MASON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Reid M. Mason of Kansas City, MO, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 301, and in earning the most prestigious award of Eagle Scout.

Reid has been very active with his troop, participating in many scout activities and earning numerous merit badges. Reid began scouting as a Tiger Cub, advanced to Bobcat, Wolf, Bear, and Webelo before joining the Boy Scouts in 2002, where he advanced to Scout, Tenderfoot, 2nd class, 1st class, Star, Life, and finally, Eagle Scout.

For his Eagle Scout project, Reid turned a series of small rooms and closets at First Baptist Church in North Kansas City, MO into a large, functional youth area.

Outside of scouting, Reid is a sophomore at North Kansas City High School, where he is active in the marching band, symphonic band, theater, swing choir, basketball, baseball, and the International Baccalaureate program. Reid is also active in his youth group at First Baptist Church and plays guitar in the youth worship band. Somehow he also finds time to play summer baseball, work toward his black belt in Hapkido, and take piano lessons.

Mr. Speaker, I proudly ask you to join me in commending Reid M. Mason for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING DAMIAN BRAGA AS HE RECEIVES THE CHAIRMAN'S BUSINESS AWARD FROM THE POCONO MOUNTAINS CHAMBER OF COMMERCE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 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. Damian A. Braga, president of Sanofi Pasteur US, located in Swiftwater, Monroe County, PA.

Mr. Braga has been named the recipient of the Pocono Mountains Chamber of Commerce "Chairman's Business Award."

Mr. Braga is head of the sole U.S.-based manufacturer of injectable influenza vaccines and other critical immunization products which, last year alone, protected more than 500 million people worldwide.

Responsible for operations nationwide, Mr. Braga oversees more than $1.5 billion in revenue at Sanofi Pasteur in Swiftwater and has played a vital role in global strategic planning and implementation.

Mr. Braga joined the company in 1988 and moved seamlessly through senior level positions, ultimately reaching the top of the U.S. organization.

Well known for his ability to assess challenging issues and identify achievable solutions, Mr. Braga puts strong emphasis on working with organizations that promote the importance of vaccines, encourage economic growth and assist those in need on both a national and state level. Toward that end, Mr. Braga serves as representative of the Pharmaceutical Research and Manufacturers of America for the Center for Disease Control's advisory committee on immunization practices. He is also a member of the executive committee of the Pennsylvania Business Roundtable and the state Advisory Council for the Pennsylvania Academy of Science.

Mr. Braga also remains active in the Pocono community. He and Sanofi Pasteur actively support the Pocono Services for Families and Children. A proponent of educational initiatives, Mr. Braga also serves as a member of Northampton Community College's Foundation Board and East Stroudsburg University's board of directors for the Center for Research and Economic Development.

Mr. Speaker, please join me in congratulating Mr. Braga on the receipt of this honor. Mr. Braga and Sanofi Pasteur continually demonstrate how business should contribute to the greater community through a spirit of commitment and service.

IN HONOR AND RECOGNITION OF JOHN J. NICASTRO, SR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of John J. Nicastro, Sr., upon his induction into the Ohio Veterans Hall of Fame, Class of 2005.

Mr. Nicastro was one of twenty inductees selected by a 13-member executive committee comprised of veteran leaders from throughout Ohio. Mr. Nicastro holds the distinction as being one of the youngest Commission Combat Officers in the United States Air Force. By age 19, he had risen up the military ranks to Second Lieutenant. His assignment with the 8th Army Air Force, 303rd Heavy Bomb Group, known as the Hell's Angels, took him to the European Theater of Operations, where his exemplary service included the successful completion of 35 combat missions.

Following his service in WWII, Mr. Nicastro became an installer with the Ohio Bell Telephone Company. Like his service in the military, he ascended the corporate ladder, attaining the position of Account Executive. During his tenure at Ohio Bell, Mr. Nicastro led the effort to upgrade communication systems throughout the county, including the implementation of the 911 emergency calling system. Aside from his professional career, Mr. Nicastro continues to reflect a life-long focus on service to his community. He served as a member of the Independence City Council for sixteen years, served as President of the Independence Board of Education, and has held numerous leadership positions in veterans and civic organizations. Mr. Nicastro was awarded the Legion of Honor Award for his forty-five years of exemplary service with Kiwanis International of Independence, OH.

Mr. Speaker and colleagues, please join me in honor and recognition of John J. Nicastro, Sr., as he is inducted into the Ohio Veterans Hall of Fame. Mr. Nicastro's significant contribution to his country, and his focused dedication on family and community, continue to strengthen and uplift our community and our Nation.

RECOGNIZING THE OUTSTANDING EFFORTS OF ABERDEEN TEST CENTER

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to commend the significant contributions of Aberdeen Test Center (ATC) located in Aberdeen, MD, for their outstanding efforts to protect American troops.

In August of 2003, the M1 tanks moving toward Baghdad were assailed by Rocket Propelled Grenades (RPG). This situation highlighted a potential vulnerability to the Abram M1 fleet of tanks.

Based on this concern, ATC was requested to provide modifications to the tanks to remedy the potential vulnerability. ATC employees developed the Slat Armor System designed to address the issue. Because of their diligence and motivation, the modifications were completed in only three days. The efficiency demonstrated by ATC enabled the vulnerability to be rectified in less than ten days.

As the initial Stryker brigade prepared to enter combat in Iraq, ATC was again contacted requesting similar modifications to the Strykers, addressing a potential vulnerability to RPGs. These modifications were designed, prototyped and tested in under 10 days for mass production and fielding. Each Stryker was outfitted with this slat armor solution prior to entering combat in Iraq.

In the course of one year the Stryker Brigade Commander reported one hundred fifteen incidents of RPG attacks on Stryker vehicles. Because of the modification to the Slat Armor System, there have been no fatalities as a result of these RPG attacks.

Mr. Speaker, please join with me to acknowledge the exceptional work Aberdeen Test Center has done on the Abram M1s and Strykers. The elite attention and enthusiasm shown in this matter has saved the lives of many soldiers fighting the War on Terror.

RECOGNIZING BRIAN KIDWELL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Brian Kidwell, son of Douglas and Teresa Kidwell. Brian will receive his Eagle Award on August 7, 2005 at a Court of Honor in Saint Joseph, MO.

Brian began his scouting career in 1995 as a Tiger Cub. In 1996, he joined Pack 218 and proceeded through the ranks of Bobcat, Wolf, Bear, and Webelo. While a Webelo, Brian earned all the activity badges and the Arrow of Light. He also received a Service Star for five years of active scouting and the God and me award.

Brian became a member of Troop 218 in 2000, where he earned the ranks of Tenderfoot, 2nd Class, 1st Class, Star, Life, and now Eagle. Brian received 27 merit badges, and served in numerous leadership positions including Librarian, Patrol Leader, Chaplain Aide, Troop Guide, and Junior Assistant Scout Master. He is also a Fire Builder in the Tribe of Mic-O-Say.

In June of 2003, Brian and his father Douglas went to Philmont Scout Ranch, where they earned the 50 Miler Award.

Aside from scouting, Brian is a lifetime resident of Country Club Village. He attended John Glenn Elementary School then Savannah Middle School. He is currently a junior at Savannah High School and has been involved in the Fellowship of Christian Athletes and FFA. He has been on High Honor Roll since 4th grade.

Brian is a member of Faith United Church, Hope Youth Group, and the Sons of the American Legion, which he joined through his late grandfather, Darryle Bartlett.

Mr. Speaker, I proudly ask you to join me in commending Brian Kidwell for his accomplishments with the Boy Scouts of America, and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING ELIZABETH KOSTER AS SHE RECEIVES THE 2005 ATHENA AWARD FROM THE POCONO MOUNTAIN CHAMBER OF COMMERCE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Elizabeth Koster, of Smithfield Township, Monroe County, PA, who was chosen by the Pocono Mountain Chamber of Commerce to receive its 2005 Athena Award.

Mrs. Koster is president and chief executive officer of Fitzmaurice Community Services, Inc., which has been serving the needs of special populations in the Pocono area for 30 years.

Founded by Mrs. Koster's mother, Johanna Fitzmaurice, in 1966, the business strives to crate environments for persons with disabilities that support independence, productivity and

inclusion through customized services provided by highly qualified staff personnel.

Mrs. Fitzmaurice died in 1978 but the organization she founded has grown over the years under the leadership and vision of her daughter, Mrs. Koster.

Mrs. Koster graduated from East Stroudsburg University after which she began her career as a teacher and then as an associate at her mother's company, rising to president and CEO following her mother's death.

Today, her company assists hundreds of persons with special needs so they can lead meaningful and productive lives by providing housing, education, recreation and medical services.

Mrs. Koster serves on the boards of directors of the Pocono Mountains Chamber of Commerce, Friends of Eastern Monroe Public Library, Leadership Pocono and the ESU Rehabilitation Services Advisory Council. She is a member of the Kiwanis Club of the Stoudsburgs, advisor for the Kiwanis AKTION Club of Stroudsburg and is past president of the Northeast Providers Association, the Pocono Providers Association and past vice chair of the Mental Retardation Committee for Pennsylvania Community providers Association.

Mr. Speaker, please join me in congratulating Mrs. Koster on this occasion. Athena award winners are chosen on the basis of their professional excellence and service to community. Clearly, Mrs. Koster demonstrates those qualities.

IN HONOR AND RECOGNITION OF MAYNARD W. ''DOC'' UNGER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of Maynard W. ''Doc'' Unger of Lakewood, OH, upon his induction into the Ohio Veterans Hall of Fame, Class of 2005.

Mr. Unger is 1 of 20 inductees selected by a 13-member executive committee comprised of veteran leaders from throughout Ohio. Mr. Unger's distinguished service during World War II reflected courage and spirit, and his inner strength and faith guided him through the darkest of times when he was held as a prisoner of war.

Mr. Unger's service to others has continued throughout his life. For 45 years, he volunteered his time to assist and support the youth of our community with the Boy Scouts of America organization. To show their gratitude for his outstanding service, the National Office of the Boy Scouts of America honored him with the International Scouter's Award. Mr. Unger also committed his time as a teacher with the public school program ''Growing Healthy Together.'' For 13 years, he taught students basic health and safety facts, including the significance and long-term impact of healthy eating habits. His lifelong involvement in many civic and veteran organizations includes his tenure as the former State commander of the American Ex-Prisoners of War. He was re-elected to the position of State commander in 2005.

Mr. Speaker and colleagues, please join me in honor and recognition of Maynard W. ''Doc'' Unger, upon his induction into the Ohio Veterans Hall of Fame. Mr. Unger's lifelong service to his country, community and family enhances the lives of all of us and underscores the true meaning of the words United States citizen.

MILITARY ORDER OF THE PURPLE HEART SUPPORTS COMPREHENSIVE ASSISTANCE FOR VETERANS EXPOSED TO TRAUMATIC STRESSORS ACT OF 2005, H.R. 1588

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. EVANS. Mr. Speaker, the Military Order of the Purple Heart, whose membership is comprised entirely of combat wounded veterans, fully supports H.R. 1588, which is a comprehensive approach to addressing the mental health needs of service members exposed to combat, including those members of our Armed Forces now serving in Iraq and Afghanistan.

A recent Army survey found that about 28 percent of Iraq veterans—about 50,000 servicemembers in this year alone—returned home with problems from lingering battle wounds to toothaches, from suicidal thoughts to strained marriages. Almost 1,700 servicemembers returning from the battlefield this year had thoughts of hurting themselves or that they would be better off dead. If left undiagnosed and untreated, post-traumatic stress disorder, PTSD, can lead to suicide.

Last year, the New England Journal of Medicine published research that found 15 to 17 percent of front-line troops suffered depression, anxiety or PTSD.

As the MOPH letter states, ''We have learned from past wars that the injuries to military members do not stop on the battlefield but may manifest themselves months or years afterward. America must be there to help the healing process. H.R. 1588 would accomplish this goal.''

I ask that the letter from the Military Order of the Purple Heart be included in the RECORD.

MILITARY ORDER OF THE PURPLE HEART,
Springfield, VA, November 1, 2005.

Hon. LANE EVANS,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN EVANS: On behalf of the membership of the Military Order of the Purple Heart (MOPH), whose membership is comprised entirely of combat wounded veterans, I write to pledge our unequivocal support of H.R. 1588 the ''Comprehensive Assistance for Veterans Exposed to Traumatic Stressors Act of 2005''.

At a time when our military men and women are engaged in the war on terrorism this act is most appropriate. We have learned from past wars that the injuries to military members do not stop on the battlefield but may manifest themselves months or years afterward. America must be there to help the healing process. H.R. 1588 would help accomplish this goal.

You may count on the MOPH in anyway possible to ensure that this legislation becomes law.

Respectfully,

JAMES D. RANDLES,
National Commander.

RECOGNIZING BURL AND JURLINE BARKER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize two outstanding citizens of Missouri. Burl and Jurline Barker of Mount Vernon, MO celebrated their 60th wedding anniversary on June 10, 2005.

Mr. Speaker, I proudly ask you to join me in congratulating Mr. and Mrs. Barker. Burl and Jurline have set an outstanding example for all of us to follow. Their marriage of 60 years truly exemplifies the qualities of commitment and dedication.

CONGRATULATING JOHANNA WEAVER AS SHE IS NAMED ''HUMANITARIAN OF THE YEAR'' BY THE POCONO MOUNTAINS CHAMBER OF COMMERCE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise to pay tribute to Johanna Weaver, of Monroe County, PA, on the occasion of her being named ''Humanitarian of the Year'' by the Pocono Mountains Chamber of Commerce.

Mrs. Weaver served as executive director of Pocono Services for Families and Children for more than 33 years before her retirement last August.

Over the years, she has distinguished herself as a community leader, volunteer and mentor to children.

She has served the Monroe County Children and Youth Advisory Board, Habitat for Humanity Advisory Board, Drug and Alcohol Prevention Juvenile Task Force, Monroe County Job Center Task Force, League of Women Voters, United Way, Monroe County Association for the Education of Young Children, Welfare Reform Task Force, WNEP–TV Advisory Board, Kiwanis Clubs of the Stroudsburgs, Chamber of Commerce Executive Women's Council and the East Stroudsburg University Women's Center Advisory Board.

On a State and national level, she has served the Head Start program, the National Association for the Education of Young Children and the Pennsylvania Association of Child Care Administrators.

She has also served the East Stroudsburg School District's reading program and was a member of the district's Band, Football and Wrestling Parents Associations.

Mrs. Weaver is married to Michael Weaver, a retired professor from East Stroudsburg University. The couple has two children and three grandchildren.

Mr. Speaker, please join me in congratulating Mrs. Weaver on the occasion of this honor. Her selfless commitment to family and community and, especially, to the welfare of children has enriched the greater Pocono Mountain region. Mrs. Weaver deserves our gratitude and appreciation.

REBUILD LIVES AND FAMILIES RE-ENTRY ENHANCEMENT ACT OF 2005

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. CONYERS. Mr. Speaker, I am pleased to introduce the Rebuild Lives and Families Re-Entry Enhancement Act of 2005. This legislation will be the next important step in establishing policy to help the men and women emerging from our Nation's prisons and jails re-integrate into society and rebuild their lives.

While our national crime rates have fallen over the last decade, we have seen an unprecedented explosion in our prison and jail populations. Over 2 million prisoners are now held in Federal and State prisons and local jails. Each year, approximately 650,000 people return to their communities following a prison or jail sentence, resulting in more than 6.7 million under some form of criminal justice supervision.

Re-entry refers to the return of incarcerated individuals from America's jails and prisons to the community and their re-integration into society. There is a pressing need to provide these individuals with the education and training necessary to obtain and hold onto steady jobs, undergo drug treatment, and get medical and mental health services. However, they are confronted with the "prison after imprisonment"—a plethora of seemingly endless obstacles and impediments which stymie successful re-integration into society. These obstacles have substantially contributed to the historically high rate of recidivism, with two-thirds of returning prisoners having been re-arrested for new crimes within 3 years.

This legislation is designed to assist high-risk, high-need offenders who have served their prison sentences, but who pose the greatest risk of re-offending upon release because they lack the education, job skills, stable family or living arrangements, and the substance abuse treatment and other mental and medical health services they need to successfully re-integrate into society. Title I of the bill reauthorizes and enhances our early adult and juvenile re-entry programs to broaden the availability of critical ex-offender services, while Title II addresses the substantive Federal barriers to successful re-entry. Both titles include provisions requiring that the funded programs be rigorously evaluated and the results widely disseminated, so that re-entry programs can be modified as needed, to ensure that recidivism is reduced and public safety enhanced.

A recent study by Peter D. Hart Research Associates reveals that Americans strongly favor rehabilitation and re-entry programs as the best method of insuring public safety. With this changing paradigm in public opinion, the opportunity is ripe to sensibly reassess the role and impact of criminal justice policies. This legislation translates this emerging public perception into balanced policies and procedures which dismantle the structural impediments to successful re-integration into society.

THE GREATEST GENERATION AUTHOR TOM BROKAW ADDRESSES THE ASSOCIATION OF THE UNITED STATES ARMY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. WOLF. Mr. Speaker, I just had the chance to read the speech given in October by Tom Brokaw, television journalist and former NBC news anchorman and managing editor of "NBC Nightly News with Tom Brokaw," at the Association of the United States Army, AUSA. He was presented with the association's highest award—the Marshall Medal, awarded annually to an individual who has exhibited "selfless service to the United States of America," according to the association.

The AUSA Council of Trustees chose Brokaw to receive the 2005 George Catlett Marshall Medal and recognize him for his lifetime contributions as a journalist, reporter, editor, broadcaster and author. I share his address here and commend to our colleagues the speech by Mr. Brokaw, the author of The Greatest Generation, the story of Americans who came of age during the Great Depression and fought World War II, and went on to build America. I call attention to Mr. Brokaw's observations of the common sacrifices of the Greatest Generation during World War II and the comparison with today, as our men and women in uniform are fighting to defend our freedoms, "we ask too few sacrifices at the civilian level."

You know in my business, I'm often in settings where they talk about stars. I'm seldom in a setting with so many stars, that have been earned, not just assigned to them by some gossip columnist, and it's a rare honor and a great privilege for me to be with all of you tonight here on the dais and in this great auditorium.

So many people have come up to me to say, on this occasion and others, I love your book. When I set out to write it, I had no idea of the richness of the journey that I was about to embark on. It really began on the 40th anniversary of D–Day, when I went to Normandy for a week to do a documentary about that momentous military landing that really changed the course of history. I thought, we'll have a good time, we'll drink some wine, and maybe we'll drink a lot of wine, and we'll have some good meals, and we'll hear some war stories.

And on the first day of filming, I walked down to the beach, with two men from Big Red One, one of whom went on to earn the Medal of Honor later. One was without legs that he lost in later action. And as I looked at them, I realized that Harry Garton and Gino Merli were the kinds of people that I had known all my life. They were my schoolteachers and ministers, the businessmen for whom I worked. Their wives looked like the mothers of all my friends; they looked like my parents' best friends. They were there in their windbreakers, and as we walked onto Omaha Beach, they paused at their first return and began very softly to remember what it had been like that day.

And within about 20 minutes, I had undergone a transformational experience, the likes of which I had not known as a professional journalist. And their stories, and the stories that I began to collect after that, resonated not just with me, but with this country in a way that I could not have anticipated. Now there have been some who have challenged my declaration that this was the greatest generation. My answer to them is, that's my story, and I'm sticking to it.

But I believe the generation that came of age in the Great Depression, when life was about sacrifice and deprivation, about dropping out of school, not to buy a video game or a car for yourself, but to put food on the table, when sharing meant sharing a pair of shoes or a shirt or a jacket. They didn't double date, they went three and four couples to a car, to a movie that cost a dime, and went back to someone's home at the end of the night to play the piano, and have coffee and cake.

And they never gave up on their country, even though times were difficult, and just when they were beginning to emerge from those dark days economically, this country summoned them to distant battlefields, across the Atlantic and across the Pacific. And what the British military historian John Keegan has called the greatest single event in the history of mankind—World War II. They fought on six of the seven continents, all the skies, and on all the seas and beneath them as well, and won. Fifty million people had perished, and nations had been realigned, and we were forced to face harsh truths about the cruelties of mankind in the middle of the 20th century.

But they came home from all of that, and they gave us new art and new science and new industry. A number of them continued in the military. Those who did not, did not just lay down their arms and say I've done by share. They went back to their hometowns and their states, and they ran for mayor and the school board and for the church board trustees. They ran for Senator and for Congress, and they ran for President of the United States, and they took their place in the front ranks of public service.

And no one represented their leadership more profoundly, I believe, than the man that you honor here tonight—George Marshall—who I believe is the most single, underappreciated 20th century American, and one of the most underappreciated Americans of all time.

A warrior, a diplomat, and a visionary. And so I am deeply humbled by this award. And for those of you who only know it from one side of the television screen, not the other, let me just confirm what you're thinking—it's not easy for an anchorman to express humility. Let me also say that I'm very pleasantly surprised to know that I'm the first journalist to receive this award.

I have some good news and some bad news for you. Journalists and warriors come from the same DNA. I said this first at the War College, and I thought that the colonels in the audience were going to storm the stage. We like unconventional lives. We can deal with authority, but we know when to bristle about authority. We like living off the land. We like catching the bad guys and holding them up for appropriate punishment. And most of all, we're patriots, who love our country. And the definition of patriotism for me is love your country and always know that it can be better, and that it is the obligation of every citizen to try to make it better, every day.

On these occasions, I like to remind people that I've had the privilege in the last two years, three years especially, of working side by side, night after night, day after day, both in this country and abroad, with three of your best—General Wayne Downing, who is here tonight, General Monty Meigs and General Barry McCaffrey. And I must say as a full blown civilian, it gave me a certain amount of pleasure to say to these four stars, okay men, listen up. We're coming out

in 30 seconds, we've got a minute 30 to go—McCaffrey, don't do all the talking, let Meigs in on this for awhile.

And they were thoroughly professional, and it was not only a joy for me to work with them side by side, but it was a great service to this country to have their expertise and their candor and their truth-telling, as the war went on in the early stages, and then after that.

Now it is sometimes an adjustment. During Operation Desert Storm, I was joined at the desk at NBC, night after night, hour after hour, by one of your great, great figures, the late Colonel Harry Summers, who was a real expert on infantry tactics, a plainspoken man, who kept his military bearing even in a television studio. But about the fifth night of the war, at about three o'clock in the morning, we were kind of operating on fumes at this point, and I refuse on those occasions to have a conventional meal; I said just keep sending out plates of fresh food of some kind, that will keep me going; I don't want to get bogged down with dinner; I've got too many other things to worry about.

And finally about the 18th little dish of chopped fruit arrived on my desk, and I couldn't even bear to look at it, and I finally slid it across to Harry Summers. He looked down at it for a long moment and he said, ''I don't know what's happened to me. First I let them put hairspray and makeup on me—now I'm eating fresh fruit.'' But we found a way to get along.

Let me just take a little bit of your time, if I can, to offer some adjurations on the profession that brings you here tonight and our collective place in this society. A few months ago, at a conference of billionaires, moguls, titans, movers and shakers, Monty Meigs arranged for a panel of U.S. Army battalion commanders from Iraq and Afghanistan to present their view of what is happening in their sectors.

It was a dazzling performance by these best and brightest lieutenant colonels. They were energetic, they were articulate, funny, and fully at ease in a roomful of folks who represented a slightly higher pay grade than they did.

They complained, mildly, that their good works and accomplishments had not received enough press attention, and then they engaged in a friendly but pointed exchange with three of us who represented the media at that conference.

Their performance and their bearing represented what I have been encountering for some time in my dealings with the American military in distant battlefields and military bases in this country, away from the constraints of the Pentagon.

The other guests, who represented enormous financial, industrial, social and political strength and power in America, were bedazzled to the point of full immersion infatuation. They rushed to the stage to express their enthusiasm for what they had just heard. They turned to me, and to Tom Friedman of The New York Times and Donald Graham, the publisher of The Washington Post, demanding to know why they had not heard these stories before, why they had not read of the brilliance and the character of line officers in the field.

That night at dinner these four lieutenant colonels were rock stars among groupies, as everyone from Bill Gates at Microsoft and Warren Buffet and Phil Knight of Nike gathered around to continue their adulation, to suggest lecture tours across America, to participate in corporate motivation sessions and to commiserate with them as well about the absence of press coverage.

I was at once amused and determined to use this as an opening to address what I believe is a growing problem in American life. The next day it turns out that I was the guest, the sole interview before the same collection of powerful elites. And I took that opportunity to remind the audience that what they heard the day before, had been, in fact, widely reported, often at great risk—day in and day out—for three years on all the print and electronic news outlets. Perhaps not exactly as the young officers would have liked, but reported nonetheless. And even the officers gave me a sly smile and said you're right on that.

Moreover, for those in the audience who believed that these young battalion commanders were some kind of an elite all-star team handpicked by the Pentagon, I was happy to correct that impression. I told that gathering of moguls and titans, I've met hundreds more like them. They are exceptional officers, but they're not the exception.

Furthermore what they're doing in their commands in Iraq and Afghanistan may be news to you, but it's not news to communities and neighbors of mine in Big Timber, Montana, or in hamlets in South Carolina, or barrios in East Los Angeles or the working class neighborhoods of Detroit, or the small towns of the Great Plains. In those communities, they pay attention, because it is their sons and daughters, and fathers and mothers, who are in harm's way in those distant places.

General Meigs performed an important public service that week in Sun Valley by reminding that audience of the place of the military, not just in our national security considerations, but also in our social and political construct as a nation. Indisputably, this country has the finest military in the history of mankind.

It is a superior force at every measurable level, made up entirely by volunteers, fully integrated ethnically and in terms of gender.

Unfortunately, it's also a military that in too many families, in too many communities and especially in too many corporate suites and boardrooms, country clubs and other gathering places for the elite, it is a military that is out of sight and out of mind. It is separate and distinct from the day-to-day concerns of too many Americans, especially to the elites with their hands on the power. That's not just inappropriate; it is unacceptable and even dangerous to a democratic society.

One of the enduring lessons I have learned from my interest in and association with what I call the greatest generation, is the long-term beneficial effect of an organic relationship between a civilian society and its military.

World War II was obviously a unique undertaking, requiring millions of people in uniform, a re-ordering its civilian priorities and common sacrifices for a common commitment.

I have come to believe that one of the unheralded dividends at the end of the war for America was the maturation, the discipline, the ethos of teamwork young men and women in their 20s brought back to their civilian lives.

Now young Americans who are not in uniform like to say, they're ''finding themselves'' in their 20s, or they're ''exploring other options'' in life. The greatest generation found themselves in distant battlefields or in great sea battles, or in dogfights in the air—they found themselves on factory floors or in shipyards, in the daily rationing of meat and gasoline and luxury items.

What they learned in those life-altering experiences, they applied to the building of this country, to the expansion of freedom, and most of all, to the ordering of priority for the common good. And because their experience had been so shared at every level, there was a common appreciation of the place of the military. Now we ask too few sacrifices at the civilian level.

There are the yellow ribbons and the welcome home signs, but for too many Americans those are more ornamental than organic to their own daily lives.

A distinguished American historian wrote recently of our mercenary military conjuring up images of young warriors who are motivated only by paychecks, in effect, contract killers. That's a profoundly erroneous conclusion. It is more widely shared, however, than we may care to acknowledge.

So who's to blame for this schism in our national definition? Ladies and gentlemen I would suggest that we all are.

Our political leaders in both parties are not sufficiently addressing the gap with their constituents. They're not asking their constituents to make even token sacrifices, as a reminder that there is a war underway. They're not encouraging their financial patrons—the special interests that help elect them to office—to take a more active role in implementing a better understanding of the place of the military in our lives and in the world.

Now it's just as well that our military establishment needs to no longer confine itself, by-and-large, to its own culture. It no longer should be as defensive as it can be, when it finds itself under fire.

The media have been too focused on the triumphs and shortcomings on the battlefield, too unimaginative in dealing with the complexities of the military/political structure, as well as the manpower, the financial and the policy issues.

No institution in America is as representative of this great immigrant nation with all our varied parts as the military, and we need to be reminded of that on a daily basis.

Too many citizens are willing to assume that defending the country is an assignment best left to someone else, that it's not a personal or family obligation or calling. In the modern culture there are too few people around to challenge that.

No one wants to return to a World War to reclaim a continuing relationship between the civilian population and the military. But neither is it in our national interest to have two populations—one in uniform and one not—with little or no connectivity.

The greatest accomplishment of the greatest generation was not just on the battlefield. It was in the post-war continuation of a commitment to a whole nation, civilian and military, each respectful and mindful of their relationship and role assigned them in advancing the national interests.

It is time for a new generation to re-activate that greatness—in uniform and out.

Then perhaps, when my great, great granddaughter is ready to write her book about our generation, she will be able to say, ''They, too, met the test.''

RECOGNIZING CODY WAYNE BATES FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Cody Wayne Bates, son of Carol and Terry Bates, of Holt, Missouri. Cody is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and by earning the most prestigious award of Eagle Scout.

Cody has been very active with his troop, participating in many Scout activities. Over the 8 years Cody has been involved with Scouting, he has earned 35 merit badges and held several leadership positions. Cody has served his troop as Assistant Patrol Leader, Chaplain's Aide, Librarian, and Assistant Senior Patrol Leader. Cody is a brave in the Tribe of Mic-o-Say, where he has taken the name "Red Eye Owl," and is also a brotherhood member in the Order of the Arrow. In addition, Cody has earned the World Conservation Award.

For his Eagle Scout project, Cody constructed a fence around 6 air conditioning units at First United Methodist Church to protect the units from damage.

Mr. Speaker, I proudly ask you to join me in commending Cody Wayne Bates for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING DR. JOSEPH AND DR. ROSE MATTIOLI AS THEY ARE AWARDED THE FRANK SCHOELCH COMMUNITY COMMITMENT AWARD FROM THE POCONO MOUNTAINS CHAMBER OF COMMERCE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to my very good friends Dr. Joseph and Dr. Rose Mattioli, of Monroe County, Pennsylvania, who have been honored by the Pocono Mountains Chamber of Commerce as recipients of the Frank Schoelch Community Commitment Award.

Both Mattiolis are graduates of Temple University, which is where they met. Dr. Joseph Mattioli practiced dentistry while Dr. Rose Mattioli pursued a professional career as a podiatrist. Both practiced in Philadelphia for about 10 years before they decided to embark on a complete change of careers.

The Mattiolis were determined to pursue a dream of bringing automobile racing to the New York and Philadelphia regions.

That dream became a reality in 1968 when they opened the Pocono International Raceway at Long Pond in Monroe County. They endured numerous obstacles and hardships during the early days of NASCAR, but they persevered.

Since then, the Mattiolis have developed the track into one of the best in the Nation. Today, that track hosts two NASCAR NEXTEL Cup series events each year. In 2002 they were inducted into the Stock Car Racing Hall of Fame.

Known as the driving force behind the growth of Pocono Raceway, Joe is credited by his peers for his incomparable knowledge of racing, drivers and, above all, people.

Rose is well-known as a gracious lady with an infectious smile. Rose is the "heart" of the Pocono Raceway. She was instrumental in providing an area at Pocono Raceway for religious services for race teams and their families.

Joe is also a strong supporter of countless charitable groups throughout Northeastern Pennsylvania. A veteran of World War II, Dr. Mattioli has been honored for helping the Veterans Coalition and Veterans of the Vietnam War.

Mr. Speaker, please join me in congratulating Drs. Joseph and Rose Mattioli on this happy occasion. It is, indeed, fitting that this couple should be recognized for their community commitment since they have contributed so much to the greater Pocono Mountain community for so long. I am proud to consider them my friends. Pocono Raceway has hosted hundreds of thousands of guests over the years and has been responsible for generating significant amounts of revenue and jobs that have greatly improved the quality of life throughout the region.

CONGRATULATING RUSLAN WERNTZ

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Mr. Ruslan Werntz of Coppell, Texas on his commitment, contribution and success in this year's Discovery Channel Young Scientist Challenge.

In 1999, Discovery created the Discovery Channel Young Scientist Challenge to increase and encourage middle school students' participation in science and math. The DCYSC identifies and honors America's top middle school student who demonstrates the best skills in leadership, teamwork and scientific problem solving. In addition, the ability to be an effective science communicator—a goal that reflects Discovery's philosophy that scientific knowledge is most valuable when it is communicated and shared—is a key component of the judging. More than 9,500 children have entered the DCYSC since its inception. Winners have received more than $500,000 in scholarship awards, Federal Government recognition and participated in science-related trips that have taken them to the far corners of the globe. This year, nearly 75,000 students entered science fairs nationwide. Of those students, only 400 were chosen as semifinalists in the 2005 Discovery Young Scientist Challenge competition. The final 40 came from 19 States and Puerto Rico.

One of those finalists was Ruslan Werntz, a 16-year-old ninth-grader at Coppell High School. Ruslan's project was titled "The Truth and Lies of Blood Glucose Monitoring Systems." During a doctor's visit with his father, a diabetic, the doctor ran a glucometer test with a result of 130. This result concerned Ruslan because a few minutes earlier, his father's home test had read 160. The doctor said that home-use glucometers are not as accurate as the more expensive kind used by physicians. Ruslan wanted to confirm this disparity. For his efforts, Ruslan was awarded the TLC Science of Production Award.

I extend my sincere congratulations to Mr. Ruslan Werntz for his efforts and for receiving this commendable award given by the Discovery Channel Youth Scientist Challenge. His commitment to science and to helping others serves as an inspiration to all.

RECOGNIZING MR. SAM MOORE

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. WHITFIELD. Mr. Speaker, I rise to recognize one of my constituents, Mr. Sam Moore of Butler, Kentucky. Mr. Moore has been actively involved in agriculture in my Congressional District serving as a member of the Kentucky Farm Bureau Federation Board of Directors for the last 30 years. I have known Mr. Moore for several years and have found him to be a man of incredible integrity who is devoted to helping others. He is an active member of the community as well as a forceful leader in the agriculture field.

Mr. Moore hails from Butler County, where he farms more than 4,300 acres producing corn, soybeans, and wheat. He and his wife, Helen, have 6 children that frequently contribute to the family farm, teaching them time-honored values of hard work and respect for the farmer. While Mr. Moore has been active in production agriculture, he has also been involved with many other important agri-businesses making him an incredible asset to his community. He is the recipient of numerous awards, having been recognized as the Outstanding Young Farmer by the Kentucky Jaycees in 1973 as well as being named the 2003 Man of the Year In Kentucky Agriculture by Progressive Farmer Magazine. He has also been very active in the American Farm Bureau, the American Soybean Association, the Kentucky Beef Cattle Association, and the Kentucky Corn Grower's Association.

Because Mr. Moore will soon retire from his tenure as President of the Kentucky Farm Bureau, I would like to recognize his service at the Bureau and his dedication to improving agricultural interests in my home State. Without his personal connections with many influential agriculture leaders, not to mention his tireless efforts on behalf of farmers in the Commonwealth, Kentucky would not be excelling in this industry. I am sure the Kentucky Farm Bureau is sorry to see him leave, but I am confident that Mr. Moore will continue to stay active and be relied upon as a leader for Kentucky farming for many years to come.

RECOGNIZING DANE K. HAGEN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Dane K. Hagen, son of Susan and Mike Hagen, of Kearney, Missouri. Dane is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and by earning the most prestigious award of Eagle Scout.

Dane has been very active with his troop, participating in many Scout activities. Over the 8 years Dane has been involved with Scouting, he has earned 39 merit badges and held several leadership positions. Dane has served his troop as Patrol Leader, Quartermaster,

Troop Bugler, and Senior Patrol Leader. Dane is a brave in the Tribe of Mic-o-Say, where he has taken the name ''Mighty Wolf Stalking Prey,'' and is also a brotherhood member in the Order of the Arrow. In addition, Dane has earned the God and Church Award, World Conservation Award, Eagle Bronze Palm, and H. Roe Bartle Heritage Award.

For his Eagle Scout project, Dane constructed a fence around the City of Kearney's water tower and variform pump house, and planted evergreens and shrubbery around the new fence.

Mr. Speaker, I proudly ask you to join me in commending Dane K. Hagen for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING ANTHONY PECONE AS HE RETIRES AS PENNSYLVANIA STATE DIRECTOR OF THE U.S. ECONOMIC DEVELOPMENT ADMINISTRATION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Anthony Pecone who is retiring as Pennsylvania State director of the U.S. Economic Development Administration following 39 years of service with the agency.

Mr. Pecone has had a distinguished career and has guided the investment of nearly $2 billion in Federal funding throughout the Commonwealth of Pennsylvania, which has had the effect of creating or retaining tens of thousands of jobs.

Mr. Pecone came to the EDA after 11 years of working in the private sector, 2 years of service with the U.S. Army in Germany, 9 months with the Central Intelligence Agency and 16 months with the National Aeronautics and Space Administration's Goddard Space Flight Center.

As State director of the EDA, Mr. Pecone was an invaluable ally for local communities and economic development organizations, guiding them through the economic development process for planning, technical assistance, business loans, construction and special programs for assistance related to natural disasters, base closings and severe industrial dislocations or curtailments.

Noteworthy Pennsylvania EDA investments achieved during his tenure include brownfield restorations, creation of a statewide revolving loan fund, base closing assistance, restoration of areas impacted by hurricanes and tornadoes, construction of several technology incubators, workforce development initiatives, construction of many industrial, business and commercial parks, initiatives to combat the effects of job losses in the coal and steel industries and construction of roads, sewage and water systems and bridges.

More than 30 years have passed since I first met Tony during the aftermath of Hurricane Agnes, which devastated the Wilkes-Barre area in 1972. His can-do spirit and practical approach to stimulating economic activity shaped my overall impression of the EDA and made me a life-long fan of both Tony and his agency. Always courteous, Tony was also tough and fair in his determination of which projects were worthy of Federal funds. Every applicant seeking EDA funds learned to expect hard questions but also wise guidance as Tony worked to make sure that every EDA project was a successful project. Although few of them know his name or even the name of his agency, thousands of Pennsylvanians have jobs because of Tony's hard work. He will be missed.

Mr. Speaker, please join me in congratulating Mr. Pecone upon the completion of a career that has helped so many people achieve a better quality of life. Mr. Pecone's singular dedication to improving communities deserves special recognition and I am pleased to be able to enter a tribute to him in the CONGRESSIONAL RECORD.

THANKING AMERICA'S DIPLOMATS FOR SUKKOT ASSISTANCE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. ACKERMAN. Mr. Speaker, I rise to express my sincere thanks to the men and women of our Embassy in Egypt and, particularly, to Ambassador Francis J. Ricciardone. I also want to commend Assistant Secretary David Welch, Deputy Assistant Secretary Liz Dibble and a host of their colleagues in the State Department's Bureau of Near Eastern Affairs. I am pleased to report to the House that through vigorous behind-the-scenes engagement with the Government of Egypt, America's diplomats made a critical difference for millions of Jews across America and around the world celebrating the Jewish holiday Sukkot.

Mr. Speaker, earlier this month, I began to receive reports that merchants purchasing the palm fronds used for ritual celebrations of the holiday, were discovering that their historic supply in Egypt was in jeopardy. In previous years, Egyptian palms had provided the overwhelming proportion of the roughly one million palm fronds used for the holiday. As commanded in the Bible, Jews celebrate Sukkot with ''the four species''—a lulav, composed of palm, myrtle, and willow branches, and a citron, an aromatic but inedible citrus fruit called an etrog—that are used to sanctify the holiday.

This year, however, Egyptian agriculture officials, reportedly concerned about the health of Egypt's orchards of date palms, ordered a cessation of the harvest and export of palm fronds expected by Jewish communities around the world.

For those unfamiliar with the holiday, a sudden palm frond shortage may have seemed a bit odd, if not downright absurd. I would compare it, however, to a situation where 2 weeks before Christmas, people began to suddenly discover that there were no Christmas trees available for sale, or that those few trees on the market were undersized, illegally cut and only available for triple the normal price.

I am proud to say that once informed of the situation, our diplomats acted swiftly, speaking forcefully on behalf of the entire United States and drawing upon the strong and deep ties between our government and Egypt's. Again and again over a 2 week period, our diplomats pressed officials in the Egyptian government to increase the number of cuttings available and to ensure their successful export. And here, I also want to express my thanks to Egypt's ambassador, Nabil Fahmy and his staff at the Egyptian embassy for their very important role in conveying the seriousness of this problem to their colleagues in Cairo.

In the end, I believe there was enough. The Egyptian government heard our concerns and did the best it could to accommodate our needs. Ultimately, I'm told the restrictions on cuttings were effectively lifted in the last hours. There were shortages in some places, some people had to pay more than usual, and more people had to share than in years past, but no one, to my knowledge, was unable to fulfill the religious requirements of the holiday.

Mr. Speaker, the week-long festival of Sukkot celebrates the fall harvest and is often referred to in Hebrew as z'man simchataynu, ''the season of our rejoicing.'' I can tell you, there would have been a lot less rejoicing absent a lot of hard work by America's diplomats. I know the whole House will join me in thanking them for this extraordinary effort.

RECOGNIZING CHRISTOPHER B. HEARNE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Christopher B. Hearne, son of Sue and Jerry Hearne, of Kearney, MO. Chris is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and by earning the most prestigious award of Eagle Scout.

Chris has been very active with his troop, participating in many Scout activities. Over the 8 years Chris has been involved with scouting, he has earned 36 merit badges and held several leadership positions. Chris has served his troop as patrol leader, librarian, chaplain's aide, and den chief. Chris is a brave in the tribe of Mic-o-Say, where he has taken the name ''Last Son of Silent Snow Goose.'' In addition, Chris has earned the World Conservation Award, H. Roe Bartle Heritage Award, and Mile Swim Award.

For his Eagle Scout project, Chris removed litter and rubbish from the half-mile entry road into Kearney's Mack Porter Park. He also constructed ''No Littering'' signs along the road.

Mr. Speaker, I proudly ask you to join me in commending Christopher B. Hearne for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

WHY AMERICA IS A GREAT NATION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. SANDERS. Mr. Speaker, Hurricane Katrina was a natural disaster. Its effects were

compounded by human ineptitude, as FEMA, State officials and the President all reacted slowly and without adequate concern for their fellow Americans.

We rightly witnessed their inaction and unconcern on our television sets.

But there is another America, an America which responds to distress with generosity and a willingness to pitch in. An America which provides an outpouring of funds for the Red Cross and countless truckloads amounts of donated supplies.

I want to tell you a story about what is best in America.

When they learned of the devastation caused by Hurricane Katrina, two members of the Vermont's South Burlington Fire Department, Lieutenant Micah Genzlinger and Firefighter Trevor Poor, volunteered to help their fellow firefighters on the hard-struck gulf coast. They went to areas devastated by the hurricane and helped other fire companies fight fires. They also helped citizens rebuild and recover from the destruction wrought by the storm. And, in the spare time they could muster, they helped their fellow firefighters take care of the damage to their own homes.

And the fire company they left behind? According to their union contract, firefighters must be given notice of shift changes two weeks in advance. Generously, all their colleagues waived this requirement, so that they could cover all shifts, without charging massive overtime to the city of South Burlington. They changed their work schedules to make sure the city was protected and that Genzlinger and Poor's trip to help others did not undercut local fire protection, all at no additional cost.

This story was repeated all over America. In Vermont, firefighters from Barre and Hartford also headed south to help their firefighting brothers and sisters. In other states, firefighters responded to the call to protect and rebuild—as they always do, not only for their own cities and towns, but for Americans everywhere.

This kind of generous solidarity is what makes America a great and wonderful Nation.

PRIVATE PROPERTY PROTECTION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. STEARNS. Mr. Speaker, back in June, the Supreme Court handed down a ruling in Kelo versus City of New London that states that the Government can seize personal property for the purpose of economic development. Mr. Speaker, this ruling embodies everything for which our Founding Fathers did not want this country to stand.

Mr. Speaker, the Kelo ruling is a gross misinterpretation of the Fifth Amendment. The Fifth Amendment allows for the government to obtain private property for public use, meaning this property can be obtained for the government to build something such as a school or a road. However, the Kelo ruling allows the government to take property owners' farms, private businesses, or even our homes so that big-time investors and businessman can come in to our towns and cities and build shopping malls and supermarkets on the property that is rightfully owned by our constituents.

I support H.R. 4128, The Private Property Rights Protection Act, and urge all members to do so. This piece of legislation will allow us as Members of Congress to protect our constituents against the loophole created in Kelo by the Supreme Court, and will allow us to punish those state and localities that take advantage of their citizens and of this ruling.

CONGRATULATIONS TO GALILEE MISSIONARY BAPTIST CHURCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and enthusiasm that I congratulate Galilee Missionary Baptist Church as they join together in celebration of the 5th Pastoral anniversary of their esteemed Pastor Reverend Charles M. Morgan. They will be celebrating this very momentous and special occasion November 18–20, 2005.

Reverend Morgan was born to the late James and Lillie Morgan in Kansas City, Missouri. He completed his undergraduate studies at Ottawa University and Calvary Seminary. He is presently matriculating in the McCormick Theological Seminary. Reverend Morgan is an active member of the Baptist Minister's Conference of Gary and Vicinity, and he is the 2nd Vice Moderator of the Northern Indiana Missionary Baptist District Association. He is a regular participant at the Stephen Olford School for Expository Preaching in Memphis, Tennessee. Reverend Morgan has also been an instructor for the Baptist Minister's Seminar for the past two years.

From its modest beginning, Galilee Missionary Baptist Church has emerged as a cornerstone of the community. Under Pastor Morgan's guidance, Galilee continues to thrive, both in terms of spiritual growth as well as practical improvements. The proud members of the church are thankful for the spiritual and emotional leadership he and the previous pastors have provided during the years.

Though Reverend Morgan is dedicated to the Galilee Family, he has never limited his time and love for his family. Reverend Charles Morgan and his wife Francine have three daughters, Natasha (deceased), LaRonda Lindsey, and Rasheeda; one son, Johan; and two grandchildren, Manuel and Jackson.

The celebration weekend begins on Friday, November 18, 2005, with the Pilgrim Missionary Baptist Church Family and Pastor Charles L. Emery. On Saturday, November 19, 2005, there will be an evening of love and appreciation at the Turkey Creek Country Club Banquet in Merrillville, Indiana. The celebration banquet will conclude the festivities on Sunday, November 20, 2005, when the church honors Pastor Morgan and his family with special guests, including Pastor Mike Nicholson and the Mount Calvary Baptist Church Family of Fort Wayne, Indiana.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating Reverend and Mrs. Charles M. Morgan and the Galilee Missionary Baptist Church on their 5th Pastoral anniversary. Their constant dedication and commitment is worthy of the highest commendation.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, on Thursday, October 27, 2005 I was unavoidably detained and thus missed rollcall vote No. 553. Had I been present, I would have voted "yea" on rollcall vote No. 553, the Lawsuit Abuse Reduction Act of 2005.

RECOGNITION OF UNPARALLELED CIVIL SERVICE BY MR. STEPHEN WHITMORE

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. SAXTON. Mr. Speaker, it is my distinct pleasure to highlight the extraordinary service of Mr. Stephen Whitmore, who is currently the operations officer for the Department of Public Works at Fort Dix, New Jersey. Born on July 16, 1923, Steve has selflessly served the Nation, the Army and Fort Dix for more than 60 of his 82 years.

Mr. Whitmore's service began during World War II when he enlisted in the Army on July 19, 1943. As a soldier assigned to the 1st U.S. Army, he served as a participant in many of the major battles fought in central Europe from November 1944 until April 1946. On April 29, 1946, Steve completed his Army out-processing procedures and immediately began working as a Fort Dix Civil Service Employee.

Since then, Mr. Whitmore has worked for the Directorate of Public Works, DPW, in a variety of capacities. As you would expect, Mr. Whitmore's impact on the facilities and infrastructure of Fort Dix has been enormous. The majority of the buildings currently utilized on Fort Dix were built after he arrived in 1945. Consequently, he participated in some manner in the construction of almost all of the facilities in use today and has continued to maintain and repair them throughout his 60-year tenure. Furthermore, all of the utility systems on Fort Dix were either installed or expanded under his personal guidance. In fact, the current electrical grid system for the Installation is one that he designed and either helped construct with a crew of high-tension electricians or oversaw the construction in a supervisory capacity. Also occurring under his watch was the conversion of the Installation's heating systems from coal to oil to natural gas.

In addition to Mr. Whitmore's consistent and exceptional execution of his core DPW responsibilities, he has been a key factor in ensuring the successful implementation of nontraditional missions. One of those events concerned a mission assigned to Fort Dix in 1999 entitled Operation Provide Refuge. In short, Fort Dix was tasked to provide temporary housing for over 4,000 Kosovar refugees. Therefore, in addition to performing his duties as Chief of the Public Works Division, Steve assumed responsibility for providing utilities for all of the temporary facilities, installing almost five miles of temporary fencing, constructing playgrounds, maintaining the grounds in all the areas of operation, constructing and

installing signs throughout the Installation, establishing and rewiring a welcome center, assisting in the construction and installation of tent frames and even the installation of bed frames and mattresses in the dormitories. His overall work plan execution was magnificent and he guided his personnel through 18 hour work days, 7 days a week to get the work done, while still maintaining tremendous morale throughout his work force.

Another monumental mission for which Mr. Whitmore's expertise and ingenuity ensured a successful outcome was the role he played in establishing the security of Fort Dix immediately following the 9/11 terrorist attacks. This was a daunting task since the Installation had never been closed to through traffic in its 84-year history. He assembled a crew and equipment and worked with the police to close the Installation in a matter of hours. His expertise and unmatched knowledge of the Installation ensured that the dozens of means of access other than the main entry/exit points were identified and blocked. He has continued those efforts over the past 4 years to identify, develop and execute major projects to convert the temporary measures to permanent security barriers to include the installation of a 3½-mile-long security fence.

Mr. Whitmore's most recent accomplishment pertains to the exceptional work he has done on the development and execution of projects to establish a Forward Operating Base, FOB, to provide vital, realistic training to our soldiers being mobilized in support of the Global War on Terror. Steve planned and supervised the construction of the FOB, which is the largest, most complex FOB in the continental United States. Based on his actions, the FOB was built and maintained to a standard that allows the FOB to house, service, and provide realistic field training to approximately 2000 mobilizing soldiers at one time. Whether it was the electrical system, which he designed and had executed, the water and drain systems so that the Soldiers could take showers, the heating of the tents and even the clearing of the roads when it snowed, he was the one who made it all happen. Mr. Whitmore had the ideas, the ability to bring the ideas to resolution and ambition, energy and interest to accomplish whatever was necessary to make the FOB a success.

To this day he continues to provide the oversight for all utility services. His knowledge of the systems is legendary as is his ability to trouble shoot and quickly correct all system problems. He is a shining example of someone who adheres to the Army values in both his professional and personnel life. A man of strong resolve and unmatched abilities, Steve is a true patriot worthy of our Nation's thanks and praise.

TRIBUTE TO THE HONORABLE WILLIAM LAWRENCE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Ms. ESHOO. Mr. Speaker, I rise today to honor William ''Bill'' Lawrence, retired letter carrier and member of the National Association of Letter Carriers, San Francisco Branch 214, who is being honored by the Letter Carriers at their Biannual Congressional Breakfast.

Bill Lawrence began his service to our country when he enlisted in the Navy at the age of 16. After serving in China, he was honorably discharged and settled in San Francisco in 1927. He worked for several years as a cable car conductor, one of the few union jobs in San Francisco at the time. In July 1938, he began his career as a Letter Carrier, immediately joining Branch 214 of the National Association of Letter Carriers. Bill served as Secretary of Branch 214 for 6 years, and delivered mail on the streets of San Francisco for 35 years, until he retired at age 65.

In 1970, Bill Lawrence was elected to the non-partisan City Council of nearby Brisbane, California, and over the next two decades, served twice as Mayor. After his tenure on the City Council, Bill pursued his dedication to public service as the Legislative Liaison for the California State Association of Letter Carriers. Bill has always said that his love of politics stems from the rewarding feeling he gets from helping people. Now at age 97, Bill continues to delight children of all ages when he dresses as Santa Claus during the holidays.

I've always been proud to call Bill Lawrence my friend. He is a kind and generous man, and without his support and that of his wife, Honey Bee, I would not have been elected to the San Mateo County Board of Supervisors and to Congress.

Mr. Speaker, I ask my colleagues to join me in recognizing Bill Lawrence's countless contributions to our community and our country. Because of him and his distinguished service, we are unmistakably a better and more decent nation.

RECOGNIZING THE ALL KIDS HEALTH CARE PROGRAM OF ILLINOIS

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. EMANUEL. Mr. Speaker, I rise today to recognize Illinois Governor Rod Blagojevich for establishing the All Kids health care program, and the Illinois General Assembly for passing this important initiative. This plan makes Illinois the first State in the country to provide comprehensive health insurance to every child in the State.

The All Kids program will target the estimated 253,000 uninsured children in Illinois; providing coverage for children from working families that earn too much to qualify for existing programs but not enough to purchase private health insurance.

According to a National Health Interview Survey, 39 percent of American children did not visit a doctor in the past year, and 38 percent have no regular facility to utilize for their health care needs. Because their parents cannot afford hospital bills, uninsured children are six times as likely as insured children to have serious health issues go untreated. As a result, they are at higher risk for hospitalizations and missed diagnoses of serious illnesses. Improved health care for children is not the only benefit of this program. Studies show that children with health insurance are more likely to attend school consistently.

Additionally, the grades and test scores for insured children are substantially higher than their uninsured peers.

By moving a majority of Illinois' Medicaid beneficiaries into a primary care case management program where every beneficiary has their own family doctor, the State will save millions of dollars that will be used to pay for the All Kids program and provide more Illinois children with basic health care.

The State of Illinois has taken responsibility for the children and their families who do not have this critical coverage. The program enacted by the State of Illinois is set to begin in July 2006.

With 45.8 million uninsured Americans in 2004, it is time to stop ignoring the problem and to start taking action. I congratulate the Illinois General Assembly and Governor Blagojevich for a job well done, and I urge my colleagues to take a look at what Illinois is doing to help provide health care for children.

FEDERAL HOUSING FINANCE REFORM ACT OF 2005

SPEECH OF

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1461) to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes:

Mr. HENSARLING. Mr. Chairman, I first want to thank the gentleman from Ohio (Mr. OXLEY) and the gentleman from Louisiana (Mr. BAKER) for their leadership in getting this bill, H.R. 1461, to the House floor. Reforming the regulatory structure for the housing GSEs has clearly been a long time in the making.

I am going to vote for this legislation, and I encourage my colleagues to do the same. I believe that we must act as a body to move this process forward, and work with the Senate to draft a bill that President Bush can sign into law. We are all aware of the economic damage that took place in the wake of other corporate accounting scandals, be it Enron, WorldCom or Tyco. It is important to remember that in terms of assets, Enron was only about one-sixteenth the size that Fannie Mae is today. WorldCom and Tyco were about one-tenth the size of Fannie in terms of assets. These facts cannot be ignored. Legislation is long overdue.

However, I continue to have many concerns about certain provisions in H.R. 1461 that I believe could do more harm than good to our housing markets. Primarily, I am concerned that H.R. 1461 does not go far enough to protect our financial markets from the systemic risk posed by the giant portfolio holdings of Fannie Mae and Freddie Mac.

Federal Reserve Chairman Alan Greenspan has warned us that without the needed restrictions on the size of Fannie and Freddie's portfolios, our ability to preserve safe and sound financial markets is significantly put at risk. H.R. 1461 would not give the new regulator the necessary tools to appropriately limit the size of the portfolios of these two institutions. The combined retained portfolios of these two

companies now exceed $1.6 trillion, up from $136 billion in 1990. Portfolios of this size do nothing to promote liquidity in the secondary market. Unfortunately, H.R. 1461 will do nothing to protect American taxpayers from having to bail these institutions out should they fail.

I am also concerned about what is commonly referred to as ''mission creep'' of these two entities. Congress has given Fannie Mae and Freddie Mac very special charters, unique government-granted benefits that we do not grant their competitors. These benefits exist so that they can create liquidity in the secondary mortgage market and help create the American Dream for middle and low income families. In recent years, these entities have been clearly engaging in areas outside of this charter, including airplane leasing, purchasing tobacco bonds, and providing international consulting. H.R. 1461 does not provide the necessary bright line between the activities in which Fannie Mae and Freddie Mac can and cannot engage. While Congress prohibits Fannie and Freddie from originating loans, we clearly need a better definition of loan origination and what separates the primary market from the secondary market. Not only would a bright line provide clarity, it would enhance competition in the primary market and prevent these taxpayer-backed institutions from engaging in activities outside of the scope of their charters.

Further, I have concerns about raising the conforming loan limits for Fannie Mae and Freddie Mac, as H.R. 1461 does. Raising these limits will do nothing to help Fannie and Freddie meet their affordable housing goals. The conforming loan limits were originally established to ensure that Fannie Mae and Freddie Mac are focused on increasing the availability of housing for middle and low income Americans. These limits are necessary to prevent Fannie and Freddie from competing with private sector lenders, who already meet the demand for larger home loans. Raising the conforming loan limits is a clear extension of Fannie and Freddie's charters. That is not the purpose of this legislation.

Mr. Chairman, the Chairman of the Financial Services Committee worked diligently and in good faith with myself and many of my colleagues who had serious concerns about the creation of an affordable housing fund for both Fannie Mae and Freddie Mac in H.R. 1461. I applaud him for his willingness to include language in this bill that seeks to prevent affordable housing fund monies from being abused for political purposes. However, it is my hope that as this bill moves toward conference with the Senate, we take a serious look at the need to create another housing fund of this nature, especially one that has the potential to be abused for political purposes.

Our housing finance system is driven by the creation of jobs, supported by sound economic policy. Under the policies of this administration and this Republican Congress, this system has never worked better, and we now have achieved the highest rate of homeownership in the entire history of the United States of America. Mr. Chairman, the truth is there is no greater housing program than the American free enterprise system.

IN HONOR OF JASON KAMRAS, NATIONAL TEACHER OF THE YEAR

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Ms. MATSUI. Mr. Speaker, I rise in tribute to Jason Kamras, the 2005 National Teacher of the Year. A native of Sacramento, Jason teaches mathematics at John Philip Sousa Middle School, here in our Nation's capital. Since being named Teacher of the Year in April, Jason has traveled across the country as an educational spokesman and will continue to do so through next June. As his friends, family and colleagues celebrate Jason's outstanding achievement, I ask all of my colleagues to join with me in saluting this truly remarkable American.

The son of Linda and Marvin Kamras of Sacramento, Jason attended Shalom School, Sacramento's only Jewish day school, where he was a member of their inaugural class of 1978. In 1991, he graduated from Rio Americano High School at the top of his class. Later that fall Jason began his freshman year at Princeton University, where he graduated with a degree in public policy in 1995.

After graduating from Princeton, Jason promptly applied for a position with Teach for America, a wonderful program that allows for recent college graduates to work in needy public schools. It was Teach for America that first brought Jason to John Philip Sousa Middle School in the fall of 1996 where he taught mathematics to sixth graders. At Sousa he immediately poured his energy and passion into the school's students.

Three years of teaching math at Sousa convinced Jason that he could do much more to have a positive impact on students' lives. In 1999 he left the classroom and earned a Master's Degree in Education at the Harvard Graduate School of Education. When he returned to Sousa, Jason taught a combined class of seventh and eight graders for 2 years in social studies. This ''looped'' class allowed him the opportunity to truly connect with his students and push them to achieve everything within their grasp. In the 2002–2003 school year, Jason has returned to teaching math, this time at the seventh and eighth grade levels.

Outside of the classroom, Jason has successfully worked with school administrators to double the instructional time devoted to math and has incorporated technology and real world situations into the math curriculum, in order to meet today's students' needs. His love for photography led him to establish the EXPOSE Program, in which students create photo-essays with digital cameras that depict their lives and neighborhoods. Those photos are often shown to the public at the Capital Children's Museum and other places around Washington. In 2001, Jason was awarded the Mayor's Art Award for Outstanding Contribution to Arts Education for his work with the EXPOSE Program, just one of the many honors he has earned for his dedication to our Nation's youth.

What makes Jason an excellent teacher and role model is that he works tirelessly to give his students the tools they will need to make their dreams come true. Whether it is with complex math problems or artistic self expression, Jason has an ability to connect with students, many of whom come from underprivileged backgrounds, and give them the attention and support they need to help them meet their goals.

Mr. Speaker, as Jason Kamras continues to speak on behalf of school teachers across our country, I am honored to pay tribute to one of Sacramento's most honorable citizens. His love for teaching is fortunately shared by countless other teachers in classrooms throughout the Nation. At 31 years of age, Jason has accomplished so much in the classroom; accomplishments that allow him to serve as a model for others to follow. On behalf of the students at Sousa that have benefited from his compassion, dedication and creativity, I ask all of my colleagues to join with me in wishing Jason continued success in all his future endeavors.

TRIBUTE TO RACHAEL SCDORIS

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to honor and congratulate Bend, Oregon resident Rachael Scdoris. Rachael is a legally blind, competitive dog sled racer and cross-country runner who today was awarded the prestigious Casey Martin Award—an annual award that Nike bestows to any disabled person in the world who has overcome their adversity and pursued their sport of choice with the same passion and competitive spirit that renowned golfer Casey Martin has demonstrated in his career. Rachael was born with congenital achromatopsia, a genetic disorder that severely limits her vision. Nonetheless, she was the youngest musher to complete a 500-mile sled dog race, and the first disabled athlete to race the 1,161-mile Iditarod Trail Sled Dog Race in 2005.

Introduced to the sport of dog sledding by her father, Jerry, at age 3, Rachael's lifelong dream was to compete in the Iditarod. In 2003, because of her disability, Rachael was refused entry by the Iditarod Trail Committee, but after her determined appeals, the committee finally voted to allow her the aid of a visual interpreter on another sled in the 2005 Iditarod.

Though Rachael's dogs became ill and she was forced to drop out after 750 miles, she has already entered the 2006 Iditarod. She is the spokesperson for her vision foundation and the annual ''Race for Vision'' sled dog race in Oregon, which raises money for Healthy Beginnings, an organization that provides free vision screening, eye exams, and glasses to low-income individuals. She has twice been named one of the 100 Most Outstanding Female Athletes in the Nation, an ABC ''Person of the Week'' and a 2004 Olympic Torch carrier.

Rachael was selected from over 44 applicants to the Casey Martin Award because her story mirrors that of Casey Martin who in 1998 sued the PGA Tour for the right to be able to use a golf cart in competition. Casey, another Oregonian, has Klippel-Trenauny-Weber Syndrome, a rare, incurable and degenerative condition that causes chronic leg pain and makes it physically impossible for him to walk

during tournaments. I applaud Nike for sponsoring this award in the name of Casey Martin because he embodies the beliefs that we as Americans all hold dear—the importance of diversity, a commitment to sports, and the fact that everyone should have the right to participate.

I've had the great pleasure of spending time with Rachael and, like countless others, am tremendously inspired by her strong sense of determination and amazing successes. It is my honor to represent Rachael in the U.S. Congress, and I congratulate her for her outstanding achievements.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Ms. ESHOO. Mr. Speaker, I was unable to vote on Friday, October 28, 2005. Had I been present, I would have voted on the following votes: On rollcall vote No. 555 I would have voted "yea"; on rollcall vote No. 556 I would have voted "yea."

TRIBUTE TO ROSA PARKS

SPEECH OF

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor and celebrate the life of the distinguished Civil Rights leader, Rosa Parks who died Monday, October 24, 2005 at the age of 92. A woman of great character and conviction, Rosa Parks inspired a generation to change the course of history.

For half a century, the story of Rosa Parks—of a woman with the courage to challenge an unjust system, has been marked in history as a lesson for both young and old. While riding a bus home from her job in Montgomery, Alabama on December 1, 1955, Rosa Parks defied the segregation laws of the time and refused to give up her seat to a white passenger. She was then arrested and fined $14. Her bold and single act of defiance sparked a 381-day boycott of the Montgomery bus system by the African American community and ultimately the breakdown of segregation in the south.

Born Rosa Louise McCauley on February 4, 1913 in Tuskegee, Alabama, she married Raymond Parks in 1932 after briefly attending Alabama State College in Montgomery. As the first female member of the Montgomery chapter of the National Association for the Advancement of Colored People (NAACP), Rosa Parks worked tirelessly with her husband to encourage and increase voter participation in the African American community. Following the couple's move to Detroit, Rosa Parks began her 20-year service to the 14th district of Michigan as an administrative assistant in Congressman JOHN CONYERS, Jr.'s office. She also founded the Rosa and Raymond Parks Institute for Self Development to encourage leadership among Detroit's youth in 1987.

Although modest about the pivotal role she played in the Civil Rights movement, Rosa Parks has been recognized with some of the most prestigious awards and honors in the country. Among her many awards, she was the recipient of the Presidential Medal of Freedom, which is our Nation's highest civil award for merit and integrity, and the Congressional Gold Medal, which is the highest expression of national appreciation for distinguished achievements and contributions. She was also awarded the Springarn award by the NAACP that recognizes the highest achievements amongst African Americans and the Martin Luther King Jr. Award that recognizes those who work for social change through nonviolent means.

The longest journey begins with the smallest step. Rosa Parks' actions seemed small on that December day, but they accelerated the Civil Rights movement and enkindled a passion for equality in a generation. I had the honor of joining our colleague from Georgia, Mr. LEWIS, in March to celebrate the 40th anniversary of the Voting Rights March in Alabama and the many heroes who were inspired by Mrs. Parks. I was moved by their struggles and motivated by their strength. However, the journey towards true equality remains unfinished and the most fitting tribute to Mrs. Parks would be for us to continue that fight in her memory.

And so today, I join the country in bidding farewell to a true American hero and inspirational leader. Mrs. Rosa Parks will be greatly missed by her family, the Nation and the world.

IN RECOGNITION OF THE CITY OF SYLACAUGA, ALABAMA: ONE OF THE 100 BEST COMMUNITIES IN AMERICA FOR YOUNG PEOPLE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to the City of Sylacauga, Alabama, a unique town in the Third Congressional District that was recently named by America's Promise as one of the 100 best communities in America for young people.

As its 13,000 citizens know, Sylacauga still retains that old-fashioned charm which defines small town America. Yet it's also a forward-looking community that prides itself on its schools, and recognizes that the children of today are our leaders of tomorrow. In that regard, the city has created a variety of programs geared for children and teens, including a program known as BRIDGES. This unique initiative, which was identified by America's Promise as one of the city's crown achievements, provides school age children special opportunities to participate in recreational activities while under supervision of volunteers and staff. It also gives older children the opportunity to do volunteer work and give back to their community.

Mr. Speaker, this is indeed a proud achievement for the City of Sylacauga, and further demonstrates the importance its citizens place on educating its children. I am proud that one of East Alabama's small towns has made this prestigious list, and salute the citizens and local officials who helped make this achievement possible. I thank the House for its attention to this important matter today.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GALLEGLY. Mr. Speaker, on Friday, October 28, 2005, I was unable to vote on agreeing to the conference report for H.R. 2744, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (rollcall No. 555); and on agreeing to H. Res. 523, Condemning Iranian President Mahmoud Ahmadinejad's threats against Israel (rollcall No. 556). Had I been present, I would have voted "yea" on both measures.

IN HONOR OF ROSA PARKS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. FARR. Mr. Speaker, I rise today to pay tribute to the legendary Rosa Parks, who passed away last week. I had the great honor of meeting Rosa Parks several times throughout her life. The first time was in the late seventies when she was a guest speaker at Monterey Peninsula College in my district. I was also on hand when she received the Presidential Medal of Freedom in 1996 and the Congressional Gold Medal in 1999.

Each time I saw Rosa Parks, I was again impressed that a woman of such slight stature started such a large scale movement for civil justice. Rosa Parks' decision not to give up her bus seat to a white man during the time of segregation was a courageous act, simple and without violence. Rosa Parks did not yell, swear or wave her hands around dramatically to get the Nation's attention. In fact, she did not even move. Today, the consequences of her choice can be seen throughout our society. I continue to believe that a more just society will not be achieved by water hoses, tear gas, night sticks and hostility, but through peaceful means including compromise and fairness.

Fifty years later, Rosa Parks' actions don't seem radical or risky, but when you are the first one to take a stand, it is lonely. Indeed, Rosa Parks' death has given us the opportunity not just to remember her life and her actions, but also to remember the actions all of those who have stood up in the face of injustice.

My mother was one of these people, like Rosa Parks. Though she died when I was a young adult, my father often told me of a bus ride my mother took in New Orleans in the mid 40s. My sister and I were young children at the time, and we all used the bus system to get around the city. Buses in New Orleans were segregated at that time, but during one ride my mother decided to seat us in the "colored" section, although there was room in the "white" section of the bus. When the bus driver saw what my mother had done, he told her that she and her children had to move to the

white section. My mother refused, so the driver told her to get off the bus. Rather than change our seats, she shepherded my sister and me off the bus.

I had a chance to share this story with Rosa Parks when I finally met her and she enjoyed hearing about my mother's actions. Though my family did not live in a segregated state, both my parents realized they still had a duty to combat prejudice.

As a member of Congress, I have been honored to visit the heartland of the civil rights movement with fellow colleague and civil rights champion, Representative JOHN LEWIS. During a trip with the Faith and Politics Institute, we visited the Voting Rights Museum in Birmingham, AL, the Rosa Parks Museum in Montgomery, AL, and reenacted the march across the Pettus Bridge in Selma, AL. I cannot fully express how much I gained from visiting these sites with some of the original participants in the civil rights movement. Hearing about the pain and suffering they endured throughout those times was tempered by the joy we felt in our mutual support for a just cause.

I was honored to join my colleagues by attending Rosa Parks' memorial service and supporting the unprecedented resolution that allowed her body to lie in honor in the Capitol Rotunda. Rosa Parks is one person who made a difference and whose actions will forever call on all of us to stand up—or remain seated—for civil justice.

HONORING MRS. WILLIE JEAN YOUNGBLOOD ON HER 90TH BIRTHDAY

HON. ARTUR DAVIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. DAVIS of Alabama. Mr. Speaker, I rise today to enter into the CONGRESSIONAL RECORD a special tribute to Mrs. Willie Jean Youngblood in honor of her 90th birthday.

Mrs. Youngblood was born on November 7, 1915 in Bullock County, AL, and was the third of eight children of the late Cleveland and Julia Dennis. She later married Monroe Youngblood, a construction worker, of Bullock County. In search of better opportunities, the couple moved to Birmingham where they raised eight children. Mrs. Youngblood earned a living as a cook at the Thomasine Café and a service worker at the historic Tutwiler Hotel.

Mrs. Youngblood was a nurturing mentor for young mothers in her community. The Youngblood home was also the gathering place for many young children in the community, including the current mayor of the city of Birmingham, the Honorable Bernard Kincaid.

While Mrs. Youngblood may not have had an abundance of material wealth, she passed on a wealth of love and hope to her children and her community.

May God bless Mrs. Youngblood and her family on her 90th birthday and for many years to come.

COMMEMORATION OF ROBERT H. HINCKLEY, JR.

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. MATHESON. Mr. Speaker, I am pleased today to recognize the life and contributions of Robert H. Hinckley, Jr.

A lifelong resident of the State of Utah, Mr. Hinckley's 88 years were distinguished by his optimism, energy, and a commitment to public service.

Robert Hinckley, Jr. was born as the first child of Robert H. Hinckley Sr. and Abrelia Clarissa Seely Hinckley in Mt. Pleasant, UT, although he grew up in Ogden, UT and always considered that his home. Growing up during the Depression era, Hinckley began working in the family's business, Hinckley Dodge. After graduation from Ogden High School, he attended Stanford University and then the United States Military Academy from which he graduated in 1942. He married Janice Scowcroft, his high school sweetheart, in 1944 and described their 63 years of marriage as the "very best part of my life." During World War II and Korea, he was a decorated pilot earning the U.S. Air Force's Distinguished Flying Cross and the Bronze Star. Following a 13-year military career, he returned to Utah to manage the family's automobile business in Salt Lake City, UT. Outside of business, Hinckley loved horses and owned Arabian horses. He counted his greatest success as his four children, all of whom survive him.

Hinckley's life demonstrated commitment to his community. In 1988, he built upon his father's legacy becoming board chairman of the Hinckley Institute of Politics at the University of Utah. In this capacity, he was a champion for intelligent, thoughtful, and ethical engagement in the public arena. He encouraged students of all political persuasions to approach public service and politics with a sense of purpose and diligence. He worked hard to create opportunities for all students, regardless of socioeconomic status, to have access to internship opportunities. He dramatically stepped up the activities of the Hinckley Institute and oversaw the doubling of its endowment.

This year the Hinckley Institute of Politics is celebrating its 40th anniversary. Over 4,000 interns have served local, State, and Federal offices, interest groups, polling firms, and campaigns since 1965. The Hinckley Institute pioneered the Utah State legislative internship program, and interns now serve in critical staffing capacities during every general session. The Hinckley Institute internship program has been studied by colleges and universities across the United States. The Hinckley Institute sponsors the Hinckley Journal of Politics, an undergraduate research publication. It is one of only four undergraduate political science journals nationwide.

The Hinckley Institute has influenced countless local, State, and Federal elected officials, party activists, lobbyists, journalists, and citizens. Recent studies of former Hinckley interns demonstrate an incredibly high degree of civic engagement, through many avenues, for years after graduation. The Institute has provided a needed center for intelligent, thoughtful, dynamic conversation about important issues, where students can test their beliefs and access opportunities for empowerment within their community and government.

Robert Hinckley's philanthropic commitment to education and students extends beyond the on-going value of the Hinckley Institute of Politics, including the establishment and funding of scholarships at the University of Utah, Utah State University, Weber State University, and Brigham Young University. In this capacity, as well, he and his family have helped create a large community of educated, actively engaged, ethical, and interested citizens.

In all his endeavors, Hinckley was noted for his positive outlook and energy. His contributions will long benefit the students and people of Utah. He was truly an asset to his community and will be greatly missed.

COMMEMORATING THE LIFE OF MARINE CORPORAL JONATHAN "J.R." SPEAR, KILLED IN IRAQ OCTOBER 23, 2005

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. MILLER of Florida. Mr. Speaker, Marine Corporal Jonathan "J.R." Spears, was lost to us in Iraq on October 23.

He was a proud Marine and an exceptionally fine man who joined the greatest military service in the world.

I had the solemn honor of attending Corporal Spears funeral today and meeting his incredible family and friends. I now know how blessed they are to have known such a fine man. His parents, Timothy and Marie and his sisters Jennifer and Jessica display courage, dignity and strength that is moving and inspirational. I wish I could have known him as they did as he seemed like a truly amazing person.

J.R. used to work in a sandwich shop and he selflessly gave a portion of each pay check he received to buy food for the homeless. While playing football in high school he got up to 265 pounds. In order to fulfill one of his life dreams, joining the Marines, he had to lose nearly eighty pounds, which he did.

He was a young man who, by the time of his death at 21, had already planned out his life. He wanted to go to college after leaving the Marines Corps and then go on to be an FBI or Secret Service Agent. I know very few young people who have their life plan set by the time they reach 30, let alone 21. J.R. was a driven man who knew what he wanted and made it happen.

A stanza in the Marine Hymn written over a century ago says: "If the Army and the Navy ever gaze on Heaven's scenes, they will find the streets are guarded by United States Marines." I know that J.R. is up in heaven guarding the streets for all of us. I am certain he has been welcomed with God's saving grace.

His sacrifice is a solemn reminder to us of the risks that all of our men and women in uniform make every day to keep us safe.

I know that our Marine Corps will hold him in their hearts forever, as will we all.

May God bless Corporal Spears, his family and all of our men and women in uniform.

CONDEMNING IRANIAN PRESIDENT MAHMOUD AHMANDINEJAD'S THREATS AGAINST ISRAEL

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 2005

Mr. VAN HOLLEN. Mr. Speaker, I strongly condemn the deplorable remarks made this week by the President of Iran, Mahmoud Ahmandinejad and I commend my colleagues, Congressmen TOM LANTOS (D–CA) and HENRY HYDE (R–IL), for authoring this important resolution—H. Res. 523, Condemning Iranian President Mahmoud Ahmandinejad's threats against Israel—and bringing it to the floor of the House of Representatives.

The statement by Iran's President that "Israel must be wiped off the map" demands the strongest condemnation from the entire international community. Moreover, it is reprehensible that Mr. Ahmandinejad made these statements to a group of students. In an area of the world where violence has led to intense hardship and suffering the Iranian President's statement only promotes more violence. It is a sad day when the leader of Iran would poison the minds of young people rather than inspire them to build a peaceful Middle East.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mrs. MALONEY. Mr. Speaker, November 1, 2005, I missed rollcall votes numbered 557 and 558. Rollcall vote No. 557 was on the motion to suspend the rules and pass H.R. 3548, a bill to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the "Heinz Ahlmeyer, Jr. Post Office Building." Rollcall vote No. 558 was on the motion to suspend the rules and pass, as amended H.R. 3989, a bill to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the "Albert Harold Quie Post Office."

Had I been present I would have voted "yea" on rollcall votes Nos. 557 and 558.

ON INTRODUCING THE "ELIMINATION OF BARRIERS FOR KATRINA VICTIMS ACT"

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. SCOTT of Virginia. Mr. Speaker, I am pleased to join my colleagues, Congressman RANGEL of NY, Congressman CONYERS of MI, Congressman THOMPSON of MS, Congressman JEFFERSON of LA, Congressman FRANK of MA, Congresswoman JACKSON-LEE of TX, Congressman PAUL of TX, Congresswoman JOHNSON of TX, Congresswoman LEE of CA, Congressman HASTINGS of FL and Congressman AL GREEN of TX in introducing the "Elimination of Barriers for Katrina Victims Act." We are pleased to be joined by a coalition of almost 100 national, state and local organizations who have expressed their support for the legislation, such as the American Academy of Addiction Psychiatry, American College of Mental Health Administration, Drug Policy Alliance Network, League of United Latin American Citizens (LULAC), NAACP, NAADAC–The Association for Addiction Professionals, National Council on Alcoholism and Drug Dependence, and the National Urban League, and the list is growing as word of the legislation gets out.

Millions of Americans were displaced from their homes due to Hurricane Katrina and Hurricane Rita and hundreds of thousands have not been able to return and may never be able to do so. Having lost their homes, their communities, their jobs and other support systems, most have required emergency food, clothing, shelter, medical, or monetary assistance. According to FEMA reports, an estimated 2.1 million Americans have already applied for federal aid. Unfortunately, many of these individuals and their families are in desperate need, but, due to a prior drug conviction, will not be able to receive certain federal assistance available to other victims in need. While it is impossible to know for sure how many families will be denied public assistance because of drug convictions, it is likely in the tens of thousands.

More than 1.5 million Americans are arrested for drug offenses every year. Several federal laws disqualify those with felony convictions to receive certain federal benefits. A recent GAO report commissioned by myself and Congressman RUSH of IL reveals that these disqualifications are having a huge impact on receipt of federal benefits for which those with prior drug convictions would otherwise receive. For example, an estimated 41,000 students were denied college assistance during the 2003/2004 academic year because of drug convictions.

While the GAO was only able to collect data from 15 public housing agencies, out of more than 3,000, those 15 agencies denied housing to almost 1,500 families because of past drug violations in 2003 alone. That indicates that there are thousands of families and tens of thousands of individuals unable to receive housing benefits because a family member has a drug conviction.

The drug conviction ban on eligibility for federal benefits also applies to Temporary Assistance for Needy Families, or the TANF program. TANF eligibility applies to families with minor children. One study reflected that almost 25 percent of drug offenders released from prison in 2001 were eligible for TANF benefits, but were permanently barred from receiving it due to their state's application of the federal ban for a drug conviction. While some states do not apply the federal ban completely, other states, such as Alabama, Mississippi, Texas and Virginia, where many of the displaced families are staying, have fully applied the ban.

Hurricanes Katrina and Rita have inflicted suffering on millions of people. The suffering will fall even harder on victims denied aid because of past drug offenses. Parents who have lost everything and are struggling to feed themselves and their family will be denied TANF and food stamps; students who have lost their school, tuition, fees, room and board, but could continue their education in another school willing to accept them, or who were in school elsewhere when their parents lost the ability to continue paying for their education, will be denied student loans; and entire families that have lost everything in the disasters will be denied housing—all due to the federal bans for a past drug conviction.

The "Elimination of Barriers for Katrina Victims Act" applies only to past drug offenses, some of which were many years ago, and suspends the disqualification for only a 3-year period. This temporary adjustment period in federal disqualifications would allow families affected by Hurricanes Katrina and Rita a chance to put their lives back together through the same means as other victims who suddenly lost their homes and livelihood through no fault of their own. Therefore, we are introducing this bill today and urge our colleagues to quickly enact it into law to assist families who are otherwise hopelessly destitute because of the disasters and the impact of a drug conviction.

REINSTATEMENT OF THE CORPORATE ENVIRONMENTAL INCOME TAX

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. BOEHLERT. Mr. Speaker, today I am introducing the Superfund Revenue Reinstatement Act of 2005, a bill to reinstate the corporate environmental income tax, which expired in 1995. The bill will provide a dedicated stream of revenue for our Nation's communities as they struggle to clean up the Nation's dirtiest abandoned hazardous waste sites and recapture lost jobs where they are most needed.

First passed by Congress in 1980, the corporate environmental income tax provided a dedicated stream of revenue for the so-called Superfund trust fund. In 1995, the last year before this corporate tax expired, it raised approximately $700 million. At a rate of 12/100 of one percent on corporate profits over $2,000,000, the tax was virtually without any real impact on business, but supported worthy and rightful public purposes—creating jobs, rebuilding our urban communities, and cleaning up a legacy of unfettered industrial activity. The oil industry—not one company but the entire industry—paid just $38 million in 1995. That's about what is earned by the industry in the first hour of the first day of the new business year.

Reinstating the corporate environmental income tax would raise about the same amount of revenue as it did in 1995, according to estimates made by the Joint Committee on Taxation in 2003. That's a negligible burden to provide dedicated funds for restoring superfund sites. But those are estimates are a few years old. With corporate profits at current levels, the revenue derived could certainly be higher.

And, where are these superfund sites? In urban areas of course, where redevelopment is needed and where jobs are needed. But what's been happening? Industry is developing greenfields in the far out suburbs because they don't want to touch superfund

sites. And hundreds of thousands of brownfields across the nation sit idle instead of being returned to productive use. Can we really continue to afford leapfrogging existing and valuable infrastructure to build anew?

That's why the Superfund needs dedicated revenue. In 1995 when the tax expired, the Superfund held a significant surplus, so few people were concerned. Today, however, as many had predicted, the surplus is gone. An empty trust fund, annual budget squabbles, recent budget cuts, and larger and more complex site cleanups have hurt the superfund program, slowing or delaying cleanups. The lack of dedicated revenue for superfund has also put pressure on other parts of the EPA's budget. That pressure surely has been felt by the Brownfields program, which is our premier program to bring sites back to productive use and hasn't yet been fully funded at authorized levels.

It is all the more distressing that we let the corporate environmental income tax lapse 10 years ago—forgoing $7 billion of dedicated funding for cleanup and redevelopment.

That is why it is time to rededicate ourselves to creating jobs, rebuilding urban America, and eliminating this core cancer in so many of our communities. And isn't it refreshing to advocate for a plan with worthy objectives and a method to pay for it!

HONORING ROSA PARKS

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. SIMMONS. Mr. Speaker, I rise today in honor of Mrs. Rosa Lee Parks.

Mrs. Parks's refusal to give up her seat to a white man on a bus in Alabama in 1955 triggered a 381-day boycott of buses, organized by the then little-known Baptist minister Martin Luther King Jr. She did so without knowing the support she would rally.

Her single act of quiet courage and defiance on that December day undeniably became a watershed moment in the history of U.S. civil rights.

It's most fitting that at today's funeral in Detroit, R&B legend Aretha Franklin sang ''The Impossible Dream'' in honor of Mrs. Parks. It was that action nearly 50 years ago that sparked what seemed at the time to be the impossible dream of the modern civil rights movement, culminating in the 1964 federal Civil Rights Bill.

In 1996, Mrs. Parks received the Presidential Medal of Freedom, awarded to civilians who make outstanding contributions to American life. In 1999, she was awarded the Congressional gold medal, the nation's highest civilian honor.

Mr. Speaker, with the permission of this House, I would like to enter into the RECORD the words of a civil rights leader in my community, the Rev. Dr. Benjamin K. Watts, Pastor of the Shiloh Baptist Church in New London (CT).

''Rosa Parks was a woman of character, commitment and courage. When she sat down the world stood up against injustice, bigotry and hatred. Mrs. Parks was not the first to refuse to live down to the status quo of inequality yet because of her unimpeachable character she unwittingly became a spark that ignited the flame of passion that created ultimate change. Like Jackie Robinson breaking the color barrier in baseball, the right character was necessary in order to break the back of racism. Her commitment to social justice gave her iconoclastic status as the epitome of courage and commitment. Her passing leaves a void in civil society that each one of us should seek to fill by living lives of high moral value always refusing to sit at the back of the bus of life and ready to accept our place at the forefront of the battle for social change.''—Rev. Dr. Benjamin K. Watts

Mrs. Rosa Lee Parks, this great American hero, deserves not only our tributes and gratitude, but our continuing commitment to peace, justice, equality, and freedom for all.

May God rest her soul.

IRAN NONPROLIFERATION AMENDMENTS ACT OF 2005

SPEECH OF

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. ROHRABACHER. Mr. Speaker, I rise to clarify a confusing or mistaken impression that may have been left by one of my colleagues during the House floor debate on S. 1713, the Iran Nonproliferation Amendments Act of 2005, for which I served as the majority floor manager.

The purpose of enacting S. 1713, as amended by the House, is twofold: to strengthen our nonproliferation tools in dealing with Iran and also Syria, and at the same time enable necessary cooperation between NASA and U.S. businesses with their Russian counterparts on the International Space Station. Just to be clear, in no way does S. 1713 favor our space goals at the expense of effectiveness in nonproliferation. In fact, the time-limited authority we give NASA to purchase, either directly or through U.S. companies, Russian space goods and services, is in my view a net plus for nonproliferation, not a minus.

That said, I want to stress that the legislation the House adopted, and the intent of that legislation, allows NASA significant flexibility in using Russian space goods and services to support the assembly and operation of the International Space Station between now and January 1, 2012. NASA is free to make payments pursuant to the Intergovernmental Agreement on ISS ''or any protocol, agreement, memorandum of understanding, or contract related thereto.'' As Chairman HYDE pointed out in his floor statement, this means that after enactment of this legislation, NASA can enter into new arrangements to meet our needs regarding ISS, but that NASA will not enter into new obligations beyond or unrelated to the ISS.

The primary limitations with respect to ISS payments are the sunset date of January 1, 2012, and the existing statutory requirement that the specific Russian entities to be paid have not been sanctioned as proliferators under the earlier sections of the Iran Nonproliferation Act.

I point all of this out because my friend and colleague, Mr. SHERMAN, mistakenly suggested during the floor debate that the phrase ''necessary to meet United States obligations'' added to the Hyde-Lantos substitute to S. 1713 implies that NASA could not purchase Russian goods or services if any other alternative was available. That is certainly not the plain meaning of the phrase, nor the intent behind it. However, because Mr. SHERMAN explicitly invited correction, I am doing so here in some detail.

Here are three examples of arrangements that are wholly consistent with the legislative text, the Senate and House floor statements by the architects of this legislation, and the Administration's request for relief, but which would not be allowed under Mr. SHERMAN's interpretation.

First, NASA has stated it wants to use the Russian Soyuz crew capsule to exchange long-term ISS research crews, even during the time the Space Shuttle is flying, because this will allow the Shuttle astronauts to focus on the job of assembling the Space Station to meet our international partner commitments during the Shuttle's limited remaining lifetime. Under the previously negotiated agreements between our countries, Russia is no longer obligated to provide NASA with Soyuz crew transport seats. Therefore, in this example, NASA would not be paying Russia for an obligation they have promised to us. However, because NASA could theoretically use the Space Shuttle as an alternative to carry out crew transfer, albeit at some risk and a cost to our other ISS commitments, Mr. SHERMAN's inference would suggest NASA cannot do this. Given that the primary exigency for adopting this legislation is enabling continued U.S. occupation of ISS beyond April of next year, which requires payment for training and launch to ISS of a NASA astronaut on the next Soyuz launch, Mr. SHERMAN's interpretation is incorrect.

Second, Chairman HYDE's statement explicitly makes clear that cargo resupply services to ISS using technology developed by Russian companies would be legal under the amended Act, again within the limitations I stated above. This would be the case regardless of whether the Space Shuttle might technically be available to deliver cargo to ISS, namely through the middle of 2010.

Third, some bidders may wish to use a very reliable and capable U.S. launch vehicle, one which the Defense Department uses right now to launch critical military satellites, and which happens to incorporate Russian rocket engines. Nothing in this bill was meant to preclude such activities, even though there might be similar launch vehicles which do not use Russian rocket engines. Mr. HYDE's statement makes this clear.

Beyond those examples, I would offer the words of House Science Committee Chairman BOEHLERT as further disputation of Mr. SHERMAN's reading. In his floor statement, Chairman BOEHLERT declares that ''by setting a specific end date for our current relationship with the Russians'' the bill ''encourages NASA to find commercial firms that are not dependent on the Russians to carry cargo in the future.'' While I may disagree with that goal or a sunset date's effectiveness as a management tool, if Mr. SHERMAN's reading were true, the sunset date would be superfluous, because once a U.S. provider whose service had no Russian content emerged, NASA would be barred from any further payments, let alone purchases, from companies which do use

some Russian content. Clearly Chairman BOEHLERT's interpretation is the same as Chairman HYDE's and my own: Russian content is allowed up until the January 1, 2012 date.

Finally, I would just echo the comments made by Chairman CALVERT during the floor debate: the ISS program requires long-term flexibility for NASA to safely and cost-effectively execute both for our taxpayers and to meet our international commitments. We are partners with Russia in the Space Station. Both NASA and its commercial providers need to be able to exchange goods and services at ISS with nonproliferation compliant Russian entities for the lifetime of the station, particularly as we seek to engage the U.S. private sector in ISS operations. Last week the House made clear that even in a time of great concern over the manifest threat from Iran, we want NASA and industry to have this ability at least through January 1, 2012.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GALLEGLY. Mr. Speaker, on Tuesday, November 1, 2005, I was unable to vote on the motion to suspend the rules and pass H.R. 3548, to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the "Heinz Ahlmeyer, Jr. Post Office Building (rollcall 557); and on H.R. 3989, to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the "Albert Harold Quie Post Office (rollcall 558). Had I been present, I would have voted "yea" on both measures.

PERSONAL EXPLANATION

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. POMBO. Mr. Speaker, I was unable to make votes today on the House floor because of an untimely and unexpected crisis requiring me to travel back home to be with my family in California. Unfortunately, I missed recorded votes and would like my intentions included in the CONGRESSIONAL RECORD.

Had I been present, I would have voted "yea" on H.R. 1606—Online Freedom of Speech Act.

I would have also voted "yea" on H.R. 4061—Department of Veterans Affairs Information Technology Management Improvement Act of 2005. This important bill will help improve Veterans' health services by improving the technology resources of the Veterans' Affairs Department.

The VA has spent about $1 billion per year for the last decade to improve its information technology systems. This new bill will provide some key oversight to ensure that this money is spent in the most efficient way possible, and to reorganize the VA's information technology to best serve the healthcare needs of the Nation's Veterans.

While there has been recent improvement in the VA's technology systems, there is a lot they can do to provide better healthcare to Veterans. I am proud to support this effort to better the lives of the men and women who have given so much for this country.

Had I been present, I would have also voted "yea" on H.R. 1691—John H. Bradley Department of Veterans Affairs Outpatient Clinic Designation Act.

SUPPORT FOR INSTRUCTING CONFEREES ON THE FY2006 DEFENSE APPROPRIATIONS BILL

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today in strong support for instructing conferees on the FY2006 Defense Appropriations bill to include the amendment by our colleague in the Senate, JOHN MCCAIN. This provision would simply provide for uniform standards for the interrogation of persons under the detention of the Defense Department and a prohibition on cruel, inhumane, or degrading treatment or punishment of persons under custody or control of the U.S. Government.

Senator MCCAIN knows the ravages of war and devastating effects of inhumane treatment at the hands of an enemy. He and other American soldiers during the Vietnam War were subjected to terrible treatment that no human being ought to endure. In recent floor remarks, Senator MCCAIN explained that during his time in captivity he and his fellow American soldiers drew strength from knowing that the institution to which they belonged, the U.S. military, and the country they served stood for the highest of principles and ideals. They believed that the U.S would never treat prisoners of war the way that they were being treated.

No one would disagree that "torture, cruel, inhumane, and degrading treatment" is unjust, but there is clear evidence that it is also ineffective. When put under extreme levels of pain or duress during interrogation, a detainee is more likely to say anything to stop the pain, regardless of its accuracy. Moreover, our own cruel treatment of others legitimizes the torture of American citizens. Look no further than the desecrated bodies of American citizens and soldiers killed in Iraq for tragic evidence of this reaction. Furthermore, torture and inhumane treatment aids in the recruitment of terrorists and fuels further terrorist activity.

As members of Congress, we have the Constitutional obligation, under Article I, Section 8, to speak out on this issue and others related to treatment of foreign detainees in war. We also have a moral obligation to oppose cruel and degrading treatment of human beings, and a patriotic obligation to stand up for the honor of this country.

In the wake of the scrutiny and embarrassment that our nation has endured following the treatment of detainees at Abu Ghraib and Guantanamo Bay, it is imperative that we proclaim to the rest of the world that this policy reflects the law of the land and the conscience of our country. Providing our soldiers with clear, written guidance on how to treat detainees not only protects their interests but underscores the freedoms and values we cherish as Americans and that we claim to be the reason we have gone to war in Iraq, Afghanistan and other parts of the world.

Today, as a Congress we must respect and honor our nation, those that risk their lives to serve it, and the high standards and ideals on which it is based. Supporting the McCain amendment is not an issue of political difference; it is an issue of national identity.

The McCain amendment is needed to close a loophole in current policy that does not explicitly describe standards for foreigners held under U.S. custody abroad. This amendment reiterates and clarifies our existing policy that prohibits the use of torture, cruel, inhuman, and degrading treatment by U.S. soldiers and agents who are detaining and interrogating prisoners in the global war on terror, requiring that they use the techniques sanctioned in the Army Field Manual on Intelligence and Interrogation.

I urge my colleagues to resist any efforts to accept a watered down version of Senator MCCAIN's language that would grant exceptions for the CIA to conduct its own investigations of detainees in locations overseas that are independent of the Army Field Manual. Such a move, which apparently is being orchestrated by the Vice President's office, would only defeat the intent of the provision adopted in the Senate and cause further confusion among military and civilian service people charged with detainee interrogations.

The Army Field Manual has been used as the standard for interrogation guidance since it was established during the Reagan Administration. The Manual does not cast any technique into stone, but changes with time and includes techniques and descriptions that are classified so as not to be uncovered by enemies.

In a sign of broad bipartisan support, the Senate overwhelmingly approved the McCain amendment in a 90 to 9 vote. In addition, 28 retired military leaders, including General Shalikashvili, General Hoar, and General Colin Powell, have supported legislating the use of the Army Field Manual through the McCain amendment.

In today's global war on terror, men and women in the armed forces are charged with the critical task of detaining and interrogating prisoners of war and enemy combatants without clear instructions on what is and what is not permissible. These ambiguities contributed to the absence of standards that resulted in the degrading and inhumane treatment that we, and the rest of the world, witnessed at Abu Ghraib and what apparently occurred at Guantanamo at the hands of young and ill-advised soldiers.

The abuses at Abu Ghraib and Guatanamo stained the honor of our country and our military. I know that most of our constituents want to amend these wrongdoings. In order to do this, and to help protect the treatment of American soldiers who may be held as prisoners of war, we must give our troops clear instructions on acceptable treatment during detainment and interrogation, without equivocation.

Let us not shrink from the responsibility that stands before us; let us rise as a united body

to defend our principles, uphold our proud traditions and articulate to the world what America stands for. I urge my colleagues to express their support to Chairman YOUNG to retain the McCain amendment, without modification, in the conference agreement to the FY2006 Defense Appropriations bill.

TRIBUTE TO ST. STEPHEN'S ARMENIAN APOSTOLIC CHURCH OF HARTFORD-NEW BRITAIN, CONNECTICUT AND ARAM ''OTTO'' BAYRAMIAN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Ms. ESHOO. Mr. Speaker, I rise today to honor a distinguished congregation, St. Stephen's Armenian Apostolic Church of Hartford-New Britain, Connecticut, which is celebrating its eightieth anniversary on November 6, 2005. The Church is also honoring in memoriam Aram ''Otto'' Bayramian, a beloved parishioner and extraordinary leader.

St. Stephen's is the oldest Armenian church in Connecticut and one of the oldest in our Nation. Armenians began immigrating to the United States in large numbers in the late 19th century when troubles in their historic land, now part of Eastern Turkey, began mounting. They brought their Christian faith with them and began conducting religious services in rented churches. Fundraising for St. Stephen's began in 1912, but it was interrupted several times by world events. The groundbreaking took place in 1925, the culmination of many years of arduous work.

St. Stephen's is honoring extraordinary parishioners during its 80th birthday celebration and the event's special honoree is Aram ''Otto'' Bayramian, who died in 1996. He served St. Stephen's with distinction for more than 20 years.

Otto's father, Umrah Bayramian was one of the founders of St. Stephen's. Otto, a lifelong resident of New Britain, was one of the most respected business and community leaders in the region. He was a decorated veteran of World War II, flying eight subpatrol and 40 missions successfully, retiring as a Captain in the Air Force.

Upon returning home, Otto joined his father in the family business, founding the Epicure Market in Farmington, Connecticut. It became known as the ''gold standard'' in the food business throughout Connecticut.

Otto graced the stage of the theatre, including the New Britain Repertory, the Mark Twain Masquers, the Producing Guild, and the Waterbury Civic Theatre.

He was an organizer and Charter member of the Joel Eshoo Post 1 Assyrian American War Veterans which was established in 1946.

His great love was St. Stephen's Church and he did everything possible to strengthen its future.

It is highly appropriate that as St. Stephen's celebrates its founding 80 years ago, that the life of Otto Bayramian and his countless contributions to the betterment of St. Stephen's is celebrated as well.

It is also fitting that the Church's three archdeacons, Aram-Sumpad Khachoyan, Sebouh Asadourian and Edward Varjabedian are being honored for their 25 years of dedicated service on the altar. The Annual Youth Award recipient is choir member Maral Firkatian, and parishioners Dirouhi Avakian, Mary Boornazian and Susan Shabazian will each be presented with certificates of appreciation.

Mr. Speaker, I ask my colleagues to join me in honoring St. Stephen's Armenian Apostolic Church of Hartford-New Britain on the occasion of its 80th anniversary, honoring the life and contributions of the beloved Otto Bayramian, and in extending thanks to those being honored at the anniversary celebration.

Our Nation has been enriched by the lives and the faith of generations past, as well as parishioners of St. Stephen's today. We are unmistakably a better community and a more decent Nation because of the Church, because of Otto Bayramian and because of the contributions the Parish continues to make.

AMERICAN MANUFACTURING COMPETITIVENESS ACT

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. KNOLLENBERG. Mr. Speaker, today I, along with 17 other bipartisan, original cosponsors, am introducing the American Manufacturing Competitiveness Act (AMCA). This bill will help our manufacturing companies and their workers in a time of need. Right now, America's manufacturers are facing unprecedented international competition so it's critical that we pursue policies that make American manufacturing industries the strongest in the world.

In order to be competitive on the global market, our manufacturing base has to have access to timely supplies of competitively priced raw materials. Our manufacturers have to sell their goods at globally competitive prices, so they need to get their inputs at globally competitive prices too.

The problem is excessively high raw material prices are hurting our manufacturers. For example, U.S. steel prices are now the highest in the world. As just one example, the price for hot-rolled coil is over $100/ton higher than anywhere else in the world. When the costs of inputs for our manufacturing base are higher than the rest of the world, it undermines their ability to compete.

Government policies are part of the problem. For example, there are now over 150 different import restrictions covering over 20 steel products from over 30 nations. Some of these have been in effect since the 1980's, and cover steel products that are more expensive here than anywhere in the world. These restrictions can cause large distortions in the U.S. market for raw materials, and can inflict harm on the manufacturers and workers who need those materials to make their products. They hobble our manufacturers in tight markets, and choke off our larger manufacturing base.

However, the astonishing reality is this harm to our manufacturing base is being ignored when decisions about import restrictions are made. The International Trade Commission (ITC) and Department of Commerce (DOC) don't even allow the industrial users any meaningful participation in the process. Think about this. American companies are directly impacted by these decisions, but they are not even considered in the process. In fact, foreign producers have more rights in this process than our own American industrial users. This is especially disturbing since steel consuming jobs outnumber steel producing jobs by over 60 to 1. This is extremely unfair and unwise.

I testified at the ITC twice earlier this year during hearings on 5-year sunset reviews for duties on hot-rolled steel and stainless steel sheet and strip. Duties on these types of steel had already been in place for 5 years, and now the ITC was required to make a decision about whether they should continue. Companies who need these types of steel testified at these hearings too and provided information about the trouble they have getting the quantity and quality of the steel they need at competitive prices. When a manufacturing company can't get the raw materials it needs, that causes damage to the company particularly when they have to deliver their products just-in-time. Because of these duties, the industrial users are suffering damage.

I also introduced House Resolution 84, which urges the ITC to consider the effects of duties on industrial users during these sunset reviews. This resolution has 48 bipartisan cosponsors. All we were asking was that the ITC consider the effects of these duties on the consuming companies.

When the report explaining the ITC's decision to keep the duties in place came out, I was shocked that there was no evidence at all that the ITC considered the effects of the duties on the industrial users. Nothing. These are American companies with American workers, but there was no evidence the ITC listened at all.

Furthermore, during one of the hearings a representative for the steel industry stated ''the Commission is precluded from considering the impact of imports of the subject merchandise on domestic steel consumers in determining whether the antidumping order should be revoked.'' This person was saying in effect that the ITC is not even allowed to consider the effects of their decisions on our manufacturing base. This is just wrong and it must be addressed to prevent unnecessary damage to our manufacturing base.

Antidumping and countervailing duty laws are necessary and they're in the interest of the United States, when applied in an objective and fair manner, to prevent unfair pricing and subsidized competition. But it's not fair and it's not acceptable when American companies being hurt by duties on imports can't even be considered in the process.

Mr. Speaker, basic fairness and common sense require us to change the law. My bill will address this problem by giving industrial users legal standing to participate in the antidumping and countervailing duty processes. It will require the ITC and the DOC to consider the information provided by the businesses that use these products. This is only fair. Furthermore, the process for imposing duties will remain the same, with the addition of a simple test that looks at the downstream harm. Under this bill, when making decisions on import restrictions, an economic impact test would be conducted by the ITC to determine the net effect on the American manufacturers affected by those decisions. In order for a restriction to

be imposed, the test must show it would provide greater benefit than harm to U.S. interested parties in that case. If not, it can't be imposed. This is only fair, and makes sure our policies are economically sound.

I urge my colleagues to join me in supporting this important bill to help our American manufacturing base be as competitive as it can be.

CONGRATULATING THE CHICAGO WHITE SOX ON WINNING THE 2005 WORLD SERIES

SPEECH OF

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. WELLER. Mr. Speaker, I rise in strong support of this resolution honoring a sports team that will go down in history as one of the best there ever was: the 2005 Chicago White Sox. For a city so rich as Chicago in sports tradition—and sports misery, for that matter—our first World Series championship since 1917 has generated fond new memories for a whole new generation of Chicagoans.

Perhaps most remarkable about the team that has restored baseball pride to Illinois is its recipe for success: teamwork, teamwork, and more teamwork. Ozzie Guillen, the man who led this team of non-superstars, is in immigrant from Venezuela whose coaching future was measured by some experts in terms of months. Players such Scott Podsednik, A.J. Pierzinski, and Bobby Jenks, who provided some of the series' most thrilling and memorable moments, were mostly cast-offs from other teams. This Chamber, and indeed this country, can learn a lot from the team-first principles which the Chicago White Sox proved are the ultimate winning formula.

Mr. Speaker, I'm particularly proud of the manner with which the Chicago area celebrated our team's victory. The moment Paul Konerko caught the final out of Game Four, millions of Chicagoans and thousands of my own constituents poured out into the streets of most every neighborhood, and managed to conduct themselves in a wildly enthusiastic, yet safe and dignified manner. The victory celebration downtown attracted 1.7 million people and had to be held on a Friday because nobody wanted to wait until the weekend.

Mr. Speaker, the world-class city that is Chicago now has another world championship calling card. I salute the 2005 White Sox and their fans, and I urge passage of this measure honoring this utterly deserving team.

CONGRATULATING THE CHICAGO WHITE SOX ON WINNING THE 2005 WORLD SERIES

SPEECH OF

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GUTIERREZ. Mr. Speaker, I rise today to congratulate the Chicago White Sox for their historic 2005 season which culminated in their first World Series victory in 88 years.

Earlier this year, many Chicagoans realized that this team was something special. For example, their style of play was unique. The White Sox placed emphasis on aggressive base running, solid pitching, strong defense and strategic hitting. This style of play became known around the league as ''Ozzie ball,'' named after the White Sox former shortstop and now manager, Ozzie Guillen.

The White Sox front office caught on to this trend and began marketing the Sox with their ''Grinder Ball Rules'' ad campaign. One of these ''rules,'' Grinder Ball Rule #7, was demonstrated in a print ad featuring White Sox closer and Japan native, Shingo Takatsu with the line: ''To win, you need defense, speed and discipline . . . And immigration.''

That ad captured two of the important components of this historic team: the hard nosed ball playing of the Sox and the diversity of players that came together to win the championship as a team.

The White Sox dugout at times sounded as if it were a mini-United Nations. Jose Contreras and Orlando Hernandez from Cuba. Damaso Marte, Luis Vizcaino, Pablo Ozuna, Juan Uribe and Timo Perez from the Dominican Republic. Freddy Garcia and manager Ozzie Guillen from Venezuela. Tadahito Iguchi from Japan. And last, but not least, the Korean baseball hero, always smiling bullpen catcher, ''the Hulk,'' Man Soo Lee.

Their story is so familiar, so hopeful, for so many immigrants in this country—men and women who, like them, come to the United States to work hard, to provide for their families and loved ones, so that they, too, can live a better and safer life and pursue the American Dream.

And that is why this resolution is so important, deserving and justified. Throughout history people have associated baseball with the strengths of American culture and equated the game with the best of our country's character and resolve.

And in Chicago, we have found a team that embodies the character of our great city, especially the South Side of Chicago, where part of my District lies. The team, much like the South Side, is composed of close-knit friends who do their work diligently and without much fanfare. You can see it in the fan base, especially when you watch games on television. When the White Sox swept the Red Sox in the first round of the playoffs, celebrities like Ben Affleck, Jennifer Garner, Matt Damon, and Robert Redford were easily identified by the television cameras panning around Fenway Park. But when the next round came back to Chicago, the cameras weren't as active looking for Bernie Mack, James Denton (the plumber from ''Desperate Housewives'') and Dennis DeYoung of Styx.

And I think that's just fine with the South Side and our city at large. The White Sox didn't win the World Series by relying on the star power of a few individuals. Instead they had to work together and grind out every game with blood, sweat and, after the champagne popped in the clubhouse, after the last game of the year, tears of White Sox heroes who all share the spotlight equally with some of the best fans in baseball. Congratulations.

CONGRATULATING TOM GRACE UPON HIS RETIREMENT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to extend a sincere congratulations to my good friend Tom Grace upon his retirement as a social worker from the New York State Office of Mental Retardation and Mental Disabilities. Tom Grace worked for 30 years in the Developmental Disabilities Service Office in West Seneca, New York.

Tom is a well respected union official in Western New York; in 1981 he was elected as the first President of Division 167 of the Professional Employees Federation. Tom was the Western New York Regional Coordinator for PEF from 1985 through 1987. For many years he served on the Executive Board of the Buffalo AFL–CIO District Council and presently serves on the Executive Board of the Western New York AFL–CIO Federation.

Tom Grace is also a distinguished social activist. Tom has always been a leader in the fight for social change in the United States. He is a staunch Democrat, and over the years he has been most generous with his time and resources. Tom's social activism goes back to his college days. On May 4, 1970 Tom was one of the students wounded at Kent State while protesting the Viet Nam war. Tom's spirit is unwavering. He is committed to speaking out when he sees injustice; be it in the work place or the social theater that makes up this Nation.

Tom has a reputation for fearlessness; he is modest in stature but grand in his convictions. Mr. Grace will be greatly missed but I am sure he will not travel far from the causes so dear to him.

It is with great pride and gratitude I stand here today to recognize Tom Grace for his many years of support and for his commitment as a community advocate. I wish Tom, his wife Peggy and their children TJ and Allison many years of continued health and happiness.

TRIBUTE TO JACK BASKIN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Ms. ESHOO. Mr. Speaker, Mr. FARR and I rise today to honor an extraordinary citizen of our community, Jack Baskin. Throughout his life, Mr. Baskin has made significant contributions to the betterment of Santa Cruz County and he is held in the highest regard throughout our region.

Jack Baskin, now a retired engineer and general contractor, was born in upstate New York, the son of immigrants. During the Great Depression his family made many sacrifices in order for him to go to college, and he was the first member of his family to do so. He attended the University of Colorado where he studied mechanical engineering, later transferring to New York University where he earned his B.S. in aeronautical engineering.

After serving as an aeronautical engineer during World War II, Mr. Baskin moved West

and in 1948, acquired his California Professional Engineers License. He settled in Central California, and founded Jack Baskin, Inc., focusing on building affordable housing in the San Francisco area, in Santa Cruz and in Watsonville.

Jack Baskin is dedicated to his community and has given generously to it. Among the local organizations that are beneficiaries of Mr. Baskin's time and donations are Cabrillo College and Dominican Hospital. He was the founder of the Community Foundation of Santa Cruz County, and he has participated in many other organizations for children, families, and senior citizens. The University of California, Santa Cruz, UCSC, has been a long time recipient of Mr. Baskin's extensive contributions. His donations have supported computer engineering, instruction in the arts, the Institute of Marine Sciences, Shakespeare Santa Cruz, an endowed chair in psychology, and a scholarship in literature. Mr. Baskin chaired the UC Santa Cruz Foundation for 2 years and remains a trustee. His commitment to education is memorialized by two prominent buildings named in his honor on the UCSC campus.

Jack Baskin is a model citizen and a highly respected member of the community. Thousands of individuals have benefited from his generosity and dedication to higher education and community health care.

Mr. Speaker, Jack Baskin's life is an eloquent statement about what one committed citizen can do. We ask all our colleagues to join us in honoring him for all he has done to strengthen our community and to make our country better.

HONORING DR. J. KIRK SULLIVAN, OF IDAHO, FOR RECEIVING THE DISTINGUISHED EAGLE SCOUT AWARD

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. SIMPSON. Mr. Speaker, I rise today to pay tribute to a unique individual in Idaho of high moral character and immense talent, J. Kirk Sullivan.

J. Kirk Sullivan is widely known in Idaho as the current chairman of the Idaho Republican Party, but Dr. Sullivan is much more than that. He is a husband, father, grandfather, friend, engineer, entrepreneur, businessman, and most recently, he is the recipient of the highest award granted by the National Eagle Scout Association—the Distinguished Eagle Scout Award.

As several of my colleagues know, the Distinguished Eagle Scout Award is a rare honor indeed, given only to those who have held the rank of Eagle Scout for 25 years or longer, have gained status of fame or eminence in their life work, and have shared their many talents with their communities on a voluntary basis. In each of these categories, Kirk not only meets the requirements, he far surpasses them.

Kirk has participated in many organizations and boards, currently serving as the Ore-Ida Council Boy Scouts of America President, as a member of the Board of Trustees for the Public Employees Retirement System of Idaho, Board of Trustees for Saint Alphonsus Regional Medical Center, and as a member of the Idaho Governor's State Science and Technology Advisory Council.

As mentioned earlier, Kirk is married to Elizabeth M. Sullivan, they have two children and three grandchildren. Originally from South Carolina, Kirk attended Clemson University where he earned a Ph.D. and M.S. in chemistry. He also attended the Massachusetts Institute of Technology Program for senior executives. During college he was a member of U.S. Army Reserve.

In his professional life, Kirk is a partner in Veritas Advisors, a philanthropic fundraising and political consulting firm. Kirk retired from the Boise Cascade Corporation in 1998 after 27 years with the company. He retired as vice president of Governmental and Environmental affairs. He also worked for the FMC Corporation for 13 years as an engineer, technical superintendent, and marketing manager.

In reviewing the criteria for the Distinguished Eagle Scout Award, I learned that only nominations of truly distinguished individuals, those receiving extraordinary recognition, fame, or eminence, are accepted. Previous award recipients include President Gerald Ford, Astronaut Neil Armstrong, Secretary of Defense Donald Rumsfeld, retired General William Westmoreland, Senators RICHARD LUGAR and LAMAR ALEXANDER, film director Steven Spielberg, and one of our former colleagues J. J. Pickle of Texas.

This is a pretty impressive cast of characters with which Kirk's name will now be associated. He is deeply deserving of this honor and I want to take this opportunity to thank Kirk for his service to his community, the State of Idaho, and the United States of America. Kirk is a good citizen, a good friend, and a great model for us all.

A TRIBUTE TO LOCAL HEROES OF HURRICANE KATRINA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. BONNER. Mr. Speaker, I rise today to pay tribute to two heroes whose leadership following Hurricane Katrina is truly inspiring.

Randy Boone, a retired U.S. Coast Guard Aviation Survivalman, recently wrote me a letter describing the selfless actions of two soldiers from the Army's 1108th Blackhawk squadron: Sergeant Stacy Eubanks and Sergeant Kring.

Immediately following the landfall of Hurricane Katrina, Sergeant Eubanks, whose own home was damaged, loaded his truck with ice and water that he delivered to the Mississippi coast. He went from house to house distributing all of the ice and water. He made a second trip that same day, and the following day was joined by a neighbor. Others were soon inspired to join him. Sergeant Eubanks and his fellow volunteers delivered over 5 tons of ice, hundreds of boxes of food, and several hundred cases of water throughout south Alabama and Mississippi. He also organized a caravan with a tractor trailer truck and pickup trucks with trailers loaded with food, water, ice and medical supplies from Mobile to Gulfport, MS.

Sergeant Kring and his family live in Waveland, MS, a community that was completely wiped off the map in the path of Hurricane Katrina. Thankfully, Sergeant Kring's family is alive and well, but their home was destroyed. When Sergeant Kring returned after the storm to what previously was his home, he spotted a group of displaced and disoriented survivors of Katrina gathered in a Waveland K-mart parking lot. Sergeant Kring organized the group, built a temporary shelter and a makeshift triage unit, and began assisting the injured. This parking lot was given the name ''Camp Katrina.'' Sergeant Kring remained there for days until he was able to get outside assistance. I understand that the location later became a portable military medical facility to help the victims of Hurricane Katrina in Waveland.

Following Hurricane Katrina, Sergeant Eubanks went to Waveland to locate comrades he had not been able to contact. Sergeant Stacy found Sergeant Kring at the ''Camp Katrina'' parking lot. The two tried to recover personal items from the remains of Sergeant Kring's destroyed home.

The 1108th Blackhawk unit stationed at Fort Shelby was training to go to Iraq in October, when Hurricane Katrina hit the gulf coast. Because of the massive destruction to our coastal communities and because many of these soldiers' homes were severely damaged or destroyed, it is my understanding that only 50 of the soldiers will be deployed to Iraq. Sergeant Stacy is one of the 50, and I was not surprised to learn that Sergeant Kring has volunteered to go as well.

Mr. Speaker, the selfless dedication of these two gentlemen to their communities in a time of crisis is a tribute to their families, their communities, and their service in the Armed Forces. I am grateful to have these men serving in our Nation's military, and I commend their service.

AN ASSAULT ON AMERICA'S PUBLIC LANDS THE HARDROCK MINING PROVISIONS OF THE RESOURCES COMMITTEE'S BUDGET RECONCILIATION PACKAGE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. RAHALL. Mr. Speaker, among the many egregious provisions of the Budget Reconciliation recommendations recently approved by the Resources Committee is a raid on America's public lands and our natural resources heritage of almost unparalleled proportions. Included in these recommendations to be considered by the House Budget Committee is the worst kind of ''sham reform'' of the Mining Law of 1872 that has ever been promoted during my tenure in Congress and if enacted would result in a blazing fire sale of Federal lands to domestic and international corporate interests. It is actually a step backward from this 133–year old statute.

Signed into law by President Ulysses S. Grant, the Mining Law of 1872 to this day governs the mining of valuable ''hardrock'' minerals such as gold and silver on Federal western public lands. The law allows private companies to patent—purchase—public lands containing valuable minerals for a mere $2.50 to

$5.00 per acre, prices set in 1872, without paying a royalty—production fee—on the mining of these minerals to the taxpayer. Since 1872, more than $245 billion worth of minerals have been extracted from public lands at these bargain-basement prices. Further, a land area equivalent in size to the State of Connecticut has been sold to the mining industry for less than $5 an acre. Since 1987, when I chaired the Energy and Minerals Subcommittee, I have worked to rewrite this antiquated law, introducing comprehensive reform bills in each successive Congress.

In addition, at my urging, since 1994, and with strong bipartisan support, Congress has placed an annual moratorium on the patenting of mining claim on Federal lands. To be clear, bona fide mining can and does take place on unpatented mining claims. There is no indication or proof that this over one decade ban on the patenting of mining claims has diminished in any respect the actual production of hardrock minerals from unpatented mining claims on western public lands. Yet, the Resources Committee's budget reconciliation recommendations would repeal the moratorium and reinstate patenting—the sale—of these public lands. According to the Congressional Budget Office, this provision would only raise an estimated $158 million over the next 5 years by patenting public lands for $1,000 an acre or fair market value of only the surface of the land—far from the true value of the minerals underneath. Let me emphasize that. The Resources Committee provision would allow the sale of potentially mineral rich public lands for the mere cost of the surface estate, completely ignoring the value to the underlying mineral estate. In contrast, an 8 percent royalty on the actual mineral production from mining claims which I have long advocated would raise $350 million in the same time period. Keep in mind that if one mines coal on Federal lands, the company is required to pay either an 8 percent or 12.5 percent production royalty depending on whether the coal is deep or surface mined. Further, producers of onshore oil and gas on Federal lands pay a 12.5 percent production royalty. But producers of gold, or silver or copper. . . . zero, zilch, nothing.

The Mining Law of 1872 provisions adopted by the Resources Committee without benefit of public hearing also go far beyond just reinstating the much-maligned "patenting" provision. In fact, the provisions would require the Federal Government to sell such public lands to potential buyers, whether or not it is in the public interest to do so. Under the Resources Committee legislation, a prospective purchaser would merely (a) file a mining claim or mill site or "blocks of such claims," (b) present evidence of mineral development work performed on the lands they want to buy totaling at least $7,500 per claim, (c) pay for a land survey, and (d) show up to get the deed.

As such, under these provisions anyone, including real estate developers and oil and gas companies, could purchase and develop natural areas that are currently important for recreation, wildlife, fisheries or regional drinking water supplies under the guise of a mining law. This would enable oil and gas companies to purchase the land they currently lease from the Federal Government. Not coincidently, since most Federal oil and gas leases occur on Federal lands not protected by this legislation, this provision would put at risk the rents, royalties and bonus payments currently collected annually by the Federal Government and shared with the States from onshore oil and gas leases which in fiscal year 2004 totaled $1.850 billion.

Further, while the Resources Committee legislation would put off-limits to its provisions certain Federal lands, such as National Parks, from location of new mining claims, it does not protect National Forests and Wilderness Study Areas, Areas of Critical Environmental Concern, and other similar areas, even if these other areas have been withdrawn from new mining claim location. For example, there are currently more than 60,000 acres of mining claims in the Tongass National Forest, the largest intact temperate rainforest in the world, which would be available for sale under these provisions. And the Resources Committee provisions do not protect National Parks, Wilderness Areas, and National Wildlife Refuges that have unpatented claims within them. In National Parks alone, there are more than 900 unpatented mining claims that would be subject to sale for $1,000 per acre if these provisions become law.

In addition, the bill does not require that the lands have been used or will be used for mining. As written, purchasing the land need only facilitate sustainable economic development. Since the term is not defined, sustainable economic development could include condominium construction, ski resorts, gaming casinos, name it. A unanimous Supreme Court said in 1979 that "the Federal mining law surely was not intended to be a general real estate law. The American Law of Mining, the standard industry treatise on the mining law, says that the law does "not sanction the disposal of Federal lands under the mining laws for purposes unrelated to mining." Yet, according to John Leshy, former Solicitor of the Department of the Interior, "Subtitle B is effectively a 'general real estate law' and will put in the hands of corporations, the keys to privatize millions of acres of Federal land."

In order to make it easier to dispose of Federal lands, these provisions would also free the potential buyer from performing "mineral development work" on each unpatented claim or block of claims or millsites. Instead, it states that this type of work should be performed on "the Federal lands identified and submitted for purchase." In other words, the potential buyer need only show that there has been some mineral development work somewhere on the lands being sold. The tracts could be huge because the proposal contains no limit on the acreage or numbers of claims that could be purchased.

Moreover, the provisions so broadly define "mineral development work" as to render it essentially meaningless. It could involve activities that never come close to the land itself; e.g., geologic, geochemical or geophysical surveys, which can be done remotely. It could involve, for example, buying and looking at satellite data, or going through USGS reports; or hiring a consultant to do on-line or library searches. And, it could include environmental baseline studies, or "engineering, metallurgical, geotechnical and economic feasibility studies." Again, consultants doing on-line searches and library work would qualify.

These provisions also prohibit any other fees or fair-market-value assessments to be applied to "prospecting, exploration, development, mining, processing, or reclamation, and uses reasonably incident thereto"—which would prohibit the government from levying any royalty or other production fee on mining operations.

As a long time advocate of responsible reform of the Mining Law of 1872, after reflecting on these provisions, I find it hard to believe that they would even be supported by responsible elements in the hardrock mining industry. Further, they represent an assault on America's natural resource heritage and to the American taxpayer. And given my history on this issue, I find them personally insulting as well.

In closing, I would note that the following groups, on behalf of the millions of members from across the country, agree with me that these provisions should be deleted from the Resource Committee's portion of the Budget Reconciliation Package: Taxpayers for Common Sense Action, Alaska Center for the Environment, American Rivers, Amigos Bravos Center for Biological Diversity, Center for Native Ecosystems, Citizens for Victor Clark Fork Coalition, Colorado Environmental Coalition Colorado Information Networks for Responsible Mining, Earth Island Institute, Earthjustice, EARTHWORKS, Environmental Protection Information Center, Environmental Working Group, Friends of the Clearwater, Friends of the Earth, Friends of the Panamints, Gifford Pinchot Taskforce, Great Basin Mine Watch, Greater Yellowstone Coalition, Guardians of the Rural Environment, Idaho Conservation League, Indigenous Environmental Network, The Lands Council, Maricopa. Audubon Society, Mining Impact Coalition of Wisconsin, Montana Environmental Information Center, Mount Graham Coalition, National Environmental Trust, National Wildlife Federation, Natural Resources Defense Council, Northern Alaska Environmental Center, Okanogan Highlands Alliance, Oxfam America, Rock Creek Alliance, Save the Scenic Santa Ritas, SHAWL Society, Sierra Club, Silver Valley Community Resource Center, Siskiyou Regional Education Project, Sky Island Alliance, South East Alaska Conservation Council, Southern Utah Wilderness Alliance, Umpqua Watersheds, Westerners for Responsible Mining, Western Organization of Resource Councils, The Wilderness Society, and Women's Voices for the Earth.

I urge my colleagues to join me in recommending that these provisions be stripped from the Budget Reconciliation Package if they are included by the House Budget Committee. America's public lands are held in trust for future generations. They deserve to be protected, not sold off at fire sale prices. American taxpayers deserve to be paid a fair royalty for the minerals taken from public lands, not to be cheated by a bill that sells their land to corporations for much less than its true worth. We can do better.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. MILLER of Florida. Mr. Speaker, I would like to offer a personal explanation of the reason I missed rollcall votes Nos. 559, 560, and 561 on November 2, 2005. It was suspension

votes on H.R. 1606, the Online Freedom of Speech Act, H.R. 4061, the V.A. Information Technology Management Improvement Act, and H.R. 1691, the John H. Bradley Department of Veterans Affairs Outpatient Clinic Designation.

MONICA ARMENTA LEAVES KOB–TV CHANNEL 4

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to an exceptional New Mexican and journalist, Monica Armenta. She will be leaving KOB–TV Channel 4 to become the new executive director of the Albuquerque Public Schools Foundation.

Ms. Armenta has worked at KOB–TV for over 20 years, beginning as a 19-year-old intern and She has been the morning news show anchor there for the past 15 years. She has always held herself and her colleagues to a higher standard and this has resulted in the exceptional quality of her news coverage.

She has been recognized by numerous awards throughout her career in broadcast journalism. She is the recipient of the Rocky Mountain Emmy Award 1986–87 for her spot coverage of the Global Hilton hot air balloon crash and she was also given the UNM Professional Achievement Award. Ms. Armenta has been selected as one of New Mexico's 40 top influential people under 40 by New Mexico Business Weekly as well as a YWCA Woman on the Move. Ms. Armenta has also been a notable speaker at conferences, awards dinners and schools.

Aside from being a famous and reliable TV anchor that thousands of New Mexicans welcome into their home every morning, Ms. Armenta has shown herself to be a vital leader in New Mexico and her new job with the Albuquerque Public Schools Foundation is a testament of her continued commitment to enhancing her community.

Ms. Armenta has shown her dedication to bettering education and was a former journalism teacher at West Mesa High School. I commend her for embracing her roots in New Mexico and working to improve the educational system that has been such a part of her life. Ms. Armenta told a reporter in July, ''I'm a product of APS and I feel it's time for me to give back.''

I have enjoyed appearing with Monica on her program ''Eye on New Mexico'' and have consistently found her news coverage to be smart, informative and reliable. I admire her exceptional ability to balance her roles as a mother, a wife, a journalist and an activist.

Although she will be greatly missed as a journalist, I am certain that she will be a wonderful addition to the APS community. Her energy, intelligence and enthusiasm have always translated into success and I anticipate that her career in the education community will not only be rewarding for her as an individual, but will provide the Albuquerque Public Schools Foundation with a wonderful new voice of leadership. Although the state of New Mexico is losing a valued journalist we are gaining a vocal and significant advocate for the school system.

Mr. Speaker, I ask that my colleagues join me in wishing Monica and her family luck as they embark on this new chapter in their life. Thank you Monica, for your service and contribution to New Mexico.

HONORING C.J. ENTERPRISES

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. WAMP. Mr. Speaker, I rise today to honor C.J. Enterprises, Inc., for a successful 25 years of service to Tennessee's 3rd Congressional District and our country. Founded in 1980, C.J. Enterprises was created as a consultant service by Mrs. Carolyn Jones, who now serves as the President and CEO. Mrs. Jones is a product of Chattanooga, TN and a graduate of Emory University where she received her degree in health information management. Along with her husband Edward G. Jones, Mrs. Jones has dedicated her career to service in the field of records and information services.

Within its 25 year span, C.J. Enterprises has become one of the premier minority and woman-owned companies in the country providing records and information management services to health care facilities, government agencies, and commercial businesses. C.J. Enterprises has provided exceptional services to customers in over 30 states. The company's growth and success is evident through the numerous awards and accolades for its highly professional and effective services.

C.J. Enterprises is a true example of how dedication, hard work, and commitment can pay off in our nation. Congratulations to C.J. Enterprises, for 25 years of remarkable service to our region, state, and nation.

ANNOUNCING JEWISH SOCIAL ACTION MONTH

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. ISRAEL. Mr. Speaker, I rise today in support of the goals and ideals of Jewish Social Action Month.

This first annual Jewish Social Action Month, which is being held in conjunction with the Jewish month of Heshvan, November 3–December 1, 2005, was conceived by Kol Dor, an international group of next-generation young leaders. It is as a result of their vision of encouraging community service and social action that this important initiative is being undertaken around the world.

This month and these days have been selected since they follow Rosh Hashanah and Yom Kippur, the holiest days in the Jewish year. Heshvan follows a time when all Members of the Jewish faith face ourselves, look inward, and cleanse ourselves of all our misdeeds. Then, it is during Heshvan that we look forward to the promise of the New Year.

There is no better way to begin our New Year than by launching into a month-long serious effort to commit to social action. This commitment being made today is not a one-year-only event. Every year during the Jewish month of Heshvan, Jews around the world will renew our commitment to making this world a better place.

Minister Michael Melchior and Member of Knesset Colette Avital deserve special recognition for their early and strong support for this concept. My Jewish colleagues and Jewish people in many other countries are also launching similar plans in their respective countries from Brazil to Britain.

Additionally, I would also like to make special mention of Kol Dor and the co-chairs of Jewish Social Action Month: Adina Danzig, Executive Director of the Stanford Hillel; Rabbi Gidon Sylvester, assistant to Deputy Minister Michael Melchior; and Yosef I. Abramowitz, CEO of Jewish Family & Life.

I commend the people working to make this goal a reality and urge my colleagues and people of all faiths to participate in community service and commit themselves to the principle of Tikkun Olam, to repairing the world.

IN HONOR AND REMEMBRANCE OF U.S. MARINE LANCE CORPORAL ROBERT F. ECKFIELD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of United States Marine Corporal Robert F. Eckfield of Cleveland, Ohio, who bravely and selflessly heeded the call to duty and made the ultimate sacrifice on behalf of our country.

Family, friends and service to others framed Corporal Eckfield's life. He gained personal strength and faith from those who knew him best and loved him most, especially his mother, Virginia Taylor; father, Robert Eckfield; stepfather, Norman Taylor; brothers and sisters, Nathan, Rachael and Norman; niece Makala; grandparents, Gerald and Doris Eckfield and William and Ruth Taylor; and his girlfriend, Beth Dunkle.

Corporal Eckfield's energetic spirit and expansive heart easily drew others to him. His steadfast focus on serving the public and his leadership abilities were evidenced throughout his life. He attended John Marshall High School and graduated from the Cleveland Christian Academy. Family, friends and service to others were the core components of his life. Corporal Eckfield honorably served three tours of duty.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Corporal Robert F. Eckfield. I extend my deepest condolences to his family members and many friends. The ultimate sacrifice, unwavering service and endless heart that framed his young life will be kept alive in the hearts and memories of everyone who knew and loved him best—his family and friends. Corporal Eckfield's courageous life and legacy of service will be forever honored and remembered by the Cleveland community and by our entire nation.

HONORING SPECIAL AGENT MICHAEL WOLF FOR HIS MANY YEARS OF SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to extend my sincere thanks and appreciation to Special Agent Michael Wolf who has served the Federal Bureau of Investigation for over 30 years. Just last month we learned that Special Agent Wolf would be leaving the New Haven Field Office to a new position at the Washington Headquarters. It was with great excitement that we heard Special Agent Wolf had been selected by FBI Director Robert Mueller, III to serve as Special Agent in Charge of the Critical Incident Response Group.

Throughout his career, Special Agent Wolf has demonstrated a unique commitment to public service and has dedicated a lifetime to ensuring the safety and security of our communities and our Nation. He has exhibited a deep commitment to public safety not only in joining the Federal Bureau of Investigation, but in successfully combating crime in a myriad of forms.

Joining the Bureau in 1973 as a physical science technician, Agent Wolf was soon appointed to the position of Special Agent. His first assignment took him to Pittsburgh, Pennsylvania where he worked on applicant, white collar crime, organized crime, and narcotics matters. Just 5 years later, Agent Wolf was selected as a member of the Bureau's Hostage Rescue Team where he served for 3 years until his promotion to FBIHQ Supervisor, responsible for domestic terrorism matters. Transferred to the New Haven Field Office as a Field Supervisor, Agent Wolf headed the Crime/Drug Squad in Connecticut and supervised the successful development of a case against organized crime. He then went on to be promoted to the position of Inspector which brought him back to FBI headquarters.

For the last 6 years, Agent Wolf has served as Special Agent in Charge of the FBI in Connecticut. I am so pleased to have this opportunity to express my deepest thanks and appreciation to Special Agent Wolf for his gracious assistance to both myself and my staff during his tenure in New Haven. His door has always been open to us, always available to answer our questions or assist in any way that he could. It gives me piece of mind to know that Special Agent Wolf will be next serving as the Special Agent in Charge of the Critical Incident Response Group. Through the myriad of positions he has held and variety of responsibilities he has been charged with, Agent Wolf has developed a distinguished reputation and an impressive resume. With his knowledge, expertise, and strong work ethic, I have no doubt that this new division of the Bureau will be successful in their mission.

For his invaluable service and continued commitment to public service, I am proud to stand today to pay tribute to Special Agent Michael Wolf. I extend my very best wishes to Agent Wolf; his wife, Francine; and his daughters, Danielle and Lindsay as he accepts this new post in Washington, DC. I have no doubt that he will excel in this position and work diligently to ensure the safety and security of our communities and our Nation. Good Luck and God Bless.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. MENENDEZ. Mr. Speaker, I was absent from votes in the House on Wednesday, November 2, due to a previous and unavoidable commitment. Therefore, I was unable to vote on H.R. 1606, the Online Freedom of Speech Act, rollcall No. 559; H.R. 4061, the Department of Veterans Affairs Information Technology Management Improvement Act, rollcall No. 560; and H.R. 1691, the John H. Bradley Department of Veterans Affairs Outpatient Clinic Designation Act, rollcall No. 561. Had I been present, I would have voted "nay" on rollcall 559 and "yea" on rollcalls 560 and 561.

TRIBUTE TO THE 29TH ANNUAL ASIAN-AMERICAN CHARITY BALL

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to announce that the Asian-American Medical Association will be hosting the 29th Annual Asian-American Charity Ball on Saturday, November 5, 2005, at the Avalon Manor in Hobart, Indiana. Each year, the Asian-American Medical Association honors prominent, extraordinary citizens for their contributions to the community. In recognition of their tremendous efforts, these individuals are honored at the banquet and awarded the prestigious Crystal Globe Award.

The Asian American Medical Association is a great asset to Northwest Indiana. This organization has dedicated itself to providing quality service to the residents of Indiana's First Congressional District and has demonstrated exemplary service in its cultural, scholastic, and charitable endeavors.

At this year's annual charity gala, the Asian-American Medical Association will present Mr. Gus Olympidis with the Crystal Globe award. Gus is the President and Chief Executive Officer of the Family Express Corporation based in Valparaiso, Indiana. He currently serves as a Director and a member of the Executive Committee of Centier Bank. He is also a Director of the Valparaiso Community Development Corporation, Director of the Northwest Indiana Forum, and Director of Valparaiso University's College of Business Administration Advisory Council. He also serves on the Porter County Foundation Board.

Amongst Gus's many positive accomplishments throughout his civic and convenience store industry engagements, he has also taken on the role of President of the Valparaiso Parks and Recreation Foundation, Chairman of the Valparaiso Chamber of Commerce, and was a member of the Valparaiso University Town and Gown committee and a Board member on the Regional Development Authority Committee. I am honored to commend Gus for his commitment and dedication to the well being of those who seek his knowledge and leadership. His efforts and hard work are worthy of the highest recognition.

Although Gus's career consumes much of his time, Gus has never limited the time he gives to his most important interest, his family. He and his wife, Beth, have three children and two grandchildren.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending the Asian American Medical Society and Gus Olympidis for their outstanding contributions to the community. Their commitment to improving the quality of life for the people of Northwest Indiana and throughout the world is truly inspirational and should be recognized and commended.

TRIBUTE TO COLORADO'S 137TH SPACE WARNING SQUADRON

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to congratulate a truly outstanding component of this Nation's defense—the 137th Space Warning Squadron based in Greeley, Colorado. For the fourth time in five years that squadron has won the Distinguished Mission Support Plaque. This coveted award is sponsored by the National Guard Association of the United States and is presented by Lt. General Daniel James, Director of the Air National Guard. Only five units from the entire Air National Guard are selected to receive this prestigious award recognizing superlative performance in the defense of our nation.

In congratulating the unit for its outstanding performance, I would like to give special recognition to the former commander of the 137th Space Warning Squadron, Brigadier General Select William E. Hudson, Air National Guard. During his nearly 10 years of service, from 1996 to 2005, Colonel Hudson served as Director of Operations and then as Commander of the unit. He led the unit through numerous real world and exercise operational programs. On September 11, 2001 and afterwards, Colonel Hudson ensured that the 137th Space Warning Squadron would meet and exceed its mission responsibilities to Air Force Space Command. I would also like to recognize Brigadier General Mike Edwards of the 140th Wing at Buckley Air Force Base and Major General Mason Whitney, the Colorado Adjutant General, for their superlative support of the 137th Space Warning Squadron.

In 2003 the squadron was rated "Excellent" by USAF Space Command's Operational Readiness Inspection Team for exceptional performance and outstanding leadership. In addition, the unit has received ratings of Excellent to Outstanding at countless inspections since its stand-up in 1996. The National Guard Association's Distinguished Mission Support Plaque showcases the outstanding leadership, operational ability, and professional competence of Colorado Air National Guardsmen and women at the 137th Space Warning Squadron.

I am so proud that this unit constantly goes above and beyond in its defense of Colorado

and the United States of America. I invite my colleagues to join me in thanking the men and women of the 137th Space Warning Squadron for their unparalleled service to our community and our Nation.

KENTUCKY VICTIMS OF HOMICIDE MEMORIAL

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. CHANDLER. Mr. Speaker, November 10, 2005 is going to be a very special, yet bittersweet day in Kentucky. After years of hard work and planning, the Kentucky Victims of Homicide Memorial is going to be brought to fruition. As former Attorney General I distinctly remember the beginnings of this project, and I regret that I must be voting in Washington during the memorial dedication.

I personally want to extend my heartfelt appreciation to the KY Mothers Against Drunk Driving (MADD), the Kentuckians' Voice for Crime Victims (KVCV), Resthaven Memorial Park, Muldoon Memorials, and Dignity Memorial for their enormous efforts in seeing that this memorial became a reality.

This memorial will serve as a remembrance of all victims, a place of comfort for those who have lost loved ones and an ongoing tribute to the fight against crime. We must maintain hope in our struggle against violence. We must continue to raise public awareness. And we must always honor the tragic deaths of innocent homicide victims.

The Kentucky Victims of Homicide Memorial will send a powerful message to the citizens of Kentucky. It is the largest memorial and only memorial of its kind in all of the United States. It will serve as a place of inspiration, a place of hope and a place of peace. I thank those who made this memorial a reality, and I hope it will provide a small sense of comfort to those who have been affected by violent crimes.

HONORING THE REVEREND DR. CALVIN E. OWENS, SR.

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. CROWLEY. Mr. Speaker, I rise to celebrate and honor Reverend Dr. Calvin E. Owens, Sr. as he marks his 29th Pastoral Anniversary. But 29 years is only one milestone in a life dedicated to the community, to others, and to God.

After 38 years as a preacher and a lifetime as a teacher, Reverend Dr. Calvin Owens has inspired and lifted so many to recognize the potential that God has invested in each one of us.

Reverend Owens's career has seen him travel through so many institutions, and like the Good Samaritan, leave his mark every step of the way.

His pastoral journey began at Unity of Tabernacle Baptist Church in Mt. Vernon and, in 1968 after being ordained as a minister of the Gospel, he went to First Corinthian Baptist Church. It was there he served for six years as Director of Youth Development before moving on to the New Community Baptist Church of New York City as Pastor.

He served there honorably before being called to serve the Lord as Pastor of the Community Protestant Church in 1976, the place he still calls home.

But he has inspired and educated not only from the pulpit, but out in the community spreading the word of forgiveness, mercy, love and tolerance as part of the New York City Police Department's Police Clergy Liaison Committee; as the Second Vice President of the Riverbay Board of Directors of Co-op City; Treasurer of the Baptist Ministers Conference of Greater New York; and for eight years now as a member of Community Board #10. He is always serving his flock.

The good works of Reverend Dr. Owens have not gone unnoticed. A certificate of Award for Faithful Service from the New York Baptist Educational Center; the New York Baptist Educational Center Certificate of Appreciation for Outstanding Service and Contributions to the Department of Pastoral Care; the Bronx Ministers Evening Conference Scholarship Award; the Harlem Hospital Center Certificate of Appreciation for Outstanding Service and Contributions to the Department of Pastoral Care; as well as numerous other awards for Christian leadership and service.

But the awards most important to highlight are the one's provided by God—his three sons and three daughters. They are a living tribute to you, Reverend.

Therefore, on behalf of United States House of Representatives, I am honored to acknowledge and honor the life and contributions of Reverend Dr. Calvin E. Owens, Sr. as he celebrates his 29th Pastoral Anniversary.

H.R. 4179: JAPANESE BAN ON AMERICAN BEEF

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. COSTA. Mr. Speaker, today I rise in support of H.R. 4179. This legislation would impose trade sanctions on Japan if the ban on American beef is not lifted by a reasonable date. For decades, Japan has been a friend and reliable trading partner with the United States, and I anticipate that relationship will prosper. However, in spite of our best efforts, our fine relationship has been strained by Japan's continued ban on imports of U.S. beef.

There is reason to be optimistic that this legislation will not be enacted if Japan takes reasonable action. Japan's Food Safety Commission gave a favorable report on Monday, October 31, 2005, and will continue to review the ban for a mandatory one-month comment period. After the one-month waiting period, the Japanese government may drop the ban and resume beef imports. However, should the Japanese not take favorable action, the trade sanctions would go into effect on December 15, 2005.

The December 15 date is not arbitrary. In fact, I believe it is a well-timed and necessary mechanism to encourage the ban to be lifted. The U.S. beef industry and the federal government have not only assured the Japanese government of our stringent safety standards, but have also made every effort to exceed the requirements set forth by Japan's Food Safety Commission.

American beef continues to be the safest and the highest quality beef in the world. The American beef producers deserve the full benefit of our bilateral trade agreement. This legislation reserves our right to respond forcefully should Japan prolong this shortsighted ban. I urge my colleagues to join me in support of this legislation.

WELCOMING SOUTH KOREAN AMBASSADOR TAE-SIK LEE

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. FOSSELLA. Mr. Speaker, as cochair of the Congressional Caucus on Korea, I would like to take the opportunity to formally welcome the Honorable Tae-Sik Lee as ambassador of the Republic of Korea to the United States and to congratulate him on his appointment.

Ambassador Lee's diplomatic credentials and legacy are entrenched in a life-long devotion to promoting, enlarging and broadening South Korea's stature and prominence at home and around the globe. He most recently served as vice foreign minister at the Ministry of Foreign Affairs and Trade, MOFAT. His other notable diplomatic assignments include ambassador to the United Kingdom of Great Britain and Northern Ireland, ambassador to Israel and deputy executive director of the Korean Peninsula Energy Development Organization, KEDO.

It is clear that Ambassador Lee brings tremendous depth of experience and expertise to Washington. I was pleased to learn that, upon his arrival on Friday, October 14, he stated, according to the South Korean Embassy, that he "looks forward to working together to strengthen the U.S.-Korea alliance and improving Korean-American relations."

It is important to note that Ambassador Lee has the distinct honor of representing one of America's closest allies. For over 50 years, the United States and South Korea have enjoyed a broad and comprehensive alliance, a partnership dedicated to peace and stability, economic growth and prosperity through free enterprise, and democracy with respect for human rights and the rule of law.

South Korea has undergone a fundamental transformation within the past 50 years, having emerged from a worn-torn and impoverished nation into a full and mature democracy that has generated the world's 11th largest economy. South Korea now ranks as the seventh largest trading partner of the United States with over $72 billion in trade volume annually and is also the fifth largest market for U.S. agricultural products. In this regard, South Korea would make an excellent candidate for a Free Trade Agreement, FTA with the United States.

South Korea remains an indispensable security partner to the United States, having stood alongside our troops in all four major conflicts that we have faced since the Korean War. Most recently, in the U.S.-led war on terror, South Korea has deployed more than

3,270 troops to Iraq—the third largest contingent after the United States and Great Britain—and supported continuing operations in Afghanistan.

South Korea has also remained a key partner in the six-party talks focusing on the question of preventing nuclear proliferation in northeast Asia, and its diplomatic efforts were indispensable in achieving the joint statement that resulted from the recent fourth round negotiations. I hope that for all the challenges that lie ahead in future negotiations of the talks, we will continue to work together to denuclearize the Korean peninsula and promote peace and stability in the region.

For these reasons, Mr. Speaker, I wish to welcome Ambassador Tae-Sik Lee to the United States and express my personal appreciation to the government and people of South Korea. According to unofficial estimates by the South Korean Embassy, our country is now home to over 2 million Korean-Americans, with more than 444,000 who live in New York. I ask my colleagues to join me today in paying tribute to South Korea by extending their hands in friendship to its ambassador, Tae-Sik Lee.

PRAISING THE UPCOMING ASIA-PACIFIC ECONOMIC COOPERATION, APEC, SUMMIT, BUSAN, SOUTH KOREA

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. MANZULLO. Mr. Speaker, I rise today in support of the administration's efforts to maintain a robust trade agenda that seeks to boost intellectual property protection at the upcoming meeting of the Asia-Pacific Economic Cooperation, APEC, forum in Busan, South Korea. No regional institution is more important to promoting U.S. interests on anti-counterfeiting and piracy in Asia than APEC.

The 21 member states of APEC will consider a range of pressing issues that include supporting the World Trade Organization's Doha Development Round, trade facilitation, and preventing the spread of avian influenza.

APEC partners account for two-thirds of all U.S. trade and are playing an important role in the war on terror. In 2004, APEC helped put the Doha Round of the WTO's negotiations back on track, and it continues to help control the proliferation of weapons of mass destruction and combat regional corruption.

The APEC region is of great importance to the United States—geopolitically, militarily, diplomatically, and economically. It accounts for some 40 percent of the world's population, over half of world trade, approximately 60 percent of world GDP, and a disproportionate share of global growth in recent years.

The United States, Japan, and South Korea are joining forces to promote the APEC Anti-Counterfeiting and Piracy Initiative to fight fraud and protect consumers. Under this initiative, APEC will develop guidelines for the inspection, seizure and destruction of goods used in trading counterfeit and pirated goods. The initiative also provides cross-border enforcement mechanisms for APEC members.

E-commerce is another area where the U.S. is demonstrating leadership in protecting intellectual property and data privacy. The U.S. continues to support APEC efforts to put in place effective legal regimes to ensure appropriate enforcement of e-commerce while protecting data collected during online transactions. By working in APEC, the U.S. can maximize its ability to engage countries lacking proper intellectual property rights protection.

Recognizing the increasing importance of the Asiatic region to our national interests, I strongly support the effort to keep APEC energized and at the center of American diplomacy in East Asia.

CELEBRATE THE 125TH ANNIVERSARY OF MOUNT ZION MISSIONARY BAPTIST CHURCH

HON. PATRICK T. McHENRY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. MCHENRY. Mr. Speaker, the Mount Zion Missionary Baptist Church in Kings Mountain, North Carolina, will be celebrating its 125th anniversary on November 6th of this year. I wish to congratulate its Pastor, Reverend C.A. Feemster, its dedicated Deacons, and its faithful congregation on this joyous occasion.

Built in 1880, the first Mount Zion Baptist Church building was located on Piedmont Avenue and was led by their very first pastor Reverend R.L. Veal. The church was relocated to King Street in 1916, where it stook proudly until November 3, 1974, when then Pastor Norris moved his congregation into their current building.

Since that day, the Mount Zion Missionary Baptist Church has been blessed with such wonderful rewards as its first full time, and current, pastor Reverend C.A. Feemster, an informative church newsletter, and an active missionary program.

Mr. Speaker, in recognition of the 125 years of faithful service to God, the community, and its congregation members, I wish to congratulate the Mount Zion Missionary Baptist Church on this truly blessed occasion, and I look forward to their continued service to the community.

TRIBUTE TO HARLEY KNOX

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor a man who will long be remembered for his innumerable contributions and the tremendous leadership he displayed in the Inland Empire region of Southern California. Harley Knox was an entrepreneur, farmer, developer, and all-around community leader. Personally, he was a loyal and dear friend. Last week, Harley lost a five-month battle with bone cancer and our region collectively mourns his passing, while remembering his lifelong contributions to the Inland Empire.

Harley discovered his entrepreneurial spirit at the early age of twelve, when after WWII, demand from farmers and gardeners prompted a need for fertilizer. For a fee, Harley would clean chicken coups and then sell the fertilizer to large farms and gardeners. His modest, yet successful business soon became more than he could handle alone, so he employed neighborhood kids to help him out.

Later on, Harley capitalized on the increased popularity of Dichondra lawns in front of ranch-style homes and soon began harvesting his family's front yard and selling flats of Dichondra. The popularity of the grass continued, so Harley persuaded neighbors to let him buy portions of their lawns for resale. By the age of 20, he was selling Dichondra across Southern California and the family was buying land for farming the grass. A second business was born when he then began developing farming equipment to collect and process Dichondra seed.

By the 1950s, Harley was president of Knox Seed Company, Inc. and moved operations to farmland adjacent to what is now March Air Reserve Base. The company expanded into producing seed for grain crops, turf grass and sod. After eventually selling the seed business, Harley focused on developing farming tools and was president of Knox Manufacturing Co. of Moreno Valley from 1977 to 1986. The firm developed high-speed produce harvesters and held patents that soon became the industry standard.

In 1983 he founded the land development and consulting firm Harley Knox & Associates, which still develops industrial projects, assists with land-use regulation and attaining government entitlements. More recently, Harley was a partner in March Global Port, an industrial development on 400 acres on the south side of March Air Reserve Base. The project lists Philips Electronics and DHL as tenants and provided the region with a significant economic contribution in the wake of the downsizing of the military base.

In addition to his entrepreneurial efforts, Harley served as an active member of numerous community organizations, such as the Inland Empire Economic Partnership, The Valley Group, the Riverside County Building Industry Association, the Western Riverside County Council of Governments, the Riverside Community College Foundation, and the Riverside Community Hospital Foundation. Following an appointment by former Gov. Pete Wilson, Harley served as commissioner of the California Boating and Waterways Commission.

The Inland Empire is a better place to live today because of Harley's extraordinary contributions and his selfless dedication to his community. On behalf of the Inland Empire I want to convey our appreciation for all of Harley's efforts and express our heartfelt condolences to the Knox family, including his wife Donna, daughter Victoria and sons Bryan and Aaron, as well as his four grandchildren.

THE ARRIVAL OF VIRGINIA PARKER ETHERIDGE

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. ETHERIDGE. Mr. Speaker, I rise today with a joyful heart to announce the birth of my second grandchild and very first granddaughter. On November 2, my wife Faye and

I welcomed into this world Virginia Parker Etheridge, the new daughter of our son Brian Etheridge and his wife Meredith. Virginia arrived at 8:40 p.m. in Raleigh, NC. She weighed 6 pounds and 15 ounces and measured 20 inches.

Faye and I are truly blessed today by the arrival of Virginia Parker Etheridge. The birth of a new child is a joyous occasion that reminds us of the promise of a new life. I hope that Virginia will live in a world that is even better than the one we live in today. I hope that she will have access to the best education and technology in the world, that she will breathe fresh air and drink clean water, that her streets will be safe, and that her generation will not be burdened by the debt of the previous generation.

A new child in the family is a gift from God. The Etheridge family and I look forward to spending time with our new bundle of joy and introducing her to all of our friends and neighbors in North Carolina's Second Congressional District.

HONORING THE ACHIEVEMENTS OF THE WOLVERINE MARCHING BAND

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. GORDON. Mr. Speaker, today I rise to recognize the outstanding achievements of LaVergne High School's Wolverine Marching Band.

In September, the band marched in the LaVergne Old Timers' Day Parade. I was also a participant in the parade, and I was impressed by the talent and precision of the young musicians. Their many hours of practice had culminated in a flawless performance.

It is not just the students and teachers who make the Wolverine Marching Band great. The parents of these students also play a significant role. In addition to providing financial support, the parents often pitch in to transport band equipment to competitions and football games.

This season, the band has been awarded numerous accolades, including First Place Band Overall and First Place Percussion Overall at the Phoenix Classic Invitational. Other honors include two Color Guard, Band, and Percussion Superior Ratings and two First Place Field Commanders awards.

Residents of LaVergne, Tennessee, can be proud of their Wolverine Marching Band. I applaud the students, parents and teachers for their hard work and dedication.

TRIBUTE TO MRS. SHIRLEY McINTYRE OF DORCHESTER, MASSACHUSETTS

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. LYNCH. Mr. Speaker, I rise today to pay tribute to a friend and constituent from the 9th Congressional District of Massachusetts, Mrs. Shirley McIntyre, who passed away on Friday September 23, 2005. Born Shirley Powers, she was formerly a South Boston resident before moving to the neighboring town of Dorchester. In 1956, Shirley married George McIntyre, her beloved husband of 49 years and they had five beautiful children: Darlene, Daniel, Shirley, Vanessa, and the late William.

Shirley was a devoted mother and grandmother who nurtured and guided her family as well as many of the children in her neighborhood and local community. She was a dedicated wife who spent her time with her children and beloved husband George, a retired Local 7 Iron worker who loved Shirley with all his heart.

Mr. Speaker, Shirley McIntyre will be fondly remembered not only by her family, which includes eight grandchildren, three great grandchildren, and many nieces and nephews; but also by the many friends who were touched by her kindness and unconditional love.

On a personal note, throughout my tenure in public service both as a member of the Massachusetts State House and in the United States Congress, I have had the unique opportunity and pleasure to see first hand Shirley's commitment to her family and community. Shirley's willingness to be involved with her neighborhood and local political process is a testament to her endless devotion to family and friends.

Today, I ask the Membership of the House of Representatives to join with me in offering our deepest condolences to the McIntyre family for their loss. We will all miss Shirley as a shining example to her family and community.

MEMORIAL TRIBUTE TO SGT. ARTHUR A. MORA, JR.

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mrs. NAPOLITANO. Mr. Speaker, it is with deepest sympathy that I pay a special tribute to my constituent Sgt. Arthur A. Mora, Jr., who was killed in Balad, Iraq on October 19 when his vehicle was hit by enemy fire. His passing at the age of 23, marks the end of a young and promising life which had already exemplified duty, honor and heroism.

Arthur will be remembered as the quiet student at El Rancho High School in Pico Rivera who missed having his photo taken for the senior yearbook. After graduation, he enlisted in the U.S. Army on July 27, 2000. Upon completion of basic training, Arthur was assigned to the 1st Battalion, the 3rd Air Defense Artillery, and the 3rd Infantry Division followed by Bravo Battery 5th Air Defense Artillery Regiment at Camp Pelham, Korea. He returned to the 5th Battalion, 7th Cavalry at Fort Stewart, Georgia. In July 2005, Sgt. Mora was deployed in support of Operation Iraqi Freedom.

Sgt. Mora's awards include the Bronze Star Medal, the Purple Heart, the Combat Action Badge, the Good Conduct Medal, the Army Achievement Medal, the Army Commendation Medal, the National Defense Ribbon, the Army Service Medal, and the Korean Defense Service Medal.

Family members say they draw comfort in knowing that Arthur was doing what he wanted. He was a young man who loved the military and would have most likely made a career in the Army.

Arthur is survived by his wife Veronica, daughters Olivia, Celina and a newborn son, Christopher, whom he had never seen. He is also survived by his mother Sylvia Mora of Montebello, sisters Michelle, Celia, and his brother Paul.

His family and friends will miss this caring young man greatly, and to them I extend my sincerest heartfelt sympathy and pray that they will receive God's comforting graces in their time of sorrow.

DEMOCRATIZATION IN INDONESIA: A NEW ERA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. WILSON of South Carolina. Mr. Speaker, over the last several years, Indonesia has entered a new era of democracy. At the national level, the Indonesian people voted freely in an open and fair 2004 Presidential election for the first time in that country's history. The election campaign was vigorous, with public debates and ample discussion of issues among the main candidates. There was no significant violence or attempts at voter intimidation. International election observers as well as domestic monitors reported that the election in Indonesia was conducted fairly. Voter turnout in the general election was very high, about 80 percent.

More recently, another major step forward in democracy is taking place in Indonesia. Regional and local elections have recently been held throughout this vast country of more than 17,000 islands. As before, in last year's presidential election, some observers predicted that local elections would lead to communal conflict. But they were wrong. Nationwide local elections conducted in June went off smoothly although there were tensions among ethnic and religious groups in a few districts. But the security forces maintained order and enforced fair elections. I am informed that of 166 regional districts, 116 succeeded in conducting orderly local elections. Although sporadic, minimal violence did occur in about 16 districts, it was brief and quickly controlled by the police. As in the presidential election last year, according to reports I have seen, voter participation in the local elections was very high, nearly 74 percent.

Indonesian officials recognized openly that there are some weaknesses to be fixed. One is the difficulty in quickly counting the votes in some districts. This case could and did give rise to allegations made by losing candidates, charging that the election was unfair and manipulated. The government intends to work with district officials to improve election procedures, especially voter tallies.

In West Papua there appears to have been no violence or conflicts during the local elections. Reports indicated that elections were successfully held in 14 districts in West Papua. People came out to vote for their candidates to regional councils and exercised their right to choose the local leaders they prefer. Regarding elections for a regional governor, I am told the West Papuans are waiting for the establishment of the People's Council of Papua before conducting the election. This council will be the highest representative body

of West Papua and will have authority to select the candidates for governor of Papua. But, even while awaiting the establishment of the council, the process to nominate some candidates to be governor of Papua is proceeding. I am informed that the Special Commission of the District Parliament of Papua is developing preparations for elections for regional governor. When those preparations are completed, the Commission will send a list of candidates to the People's Council of Papua to be selected to participate in the election.

Mr. Speaker, I want to commend the government and people of Indonesia for this new and highly important step in instituting democracy in this great country. Regardless of the difficulties encountered in conducting local elections throughout this vast nation, the Administration of President Yudhoyono and the regional authorities demonstrated determination to follow the path to democracy. Just as important, the Indonesian people responded by coming out to the polls in huge numbers. Indonesia deserves high praise for its remarkable accomplishments in breaking with a legacy of dictatorship, and ethnic and religious strife, to successfully implement democratic principles.

PERSONAL EXPLANATION

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I was not present for two votes on November 1, 2005. Had I been present, I would have voted as follows:

Rollcall No. 557: H.R. 3548—Heinz Ahlmeyer, Jr. Post Office Building Designation Act—I would have voted "yes."

Rollcall No. 558: H.R. 3989—Albert Harold Quie Post Office Designation Act—I would have voted "yes."

PERSONAL EXPLANATION

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. ETHERIDGE. Mr. Speaker, I rise today to explain my absence during yesterday's recorded votes. As a proud grandfather, it is with exceeding pride that I announce the birth yesterday of my first granddaughter to my son Brian and my daughter-in-law Meredith. My wife, Faye, and I joyfully welcome this new baby girl who joins her cousin William Otto, who was born to our daughter Catherine and our son-in-law Tim Otto in January. This is a special time for the Etheridge family, and we are truly blessed.

Had I been present in the Chamber yesterday, I would have voted "No" on rollcall 559 and "Yes" on rollcalls 560 and 561. Rollcall 560 was passage of H.R. 4061, Department of Veterans Affairs Information Technology Improvement Act, a bipartisan and noncontroversial measure. Likewise, rollcall 561 was passage of H.R. 1691, the John H. Bradley Department of Veterans Affairs Outpatient Clinic Designation Act, a routine matter.

However, rollcall 559 was passage of H.R. 1606, the so-called Online Freedom of Speech Act. This substantive legislation would undo Federal regulation of soft money for political communication on the Internet. Consideration of such substantive legislation on the Suspension Calendar, which affords no opportunity for amendment and severely restricts debate, is an improper and ill-advised method to craft sound public policy. I would have voted "No" on rollcall 559 in favor of its consideration under regular order.

RECOGNIZING THE COMMUNITY OF RAMONA, KS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. MORAN of Kansas. Mr. Speaker, I rise today to recognize Ramona, KS, for successful community revitalization efforts.

Pat Wick and Jessica Gilbert have always considered this town of 100 people to be home. It is where their parents were born and raised. As children, these sisters would accompany their parents on annual visits from their home in California to help their grandparents with summer harvest. As adults, Pat worked as a clinical psychologist and Jessica was a philanthropic organization consultant.

When they returned to Ramona in 1989 for a family reunion, the sisters felt a strong pull to come home. They reestablished their roots building by building. In 1990, Pat purchased and the sisters renovated a home they now call The Ramona House, in honor of their ancestors. Pat and Jessica purchased a second house in 1995 and remade it into Cousin's Corner bed and breakfast. The sisters purchased a third home that is now a lodge called Jake's Place. All of this was accomplished through frequent visits to Ramona, even while Pat and Jessica continued their careers in California.

By the year 2000, Pat and Jessica decided to take the final step and moved home. The sisters now live in the Ramona House and operate Jake's Place and Cousin's Comer. More recently, they purchased the old bank building and turned it into The Dirt Gamblers Museum, which is home to photographs and other items honoring Ramona's pioneer history. The sisters have also contributed to the revitalization of Ramona through extensive community involvement. They have helped organize several civic and community events, including a spring tea party, a citywide Memorial Day service, a Main Street Fourth of July parade and an outdoor Nativity in the city park complete with live animals and singing angels. In an effort to celebrate Halloween and promote regional tourism, Pat and Jessica are currently helping promote a Scarecrow parade in Ramona and several other area communities. If all of that isn't enough, Pat is the town's mayor and Jessica is the city clerk.

At age 93, Tony Meyer is Ramona's oldest citizen. He believes Pat and Jessica are doing great things for the community. "The sisters have awakened this town again," Meyer said. Warren Fike, a lifetime resident, also notices a positive change. "Having the sisters come in has helped keep Ramona alive," Fike said. "The steps they've taken to improve the town have motivated more people here to help, too."

The sisters believe Ramona's revitalization is beginning to take hold. "We're romantics, and we have a passion for this place," Jessica said. "We want people to be proud they're connected to the town and want them to invest in it again." "It's a special place," Pat noted. "It's Mayberry R.F.D. come to life."

For rural communities to survive and prosper into the future, citizens must be willing to create their own opportunities for success. Ongoing efforts to revitalize Ramona are an example of how hard work, vision and community support can create just such an opportunity. Citizens throughout Kansas are working together to enhance the quality of life in their communities. Ramona is a success story that demonstrates how teamwork and creative thinking can make a positive difference in rural America.

TRIBUTE TO PAUL HILLEGONDS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to Paul Hillegonds, an individual who has served the residents of Michigan through the years with great distinction. Throughout his career in public service, Paul tirelessly worked for the betterment of our great State and continues to impact countless individuals through his professional and community affiliations.

Paul served in the Michigan House of Representatives from 1979 to 1996, and was speaker his final two years in elected office. In 1997, Paul embarked on a new path of service, taking the reins as president of Detroit Renaissance, a non-profit, civic organization comprising Southeast Michigan's business leaders.

Paul has received numerous honors throughout his distinguished career, and I am pleased to call him a friend. Paul and I go back a long way—all the way back, in fact, to when he was Administrative Assistant for U.S. Representative Ruppe and I was a staffer for Representative Dave Stockman.

Our friendship has only strengthened over time. His wife and kids are good family friends and we have enjoyed each other both in and out of public service. Paul has always stood for the right things and he has displayed the utmost integrity. Unfortunately term limits cost us his leadership as speaker of the Michigan House, but his leadership for the folks of Michigan continues.

I look forward to many more years of Paul's friendship. We are all better off for Paul's service to the State of Michigan, and I wish him continued success.

PERSONAL EXPLANATION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. HYDE. Mr. Speaker, on November 1 and 2, 2005, I was absent for several votes for

personal reasons. Had I been present, I would have voted:

Vote No., description, vote: 557, Heinz Ahlmeyer, Jr. Post Office Building, "yes"; 558, Albert Harold Quie Post Office Building, "yes"; 559, Online Freedom of Speech Act, "no"; 560, VA Information Technology, "yes"; and 561, John Bradley Outpatient Clinic, "yes."

PAYING TRIBUTE TO THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF MISSOURI

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. CLEAVER. Mr. Speaker, I rise today to congratulate the Associated Students of the University of Missouri (ASUM) on their 30th anniversary. Throughout their 30 years, this group of dedicated students has been the primary advocates for fellow undergraduates in the State of Missouri. Known as the student voice in the Missouri State government, the organization has been essential to craft and advance legislation that has benefited higher education in Missouri. In addition, ASUM has been the training ground for students interested in entering public service, the political arena, and is responsible for producing some of today's top government employees serving the State of Missouri.

ASUM encourages students to become educated about the political process, and by doing so increases awareness, concern, and participation of young adults in democracy. ASUM's political action began on the campus of University of Missouri-Colombia in 1975. After successful participation by the students at the campus in Colombia, the student leaders expanded the organization to the other campuses within the University of Missouri System: Kansas City, St. Louis, and Rolla, where participation among the students exceeded expectations.

Serving as the student voice in the federal government, state government, and on the various campuses of the University of Missouri, ASUM is responsible for the creating a student representative position on the University of Missouri Board of Curators. The student representative affords the opportunity for the Board of Curators to truly hear and value the students' perspective on issues affecting the University System. Keeping the student views in the forefront of Universities' agenda, the Board of Curators passed a policy allowing the ASUM student representative to attend closed board meetings. The over-arching impact of the policy addition was to remind the Board of Curators that every institutional change had to be in the best interest of the students.

As the primary advocate of students in Missouri, the ASUM established though legislation the Bright Flight Scholarship, the most important source of financial aid for scholars from the State of Missouri. The annual $2,000 scholarship was created to encourage top ranked high school seniors to attend approved Missouri postsecondary schools. The program is geared to the top 3 percent of all Missouri high school students who have a minimum ACT score of 30 or a minimum SAT score of 780 math and 780 verbal. By requiring the student to maintain satisfactory academic progress and full time employment, this scholarship program helps the student to learn how to effectively manage their time and balance priorities. In addition to the Bright Flight Scholarship Program, the ASUM created Missouri State law to exempt sales taxes on textbooks, which has saved students in Missouri $6 million dollars every year since its enactment in 1999. Finally, the student political activists created a loan forgivingness program for teachers, medical doctors, and veterinarians who serve in high need areas of Missouri.

Mr. Speaker, please join me in expressing our heartfelt gratitude for the dedication of the Associated Students of the University of Missouri and their relentless efforts in extending their voices to represent all of the students of Missouri. It is essential for the members of the ASUM and other student organizations to be celebrated for their good works, for the students of today are truly our leaders of tomorrow.

HONORING SPC DERENCE JEFFREY W. JACK AND SSG WILGENE T. LIETO

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to honor the two soldiers from the Commonwealth of the Northern Marianas Islands who became casualties of Operation Iraqi Freedom on October 31, 2005 in Iraq. Specialist Derence Jeffrey W. Jack and Staff Sergeant Wilgene T. Lieto made the ultimate sacrifice in support of the global war on terror, and in doing so, helped to preserve our freedom. SSG Lieto served in Iraq as a Sergeant—the U.S. Army awarded him a posthumous promotion to Staff Sergeant. These soldiers left their homes and their families to answer the call of duty as members of the E Company, 100th Battalion, 442nd Infantry Regiment of the U.S. Army Reserve. On behalf of our communities in the Northern Marianas and Guam, I join with our local leaders in offering our sincerest condolences to the family of Derence Jeffrey W. Jack, especially his wife Melissa Jack and their daughter, and to the family of Wilgene T. Lieto, especially his wife Tiara Lieto and their son and daughter. The service and sacrifice of these soldiers will always be remembered and I join our Pacific island community in honoring the patriotism of these Army reservists. Derence Jeffrey W. Jack, from Gualo Rai, Saipan, was a manager at the Bank of Guam branch in Saipan. Wilgene T. Lieto, from Tanapag, Saipan, was a police officer. SPC Jack and SSG Lieto were part of the "Go For Broke" Battalion, serving with fellow soldiers from Guam, the Northern Marianas, American Samoa, and Hawaii. Although their loss brings great sadness to the people of the Northern Marianas and Guam, we take comfort in knowing that that these soldiers served with honor. May God bless them and their families.

DEMOCRATS' CLIMATE PUSH MAY SQUEEZE GOP MODERATES ON SCIENCE PANEL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. KUCINICH. Mr. Speaker, I would like to submit this article from InsideEPA to the CONGRESSIONAL RECORD.

A novel effort by 150 House Democrats to require that the White House turn over documents showing what it knows about climate change effects on U.S. coastal regions may force key Republican moderates to choose party loyalty over their environmental records, or risk leaving themselves open to attacks from conservative opponents in upcoming primaries, sources say.

Rep. DENNIS KUCINICH (D–OH) has initiated a rare House procedure with the backing of 150 of his Democratic colleagues that seeks information from the executive branch on how climate change has affected U.S. coastal regions. If H.R. 515, a "resolution of inquiry," (ROI) passes with the support of key GOP moderates on the House Science Committee and the full House, it would require the president within 14 days to turn over documents related to climate change impacts on coastal areas. Relevant documents are available on InsideEPA.com.

KUCINICH's resolution does not specifically mention hurricanes, but congressional staffers familiar with the effort say Congress is growing more concerned that climate change may have increased hurricane severity in light of hurricanes Katrina and Rita. "This has been a brutal hurricane season and many think climate change will be the defining problem of our generation. We want to know what [President Bush] knew," according to one staffer. The effort comes as Republican environment committee senators are quashing suggestions that increased sea surface temperatures could be linked to the recent spike in hurricane activity.

Observers say the ROI will present House Science Committee Chairman SHERWOOD BOEHLERT (R–NY), Rep. VERNON EHLERS (R–MI) and Rep. WAYNE GILCHREST (R–MD) with a critical choice between siding with their party in deflecting attention from the president's climate policies and their environmental records, which have won them praise and endorsements from environmental groups. Their decisions on the matter may prove crucial during their 2006 primaries, where at least one is expected to face a tough fight against a more conservative GOP candidate.

Although the ROI measure has no Republican co-sponsors, BOEHLERT has a track record of backing efforts to address climate change that is adding to Democrats' optimism that the measure may make it to the House floor for a vote, sources say. "Boehlert's support [for previous efforts to allow more open scientific debate on climate change] makes us hopeful," according to one source.

For instance, BOEHLERT last summer sharply criticized efforts by House Energy & Commerce Committee Chairman JOE BARTON (R–TX) to investigate the findings and funding sources of three prominent climate scientists. In a July 14 letter, BOEHLERT characterized BARTON's requests as "pernicious" and

"chilling." BOEHLERT said, "The only conceivable explanation for the investigation is to attempt to intimidate a prominent scientist and to have Congress put its thumbs on the scales of a scientific debate."

But observers say the ROI may pose a thorny problem for the representative because he has recently squared off against competitive primary opponents and is anticipating another close race against a conservative in 2006. In seeking a thirteenth term, Boehlert faces conservative GOP primary challenger Bradford Jones, a former Seneca, NY, mayor who has already launched an election bid. Boehlert narrowly won a primary challenge against conservative Republican David Walruth in 2002 and faced him again in the 2004 primary. Walruth was backed by a number of conservative organizations, including the anti-tax group Club for Growth.

A spokesman for BOEHLERT did not return calls seeking comment.

And while many environmentalists praise Gilchrest's voting record, they are blasting his recent last-minute change of position on House refinery legislation. The legislation, supporters said, would speed production of refined oil and gasoline by aiding the country's oil refineries in the wake of Hurricane Katrina. The Republican leadership cajoled members to support the measure in the face of near-unanimous Democratic opposition. GILCHREST's decision to switch his vote and side with most of his GOP colleagues in the end proved crucial as the bill passed 212–210.

Ehlers recently broke party ranks by opposing a House-passed overhaul of the 1973 Endangered Species Act. The overhaul would give property owners new rights and reduce the Federal role in protecting habitats. It passed late last month by a vote of 229 to 193, although Ehlers joined Michigan's Democratic delegation in voting against the measure.

Even if the ROI fails to gather GOP support, the tool may still allow House Democrats to gather executive branch information on climate change, according to congressional researchers.

A 2003 Congressional Research Service report on the procedure finds that ROIs are "often much more effective in obtaining information from the executive branch than one would expect from committee and floor action. Administrations have often released a substantial amount of information, leading the committee of jurisdiction to conclude that the dispute is moot and it is therefore appropriate to report the resolution adversely and table it on the floor." Relevant documents are available on InsideEPA.com.

CONGRATULATING THE JOHN BOYLE O'REILLY CLUB ON THE OCCASION OF ITS 125TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to recognize the John Boyle O'Reilly Club in Springfield, Massachusetts on the occasion of its 125th Anniversary. Since it was founded in 1880, the John Boyle O'Reilly Club has been the center of Irish culture in western Massachusetts. From music, language, dancing to sport, the Boyle has promoted and preserved the unique culture of Ireland for generations.

On Saturday, November 5, 2005, two hundred members of the John Boyle O'Reilly Club will hold a banquet to celebrate this historic milestone. The Irish Ambassador to the United States of America will attend the ceremony to pay tribute to the enormous contribution the club has made to the local community. It will be a heartfelt and fitting celebration of culture, tradition and family.

The Irish poet W. B. Yeats once wrote: "Think where man's glory most begins and ends/and say my glory was I had such friends." That sentiment helps describe what the JBO means to many of its members. More than just a social club, the Boyle has become a familiar setting for every occasion on life's journey. For many families in the Pioneer Valley, it is a special place that has produced fond memories and lasting friendships.

Mr. Speaker, I would like to take this opportunity to pay tribute to an important group of individuals associated with the John Boyle O'Reilly Club. President Mary Quinn, Vice-President Patrick Burns, Treasurer Joseph Walsh and Secretary Patricia Devine deserve particular recognition for their leadership during this anniversary year.

The Board of Directors, which includes Patrick Reilly, Mary Kate O'Connor, Timothy Hurley, Matthew Dooney, Eric Levine and Stephen Lonergan should also be acknowledged for their dedication and commitment.

And finally, I want to congratulate the members of the club who are directly responsible for its success and longevity. On their behalf, I would like to submit this history of the club, written by member Dan Shea, into the permanent RECORD of the United States Congress.

Mr. Speaker, I ask my colleagues in the 109th Congress to join me in recognizing the John Boyle O'Reilly Club on the occasion of its 125th Anniversary. Let us hope this local landmark continues to celebrate the culture of Ireland for at least another century.

THE JOHN BOYLE O'REILLY CLUB, 1880–2005, 125 YEARS OF CULTURE, TRADITION, AND FAMILY

This year the John Boyle O'Reilly Club celebrates its 125th Anniversary. The John Boyle O'Reilly Club is Western Massachusetts' oldest continuous Irish-American organization. The Club was originally organized in 1880. It initially went by other names but subsequently took the name of the famous Irishman, John Boyle O'Reilly, shortly after his death in 1890. During this time period, various Irish organizations drilled and trained for when the time came to return to Ireland and fight for Irish freedom. The John Boyle O'Reilly Club was one of the hosts when Irish President Eamon Develara came to the United Sates in 1921 to seek funds for the newly proclaimed Irish Republic. The call to return to Ireland never came but the organization stayed and promoted the ideals of Irish freedom and Irish culture.

The John Boyle O'Reilly Club has been housed in several locations through out the years. In the early 1900s the Club would have its meetings above Linehan's Saloon on Worthington Street. In 1933, the Club incorporated and received its corporate charter from the Commonwealth of Massachusetts and its liquor license from the city of Springfield. At that time the club was located at the old Poli building on Worthington Street. The club moved to Hampden Street in 1943. On Sundays, local Irish musicians would play live music on WBZA in the old Hotel Charles and then walk over to Hampden Street and play music for the rest of the day. The John Boyle O'Reilly Club moved the second floor of 1653 Main Street in 1955.

In 1970, the John Boyle O'Reilly Club purchased the present building at 33 Progress Avenue in Springfield. The building was a mere shell of a structure when purchased. Many members volunteered labor and material to finish construction and to complete the interior. The John Boyle O'Reilly Club opened its doors on Progress Avenue in March of 1972. There have been several renovations over the years to make the surroundings more enjoyable for the members and guests of the John Boyle O'Reilly Club.

Throughout the years, the John Boyle O'Reilly Club has held many dances, concerts, Celi, music lesson, Irish language lessons, bagpipe lessons, sessions, and benefits for many families who fell on hard times due to injury, illness or an unexpected death.

The John Boyle O'Reilly Club continues its mission of being a home for Irish-American culture, whether it is Irish step dancing, music, the live broadcast of the Gaelic Football and Hurling Games from Ireland, or meeting with friends and family. It may be known as "the Boyle," " the JBO" or simply "the Club," but it still is a place for Irish-Americans of all ages to come and enjoy one of the finest Irish Clubs in New England. The John Boyle O'Reilly Club continues to look forward to being the home of Irish American culture and celebrations in the coming years. We look forward to the coming year and invite all of our members and friends to come and celebrate the 125 years of culture, tradition, and family with the John Boyle O'Reilly Club.

PUNJAB ASSEMBLY SHIFTS BLAME ON TERRORISM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. TOWNS. Mr. Speaker, I am glad to hear that the Legislative Assembly in Punjab recently had a discussion on terrorism there. Terrorism is an important issue which all leaders of the world must address. However, the debate turned into partisan politics of the type we're too familiar with here—each side blaming the other for spurring the terrorism in Punjab, while they ignored the real cause of the problem—the Indian government.

India has imposed a reign of terror in Punjab, Khalistan for many years, starting with a memo sent to police by their first Home Minister, Mr. Patel, describing Sikhs as "a criminal class." This month marks the anniversary of one particularly brutal chapter in that reign of terror—the Delhi massacres of November 1984, in which 20,000 Sikhs were murdered. The government locked Sikh police officers in their barracks to keep them from getting involved and the government's own radio and TV called for more Sikh blood.

The newspaper Hitavada reported that the Indian government paid the governor of Punjab, the late Surendra Nath, the equivalent of $1.5 billion to foment terrorism in Punjab and Kashmir. The U.S. State Department reported that the government paid more than 41,000

cash bounties to police officers for killing Sikhs. One even got a bounty for killing a three-year-old boy.

Human-rights activist Jaswant Singh Khalra compiled and published a report showing that India had a policy of picking up young Sikh men, torturing and killing them, declaring their bodies unidentified, and then secretly cremating them. Khalra identified over 25,000 such cases at three cremation grounds in Punjab. Others who have followed up on Khalra's work found that the number is at least 50,000. For his work, Mr. Khalra was arrested by the Punjab police and killed while in police custody. The only witness to the Khalra kidnapping, Rajiv Singh Randhawa, has been repeatedly arrested and harassed by the police.

Gurdev Singh Kaunke was the Jathedar of the Akal Takht, the highest Sikh religious leader. He was murdered by a police official named Swaran Singh Ghotna. No one has ever been punished for this atrocity. The driver for another religious leader, Baba Charan Singh, had his legs tied to two jeeps, which then drove off in different directions, tearing the man in half.

Mr. Speaker, why are such actions tolerated, especially by a government that calls itself democratic? America must take a stand against such tyranny.

The time has come to stop all our trade with India and all our aid to that country until such time as basic human rights are fully protected. And we must put this Congress on record in support of self-determination for the people of Punjab, Khalistan, and all the other peoples and nations seeking freedom, such as predominantly Muslim Kashmir and predominantly Christian Nagaland. This is the most effective way to end terrorism in the subcontinent.

Mr. Speaker, I would like to insert the Council of Khalistan's press release into the RECORD now for the information of my colleagues.

PUNJAB ASSEMBLY DEBATES TERRORISM

AMARINDER, BADAL SHOULD DISCUSS FREEDOM FOR SIKH NATION

WASHINGTON, D.C., November 2, 2005—The Punjab Legislative Assembly recently had a session to debate terrorism. Both the Congress Party and the Akali Dal blamed each other for encouraging Sikh youth to carry out the violence.

Amarinder Singh and Parkash Singh Badal are trying to change the history of Punjab. They are fully aware that Punjab, Khalistan has been engaged in a long struggle for independence after the Delhi massacres of November 1984. On April 29, 1986, Sarbat Khalsa passed a resolution for the independence of Khalistan and formed the Panthic Committee. On October 7, 1987, the Panthic Committee declared the independence of Khalistan. The Council of Khalistan was formed at that time to lead the peaceful, democratic, nonviolent struggle to liberate Khalistan.

These leaders are betraying the Sikh Nation. They need to be exposed and removed from their leadership roles. As Professor Darshan Singh, a former Jathedar of the Akal Takht, said, ''If a Sikh is not a Khalistani, he is not a Sikh.'' Recently, Prime Minister Manmohan Singh apologized for the Delhi massacres, in which over 20,000 Sikhs were killed, firmly establishing India's guilt in this atrocity against the Sikh Nation.

The Indian government controls the Sikh leadership. Both Badal's Akali Dal, which claims to be the protector of Sikh interests, and Amarinder Singh's Congress Party, which is the party that carried out the Golden Temple attack, are under Indian government control.

New Sikh leadership is emerging in Dal Khalsa and other organizations. They hoisted the Khalistani flag in front of the Golden Temple on Republic Day in January and again on the anniversary of the Golden Temple attacks. They marched and made speeches for Khalistan. For this, they were charged by the Indian government and 35 were arrested.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. Last year, the Punjab Legislative Assembly passed a bill annulling all water agreements with the Indian government, preventing the government's daylight robbery of Punjab river water. Punjab needs its river water for its crops. In the bill, the Assembly explicitly stated the sovereignty of Punjab.

The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians since 1948, over 90,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Manipuris, Dalits, and others. The Indian Supreme Court called the Indian government's murders of Sikhs ''worse than a genocide.''

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family. No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khalra. The police never released the body of former Jathedar of the Akal Takht Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. Ghotna has never been brought to trial for the Jathedar Kaunke murder.

According to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984! Tens of thousands of other minorities are also being held as political prisoners, according to Amnesty International. We demand the immediate release of all these political prisoners.

''It is time to replace Amarinder Singh and Badal with new leadership that is committed to the interests of the Sikh Nation,'' said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. ''Only a sovereign, independent Khalistan will end the repression and lift the standard of living for the people of Punjab,'' he said. ''We must continue to press for our God-given birthright of freedom,'' he said. ''Without political power, religions cannot flourish and nations perish.''

HUMAN RIGHTS WATCH DEMANDS FULL ACCOUNTING FOR SECRET CREMATIONS IN PUNJAB

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. TOWNS. Mr. Speaker, on November 1, Human Rights Watch wrote an excellent letter to the National Human Rights Commission of India demanding full accounting for the secret cremations of Sikhs in India. The secret cremations were described by India's Supreme Court as ''flagrant violation of human rights on a mass scale.'' The court ordered the Indian government in November 1995, two months after the ''disappearance'' of Jaswant Singh Khalra, to conduct a full investigation into this brutal policy. Ten years later, that investigation has never taken place. Instead, the commission has chosen to focus on the trivial issue of whether the cremations were conducted in accord with the police rules, a terrible diversion from the real issue, which is that the Indian government is carrying out this genocidal policy against the Sikh minority.

This investigation must proceed, and it must be a full-fledged inquiry into this murderous policy, India must make full restitution to the victims' families.

Mr. Speaker, I will be inserting the letter from Human Rights Watch into the RECORD at this time.

NOVEMBER 1, 2005.

Re mass secret cremations in Punjab.

Hon. DR. JUSTICE A.S. ANAND,
Chairperson, National Human Rights Commission, Faridkot House, Copernicus Marg, New Delhi, India.

DEAR JUSTICE ANAND: As the National Human Rights Commission prepares to issue a decision in the Punjab mass secret cremations case, we urge the Commission to order a full accounting of the systematic abuses that occurred in Punjab, determine liability after detailed investigations into the violations, and provide for compensation for surviving family members based on a detailed understanding of the scope of violations suffered by each individual.

In 1994, investigations by human rights activist Jaswant Singh Khalra revealed that security forces had abducted, extrajudicially executed, and secretly cremated thousands of Sikhs in Punjab from 1984 to 1994. Mr. Khalra exposed over 2,000 secret cremations in Amritsar district alone—one of 17 districts in Punjab. Subsequent investigations by human rights groups confirmed that secret cremations had occurred throughout the state, and that cremation was only one form of disposing of victims' bodies. After publicly disclosing his findings, Mr. Khalra was abducted by the Punjab police and ''disappeared'' in September 1995. In November 1995, the Supreme Court ordered the Central Bureau of Investigation (CBI) to inquire into his abduction and allegations of mass cremations.

On December 12, 1996, the Indian Supreme Court found the inquiry by the CBI into mass cremations in Punjab disclosed a ''flagrant violation of human rights on a mass scale'' and ordered the National Human Rights Commission (NHRC) to adjudicate these mass crimes and ''determine all the issues'' (Paramjit Kaur v. State of Punjab). After challenges by the Indian government, the NHRC limited its investigation to illegal cremations in Amritsar district alone. The NHRC has now received 3,500 claims of illegal cremation in Amritsar.

Instead of investigating these secret cremations as unlawful deprivations of life, the Commission has adopted the narrow issue of whether the victims' bodies were cremated according to police rules. At two hearings in October 2005, the petitioner Committee for Information and Initiative on Punjab (CIIP) challenged the Commission's decision to discard investigations, especially given the failure to identify the vast majority of victims and establish procedures, standards and

mechanisms to adjudicate these cases to capture the full scope of human rights violations.

In almost nine years, the Commission has not heard testimony in a single case, or held a single security official or agency responsible for human rights violations. Further, at hearings in recent months, the Commission has indicated its intention to dispense with investigations into the violations altogether, and only determine whether the cremations occurred according to police procedure. This is an odd decision for a human rights body.

Human Rights Watch strongly urges the Commission to commit itself to detailed investigations into the rights violations suffered by all victims of illegal cremations and their family members, including whether individual deaths were unlawful, the role of state security forces or their agents in planning or carrying out illegal killings, identifying individual perpetrators, and determining proper compensation. It is critical that those cases not addressed by the NHRC's order of November 2004 are also investigated. Until the facts are determined, ''disappearances'' remain an ongoing crime and the NHRC ruling does not close the case.

Such investigations are required by international human rights law. The International Covenant on Civil and Political Rights, which India ratified in 1979, provides in article 2 that a victim of a rights violation shall have an effective remedy and that the right to such a remedy be determined by a competent authority and be enforced when granted. A victim's right to an effective remedy imposes an obligation on the state to undertake investigations to identify the perpetrators of human rights violations. Indeed, the Commission's August 1997 order concluded that the Commission must lay the factual foundations of the case in order to establish liability, but for reasons that are not clear the Commission has never implemented its own order. Anything less than proper investigations will be a betrayal of victims and their families.

We note that in the nine years since the Commission took cognizance of the Punjab mass cremations matter, it has investigated and resolved numerous other complaints of human rights violations throughout India. Moreover, the Commission has pursued cases suo motu, without even receiving a complaint, after violations came to its attention through media reports. The NHRC has earned a well-deserved reputation for taking on powerful forces in India, which makes the Commission's decisions in the Punjab cases even more puzzling.

In this upcoming order, we also urge the Commission to clarify that the November 2004 order of compensation is interim. This order announced a total award of 2.5 lakhs rupees (around U.S. $5,500) to 109 families in whose cases police admitted custody of next of kin, without determining individual responsibility, providing other reparatory measures, or engaging in an inquiry into the facts as directed by the Supreme Court. This grant of compensation is not only paltry, but it does not fulfill the Commission's responsibilities under international human rights law to make an individual determination.

Developing a compensation policy requires extensive investigation to clarify the extent of human rights violations, the potential beneficiaries, and the nature of injuries suffered, among other issues. The expert report submitted at the hearing on October 24, 2005 by Physicians for Human Rights (PHR) and the Bellevue/NYU Program for Survivors of Torture (Bellevue), demonstrates that the deprivation of life occurred within a pattern of violations that included intentional abuse among multiple family members of the ''disappeared.'' The CIIP further called on the Commission to summon the authors of the report to testify. This report should compel the Commission to investigate the deprivation of the right to life of the victim, and the physical and psychological trauma inflicted upon surviving family members. In addition, our brief, submitted to the Commission in December 2003 in conjunction with Harvard Law Student Advocates for Human Rights, demonstrates that human rights bodies have considered evidence from numerous sources to adjudicate ''disappearances'' and extrajudicial executions, including evidence from international human rights experts. In its upcoming order, we urge the Commission to admit and fully weigh all evidence available, including the PHR/Bellevue report.

To demonstrate its intention to fulfill the mandate of the Supreme Court, the Commission must act to redress the violations of the rights to life and liberty suffered by thousands of families in Punjab. Its failure to do so is contributing to impunity, sending the message that perpetrators of mass crimes are more powerful than the Supreme Court and National Human Rights Commission. The Commission, no doubt, is aware that the prosecution of the officials who ''disappeared'' Jaswant Singh Khalra, the human rights defender who exposed the mass cremations in Punjab, has not concluded in nine years. The Commission should not allow the Punjab mass cremations case to also stand as an example of the triumph of impunity over the right to justice.

Thank you for your consideration. We look forward to a fruitful dialogue with you and other members of the Commission on this case.

Sincerely,

BRAD ADAMS,
Executive Director, Asia Division,
Human Rights Watch.

A TRIBUTE TO MRS. JANET WILKINSON—37 YEARS OF OUTSTANDING SERVICE WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE FARM SERVICE AGENCY

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. BUTTERFIELD. Mr. Speaker, I rise today and ask my colleagues to join me in offering a well deserved tribute to an exemplary citizen, Mrs. Janet Wilkinson, who has dedicated 37 years of her adult life as an employee with the United States Department of Agriculture's Farm Service Agency. I am particularly proud that Mrs. Wilkinson was born in my home town, Wilson, NC.

As if to forecast her future with the United States Department of Agriculture's Farm Service Agency, Mrs. Wilkinson started out at a very young age working on a tenant farm where she experienced first hand the lifestyle and the many ups and downs farmers endure from day to day.

After graduating from Rock Ridge High School in 1969, Mrs. Wilkinson learned of a job opportunity at the Agriculture Stabilization and Conservation Service. She applied for the position and was hired. The story that Mrs. Wilkinson tells is all too familiar in public servant circles. She indicated that she "came in with the intentions of working and going to school part time." She added, "but the work was so involved that I just kept on working, and I enjoyed it." And here we are 37 years later.

Mr. Speaker, Mrs. Wilkinson has worked under five directors of the Farm Service Agency and has taken the helm three times as interim director. In 2003, for her outstanding service and loyalty to the Farm Service Agency and the agriculture industry, she was presented with the North Carolina Distinguished Service Award. After 37 dedicated years, Mr. Speaker, Mrs. Wilkinson deserves to retire with many other ovations and well wishes from those whose lives she touched in a very special way.

Mr. Speaker, I offer congratulations on behalf of the Committee on Agriculture of the United States House of Representatives, my congressional colleagues and the more than 660,000 constituents whom I represent. It is my wish that Mrs. Wilkinson will continue to find much challenge and reward in all of her future endeavors.

Mr. Speaker, I thank Mrs. Wilkinson for her service to the State of North Carolina.

TRIBUTE TO AMY BURKS

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to Mrs. Amy Burks for receiving the 2005 Newton B. Powell Award. This award is given by the Morgan County Democratic Party for dedication and leadership within the party.

Mrs. Burks is the Alabama representative to the Democratic National Committee Executive Committee and has been active in Alabama Democratic Party politics for more than 40 years. Additionally, Mrs. Burks has served as vice chair for the Alabama State Democratic Party since 1991, and is also the senior Vice President of the Association of State Democratic Chairs. She also serves on the Morgan County Executive Committee.

In addition to her work with the Democratic Party, Mrs. Burks has had 19 years of experience as a teacher, working with students at Madison Cross Roads and Hazel Green and was the assistant principal at Madison Elementary. She is also a member of the Board of Trustees for the Alabama Institute for Deaf and Blind, where she is responsible for overseeing the institute's comprehensive education and rehabilitation system that serves children and adults who are deaf, blind, and multidisabled.

Mr. Speaker, Mrs. Burks has done a great deal to help strengthen and grow the Democratic Party throughout our State, our Nation, and our community. She has been a helping hand and an integral part of many of our democratic colleagues' campaigns in Alabama.

Mr. Speaker, I rise today to join her husband Larry, daughters Lisa and JoLynn, and the entire North Alabama community in congratulating Amy on this much deserved award and to thank her for all that she continues to do on behalf of Morgan County and the State of Alabama.

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report to accompany H.R. 2744, Agriculture Appropriations Act.

Senate passed S. 1932, Budget Reconciliation Act.

House Committee ordered reported the Deficit Reduction Act of 2005.

Senate

Chamber Action

Routine Proceedings, pages S12285–S12374

Measures Introduced: Five bills and three resolutions were introduced, as follows: S. 1956–1960, and S. Res. 298–300. **Pages S12353–54**

Measures Reported:

S. 1095, to amend chapter 113 of title 18, United States Code, to clarify the prohibition on the trafficking in goods or services, with an amendment in the nature of a substitute.

S. 1699, to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks, with an amendment. **Page S12353**

Measures Passed:

Budget Reconciliation: By 52 yeas to 47 nays (Vote No. 303), Senate passed S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95), after taking action on the following amendments proposed thereto:

Pages S12291–S12345

Adopted:

Enzi Modified Amendment No. 2352, to provide elementary and secondary education assistance to students and schools impacted by Hurricane Katrina and to lower origination fees. **Pages S12292–94**

By 83 yeas to 16 nays (Vote No. 289), Wyden/Talent Amendment No. 2362 (to the language proposed to be stricken by Amendment No. 2358), to enhance the energy security of the United States by prohibiting the exportation of oil and gas produced under leases in the Arctic National Wildlife Refuge.

Pages S12305–06

By 54 yeas to 45 nays (Vote No. 291), Bingaman Modified Amendment No. 2365, to prevent a severe reduction in the Federal medical assistance percentage determined for a State for fiscal year 2006 and to extend rebates for prescription drugs to enrollees in Medicaid managed care organizations.

Pages S12307–08

By 93 yeas to 6 nays (Vote No. 292), Lott/Lautenberg Amendment No. 2360, to reauthorize Amtrak.

Page S12308

Vitter (for Stevens) Amendment No. 2412, to modify the distribution of excess proceeds from the auction authorized by section 309(j)(15)(C)(v) of the Communications Act of 1934. **Page S12310**

Harkin Amendment No. 2363, to affirm that the Federal funding levels for the rate of reimbursement of child support administrative expenses should not be reduced below the levels provided under current law, that States should continue to be permitted to use Federal child support incentive payments for child support program expenditures that are eligible for Federal matching payments, and to express the sense of the Senate that it does not support additional fees for successful child support collection.

Pages S12311–12

Gregg (for Murray/DeWine) Amendment No. 2350, to amend the definition of independent student to include students who are homeless children and youths and unaccompanied youths for purposes of the need analysis under the Higher Education Act of 1965. **Pages S12314–17**

Gregg (for Specter/Leahy) Amendment No. 2378, to fund justice programs. **Pages S12314–17**

Gregg (for Sununu) Amendment No. 2418, to amend chapter 21 of title 38, United States Code, to enhance adaptive housing assistance for disabled veterans and to reduce the amount appropriated for the Medicaid Integrity Program by $1,000,000 for each of fiscal years 2007 through 2010.

Pages S12314–17

Gregg (for Feinstein) Amendment No. 2411, to authorize the continued provision of certain adult day health care services or medical adult day care services under a State Medicaid plan. **Pages S12314–17**

Gregg (for Warner) Amendment No. 2413, to provide additional ProGAP assistance to certain students. **Pages S12314–17**

Baucus Amendment No. 2383, to exclude discounts provided to mail order and nursing facility pharmacies from the determination of average manufacturer price and to extend the discounts offered under fee-for-service Medicaid for prescription drugs to managed care organizations. **Pages S12317–18**

Gregg (for Levin) Amendment No. 2417, to establish an International Border Community Interoperable Communications Demonstration Project. **Page S12318**

Santorum Amendment No. 2419, to amend title XVIII of the Social Security Act to make a technical correction regarding purchase agreements for power-driven wheelchairs under the Medicare program, to provide for coverage of ultrasound screening for abdominal aortic aneurysms under part B of such program, to improve patient access to, and utilization of, the colorectal cancer screening benefit under such program, and to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of such title. **Pages S12320–21**

Gregg (for Lieberman) Amendment No. 2380, to make minor changes to the quality measurement systems provisions with respect to value based purchasing under the medicare program. **Pages S12321–22**

Gregg (for Sununu/Allen) Amendment No. 2386, to ensure that amounts are not obligated out of the Digital Transition and Public Safety Fund until the proceeds of the auction are actually deposited by the FCC. **Pages S12321–22**

Gregg (for Sununu) Amendment No. 2420, to convert Digital Transition and Public Safety Fund program payment amounts into limitations. **Pages S12321–22**

Smith/Clinton Amendment No. 2390, to provide for a demonstration project regarding medicaid coverage of low-income HIV-infected individuals. **Page S12323**

Conrad/Salazar Amendment No. 2422, to ensure Medicaid enrollees have access to small, independent pharmacies located in rural and frontier areas. **Pages S12325–26**

Rejected:

By 49 yeas to 50 nays (Vote No. 287), Nelson (FL) Amendment No. 2357, to hold Medicare beneficiaries harmless for the increase in the 2007 Medicare monthly part B premium that would otherwise occur because of the 2006 increase in payments under the physician fee schedule. **Pages S12302–03**

By 48 yeas to 51 nays (Vote No. 288), Cantwell Amendment No. 2358, to strike the title relating to the establishment of an oil and gas leasing program in the Coastal Plain. **Pages S12303–05**

By 30 yeas to 69 nays (Vote No. 293), McCain Amendment No. 2370, to move forward the date on which the transition to digital television is to occur. **Pages S12308–09**

By 14 yeas to 85 nays (Vote No. 295), Byrd Amendment No. 2367, to replace title VIII of the bill with an amendment to section 214(c) of the Immigration and Nationality Act to impose a fee on employers who hire certain nonimmigrants. **Pages S12310–11**

By 48 yeas to 51 nays (Vote No. 298), Cantwell Amendment No. 2400, to ensure the payment to the Treasury of the United States of 50 percent of revenues from oil and gas leasing and production on the Coastal Plain. **Pages S12313–14**

By 49 yeas to 50 nays (Vote No. 299), Schumer/Rockefeller Amendment No. 2348, to strike the provisions increasing the Medicaid rebate for generic drugs. **Pages S12318–19**

By 46 yeas to 52 nays (Vote No. 300), Reed Amendment No. 2409, to strike provisions relating to reforms of targeted case management. **Page S12321**

By 48 yeas to 51 nays (Vote No. 301), Reed Amendment No. 2396, to strike subtitle C of title II relating to FHA asset disposition. **Pages S12322–23**

Cornyn Amendment No. 2408, to eliminate the converter box subsidy program. **Page S12325**

Withdrawn:

Gregg (for Frist/Gregg) Amendment No. 2347, to provide amounts to address influenza and newly emerging pandemics. **Page S12286**

Ensign Amendment No. 2368, to cut $2,000,000,000 from the convertor box subsidy program. **Page S12309**

Landrieu Amendment No. 2366, to provide funds for payments to producing States and coastal political subdivisions under the coastal impact assistance program. **Page S12310**

Hagel/Sununu Amendment No. 2391, to require Fannie Mae and Freddie Mac to register under the Securities Act of 1933. **Pages S12319–20**

During consideration of this measure today, the Senate also took the following action:

By 50 yeas to 49 nays (Vote No. 283), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, as amended, with respect to Conrad Amendment No. 2351, to fully reinstate the pay-as-you-go requirement through 2010. Subsequently, the

point of order that the amendment was not germane, was sustained, and the amendment thus fell.

Page S12291

By 31 yeas to 68 nays (Vote No. 284), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, as amended, with respect to Ensign Amendment No. 2404 (to Amendment No. 2352, as modified), of a perfecting nature. Subsequently, the point of order that the amendment was not germane, was sustained, and the amendment thus fell.

Page S12294

By 48 yeas to 51 nays (Vote No. 285), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, as amended, with respect to Lincoln Modified Amendment No. 2356, to provide emergency health care and other relief for survivors of Hurricane Katrina. Subsequently, the point of order that the amendment, was not germane, was sustained, and the amendment thus fell.

Pages S12295–S12302

By 32 yeas to 67 nays (Vote No. 286), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 306 of the Congressional Budget Act of 1974, as amended, with respect to Inhofe/Chambliss Amendment No. 2355, to cap non-defense, non-trust-fund, discretionary spending at the previous fiscal year's level, beginning with fiscal year 2007. Subsequently, the point of order that the amendment contained matter within the jurisdiction of the Committee on the Budget, was sustained, and the amendment thus fell. **Page S12302**

By 46 yeas to 53 nays (Vote No. 290), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, as amended, with respect to Grassley Amendment No. 2359, to clarify certain payment limitations applicable to certain payments under title I of the Farm Security and Rural Investment Act of 2002 and section 1101 of the Agricultural Reconciliation Act of 2005 and to partially restore funding to programs reduced by sections 1101, 1201, and 1202 of the Agricultural Reconciliation Act of 2005. Subsequently, the point of order that the amendment was not germane, was sustained, and the amendment thus fell. **Pages S12306–07**

By 43 yeas to 56 nays (Vote No. 294), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, as amended, with respect to Murray Amendment No. 2372, to provide a 6-month transition period for coverage of prescription drugs under Medicaid for individuals whose drug coverage is to be moved to the Medicare prescription drug program. Subsequently, the point of order that the amendment was not germane, was sustained, and the amendment thus fell. **Pages S12309–10**

By 44 yeas to 55 nays (Vote No. 296), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 306 of the Congressional Budget Act of 1974, as amended, with respect to Byrd/Harkin Amendment No. 2414, to provide for the suspension of the debate limitation on reconciliation legislation that causes a deficit or increases the deficit. Subsequently, the point of order that the amendment contained matter within the jurisdiction of the Committee on the Budget, was sustained, and the amendment thus fell. **Pages S12312–13**

By 43 yeas to 56 nays (Vote No. 297), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, as amended, with respect to Lautenberg Amendment No. 2381, to require certification prior to beneficiary enrollment in a prescription drug plan or an MA–PD plan that has a gap in the coverage of prescription drugs under part D of title XVIII of the Social Security Act. Subsequently, the point of order that the amendment was not germane, was sustained, and the amendment thus fell. **Page S12313**

By 51 yeas to 48 nays (Vote No. 302), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, as amended, with respect to Snowe Amendment No. 2371, to amend title XVIII of the Social Security Act to provide the authority for negotiating fair prices for medicare prescription drugs. Subsequently, the point of order that the amendment was not germane, was sustained, and the amendment thus fell. **Pages S12323–25**

National Adoption Month: Senate agreed to S. Res. 299, to express support for the goal of National Adoption Month by promoting national awareness of adoption, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children. **Page S12372**

Honoring Henry Giugni: Senate agreed to S. Res. 300, relative to the death of Henry Ku'ualoha Giugni, former Sergeant-at-Arms of the United States Senate. **Pages S12372–73**

Agriculture Appropriations Conference Report: By 81 yeas to 18 nays (Vote No. 282), Senate agreed

to the conference report to accompany H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, clearing the measure for the President.

Pages S12287–91

National Defense Authorization—Agreement: A unanimous-consent agreement was reached providing for further consideration S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces at 9:30 a.m. on Friday, November 4, 2005, pursuant to the order of Wednesday, October 26, 2005; provided further, that on Friday, November 4, 2005, and Monday, November 7, 2005, amendments may be offered, debated, and then set aside with the time reserved for use at a later time. **Page S12373**

Messages From the House: **Page S12352**

Measures Read First Time: **Page S12352**

Executive Communications: **Pages S12352–53**

Executive Reports of Committees: **Page S12353**

Additional Cosponsors: **Pages S12354–55**

Statements on Introduced Bills/Resolutions: **Pages S12355–59**

Additional Statements: **Pages S12350–52**

Amendments Submitted: **Pages S12359–71**

Authorities for Committees to Meet: **Page S12371**

Privileges of the Floor: **Page S12371**

Record Votes: Twenty-two record votes were taken today. (Total—303) **Pages S12290–91, S12291, S12294, S12301–02, S12302, S12303, S12305, S12306, S12307, S12308, S12309, S12310–11, S12313, S12314, S12319, S12321, S12323, S12325, S12345**

Adjournment: Senate convened at 9 a.m., and as a further mark of respect to the memory of the late Henry Ku'ualoha Giugni, in accordance with S. Res. 300, adjourned at 6:40 p.m., until 9:30 a.m., on Friday, November 4, 2005. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S12373–74.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of Matthew Slaughter, of New Hampshire, and Katherine Baicker, of New Hampshire, each to be a Member of the Council of Economic Advisers, Orlando J. Cabrera, of Florida, to be Assistant Secretary of Housing and Urban Development, and Gigi Hyland, of Virginia, and Rodney E. Hood, of North Carolina, each to be a Member of the National Credit Union Administration Board.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1699, to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks, with an amendment;

S. 1095, to amend chapter 113 of title 18, United States Code, to clarify the prohibition on the trafficking in goods or services, with an amendment in the nature of a substitute; and

The nominations of Wan J. Kim, of Maryland, to be Assistant Attorney General, Civil Rights Division, Steven G. Bradbury, of Maryland, to be Assistant Attorney General for the Office of Legal Counsel, Sue Ellen Wooldridge, of Virginia, to be Assistant Attorney General, Environment and Natural Resources Division, and Thomas O. Barnett, of Virginia, to be Assistant Attorney General, Antitrust Division, all of the Department of Justice.

Also, Committee began consideration of H.R. 683, to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment, but did not complete action thereon, and recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 13 public bills, H.R. 4217–4229; 1 private bill, H.R. 4230; and 2 resolutions, H. Res. 531, 533, were introduced. **Pages H9640–41**

Additional Cosponsors: **Pages H9641–42**

Reports Filed: Reports were filed today as follows:

Supplemental report on H.R. 4128, to protect private property rights (H. Rept. 109–262, Pt. 2);

H.R. 3508, to authorize improvements in the operation of the government of the District of Columbia, with an amendment (H. Rept. 109–267);

H.R. 923, to amend title 39, United States Code, to provide for free mailing privileges for personal correspondence and parcels sent by family members from within the United States to members of the Armed Forces serving on active duty in Iraq or Afghanistan, with amendments (Rept. 109–268);

H. Res. 488, 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 (Rept. 109–269); and H. Res. 532, waiving points of order against the conference report to accompany the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006 (Rept. 109–270). **Page H9640**

Speaker: Read a letter from the Speaker wherein he appointed Representative Miller of Michigan to act as Speaker pro tempore for today. **Page H9557**

Chaplain: The prayer was offered today by Rev. Ronnie Mitchell, Sr., Pastor, Bethel African Methodist Episcopal Church, Spokane, Washington. **Page H9557**

Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2006—Motion to go to Conference: The House disagreed to the Senate amendment and agreed to a conference on H.R. 2528, to make appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006. **Page H9562**

The House agreed to the Obey motion to instruct conferees by voice vote after agreeing to order the previous question. **Pages H9562–66**

Representative Pelosi Question of Privilege: The Chair ruled that the resolution offered by Representative Pelosi did not constitute a question of the privileges of the House. Agreed to table the motion to appeal the ruling of the Chair by a yea-and-nay vote of 220 yeas to 191 nays, Roll No. 562. **Pages H9566–68**

Appointed as Conferees on H.R. 2528: Representatives Messrs. Walsh, Aderholt, Mrs. Northup, Messrs. Simpson, Crenshaw, Young of Florida, Kirk, Rehberg, Carter, Lewis of California, Edwards, Farr, Boyd, Bishop of Georgia, Price of North Carolina, Cramer, and Obey. **Page H9568**

Coast Guard and Maritime Transportation Act of 2005—Motion to go to Conference: The House disagreed to the Senate amendment and agreed to a conference on H.R. 889, to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard. **Pages H9568–69**

The House agreed to the Oberstar motion to instruct conferees by voice vote after agreeing to order the previous question. **Pages H9568–69**

Later, the Chair appointed the following Members of the House to the conference committee on the bill: from the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs.Young of Alaska, LoBiondo, Coble, Hoekstra, Simmons, Mario Diaz-Balart of Florida, Boustany, Oberstar, Filner, Taylor of Mississippi, Higgins and Ms. Schwartz of Pennsylvania. **Page H9605**

From the Committee on Energy and Commerce, for consideration of sec. 408 of the House bill, and modifications committed to conference: Messrs. Barton of Texas, Gillmor, and Dingell. **Page H9605**

From the Committee on Homeland Security, for consideration of secs. 101, 404, 413, and 424 of the House bill, and secs. 202, 207, 215, and 302 of the Senate amendment, and modifications committed to conference: Messrs. Daniel E. Lungren of California, Reichert, and Thompson of Mississippi. **Page H9605**

From the Committee on Resources, for consideration of secs. 426, 427, and title V of the House bill, and modifications committed to conference: Messrs. Pombo, Jones of North Carolina, and Pallone. **Page H9605**

Recess: The House recessed at 12:14 p.m. and reconvened at 2 p.m. **Page H9569**

Private Property Rights Protection Act of 2005: The House passed H.R. 4128, to protect private property rights, by a yea-and-nay vote of 376 yeas to 38 nays, Roll No. 568. **Pages H9569–H9605**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. **Pages H9589–90**

Agreed to:

Sensenbrenner Manager's amendment (No. 1 printed in H. Rept. 109–266) that makes clear that private roads that are open to the public, free or by toll, and flood control facilities, are covered under the exceptions to the bill. Also includes a savings clause making clear that nothing in the legislation shall be construed to affect the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (which requires the Federal government

to pay the displacement costs of those adversely affected by the Federal government's exercise of eminent domain). Also incorporates into the bill's Sense of Congress section some language provided by the Resources Committee regarding the effect of the abuse of eminent domain on irrigation and reclamation projects, and on public lands; **Pages H9590–91**

Sodrel amendment (No. 4 printed in H. Rept. 109–266) which clarifies that in any proceeding to prevent or remedy a taking, that the burden is on the state or agency to show that it is not for economic development as defined in the Act. Also requires a heightened standard of proof—clear and convincing—that the use fits one of the exceptions to economic development as defined in the Act; **Page H9592**

Miller of California amendment (No. 7 printed in H. Rept. 109–266) which adds language to specify that the term economic development in the bill does not include the redevelopment of brownfield sites. Uses the definition of brownfield site included in the Small Business Liability Relief and Brownfield Revitalization Act; **Pages H9595–97**

Gingrey amendment (No. 8 printed in H. Rept. 109–266) which adds a new section to prohibit a State or political subdivision of a State from the exercise of eminent domain over the property of a religious or other nonprofit organization by reason of the nonprofit or tax-exempt status of such organization if that State or political subdivision received Federal economic development funds during any fiscal year in which it does so. This amendment also places the same prohibition on the Federal government. A violation of this provision will render the State or political subdivision ineligible to receive Federal economic development funds for a period of 2 fiscal years; **Pages H9597–98**

Cuellar amendment (No. 9 printed in H. Rept. 109–266) which ensures that all Federal agencies review their regulations and procedures for compliance with this Act. It requires a report to the Attorney General; and **Pages H9598–99**

Jackson-Lee of Texas amendment (No. 10 printed in H. Rept. 109–266) that expresses the legislative intent to protect from the taking by the Federal government for economic development or for private use of the property owned, either by assignment, intestate succession, or by record, by survivors of Hurricane Katrina. **Pages H9599–H9600**

Rejected:

Nadler amendment (No. 2 printed in H. Rept. 109–266) that sought to allow a property owner to go to court before the property is taken in order to obtain declaratory or injunctive relief if the taking violates the Act. The bill currently only allows a property owner to obtain a preliminary injunction or temporary restraining order, and does not allow the property owner to bring an action until after the conclusion of the condemnation proceedings. The amendment would also strike the penalties portion of the bill, (by a recorded vote of 63 ayes to 355 noes, Roll No. 564); **Pages H9591–92, H9601–02**

Moran of Virginia amendment (No. 5 printed in H. Rept. 109–266) which sought to clarify the property conveyance for the definition of ''economic development,'' specifies that increasing tax revenue must be the ''primary purpose'' of the taking authority, and sets a hard date of seven years that property holders can bring action against the taking authority. Also makes a number of technical corrections, (by a recorded vote of 49 ayes to 368 noes, Roll No. 565); **Pages H9592–94, H9602**

Turner amendment (No. 6 printed in H. Rept. 109–266) that sought to enumerate several harmful uses of land which constitute a threat to public health and safety (i.e. dilapidation, obsolescence, overcrowding, lack of ventilation, light, and sanitary facilities, excessive land coverage, deleterious land use, obsolete subdivisions or constitutes a brownfield), (by a recorded vote of 56 ayes to 357 noes, Roll No. 566); and **Pages H9594–95, H9602–03**

Watt amendment (No. 11 printed in H. Rept. 109–266) that sought to delete all sections of the bill and retains only the sense of Congress recognizing the importance of property rights and that in the aftermath of the Kelo decision that abuses of eminent domain power may occur, (by a recorded vote of 44 ayes to 371 noes, Roll No. 567). **Pages H9600–01, H9603–04**

The amendment in the nature of a substitute, as amended, was adopted. **Page H9604**

H. Res. 527, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote of 401 yeas to 11 nays, Roll No. 563, after agreeing to order the previous question without objection. **Pages H9560–62, H9568**

Senate Message: Message received from the Senate today appears on page H9569.

Quorum Calls—Votes: Three yea-and-nay votes and 4 recorded votes developed during the proceedings of today and appear on pages H9567, H9568, H9601–02, H9602, H9602–03, H9603–04, and H9604. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:19 p.m.

Committee Meetings

YOUR TROOPS: THEIR STORY

Committee on Armed Services: Held a hearing on Your Troops: Their Story. Testimony was heard from the

following officials of the Department of Defense: BG John F. Kelly, USMC, Legislative Assistant to the Commandant, U.S. Marine Corps; COL Robert Abrams, USA, Chief of Staff, lst Cavalry Division and CSM Neil Citola, USA, III Corps.

RADICAL ISLAM—UNDERSTANDING ASPIRATIONS

Committee on Armed Services: Terrorism and Radical Islam Gap Panel held a hearing on Understanding Aspirations of Radical Islam: Why Mainstream Islam is Radically Different. Testimony was heard from public witnesses.

DEFICIT REDUCTION ACT OF 2005

Committee on the Budget: Ordered reported the Deficit Reduction Act of 2005.

DATA ACCOUNTABILITY AND TRUST ACT

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection approved for full Committee action, as amended, H.R. 4127, Data Accountability and Trust Act.

TSA's REGISTERED TRAVELER PROGRAM

Committee on Homeland Security: Subcommittee on Economic Security, Infrastructure Protection, Cybersecurity held a hearing entitled ''The Future of TSA's Registered Traveler Program.'' Testimony was heard from Kip Hawley, Assistant Secretary, Transportation Security Administration, Department of Homeland Security; and public witnesses.

BRIEFING—PORTABLE ELECTRONIC DEVICES AND CYBER SYSTEMS SECURITY VULNERABILITIES

Committee on Homeland Security: Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity and the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment met in executive session to receive a joint briefing on the security vulnerabilities of portable electronic devices and U.S. government cyber systems. The Subcommittees were briefed by departmental witnesses.

BIOSCIENCE AND THE INTELLIGENCE COMMUNITY

Committee on Homeland Security: Subcommittee on Prevention of Nuclear and Biological Attack held a hearing entitled ''Bioscience and the Intelligence Community.'' Testimony was heard from public witnesses.

DIGITAL AGE—CONTENT PROTECTION

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property, held an oversight hearing entitled ''Content Protection in the Digital Age: The Broadcast Flag, High-Definition Radio, and the Analog Hole.'' Testimony was heard from Dan Glickman, Chairman and CEO, Motion Picture Association of America; Mitch Bainwol, Chairman and CEO, Recording Industry Association of America; and public witnesses.

METHAMPHETAMINE EPIDEMIC ELIMINATION ACT; SECOND CHANCE ACT OF 2005

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security approved for full Committee action H.R. 3889, Methamphetamine Epidemic Elimination Act.

The Subcommittee also held a hearing on H.R. 1704, Second Chance Act of 2005. Testimony was heard from Representatives Cannon, Davis of Illinois and Jones of Ohio; Robert L. Ehrlich, Jr., Governor, State of Maryland.

OFFENDER RE-ENTRY

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held an oversight hearing entitled ''Offender Re-entry: What is Needed to Provide Offenders with a Real Second Chance? Testimony was heard from David Hagy, Deputy Assistant Attorney General, Office of Justice Programs, Department of Justice; Arthur Wallenstein, Director, Department of Correction and Rehabilitation, Montgomery County, State of Maryland; and public witnesses.

OVERSIGHT—INVASIVE ASIAN CARP

Committee on Resources: Subcommittee on Fisheries and Oceans held an oversight hearing on the Growing Problem of Invasive Asian Carp in the Great Lakes and Mississippi River System. Testimony was heard from Representative Kennedy of Minnesota; Everett Wilson, Deputy Assistant Director, Fisheries and Habitat Conservation, U.S. Fish and Wildlife Service, Department of the Interior; and public witnesses.

FEDERAL AND DISTRICT OF COLUMBIA GOVERNMENT REAL PROPERTY ACT OF 2005

Committee on Resources: Subcommittee on National Parks held a hearing on H.R. 3699, Federal and District of Columbia Government Real Property Act of 2005. Testimony was heard from Delegate Norton; Paul Hoffman, Deputy Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior; and Anthony A. Williams, Mayor, District of Columbia.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R.

1190, San Diego Water Storage and Efficiency Act of 2005; H.R. 2563, To authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho; and H.R. 3153, Upper Colorado and San Juan River Basin Endangered Fish Recovery Implementation Programs Reauthorization Act of 2005. Testimony was heard from Representative Otter; William Rinne, Deputy Commissioner, Director of Operations, Bureau of Reclamation, Department of the Interior; Tom Blickensderfer, Endangered Species Program Director, Department of Natural Resources, State of Colorado; and a public witness.

CONFERENCE REPORT—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

Committee on Ways and Means: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 3057, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representative Kolbe.

NASA'S PROGRAMS STATUS

Committee on Science: Held a hearing on Status of NASA's Programs. Testimony was heard from Michael D. Griffin, Administrator, NASA.

HURRICANE KATRINA—RESPONSE PROPOSALS

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on proposals in response to Hurricane Katrina. Testimony was heard from Representatives Kennedy of Rhode Island, Kolbe, Platts, Blumenauer, Schmidt, Foley, Lantos, Shays, Jindal and Pickering.

OVERSIGHT—VBA'S ANNUAL BUDGET REQUEST

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held an oversight hearing on the development of the Veterans Benefits Administrations' annual budget request. Testimony was heard from Daniel L. Cooper, Under Secretary, Benefits, Veterans Benefits Administration, Department of Veterans Affairs.

REVIEW—CREDIT UNION TAX EXEMPTION

Committee on Ways and Means: Held a hearing on Review of Credit Union Tax Exemption. Testimony was heard from JoAnn Johnson, Chairman, National Credit Union Administration; Steven T. Miller, Commissioner, Tax-Exempt and Government Entities Division, IRS, Department of the Treasury; Richard J. Hillman, Management Director, Financial Markets and Community Investment, GAO; former Representative Norman E. D'Amours, State of New Hampshire, and former Chairman, National Credit Union Administration; and public witnesses.

UNITED STATES-BAHRAIN FREE TRADE AGREEMENT IMPLEMENTATION ACT

Committee on Ways and Means: Approved the draft implementing proposal on the United States-Bahrain Free Trade Agreement Implementation Act.

BRIEFING—GLOBAL UPDATES/HOTSPOTS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Global Updates/Hotspots. The Committee was briefed by departmental witnesses.

Joint Meetings

ECONOMIC OUTLOOK

Joint Economic Committee: Committee concluded a hearing to examine the current economic outlook, after receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System.

APPROPRIATIONS: SCIENCE/STATE/JUSTICE/COMMERCE

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 2862, making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, but did not complete action thereon, and will meet again on Friday, November 4, 2005.

COMMITTEE MEETINGS FOR FRIDAY, NOVEMBER 4, 2005

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Armed Services, Regional Powers Panel, hearing on U.S. response to regional powers and interagency planning capabilities, 1 p.m., 2118 Rayburn.

Committee on Government Reform, hearing entitled "The National Pandemic Influenza Preparedness and Response Plan: Is the U.S. Ready for Avian Flu?" 10 a.m., 2154 Rayburn.

Joint Meetings

Conference: meeting of conferees on H.R. 2862, making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, 11:30 a.m., H140.

Joint Economic Committee: to hold hearings to examine the employment-unemployment situation for October 2005, 9:30 a.m., 2226 RHOB.

Next Meeting of the SENATE

9:30 a.m., Friday, November 4

Senate Chamber

Program for Friday: Senate will resume consideration of S. 1042, National Defense Authorization.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, November 4

House Chamber

Program for Friday: Consideration of the conference report on H.R. 3057—Foreign Operations, Export Financing and Related Programs Appropriations Act for Fiscal Year 2006 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

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