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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. SODREL).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 8, 2005.

I hereby appoint the Honorable MICHAEL E. SODREL to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

CITIZEN PRIVACY

Mr. DEFAZIO. Mr. Speaker, the Sunday Washington Post had an extraordinary story as a result of investigative journalism. The FBI has issued 30,000 national security letters. Now, we will have to back up for a moment to understand what that means. Four years ago, this Congress was stampeded under the anthrax attack and 9/11 into passing a bill it had not read, the U.S.A. PATRIOT Act, which contained many unconstitutional and dubious provisions, many bad ideas from past attorneys general, rejected by previous Congresses, passed in a hysterical time for the Congress.

Now it is about to be reauthorized, and, in fact, strengthened in many ways. This is one of the most disturbing aspects of that legislation. These national security letters used to be fairly rare. They used to issue about 300 a year. They are now issuing 30,000 a year, a 100-fold increase. This is an extraordinary intrusion into the personal lives of many Americans who are not accused of or even suspected of crimes.

As the Post reports, they are issued by FBI field supervisors, local law enforcement FBI agents, not from the national office, no judicial review, no review by the Justice Department, no review by the United States Congress, totally at the discretion of local field supervisors. In fact, the Bush Administration has defeated legislation and a lawsuit to require a public accounting, and they have offered no example, not one, 30,000 a year, and they do not have one example of a national security letter impeding a terrorist attack or actually apprehending a terrorist.

Well, they did apprehend a guy in Portland, Oregon and they did use national security letters. Unfortunately, he was innocent. They were wrong.

As far as we know, it has been used once to apprehend someone and now the government is at risk of paying substantial damages for that false arrest. We do not know of any successful uses. The Bush Administration is defending this. Now they are going to deposit all the information acquired in these massive sweeps of all citizens' credit card records, phone calls, e-mails, everything that relates to who they talk to, who they see, where they go, what they buy, and they are going to put it into government data banks.

But don't worry. Don't worry. They are going to share those private records only with, they say, other Federal agencies, State, local, tribal governments, and appropriate private sector entities. Americans who have had their most intimate lives swept up because of a letter written by a local field supervisor, by the FBI, are now going to have all of that data placed into a data bank, which will be restricted to Federal, State, local, tribal governments and appropriate private sector entities. Maybe your next-door neighbor, too, if they are really nosey.

This is an extraordinary, unwarranted intrusion into the lives of Americans. They cannot even properly analyze and use the data they have. They had the threads of the terrorist attack between the CIA, the FBI and others, they knew a number of these people were in the country illegally, but they could not be bothered to go out and apprehend them or monitor them.

Now they are just gathering up data wholesale on the American people. They are going to share it with other Federal agencies, put it in a private data bank, share it with other forms of government, share it with Native American tribes, for some reason, and appropriate private sector entities. Who are the appropriate private sector entities? Those who could make money off it? I don't know. This is an unbelievable intrusion into personal lives.

If you get one of these letters, and you are in a position to give away someone else's data, if you administer a database for your company or for a credit card company or for a library or a bookstore and you get one of these letters, the new PATRIOT Act is going to say if you tell anybody that you got one of these letters, and you provided indiscriminately massive amounts of data on innocent Americans, you would be a felon if you had told anybody that you had gotten such a letter and you had violated their privacy in that way.

Then, of course, again, the data will be then taken, put into a database, and

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shared widely with other governments and appropriate private sector entities. It is unbelievable what this administration is doing to shred our privacy and constitutional rights.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10:00 a.m. today.

Accordingly (at 9 o'clock and 7 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 10 a.m.

PRAYER

The Reverend Griffin Lotson, Sams Memorial Church of God in Christ, Darien, GA, offered the following prayer:

Our Father and Lord, we thank You for all Your blessings as we pray today for our Nation and our leaders in America. Today we pray for Your protection for every man and woman serving in our Armed Forces. We pray for strength for their families. May they know the peace of God that passes all understanding.

God, You guide all creation with loving care and establish an order that governs all of us. God help us to trust in Your faithful love and deepen our love for one another, especially for those most in need. We pray for our schools, teachers and students, for their spiritual and educational success.

Give us knowledge to know that it is You who are the source of our unity and peace. It is You who unites us all. This we ask in the Lord's name. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. MCNULTY 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 REVEREND GRIFFIN LOTSON

The SPEAKER pro tempore. Without objection, the gentleman from Georgia (Mr. KINGSTON) is recognized for 1 minute.

There was no objection.

Mr. KINGSTON. Mr. Speaker, I rise to recognize a friend of mine and a fellow Georgian who had the great honor of giving our opening prayer today. The Reverend Griffin Lotson is a man of great character and has served as our Guest Chaplain.

Reverend Lotson has been a pastor of Sams Memorial Church of God in Christ in Crescent, Georgia, for 18 years. During that time he has also served as executive director of Sams Memorial Community Economic Development, a nonprofit organization dedicated to affording low-income citizens the opportunity to realize the American dream of purchasing a home.

Reverend Lotson and Sams Memorial have been able to partner with the Federal, State and local governments to develop a multimillion-dollar housing development in Georgia. Through his hard work, families who never imagined they would be able to afford a home for their children are now achieving that dream.

His success has earned him many awards. Reverend Lotson was voted 2005 Citizen of the Year by the Rotary Club of McIntosh County and was a national award winner of the 2005 Rural Leader of America, just to name a few.

Reverend Lotson has been blessed in his personal life as well as in his ministry. He and his beautiful wife of 28 years, Carolyn, have three children, all of whom have bravely served this country as members of the Navy and the United States Air Force.

Mr. Speaker, through his hard work and dedication, and through the gospel of Jesus Christ, Griffin Lotson has earned the respect and admiration of the members of his church, his community and his State. It is an honor to have him with us today.

SAM BUNDY SCHOOL—THANK GOD FOR KIDS

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

Mr. POE. Mr. Speaker, when the howling winds and incessant rains of Hurricane Katrina came barreling ashore on the southeast Texas coast, the small coastal town of Sabine Pass was almost completely destroyed by destruction and devastation. School Superintendent Walt Fenn immediately worried about the 300 students who attended K–12 school, Sabine Pass School.

Thousands of miles away, however, elementary school kids at Sam Bundy School in Farmville, North Carolina, heard about the devastation in Texas. They too experienced a similar destruction in Hurricane Floyd in 1999. These kids wanted the students in Sabine Pass to know everything will be okay.

The children at Sam Bundy School raised over $2,500 for the school kids in Texas, school kids they had never met in a place they had never seen. There was no red tape, no Federal bureaucracy, just a bunch of kids in a small town in North Carolina that wanted to help some other kids in Texas.

The students at Sam Bundy School are wonderful examples of Americanism and volunteerism. Now they have a whole crew of new pen-pals in southeast Texas that will forever be grateful. These Sam Bundy students remind me of the song ''Thank God for Kids,'' another example of children being our greatest natural resource. That's just the way it is.

BUDGET RECONCILIATION

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

Mr. ETHERIDGE. Mr. Speaker, this week this House will consider a budget bill that contains changes in the farm bill that will adversely affect and impact the environment, the poor and the hungry, and the pocketbooks of farm families. While farmers are struggling with high prices for gas, propane, natural gas and fertilizer, the Republican budget breaks the promise of the farm bill.

While working families are confronting higher fuel prices, the Republican bill severely cuts food stamps, forcing families to choose between food and heat for their homes. I strongly support tough budget discipline to rein in the budget deficit, but this bill does the very opposite.

Regardless of whether they cut $39 billion or $50 billion, it is not enough to offset the $70 billion in lost revenue from their tax bill. At the end of the day, the Republican reconciliation bill will only worsen the deficit and leave our children with a higher debt. I urge my colleagues to vote ''no'' on this bad bill.

SMITHS AEROSPACE

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

Ms. FOXX. Mr. Speaker, I rise today to welcome Smiths Aerospace to the Fifth Congressional District of North Carolina. After looking at more than 50 potential sites, the company recently announced it will open a $44 million facility in Ashe County.

The new facility is expected to hire 100 employees immediately and employ 305 workers within 5 years. As a major supplier to Boeing and Airbus, Smiths Aerospace will provide equipment for civilian and military aircraft and build many engine components as turbines for jets. The company expects to have the plant running by mid-November and has its first shipments planned for February of next year.

I would like to commend Smiths Aerospace for choosing to do business in the Fifth District. Northwest North

Carolina has a great deal to offer including friendly people, a hardworking and highly skilled workforce, excellent institutions of higher education, and a beautiful landscape.

I wish Smiths Aerospace great success in all its future endeavors.

IN OPPOSITION TO THE REPUBLICAN BUDGET RECONCILIATION

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

Mr. GRIJALVA. Mr. Speaker, I rise today in opposition to the Republican budget reconciliation. I believe this process has nothing to do with reconciliation. Instead, we have an ideological devastation of the future of families, children, students, the poor, and the elderly in this country.

It would look at these cuts: education, $14 billion; nutrition, $844 million in food stamp cuts; Medicaid, $10 billion; veterans, not addressing the real needs of veterans in this country; foster care, $577 million; SSI and TANF, $8 billion; child support, $5 billion.

These cuts that are being asked for by the Republicans in the reconciliation are a direct result of their policies, policies that are giving tax breaks to corporations, tax cuts to the very wealthy, a $1-billion-a-day war, and a borrow-and-spend fiscal policy that the Republican Party has instituted.

The backbone of this Nation is its families. The door of opportunity has to remain open for all families. There is always room at the inn.

I urge a ''no'' vote on the reconciliation.

THE NINTH CIRCUIT COURT RULING ON PARENTING

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

Mr. PITTS. Mr. Speaker, like millions of parents across the country, we were shocked last week by the ruling of the Ninth Circuit Court of Appeals. This ruling denies parents their right to have a say in the content their children are taught in school. In its decision, the Ninth Circuit said, ''We hold that 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, parents, not schools and certainly not the courts, hold the primary responsibility for educating their children, especially when it comes to more sensitive subject matters like sexual, moral, or religious instruction. But the Ninth Circuit, the same court that ruled the phrase ''under God'' in the Pledge of Allegiance to be unconstitutional, would strip parents of this fundamental role in their own children's lives.

Last week we addressed an errant court ruling on eminent domain and private property rights. Should this ruling stand, we will need to correct this wayward court yet again.

REPUBLICAN BUDGET RECONCILIATION WILL NEGLECT THE POOR TO HELP THE PRIVILEGED FEW

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

Mr. MENENDEZ. Mr. Speaker, this week House Republicans will once again demonstrate why the American people no longer have confidence in them to lead this Nation.

At a time when college tuition is skyrocketing, House Republicans propose to cut over $14 billion in student loan funding, increasing the cost for college for American families by $5,800.

At a time that the number of families with no health insurance is growing, House Republicans propose slashing Medicaid by $12 billion, forcing our Nation's most vulnerable to either pay more themselves or lose the health services they need.

At a time that the majority talks about values, House Republicans propose decimating Federal funding for child support enforcement, allowing deadbeat parents to avoid their responsibility.

And at a time when our national debt sets daily records, House Republicans propose to actually increase the deficit by more than $100 billion, using these cuts to ensure tax cuts for the wealthiest.

That is what a Republican majority means for our country. Together, America can indeed do better.

THREATS POSED BY IRAN

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

Mr. MCHENRY. Mr. Speaker, I rise today to address Iran's growing threat to our allies in the Middle East and to America's national interests.

The Iranian president recently said Israel should be ''wiped off the map.'' This malicious language must not be ignored, especially considering Iran's long-standing support for terrorist groups like Hezbollah, and its unlawful nuclear ambitions.

Terrorist groups supported by Iran are operating today in Gaza, the West Bank, and Iraq, undermining the region's quest for democracy and threatening the lives of innocent civilians.

Iran's radical government seeks to develop nuclear weapons. If Iran gains nuclear capabilities, millions of innocent Israelis, as well as our allies in the Middle East, will be jeopardized and our hopes for Middle East peace will be lost.

Mr. Speaker, we must not abandon Israel, leaving them to stand alone against this imminent threat. The United States must lead, with our allies, in eliminating Iran's support for terrorist groups and requiring Iran to fulfill nuclear nonproliferation agreements.

THE REPUBLICANS' PROPOSED BUDGET CUTS

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

Ms. SCHAKOWSKY. Mr. Speaker, I want to quote an article that appeared last Friday in the Chicago Sun-Times by religion writer Kathleen Falsani under the headline ''Bush Administration's Moral Compass Is Lost.''

She wrote, '' . . . this week, as Republican leaders try to force a monstrous $50 billion budget cut designed allegedly to offset the mounting costs . . . of hurricane-related aid through Congress, it is clear that the Bush administration's moral compass . . . has been lost. The proposed budget cuts, part of the so-called 'budget reconciliation,' would have devastating effects on the poorest, most vulnerable Americans, while allowing tax relief for the rich.''

She goes on to say, ''Maybe Republican leaders should consider proposing an open season on the homeless or the resurrection of debtors' prisons while they're at it. Is this the kind of leadership the majority of voters that, according to the pollsters at the time, cast their ballots in 2004 based on 'moral values' had in mind? Is this what faith-based 'compassionate conservatism' looks like? Is our Nation more moral, more secure, or spiritually healthier than it was a year ago? And to address my fellow Christian voters,'' she said, ''has the Good News been advanced in any way? No, absolutely not.''

America can do better.

□ 1015

AMERICA'S ECONOMY GROWING

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

Mr. WILSON of South Carolina. Mr. Speaker, last Friday, it was reported that U.S. productivity grew at the fastest clip in more than a year, signaling a steady growth of the economy. Nonfarm business productivity surged at a 4.1 percent annual rate. The increase exceeded economists' expectations and was almost twice that of the prior quarter.

This has caused a gauge of inflationary pressure to drop. When productivity rises smartly, employers can raise and boost wages without fueling inflation. Increasing productivity helps us compete with China so that we can export more to China.

I believe this success is due to the tax cuts enacted by President Bush. The Bush policies have caused the

gross domestic product to surge by 3.8 percent. It has created over 4 million jobs. The stock market has appreciated over $6 trillion. There is a record percentage of homeownership; and, for the first time ever, over 50 percent of minorities own their own homes.

I appreciate President Bush's leadership. I look forward to more successes.

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

MEDICARE PART D

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

Mr. GINGREY. Mr. Speaker, next week, on November 15, senior citizens across America will have the opportunity to sign up for a benefit that is long overdue, and that is prescription drug coverage.

The initial sign-up date for Medicare part D runs from November 15, 2005, through May 15, 2006. Coverage starts January 1, 2006, so the sooner seniors sign up, the sooner they can start saving.

Here is what seniors should know about Medicare part D. It is available to all Medicare beneficiaries. The benefit is voluntary, so seniors will need to choose to sign up. They will have a choice of plans with a low monthly premium, and all Medicare-approved plans will cover both generic and brand-name prescription drugs and will be accepted at pharmacies close to home.

There are several ways seniors can sign up for Medicare part D. Watch the mail for information from Social Security and Medicare; call 1–800–Medicare, where trained staff can answer questions and help you sign up 7 days a week, 24 hours a day; or visit the Web site www.medicare.gov.

If our seniors have access to affordable prescription drugs, they will reap the benefits of modern medicine and live healthier lives.

GOP DOUBLETALK ON ENERGY

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

Mr. EMANUEL. Mr. Speaker, tomorrow some of the biggest names in the oil industry are coming to Capitol Hill to testify on why their companies are making record profits at the same time American families are struggling to heat their homes.

We are hearing some really big talk from Republicans. Why, if you were Rip Van Winkle, you might actually believe the Republicans were trying to do something about gas prices. Yet the tune they are singing now is really different from the tune they were singing back in the summer when they passed the energy bill. Back then, they were singing from the energy industry's hymn book.

The fact is, thanks to a Republican-backed energy bill loaded with taxpayer subsidies to big oil to the tune of $14 billion, American families are struggling with sky-high energy bills and oil companies are struggling for ways to count their cash.

Just an example: ExxonMobil recently reported that their profits increased by 75 percent in the third quarter, and so what do we do? We give them $14 billion as taxpayer subsidies to help them run their business plan.

Americans are seeing a Congress that has done nothing to help them and do everything to help the oil companies.

Mr. Speaker, it is wrong to hand out money to energy companies who are making record massive profits and then cut funding for home heating assistance to our elderly. We need a change. We need new priorities. America can do better.

SOMETHING IS NOT RIGHT

(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, something is not right. When you look at the budget reconciliation act and you look at the terrible devastation of Hurricanes Katrina and Wilma and the impact in the Gulf region, and you see the impact on schools like Xavier and Dillard and Tulane and Loyola, and then Texas Southern University in Texas that has taken over 600 hurricane Katrina students, along with the University of Houston, and we are attempting to cause our students billions of dollars in aid in the Budget Reconciliation Act, something is not right. Something is not right when small and disadvantaged businesses cannot even participate in the rebuild after Hurricane Katrina. Something is not right when large corporations are blocking the opportunities for small businesses to be engaged.

The Budget Reconciliation Act is not a problem solver. It creates problems. How can you put the burden of the deficits created by House Republicans and others on the backs of students who are attempting to achieve an education? Something is not right when we are cutting billions of dollars of student aid.

REDUCING DEFICIT SPENDING FOR THE GOOD OF AMERICA

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

Mr. DREIER. Mr. Speaker, once again, we continue to hear gross mischaracterizations of what it is that we are trying to do. Democrats and Republicans alike decry deficit spending. They say we have to balance the budget, both sides of the aisle.

We have come together with what I hope will be a bipartisan package at the end of the day that is designed to bring about 50-plus billion dollars in spending reductions. We all decry the fact that mandatory spending is out of control.

What is it we are doing with this package? Well, for the first time in a long time, we are trying to rein in so-called mandatory spending. The reason is that we believe in growing our economy, not Federal spending; we believe in reducing the reach of government, not limiting the reach of individuals; and we believe in government's helping hand, not government's heavy hand.

Mr. Speaker, it is very important that the day after tomorrow, when we look at this important legislation, that we do all that we can to come together and try to do what the American people want us to do, and that is reduce the size and scope and reach of the Federal Government.

REPUBLICAN RAID ON STUDENT AID SHOWS MISGUIDED PRIORITIES

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

Mr. CARNAHAN. Mr. Speaker, parents and students should take note: College may soon get a lot more expensive if House Republicans get their way.

This week, they plan to bring a budget reconciliation bill to the floor that cuts $14 billion in Federal student aid, the largest cuts in the program's history. Included are nearly $8 billion in new charges that will raise the cost of college loans through new fees and higher interest for millions of American students and families.

For the typical student borrower already saddled with over $17,000 in debt, these new fees and higher interest charges will cost up to $5,800 more.

Financial barriers should never prevent a qualified student from going to college, and that is why America has long since made the commitment to help all Americans afford a higher education. Studies show that financial barriers alone will prevent over 4 million high school graduates from attending a 4-year public university over the next decade and prevent another 2 million from attending college at all.

Mr. Speaker, the wrong priorities in this Republican budget reconciliation will put college out of reach for millions of American students. It should be rejected.

$10 BILLION FIX FOR MEDICARE REIMBURSEMENT NOT INCLUDED IN HOUSE BUDGET RECONCILIATION

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

Ms. BERKLEY. Mr. Speaker, my community has the fastest growing senior population in the United States. I also have numbers of doctors that are telling me they can no longer afford to

care for their Medicare patients because of the Medicare reimbursement being so bad. We know that we have to fix this Medicare reimbursement for our doctors so they will continue to be able to afford to treat our senior citizens.

In the Senate reconciliation that they are introducing, they have a $10 billion fix so we could help the doctors, so they can continue to take care of our senior citizens. In the House version, they are saying they are not going to include the $10 billion, and the doctors are going to have to take care of themselves.

But the misery about this and the hypocrisy is the Republican leadership is telling the doctors, Don't worry about it. We're not going to put it in the budget reconciliation so that you can continue taking care of senior patients. We're going to put it in Labor-HHS.

Well, we have already passed Labor-HHS, and there is no $10 billion for the doctors.

So that means that we are perpetrating a fraud on the doctors, the patients, and the seniors in this country, and we need not to do that.

THE RIGHT RECONCILIATION FOR AMERICA

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

Mr. DEFAZIO. Republicans hope to jam through a reconciliation the day before Veterans' Day, including $54 billion in cuts. He talked about a helping hand? Doubling the origination fee for student loans, cutting $14 billion in student loans is a helping hand for the next generation of Americans? Cutting foster care, school lunches, Medicaid, not to reduce the budget deficit but to make room for $70 billion of tax cuts for people who earn over $300,000 a year. That is what they are doing.

We should reconcile a few things around here. Let us reconcile their hypocrisy. Let us reconcile their purported support for the troops and our vets with the fact that the budget is inadequate to provide promised benefits, and they are doing nothing about that in the budget reconciliation.

Let's have some reconciliation and do things that are right for America.

IN SUPPORT OF HOUSE RESOLUTION 505

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

Mr. KUCINICH. Mr. Speaker, tomorrow, the House International Relations Committee will hear a resolution of inquiry into the White House Iraq Group.

A White House task force was organized in August of 2002, 7 months before the invasion of Iraq, with the objective of marketing a war in Iraq to the Congress and the American people. The group consisted of advisers to the President and Vice President, including Rove, Libby, and Rice.

According to the Washington Post, the White House Iraq Group produced white papers that provided ''gripping images and stories,'' and used ''literary license'' with intelligence; I might add, intelligence that was later proved false. These memos served as the basis for talking points for the President and his advisers.

The intelligence used in the White House Iraq Group's white papers included the false claim that Iraq had sought uranium from Niger, as well as the claim that the high-strength aluminum tubes Iraq purchased from China were to be used for the sole purpose of building centrifuges to enrich uranium.

This White House Iraq Group was putting out lies to the American people. The Congress needs to find out what happened. Tomorrow, we can find out in International Relations.

Support House Resolution 505.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

SUPPORTING THE ACCESSION OF ISRAEL TO THE ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 38) expressing support for the accession of Israel to the Organization for Economic Co-operation and Development (OECD), as amended.

The Clerk read as follows:

H. RES. 38

Whereas Israel has been trying to join the Organization for Economic Co-operation and Development (OECD) since 2000, when it met the OECD's membership requirements relating to industrial and per-capita product criteria;

Whereas in March 2005, OECD Secretary-General Donald Johnston stated that expanding the OECD's membership to include more countries is vital if the group is to remain a forum for discussing global economic policies;

Whereas in 2004, Israeli Foreign Minister Silvan Shalom and then Finance Minister Binyamin Netanyahu sent a joint letter to the foreign and finance ministers of the 30 member countries of the OECD, stating that Israel's involvement as a non-member country in the OECD's various committees is increasing, and that Israel meets the economic and institutional criteria required to join the OECD;

Whereas in October 2004, then Israeli Finance Minister Binyamin Netanyahu stated that joining the OECD was of strategic importance for repositioning Israel's economy from an emerging market to a developed one, adding that membership in the OECD would attract foreign investment;

Whereas in August 2004, the Israel Laboratory Accreditation Authority was invited to become a full member of the OECD Environment Policy Committee, the first committee that Israel has been invited to join as a full member;

Whereas Israel was asked to take part in the OECD's Insurance and Commerce Committees;

Whereas in March 2005, Israel was formally accepted as an observer on the OECD's Financial Statistics Committee, allowing experts from the Bank of Israel and Central Bureau of Statistics to participate in the committee's meetings;

Whereas the World Bank ranks Israel among the 25 countries in which it is easiest to do business;

Whereas Israel's tax burden, encompassing income and property taxes, customs duties, value-added taxes (VAT) and national insurance, is much lower than in most OECD member countries;

Whereas membership in the OECD could enhance Israel's status on the global market and within international financial institutions, lowering the risk factor on foreign loans to Israel;

Whereas Israel's economic and technological standing could potentially benefit OECD member countries in the science and technology, including high-technology, sectors;

Whereas in 2003, the World Economic Forum ranked Israel 20th out of 102 countries in its Growth Competitiveness Index, and the World Economic Forum's Technology Index ranked Israel 9th, before Canada (11th), Norway (13th), Germany (14th), the United Kingdom (16th), and the Netherlands (18th); and

Whereas Israel is carrying out far reaching economic reforms based on the OECD's recommendations with respect to taxes, labor, competition, capital markets, pension funds, energy, infrastructures, communications, and transport: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) Israel shares the commitment to democratic government and the market economy that is the foundation of the Organization for Economic Co-operation and Development (OECD);

(2) Israel meets the OECD's membership requirements and has been an active participant as a non-member country in various OECD activities, such as adherence to the OECD Declaration on International Investment and Multinational Enterprises; and

(3) the United States Government should support and advocate the accession of Israel to the OECD, including through coordination of efforts with Mexico, Great Britain, and other countries supportive of Israel's membership in the OECD.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. 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. Res. 38.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first want to thank the leadership for bringing House Resolution 38 before the House today. This resolution was unanimously adopted by the House International Relations Committee on September 15, and it expresses support for the accession of Israel to the Organisation for Economic Co-operation and Development, the OECD.

□ 1030

More than 50 years have elapsed since George Marshall's speech at Harvard, which led to the Marshall Plan and the creation of the Organisation for European Economic Co-operation, which is the forerunner for the OECD.

His vision of economic cooperation based on common values and policies is now shared by even more countries, which are enjoying mutually beneficial relationships for their membership in the OECD.

Israel has been attempting to join the OECD since the year 2000 when it met the organisation's industrial and per-capita product criteria. Not only could OECD membership enhance Israel's status in the global market and within international financial institutions, but also other OECD countries could potentially benefit in the science and high tech sectors due to Israel's economic and advanced technological standing.

Israel also shares in the commitment to democratic governance and free market principles, and those are the foundations of the OECD. As a result, in December of 2004, Israel was invited on an ad hoc basis to participate as an observer in discussions of the trade committee of the OECD.

Since then Israel has been asked to take part in the OECD's Insurance and Commerce Committees, and in March of this year Israel was formally accepted as an observer of the OECD's Financial Statistics Committee.

As articulated in the resolution before us, Mr. Speaker, Israel meets the OECD's membership requirements and has been an active participant as a nonmember country in various OECD activities, such as adherence to the OECD Declaration on International Investment and Multinational Enterprises.

Mr. Speaker, in the aftermath of Israel's unilateral disengagement from the Gaza Strip, Israel needs the support of its staunchest ally, the United States, to help expedite the process of achieving full membership in all international forums. The United States must make it clear to the international community that Israel must be afforded full representation in all appropriate agencies and bodies.

Inclusion of Israel as a full member of the OECD is a positive and important first step.

I strongly urge my colleagues to support this important measure.

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

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

I rise in strong support of this resolution. First, I want to commend my dear friend and distinguished colleague from Florida (Ms. ROS-LEHTINEN) for introducing this very important resolution.

As a matter of fact, Mr. Speaker, this resolution, in a sense, is a response to the outrageous statement of the President of Iran calling for the extermination of the State of Israel. Israel has more than earned the right to full membership in the Organisation For Economic Co-operation and Development.

Some foreign policy judgments are difficult to make, but this one could not be any easier. Like other OECD states, the State of Israel is a democratic, prosperous, free market economy. And by all measures, Israel's economy outstrips that of several current members of OECD. For example, Israel's per capita income is greater than that of nine of the OECD's 30 members. The World Economic Forum's technology index ranks Israel in the top 10 nations on the face of this planet, ahead of Canada, Germany and the United Kingdom. Recently, Israel was the world's third largest software producer, exceeded only by the United States and Canada.

Israel, Mr. Speaker, is already an important institutional contributor to the OECD as a nonmember participant. Israel has long outgrown its nonmember status.

In fact, Mr. Speaker, Israel meets every economic, political and institutional prerequisite for OECD membership. Its continued omission from that body would inevitably call into question the motives of some of the OECD members. And I hope we will not face that ugly prospect.

I urge the administration to support Israeli membership in the OECD and to lobby our fellow members to achieve that goal.

In connection with this resolution, Mr. Speaker, I am compelled to return to the outrageous statement of the Iranian President calling for wiping Israel off the face of the global map. The President of Iran, in making this outrageous statement, has evoked tremendous global outrage at his views, and I am very pleased to publicly recognize the decision of Secretary General Kofi Annan to cancel his trip to Tehran.

As you know, Mr. Speaker, I wrote Kofi Annan a strong letter to which he responded affirmatively canceling his visit to Iran. I publicly want to acknowledge the Secretary General's fine decision and commend him for his action.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for his continued steadfast leadership on the issues of democracy and empowerment, and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her insightfulness and the interest of this particular legislation.

I rise as well to give my support to this legislation which provides for the encouragement and the support of Israel acceding to the Organisation For Economic Co-operation and Development. And as I do so, might I associate myself with the words of my colleague from California and denounce, as well, the words of tyranny and disgrace offered by the Iranian President on extinguishing or exterminating both the people and the nation of Israel.

I would think that this particular legislation speaks to rewarding those who are advocating for democracy and independence, and that is what Israel stands for.

I would hope in Iran that the good people of Iran, the people who believe in freedom, the freedom fighters, those who are supporting the enhancement of the working and middle class, who believe in the expansion of the intelligentsia, will again speak inside of Iran against such devastating language.

In this instance, the OECD recommends economic democracy, if you will, and Israel is already a high-powered and technologically advanced society with a thriving economy that will add to the mission of OECD. The World Bank ranks Israel among the 25 countries in which it is easiest to do business. In 2003 the World Economic Forum ranked Israel 20th out of 102 countries in its growth competitive index, and the World Economic Forum's technology index ranked Israel 9 before Canada, which is 11; Norway, 13; Germany, 14; the United Kingdom, 16; and the Netherlands, 18.

Israel is carrying out far-reaching economic reforms on the OECD's recommendation with respect to taxes, labor, competition, capital markets, pension funds, energy, infrastructures, communications and transport. And I believe the important aspect of what Israel is doing is, in the region, it provides for a stabilizing force of democracy and an economic arm of democracy helping its Mid East neighbors to join as well along the pathway of democracy and economic improvement. And so I believe this is a very important legislative statement for us to move forward in encouraging the admission of Israel into the OECD. And as well, I think it says again that we are standing alongside of Israel in its attempt to embrace all who want to follow the pathway of democracy.

Might I say that I hope that we will also have this impact on the Palestinians as they work toward democracy, and this shared influence will impact the region positively.

Likewise, as I close, let me say that we hope that the President of Iran will

find his moral compass to cease such horrible and atrocious language that would suggest the elimination of a country that promotes democracy and cares for its people, like Israel. Israel shares a commitment to democratic government and the market economy, and that is the foundation of the Organisation for Economic Co-operation and Development, and this legislation should be passed.

Mr. Speaker, I rise in support of H. Res. 38, "Expressing support for the accession of Israel to the Organisation for Economic Co-operation and Development (OECD)."

Since the establishment of the State of Israel in 1948, the Israeli economy has been steadily transformed from an economy supported by farmers on hillsides to a technologically advanced and services-based economy. Trade liberalization, abolition of exchange controls, adoption of modern corporate governance rules and intellectual property protection enhancement have led to the establishment of a healthy economic environment ripe for domestic and foreign investment. Encouragement to high-tech industries and a wide network of international commitments have reinforced the beneficial effects.

Israel has been trying to join the Organisation for Economic Co-operation and Development (OECD) since 2000, when it met the OECD's membership requirements relating to industrial and per-capita product criteria. Membership in the OECD would strengthen Israel's status on the global market and within international financial institutions, lowering the risk factor on foreign loans to Israel. Israel's economic and technological standing could potentially benefit OECD member countries in the science and technology, including high-technology, sectors.

Israel is already a high powered, technologically advanced society with a thriving economy that will add to the mission of the OECD. The World Bank ranks Israel among the 25 countries in which it is easiest to do business. In 2003, the World Economic Forum ranked Israel 20th out of 102 countries in its Growth Competitiveness Index, and the World Economic Forum's Technology Index ranked Israel 9th, before Canada (11th), Norway (13th), Germany (14th), the United Kingdom (16th), and the Netherlands (18th). Israel is carrying out far reaching economic reforms based on the OECD's recommendations with respect to taxes, labor, competition, capital markets, pension funds, energy, infrastructures, communications, and transport.

I support H. Res. 38 for the foregoing reasons, and I appeal to my colleagues to follow suit.

Mr. LANTOS. Mr. Speaker, I have no additional requests for time. Before yielding back the balance of my time, I would like to make a general statement on this very important piece of legislation. Unfortunately, the world is filled with rogue states, failed states, basket-case states, states that neither politically nor economically function in a viable fashion. And to have the President of Iran call for the physical extermination of one of the relatively small number of democratic, viable, prosperous, civilized societies is the ultimate outrage of recent pronouncements by political leaders on the face of this planet.

I commend my colleague from Florida for introducing this important resolution, recognizing that Israel is one of the minority of states which are democratic, prosperous and civilized.

I strongly urge all of my colleagues to vote for this resolution.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to offer my support for House Resolution 38 and to strongly urge my colleagues to support this resolution as well.

The Organisation for Economic Co-operation and Development (OECD) is a group of 30 member countries—including the United States—sharing a commitment to democratic government and the market economy.

Its work covers economic and social issues from macroeconomics, to trade, education, development and science and innovation.

Israel has been attempting to join the OECD since 2000, when it met the organization's industrial and per-capita product criteria.

Not only could OECD membership enhance Israel's status in the global market and within international financial institutions but also other OECD countries could potentially benefit in the science and high-tech sectors due to Israel's economic and advanced technological standing.

Israel also shares the commitment to democratic governance and free market principles that are the foundation of the OECD.

As a result, in December 2004, Israel was invited, on an ad hoc basis, to participate as an observer in discussions of the trade committee of the OECD and has participated in numerous other OECD activities, however it has not been granted full membership.

House Resolution 38 expresses that the United States supports full membership for Israel in the OECD based on its commitment to democracy, the market economy, and OECD's principles and mission.

Mr. Speaker, I fully support Israel's membership in the OECD, and urge my colleagues to join me in supporting this resolution.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for his help on this resolution as well as the gentleman from Illinois (Mr. HYDE).

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 38, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. ROS-LEHTINEN. 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 and the Chair's prior announcement, further proceedings on this question will be postponed.

SAN FRANCISCO OLD MINT COMMEMORATIVE COIN ACT

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1953) to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco, otherwise known as the "Granite Lady", and for other purposes, as amended.

The Clerk read as follows:

H.R. 1953

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 "San Francisco Old Mint Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress hereby finds as follows:

(1) The Granite Lady played an important role in the history of the Nation.

(2) The San Francisco Mint was established pursuant to an Act of Congress of July 3, 1852, to convert miners' gold from the California gold rush into coins.

(3) The San Francisco Old Mint Building was designed by architect A.B. Mullett, who also designed the United States Treasury Building and the Old Executive Office Building.

(4) The solid construction of the Granite Lady enabled it to survive the 1906 San Francisco earthquake and fire, making it the only financial institution that was able to operate immediately after the earthquake as the treasury for disaster relief funds for the city of San Francisco.

(5) Coins struck at the San Francisco Old Mint are distinguished by the "S" mint mark.

(6) The San Francisco Old Mint is famous for having struck many rare, legendary issues, such as the 1870–S $3 coin, which is valued today at well over $1,000,000, and the 1894–S dime which is comparatively rare.

(7) The San Francisco Old Mint Commemorative Coin will be the first commemorative coin to honor a United States mint.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—Notwithstanding any other provision of law, and in commemoration of the San Francisco Old Mint, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 100,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 500,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the San Francisco Old Mint Building, its importance to California and the history of the United States, and its role in rebuilding San Francisco after the 1906 earthquake and fire.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2006''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Commission of Fine Arts, and the Board of the San Francisco Museum and Historical Society; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—The coins authorized under this Act shall be struck at the San Francisco Mint to the greatest extent possible.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2006.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $35 per coin for the $5 coin.

(2) A surcharge of $10 per coin for the $1 coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the San Francisco Museum and Historical Society for use for the purposes of rehabilitating the Historic Old Mint in San Francisco as a city museum and an American Coin and Gold Rush Museum.

(c) AUDITS.—The San Francisco Museum and Historical Society shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the Fund under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 8. TECHNICAL CORRECTION.

Notwithstanding the fifth sentence of section 5112(d)(1) of title 31, United States Code, the Secretary of the Treasury may continue to issue, after December 31, 2005, numismatic items that contain 5-cent coins minted in the years 2004 and 2005.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

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

Mr. Speaker, I rise today in strong support of H.R. 1953, the San Francisco Old Mint Commemorative Coin Act. This legislation, which I and two-thirds of this House have cosponsored, will recognize the unique contribution to American history of the Old San Francisco Mint by authorizing 100,000 gold half eagles and 500,000 silver dollars to be struck to raise funds to preserve this facility.

The San Francisco Mint was authorized by Congress in 1852 to convert Gold Rush bullion into coins for our growing economy. This landmark facility was one of the only public buildings to survive the 1906 San Francisco earthquake and become a rebuilding center and symbol of the city's recovery. Just 9 years after the earthquake in San Francisco, the San Francisco Mint struck the coins for the 1915 Panama Pacific Exposition celebrating the rebirth of San Francisco and the opening of the Panama Canal.

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These coins include the celebrated 50-dollar commemorative gold pieces, the largest denomination commemorative coins ever struck in this country, as well as the only hexagonal coin ever struck in this country.

The design of the coins authorized under this act will join the Panama Pacific Coins and other famous coins struck at the Old San Francisco Mint as monuments to coin design and the history of our Nation.

I urge the Members of the House to join me in supporting this legislation.

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

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

Mr. Speaker, I am delighted to manage debate on Leader PELOSI's bill for the Democratic side. Since the bill has over 291 bipartisan co-sponsors, my task is a pleasure.

This bill commemorates the historic San Francisco Old Mint Building which housed the San Francisco Mint from 1874 to 1937 and is a national historic landmark.

The San Francisco Mint was established in the 1850s because it did not make sense to transport the gold being produced by the California Gold Rush all the way to Philadelphia for coinage. Called the ''Granite Lady,'' the building was designed by A.B. Mullet, the architect of the two buildings that flank the White House, the U.S. Treasury Building and the Old Executive Office Building. In fact, the Old Mint looks quite a bit like our Treasury Building.

The Granite Lady survived both the earthquake and fire of 1906 and served as the treasury for the disaster relief funds afterwards since no other financial institution was operational. The Mint outgrew the building by 1937 and moved to a new facility.

Today, the San Francisco Mint only produces commemorative coins, so if you find a circulating coin with the S for San Francisco on it, it is a curiosity and a collector's item.

The Granite Lady is now owned by the City of San Francisco which is converting it to a museum. I find it particularly appropriate that we are honoring this landmark with a commemorative coin 100 years after the great fire. The bill requires the Treasury Department to mint and issue gold and silver coins in 2006 only. To the extent possible, they are to be minted at the San Francisco Mint. The profit from the sales of the coins is to be given to the San Francisco Museum and Historical Society to convert the old building into a museum which will house exhibits on the Gold Rush and coinage, among other important city themes.

I note that in a bipartisan spirit, at the request of the administration, the bill corrects a technical problem so as to ensure that collectable coin sets including nickel coins can be available to collectors beyond the original period which was mistakenly limited. The Senate has informed us they have no objection to this addition.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI), the sponsor of this bill and the House Democratic leader.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding and for her leadership on this bill which is so important to the City of San Francisco but, more importantly, to our country because it is part of our country's history.

I want to extend my gratitude as well to my colleagues on the Republican side of the aisle who have made this a very bipartisan effort. As was indicated by the gentlewoman from New York, we have 291 co-sponsors. That is why we were able to come to the floor. I thank Members so much for their help.

I am proud to rise in support of the San Francisco Old Mint Commemorative Coin Act, my bill to authorize the issuance of commemorative coins in 2006 honoring San Francisco's Old Mint. As you know, Mr. Speaker, that was the year of the great earthquake in California, so the history is very meaningful to our area. H.R. 1953 will help ensure that this building exists for many generations to come.

Congress established the San Francisco Old Mint, as others have referenced, in 1852. This was immediately following the Gold Rush in 1849, and it

was affectionately known as the Granite Lady.

The Mint is the oldest stone structure in San Francisco. Its architect, A.B. Mullet, also designed the United States Treasury Building, and we all know how beautiful that is, and the Old Executive Office Building here in Washington, D.C.

In 1906, disaster struck the City of San Francisco in the great earthquake of that year; and next year will be the 100th anniversary of the earthquake that leveled much of San Francisco. With infrastructure destroyed and lines of communication severed, the city was unable to respond when a subsequent fire spread to anything that would burn. The blaze raged for more than 3 days and destroyed more than 28,000 buildings. More than 3,000 people died and more than 225,000 lost their homes. This was a huge number considering the population of San Francisco at the time.

Yet, as much of the city crumbled in one of the worst natural disasters in our Nation's history, the Granite Lady stood strong. Mullet's architecture let the Mint float on its foundation, allowing it to survive the earthquake and the fire. Treasury Department employees worked with the United States Army with only one hose connected to two wells on the property to save this building and the $200 million in gold that was stored in its vaults. It was the only functional financial institution after the quake in San Francisco and was used as a relief fund treasury. The coin's 2006 issuance, 100 years later, will honor the Mint and its role in San Francisco's recovery.

The Old Mint operated until 1937. It played a pivotal role in the completion of the Transcontinental Railroad and the economic development of the western United States. At one time, the Granite Lady produced more than half of the United States coinage; and by 1934 it held a third of the Nation's gold supply. The Mint produced many rare coins, some worth more than $1 million, Mr. Speaker. Coins minted in San Francisco bear the S mint mark, which is very significant.

In 1961, the Mint was designated a National Historic Landmark but slowly fell into disrepair, to be closed in 1994 due to structural concerns. Since that time, I have worked with our two senators, Senator FEINSTEIN and Senator BOXER, to give the recognition to the Old Mint, the Granite Lady, that she deserved.

The National Trust For Historic Preservation lists the Mint as one of the most endangered American structures. Today, with this bill, we can help declare the Old Mint endangered no longer.

The American Numismatic Association has partnered with the City of San Francisco and the City of San Francisco Museum and Historical Society to establish a special coin museum. When completed, the Mint will be one of the Nation's largest museums devoted to telling the story of our country's coinage from colonial times up to the present. Along with our rich history comes a responsibility to preserve and protect it for future generations.

I am very, very proud of the history that the Old Mint, the Old Granite Lady, represents. It is about the founding of our city in San Francisco in Gold Rush times. The Mint almost corresponds to that date, and it has been part of our history and that of our country ever since. I urge my colleagues to join us in commemorating the 100th anniversary of the 1906 earthquake and fire and to honor the landmark of national significance with a vote for H.R. 1953.

Again, I thank our colleagues, both Democrats and Republicans, for their cooperation on this bill which is very important to our country's history.

Mrs. MALONEY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I want to thank my good friend and colleague from New York for yielding me time. I would like to pay special tribute to the Democratic leader, Ms. PELOSI, for offering this bill. I have the great privilege of representing the City of San Francisco along with Ms. PELOSI.

Mr. Speaker, during the Gold Rush of 1848, so much precious metal was found in Northern California that the United States was compelled to build a mint in order to melt the gold into coins for ease of transportation across the United States. The construction of our Mint in San Francisco was authorized in 1852, and it was completed just 2 years later. But soon the Mint outgrew its humble beginnings, and in 1874 a new building was erected in the style of an ancient Greek temple.

The walls of stone would allow the Mint to withstand one of the most devastating earthquakes the United States has ever experienced. On April 18, 1906, at 5:12 in the morning, San Francisco woke to the earth shaking like never before. The Old Mint was one of the only buildings left standing and the only financial institution that could still operate. The Old Mint became a refugee village and distributed aid to those who had lost everything.

As fire devastated the city, the Old Mint was saved by the quick and courageous work of the San Francisco Fire Department, a tradition the San Francisco Fire Department has maintained throughout its long and distinguished history. Like San Francisco, the Old Mint quickly rebuilt itself from the devastation of the 1906 earthquake; and, by 1934, the Old Mint had housed one-third of all gold and coin money for many nations, ranging from Japan and China to the Philippines and most nations of Latin America.

In 1937, the San Francisco Mint moved to its current facility, but the Old Mint remained under the Department of the Treasury until 1957, and the magnificent structure lay in proverbial mothballs until 1973 when the San Francisco Historic Society started renovations on the Old Mint to restore it to its previous grandeur.

Mr. Speaker, I am proud to be a cosponsor and strong supporter of this important legislation that would allow the Old Mint to become a museum, showcasing the importance of the Mint in the history of the City of San Francisco. I encourage all of my colleagues to vote in favor of this legislation.

Mr. OXLEY. Mr. Speaker, I rise today in support of H.R. 1953, the "San Francisco Old Mint Commemorative Coin Act," introduced by the gentlelady from California, and urge its immediate passage.

It is often said that coins tell the history of a country, and of the world. If this is so, Mr. Speaker, mint facilities tell the history of coins, from the most modern mass-production mints such as the United States Mint plants in Denver and Philadelphia, back to the earliest mint, thought to be in the Kingdom of Lydia, which is modern-day Turkey. Greeks living there began using a system of weights for trade in 2,500 B.C. But in 700 B.C. merchants started making punch marks on lumps of metal so they could trade without weighing the metal for each transaction.

Mr. Speaker, if you were to pick one mint to focus on to understand the history of coins in this country, it would probably be the San Francisco Old Mint.

The Old Mint at San Francisco, known as the Granite Lady, has seen 130 years of this country's history, from the day it opened in 1874 until its official closing as a production mint in 1937, and subsequently as offices for the United States Mint. More recently during a roughly 20-year span it was a Treasury-operated coinage museum—starting with a Nixon-era renovation and ending in the mid-'90s because of cost concerns mostly related to upgrades that would be needed to withstand earthquakes.

Mr. Speaker, this is the second U.S. Mint production facility built in San Francisco, the first having been built in 1852, right after the great California gold rush of '49, and the third being the one that operates there today. The Old Mint, known as the Granite Lady, was designed by the architect A.B. Mullett, who also designed the Treasury Department's headquarters and the Old Executive Office Building here in Washington. At one point, the building made half of the circulating coins produced in the U.S., and held a third of the Treasury's gold reserves.

But perhaps the most notable point in its history and one to which many of us can relate today, came after the Great San Francisco Earthquake of April 18, 1906, and the fires that followed. The Granite Lady was saved from the raging fire by Treasury Department employees and the U.S. Army with a single, one-inch hose, saving the equipment and $200 million worth of gold inside. With all of the city's banks destroyed, the Mint building became the city's financial center. The building became the holder and disburser of the relief fund formed for the city, was the only point of payment to and from the city, and made all of the payments into the city. With memories of the recent hurricanes on our mind, I'm sure we can all imagine how important the Granite Lady was to the rebuilding of San Francisco.

The commemorative coins that would be issued under this legislation would be available next year, in suitable recognition of the 100th anniversary of that event.

The history of the building since it ceased being a Mint facility is less glorious. While operating as a museum, it was damaged by at least one earthquake, in 1989, and was said to be too expensive an operation for Treasury to keep open. It finally closed in 1995, with its exhibits sent off to other museums or back to those who had lent them.

Now, a new project to earthquake-proof the building, renovate it and open museums—on San Francisco and on the Gold Rush, as well as a numismatic museum—has gained momentum, and the surcharges on the sales of gold and silver commemorative coins authorized in this legislation will add millions to that important project. I will note that while Greeks were the first producers of coins, Romans were the first to collect them. Romans initially prized Greek coins, especially the older issues, but they later collected their own coins. Now, many Americans, while collecting foreign coins, are proud to collect U.S. coinage, from the early days down through the 50-State quarters and, I hope soon, the Presidential dollars. A coinage museum in this grand old building would be a boon to collectors, teachers, and students.

Mr. Speaker, this proposal is an excellent idea for a commemorative coin. It has received the required two-thirds co-sponsorship of House members, and if enacted will proceed at no cost to the taxpayer. I urge its immediate passage.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, October 25, 2005.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, U.S. House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: I am writing concerning H.R. 1953, the ''San Francisco Old Mint Commemorative Coin Act,'' which was introduced in the House and referred to the Committee on Financial Services on April 28, 2005. It is my expectation that this bill will be scheduled for floor consideration in the near future.

As you know, Section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters. However, I request that your committee forego action on H.R. 1953 in order to allow the bill to come to the floor expeditiously. I appreciate your cooperation in so doing, and agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include a copy of this letter and your response in the Congressional Record when this bill is considered by the House. Thank you again for your assistance.

Yours truly,

MICHAEL G. OXLEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, November 4, 2005.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OXLEY: Thank you for your letter regarding H.R. 1953, the ''San Francisco Old Mint Commemorative Coin Act,'' which was introduced in the House and referred to the Committee on Financial Services on April 28, 2005.

As you noted, the Committee on Ways and Means maintains jurisdiction over matters that concern raising revenue. Section 7 of H.R. 1953 establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation.

I appreciate and agree to your offer to include this exchange of letters on this matter in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

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

Mrs. KELLY. Mr. Speaker, one can see that this is a strong bipartisan bill that deserves the support of every one of our colleagues.

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

The SPEAKER pro tempore (Mr. FEENEY). The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 1953, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1100

RECOGNIZING AND COMMENDING CONTINUING DEDICATION AND COMMITMENT OF EMPLOYERS OF MEMBERS OF THE NATIONAL GUARD AND THE OTHER RESERVE COMPONENTS

Mr. SAM JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 302) recognizing and commending the continuing dedication and commitment of employers of the members of the National Guard and the other reserve components who have been mobilized during the Global War on Terrorism and in defense of the United States, as amended.

The Clerk read as follows:

H. RES. 302

Whereas as of early November 2005, more than 460,000 members of the National Guard and the other reserve components have been mobilized for active duty since September 11, 2001, leaving their families to protect the United States in the Global War on Terrorism or to support hurricane disaster relief operations;

Whereas during this period of increased mobilization and deployment, employers in the spirit of patriotism have maintained job security for those mobilized reserve-component members and their families;

Whereas the Civilian Employment Information Program of the Department of Defense, a database program implemented by the Department of Defense as of March 31, 2004, to identify employers of the 1,100,000 members of the National Guard and the other reserve components, will enable the Department of Defense to improve communication with the employer community and target support and render assistance to employers of reserve component personnel who are identified for mobilization;

Whereas employers of all sizes understand that the predictable mobilization and deployment of members of the National Guard and the other reserve components are the keys to building and maintaining employer support;

Whereas the employer community continues to work with the Department of Defense to show its support for the National Guard and the other reserve components and to better understand and adhere to the obligations spelled out in the Uniformed Services Employment and Reemployment Rights Act; and

Whereas the employer community recognizes that the missions and duties of members of the Armed Forces both abroad and in securing the homeland will be necessary: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the employers of members of the National Guard and the other reserve components deserve the Nation's sincere recognition and gratitude for their sacrifice and strong support of the goals and struggles of the United States during the Global War on Terrorism and in support of hurricane disaster relief operations;

(2) those distinguished employers of the members of the National Guard and the other reserve components who have gone above and beyond the obligations and requirements of the Uniformed Services Employment and Reemployment Rights Act deserve the Nation's commendation; and

(3) the Secretary of Defense should continue to develop long-term strategies to maintain a high level of support between the Department of Defense and employers of members of the National Guard and the other reserve components by—

(A) continuing to build and maintain the Civilian Employment Information Program database of the Department of Defense implemented by the Department of Defense as of March 31, 2004;

(B) continuing to work with employers to build a more predictable system for the mobilization and demobilization of members of the reserve components; and

(C) encouraging officials of the Department to actively seek opportunities to address employer groups on future mobilization plans and future roles of the reserve components.

The SPEAKER pro tempore (Mr. FEENEY). Pursuant to the rule, the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SAM JOHNSON).

GENERAL LEAVE

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 302.

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

There was no objection.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of H. Res. 302.

Mr. Speaker, since September 11, 2001, we have been a changed nation. The horrific events of that day in New York, in our Nation's capital and over the skies of Pennsylvania changed us as a people that day. We became a nation at war, and the defense of our homeland became of top priority.

Our uniformed young men and women answered the call, but in addition to these soldiers, sailors, Marines, airmen and corpsmen, more than 460,000 members of the National Guard and other Reservists have been mobilized for active duty over the last 2 years. Their sacrifice and assistance has been essential in our fight for freedom.

Now it is important to remember that it is not only on foreign soil or in defense of our Nation against terrorism that we have all benefited from the sacrifice of these men and women. Just weeks ago, as we all saw when natural disasters devastated our gulf coast region, Reserve personnel and National Guard components were at the forefront of relief and rescue efforts.

While each of us benefits from the sacrifice of these men and women called to service, it is sometimes too easy to forget the contribution made by behind-the-scenes heroes, that is, the employers and business owners, many of whom are small businesses who employ these Guardsmen and Reservists.

I am sure that each of us has heard in our towns and communities, the businesses who employ Guard and Reserve have gone above and beyond what is required to support our troops and ensure that their jobs are waiting for them when they return. As we honor the service of our men and women, also we should commend the patriotism and effort of all those who provide them their living.

I would also take this opportunity to commend the Department of Defense for bringing its Reserve civilian employer information database online this year. This system represents the culmination of a year-long effort to establish a Department of Defense-wide system to capture and understand who employs the 1.2 million members of the seven Reserve components. I would urge the Department of Defense to continue to develop this system and other long-term strategies so that we can maintain the historic level of support between the department and the employers of our Reservists.

Mr. Speaker, at the end of this week we will honor our Nation's veterans. As we do so, it is equally fitting to honor our Nation's Armed Forces and Reserves as we do today. I commend those on the homefront who have given so much in their support.

I thank my colleague for sponsoring this resolution and ask my colleagues that it be adopted.

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

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

Mr. Speaker, I rise in strong support of this resolution and commend my colleagues from Texas and California for offering the resolution today.

Mr. Speaker, I am sure there is not one of us in the House of Representatives that has not been impacted by one of our Guard and Reserve units being called up and mobilized in regards to the operations ongoing in Iraq and Afghanistan. All of us are terribly proud of the tremendous sacrifice and courage and service that has been exhibited by our Guard and Reserve units throughout the country.

Recently, I had a chance to return to Iraq for my third trip in country. It is invaluable experience in getting a firsthand account in regards to the ongoing operations, the progress that is being made, what is working and perhaps, more importantly, what is not working. The time that we were able to spend with our troops on the ground is time well spent because they do tend to tell us like it is, what is working, what is not, what we need to improve upon in regards to the policy of what is taking place.

But having gone to Iraq now on three separate occasions, I can honestly state that nothing has made me prouder to be an American than seeing our troops in uniform there performing their duties. They are so well-trained, so well-motivated. They are, in short, the best our Nation has to offer.

Yet, their service to our country would be made much more difficult if they did not receive the support from back home, first and foremost from their families and loved ones, who also have to endure extreme sacrifice and hardship by allowing them to serve for extended periods of time overseas, typically 1 year boots-on-the-ground in theater like Iraq today. But there is another component to this, another entity that oftentimes gets overlooked, and that is what this resolution today speaks to.

It is the countless employers out there that have to, by law, a law that Congress has passed, allow them to serve our country while keeping their jobs open and safe back home. It is one of those items that people tend not to think too much about, but it does go to alleviate a lot of the concerns that our serving Guard and Reserve units have, and that is maintaining financial security for the families back home and knowing that when they do return from serving our country there will be a position for them at their place of employment.

In Wisconsin, we have had two companies last year that were recognized for their outstanding service to the Guard and Reserve employees that they have. One is Harley Davidson. The other was Schneider Trucking, located up in Green Bay, Wisconsin. Every year there is a process to try to recognize some of these companies throughout the country that are going above and beyond in regards to their support for Guard and Reserve units, and we commend them here today with this resolution.

In the congressional district that I represent in western Wisconsin, Mr. Speaker, we have had numerous National Guard units who have been called up. This past week we have the 700-member 128th Infantry Guard, who are returning home from their 1 year tour in Iraq, and there is no more happy occasion to attend than the reunion ceremony of those troops when they step off the plane, being reunited with their families for the very first time in a long time.

Beyond the 128th, we are hoping to be able to welcome home soon the 1158th Transportation Guard unit in western Wisconsin, hopefully within the next few weeks. We have also had the 32nd, the 229th, the 652nd, the 829th Engineering Guard units who were called up, gone through their training, deployed and served admirably over in Iraq.

Again, when they come home they face periods of transition, some difficult, some not so difficult, but the one thing that they should not have to worry about is knowing that there is a job for them remaining, that they gave up in order to serve our country. That is why I think this resolution commending their employers is very important today.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield such time as he may consume to my great friend from California (Mr. POMBO), the chairman of the Resources Committee.

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

Mr. Speaker, I am proud to show my appreciation for the National Guard, the Reserves and their employers. This resolution, H. Res. 302, recognizes those employers who accommodate the 1.1 million members of National Guard and other Reserve components. They make it possible for our country to be protected and defended by our patriot volunteers.

This resolution acknowledges all employers from the small-town family business to the public sector that have

provided a stable job to more than 460,000 members of the National Guard and Reserves who have been called to duty since September 11, 2001. These employers have provided our Reservists security in payment, health care and benefits.

Reservists have been called up to serve in great numbers in order to assist with natural disaster relief on the homeland or in support for the global war on terror in Afghanistan and Iraq.

I am proud to say that my district is home to recipients of the Secretary of Defense Employer Support Freedom Award. This award was created to recognize employers who have provided exceptional support to Reservists.

One recipient of the Employer Support Freedom Award, Enterprise Rent-a-Car, has locations throughout my district from Pleasanton to Stockton and my hometown of Tracy. Enterprise received recognition for extending full salary and benefits for the entire length of mobilization, regardless of how much they receive in military pay.

I would also like to mention the sacrifice of Give Every Child a Chance, a nonprofit located in Manteca, California. One of their employees, Oscar, is a military policeman in the Army Reserves. Oscar has served his country in Iraq and in Egypt for a total of 16 months. While Oscar was serving in Egypt, they temporarily replaced him with existing staff. They wrote to me that ''While it was a very chaotic month, we knew that when we hired Oscar he had a commitment to serve our country, and we accepted that commitment as part of our dedication to the United States of America.''

National Guard members and members of Reserve Forces comprise about 46 percent of our total available military manpower. With such a significant proportion of our Nation's defense dependent upon those who maintain careers in addition to their military service, a cooperative relationship between servicemen and -women and their employers is indispensable.

The support for a healthy relationship has been prevalent from the United States Chamber of Commerce and the local chambers throughout my district. I would like to commend the Department of Defense, specifically the employers' support of the Guard and Reserve, for their cooperation with civilian employees.

Other strong supporters include SBC Communications, Incorporated, and veterans groups like the American Legion.

Our Guard, Reserves and their families sacrifice a great deal in the defense of our country. Please join me in recognizing their employers by supporting the passage of H. Res. 302.

Mr. KIND. Mr. Speaker, I yield 2 minutes to my good friend from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Wisconsin for yielding me time.

Mr. Speaker, I rise today in strong support of H. Res. 302. This resolution recognizes and commends the continued dedication and commitment of employers of the members of the National Guard and the other Reserve components who have been mobilized during the global war on terrorism.

I agree wholeheartedly with the sentiments of this legislation and firmly believe that it is the duty of us at home to support the brave men and women who are serving their country overseas.

Many of the 433,000 Reservists and members of the National Guard that have been mobilized left behind not only their family and friends, but also their careers. Therefore, it is important that we do all that we can to ensure that those jobs are there for them when they return.

I also would like to give special thanks to the employers located in my district and my State that the Illinois National Guard has commended for rising above and beyond the call of duty. Some of the companies in the Chicago area singled out by the Illinois National Guard include Hershey Foods, United Airlines, Motorola, Abbott Laboratories, Boeing, Frito Lay, the Chicago Police Department, the Arlington Heights Fire Department, the Buffalo Grove Police Department, ABN AMRO, Cardinal Health, Mackie Consultants, Mitchell Aircraft, Grainger, the Oak Park Police Department, United Parcel Service, the DuPage County Sheriff and the State of Illinois, to just name a few.

So, again, I strongly support this legislation and urge its passage.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), my good friend from the Education Committee.

Mr. CASTLE. Mr. Speaker, I thank the distinguished gentleman from Texas for the time.

I rise in support of H. Res. 302 and commend the thousands of American businesses for their exceptional support of the employees who voluntarily serve in the National Guard and Reserve. These brave men and women risk their lives to protect our way of life, and the fact that their communities are standing by them and their family is a tremendous statement of gratitude for their service.

In my home State of Delaware, members of the Army and Air National Guard have set an extraordinary example for the rest of the country, with one of the highest national percentages of personnel volunteering for deployment in the global war on terror. These men and women have flown missions and provide support in places all over the globe, spending months away from their loved ones in places like Iraq and Afghanistan.

When Hurricane Katrina hit the gulf region, I am proud to say that the Delaware National Guard was among the first units on the ground, responding with airlift, security personnel and medical supplies.

On October 15, the State of Delaware was among several employers recognized by the Secretary of Defense for their outstanding support of Guardsmen and their families.

As a former Governor in Delaware, I can tell my colleagues that the vocal and active support from our community for the National Guard and Reserve is a long-standing tradition.

□ 1115

Our loyal Chamber of Commerce has a strong relationship with the Guard, and together they have worked diligently over the years to educate businesses and build employer support for our citizen soldiers.

As Veterans' Day approaches and we honor those who served and are currently serving in missions around the globe, it is essential that we recognize the millions of employers, large and small, who continue to ensure that mobilized employees and their families are taken care of.

Mr. Speaker, American businesses have always stepped up when our Nation needs them the most. Today, I commend them for their commitment to our military families and encourage all employers to support the brave men and women who defend our freedom day in and day out.

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

Mr. Speaker, I am sure my colleagues are aware that back in 1994 we did pass the Uniformed Services Employment and Reemployment Rights Act, which is to protect the National Guard and Reservists and others called up to serve their country. It requires that employers hold jobs for employees when serving abroad, as well as retain some basic benefits for them.

I am also sure my colleagues are aware that many companies have stepped up and gone above and beyond the call of duty. In fact, a recently released GAO report acknowledged that many of the employers exceed the minimum requirements set forth in law. For example, more than 26 percent of the selected Reservists are receiving their salaries or differential pay, 32 percent get medical benefits not required by the law, and 30 percent get some other benefit above and beyond the legal requirements. I commend those companies that see the necessity to step up and make that extra effort to alleviate a lot of the concern that our Guard and Reserve units have.

I have two companies in my congressional district in western Wisconsin in particular that I would like to recognize: Ashley Furniture, which is a large furniture manufacturing company that has many Guard and Reservists employed. They have stepped up by offering the differential pay to those Guard and Reservists, as well as Mathy Construction, who is doing the same exact thing.

Our good friend and colleague, the gentleman from California (Mr. LANTOS), has offered H.R. 838 that I would

like to recognize on the floor today. This is a differential pay legislation that would require the Federal Government to pick up the pay difference that the Guard and Reservists are receiving as active military compared to what they would have normally received, and it offers tax incentives to reimburse the companies who are doing this on their own. I think it is worthy legislation, worthy of our support.

Finally, I would like to point out there is one segment of employment that has been particularly hard hit by the call-up of our Guard and Reserves, and that is the first responder units in our congressional districts. Many of the Guard and Reserve units are coming from first responders, whether it is the police or sheriff departments, fire departments, in short, our civilian warriors. They seem to be particularly hard-pressed during these trying times by allowing their workers to go and serve our country.

That has had an impact on the services they are able to provide, because they are giving up some of the most qualified and hard-working employees to do these services for us back in our congressional districts. So I just want to point that out during the resolution discussion today.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I thank the gentleman for his comments. He is right on target. Our guys are doing a great job out there, and most of them are civilian warriors.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Mrs. MILLER), whose husband was Air Force active and later in the Guard, so she has some knowledge of this subject.

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman sincerely for yielding.

Mr. Speaker, nearly half a million Americans have served in our National Guard since the beginning of the war on terror. A half million fathers and mothers and brothers and sisters, a half million people so dedicated to protecting our Nation, protecting our families that they have sacrificed time with their own families. This is a half million people willing to confront America's enemies face to face.

Mr. Speaker, none of those great patriots would be able to serve our Nation without the incredible support and the sacrifice of those back home. For each man and woman deployed by the Guard, there is an employer who must operate without an employee. There is a company that must do business and meet its challenges without a member of its team. There is a boss who must get by without his full staff, even though he or she is faced with intense competition and unyielding deadlines.

Mr. Speaker, I am proud to see our American businesses answering the call and serving their country by supporting our Guard. They are selflessly going about their business with a half million fewer workers, and they are doing so without complaint. They are setting an example for future generations by loyally holding those positions open at the same level of pay and with the same level of benefits for when our proud men and women, our Guardsmen return home. American employers are proving that their relationship with the National Guard is as strong and as important as ever. They are proving that the men and women who serve the United States proudly should be well served by our country.

My hometown of Harrison Township, Michigan, is also very proud to be the hometown of Selfridge Air National Guard Base. I have watched as literally thousands and thousands of National Guard members have deployed from Selfridge in defense of America, and I am proud to say that I have also seen countless Michigan employers ensure that Guard members are taken care of when they return home.

I strongly support House Resolution 302, because it is time we in the Congress, here in the House of Representatives, formally recognize the great work and the great sacrifice of American businesses, those who employ our Guard and Reserve members. Though they serve our Nation quietly and nobly, these companies deserve a profound and enthusiastic thank you from their government.

The men and women who have served and now serve our Nation in the Armed Forces make an incredible sacrifice, and this Veterans' Day week this resolution is especially appropriate in an important recognition that their friends and loved ones and their employers back home are sacrificing, too.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to my good friend from Connecticut (Mr. SHAYS).

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

Mr. Speaker, I rise in support of House Resolution 302 and appreciate the efforts of the gentleman from California and our distinguished war hero who just has given me this time.

Many employers have gone above and beyond what the law requires of them, either by making up the loss in income that may occur when their employee is called to active duty or through a variety of other initiatives that recognize this special burden our National Guard and Reservists take upon themselves. Quite simply, those employers who are already recognizing the sacrifices of the Reserve components deserve our sincere praise.

But this body can go further, as Representative KIND points out. We should enact incentives through tax credits for private employers to make up the pay gap; and the Federal Government, the largest single employer of the citizens who make up the Guard and Reserve, should match the examples set by employers throughout this country and pay the difference when a citizen soldier experiences a loss of salary when he or she is activated.

Congressmen LANTOS, GRAVES, MCGOVERN, and my legislation would do exactly just that, and I hope this body would consider it soon. Again, I support this resolution, I thank the gentleman from California, and I urge its adoption.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. KIND. Mr. Speaker, I yield myself such time as I may consume. In closing, I want to again thank my colleagues from California and the gentleman on our committee from Texas for offering this resolution. I encourage our colleagues to adopt it.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I just want to say that we need to really recognize our guys that are fighting for this country. The Reserve and the Guard are a major part of the effort today.

Mr. GRAVES. Mr. Speaker, I rise today to speak in support of House Resolution 302. This resolution recognizes and commends employers of members of the National Guard and other reserve components who have been mobilized during the global war on terrorism.

This resolution, if passed, would urge the Department of Defense to continue to develop long-term strategies to maintain a high level of support between these conscientious employers and to thank these employers for going above and beyond what is required by law.

I would like to commend the Chairman for bringing this outstanding resolution to the floor today. I am a co-sponsor of this resolution and H.R. 838, The Hope at Home Act. I strongly believe that men and women who choose to serve their country should not be punished for their service by having to leave their current job without financial support. That is why I have co-sponsored legislation that would give tax credits of 50 percent of an employee's compensation to businesses that continue to pay a guardsman or reservist who gets called up to active duty.

In particular, I would like to extend a special thanks to those patriotic employers in America that eliminate this pay gap for their workers by continuing to pay them the difference between their civilian salary and their military pay when mobilized. Nearly ⅓ of reservists have this benefit from their employer.

We should only ask so much sacrifice from those who are so willing to give up their lives to serve the cause of American freedom. Financial ruin should not be one of those sacrifices. I will continue to work on behalf of the National Guard and Reserves for better and more equitable treatment.

Mr. POMBO. Mr. Speaker, I am proud to show my appreciation for the National Guard, the Reserves, and their employers, This resolution, H. Res. 302, recognizes those employers who accommodate the 1.1 million members of the National Guard and other reserve components. They make it possible for our country to be protected and defended by our patriot volunteers.

This resolution acknowledges all employers—from the small-town family business to the public sector—that have provided a stable job to more than 460,000 members of the National Guard and Reserves who have been

called to duty since September 11, 2001. These employers have provided our reservists security in payment, healthcare and benefits.

Reservists have been called up to serve in great numbers in order to assist with natural disaster relief on the homeland or in support for the global war on terror in Afghanistan and Iraq.

I am proud to say my district is home to recipients of the Secretary of Defense Employer Support Freedom Award. This award was created to recognize employers who provide exceptional support to reservists.

One recipient of the Employer Support Freedom Award, Enterprise Rent-a-Car has locations throughout my district from Pleasanton to Stockton and my hometown of Tracy. Enterprise received recognition for extending full salary and benefits for the entire length of mobilization—regardless of how much they receive in military pay.

I would also like to mention the sacrifice of Give Every Child a Chance, a non-profit located in Manteca, California. One of their employees, Oscar, is a military policeman in the Army Reserves. Oscar has served his country in Iraq and then in Egypt for a total of 16 months. While Oscar was serving in Egypt, they temporarily replaced him with existing staff. They wrote to me that, ''[while] it was a very chaotic month, we knew when we hired Oscar he had a commitment to serve our country, and we accepted that commitment as part of our dedication to the United States of America.''

National Guard members and members of Reserve forces comprise about 46 percent of our total available military manpower. With such a significant proportion of our Nation's defense dependent upon those who maintain careers in addition to their military service, a cooperative relationship between service men and women and employers is indispensable.

This support for a healthy relationship has been prevalent from the United States Chamber of Commerce, and local Chambers throughout my district. I would like to commend the Department of Defense, specifically the Employer Support of the Guard and Reserve for their cooperation with civilian employers.

Other strong supporters include SBC Communications, Inc. and veterans groups like the American Legion.

Some employers in California's Eleventh Congressional District giving benefits to reservists are: A.G. Edwards & Sons, Inc, Albertson's, Allstate, Bank of America, Best Buy, Cingular Wireless, Citigroup, Contra Costa County, County of Santa Clara, Dow Chemical Company, Enterprise Rent-A-Car, Exxon Mobil, Federal Express, Harley Davidson, Home Depot, Lockheed Martin, McDonald's Corp., National Park Service, (Contra Costa County) Office of the Sheriff, Oracle, PG&E Corp., Safeway, SBC Communications Inc., Sears & Roebuck, UPS, State of California, Staples, Sybase, Inc., Target, TGI Friday's, TJ Maxx, U.S. Postal Service, and Verizon.

Additionally, the resolution has received strong support from: U.S. Chamber of Commerce, American Legion of California, Brentwood Chamber of Commerce, Brentwood VFW Post 10789, Dublin Chamber of Commerce, Pleasanton Chamber of Commerce, Lodi Chamber of Commerce, Manteca Chamber of Commerce, Morgan Hill Chamber of Commerce, San Ramon Chamber of Commerce, Stockton Chamber of Commerce, Air Force Sergeants Association, Association of the United States Army, Tino Adame Commander Karl Ross Post, 16, Give Every Child A Chance, American Legion, John Butler CTCS USN (retired), Commissioned Officers Association of the U.S. Public Health Service, Fleet Reserve Association, The Enlisted Association of the National Guard of the United States, PG&E, General Mills, and SBC Communications, Inc.

I would request that a list of more businesses and public entities recognized by the U.S. Chamber and ESGR be included in the CONGRESSIONAL RECORD.

Our Guard, Reserves and their families sacrifice a great deal in the defense of our country. Please join me in recognizing their employers by supporting passage of H. Res. 302.

The Secretary of Defense Employer Support Freedom Award was instituted in 1996 by Secretary of Defense William Perry under the auspices of the National Committee for Employer Support of the Guard and Reserve (ESGR). The award was created to publicly recognize American employers who provide exceptional support to their employees who voluntarily serve the nation in the National Guard and Reserve.

The 2005 Recipients are:

Alticor, Inc., formerly Amway, provides exceptional support that includes pay differential and continuation of benefits for up to one year when an employee is mobilized.

Citizens Financial Group is a catalyst for employer support within its many Rhode Island communities. With an expanded military leave and benefit program, which includes pay differential and extension of benefits for up to one year, Citizens grants up to five consecutive days of paid leave when a spouse, domestic partner of child is activated for military service.

Eaton is a diversified industrial manufacturer that continues to provide full pay and benefits to their employees who are mobilized for the duration of their service. This is in addition to their compensation that is received from the military.

Enterprise Rent-A-Car's connection to the U.S. military goes all the way back to Jack Taylor, who in 1957 founded the company and named it after one of the U.S. Navy aircraft carriers he served aboard as a naval aviator—the U.S.S. *Enterprise*. Enterprise shows its true loyalty to its employees who serve in the Guard and Reserve by extending full salary, regardless of military compensation, and benefits for the entire length of mobilization.

IDACORP is a leading northwest employer that provides full benefits and pay differential for the entire duration of military service. IDACORP has also funded extensive family outreach programs in communities of Idaho, Washington, and Oregon when massive mobilizations have occurred. This funding provides for a $250.00 travel voucher for over 3,000 activated National Guard members.

The Los Angeles Police Department (LAPD) has a long a proud history of supporting its employees who serve in the National Guard and Reserve. The LAPD provides pay differential and continuation of benefits for the length of mobilization. Mobilized employees also continue to receive service credit, accumulated annual vacation and tenure for the duration of their military service.

The Louisiana Department of Safety and Corrections (LDSC) is the first Louisiana state agency to achieve ESGR five star status as a supportive employer of its employees who serve in the National Guard and Reserve.

Pioneer Financial Services, Inc. is a very strong supporter of its employees who serve in the National Guard and Reserve. Pioneer's proactive support includes providing salary differential and benefits for up to two years, paying bonuses in advance of mobilization to assist with financial needs, and assigning a family support coordinator for the employees' families to assist with any issues that may arise during mobilization.

Ryland Homes is an advocate for service in the National Guard and Reserve and demonstrates this patriotic corporate culture by providing full benefits, to include life, health and dental insurance, and pay differential for one year.

Sears Roebuck, and Co. has a long legacy of providing support to its employees who serve in the military dating from 1916. Sears is a long-time advocate of military service, and provides pay differential and continued human resource benefits for its mobilized employees. Sears has led numerous initiatives that demonstrate its commitment to military personnel and family members, including a partnership with the National Military Family Association (NMFA).

South Dakota State University's enthusiasm, patriotism, and support for its National Guard and Reserve employees and students is outstanding. By providing differential pay for its employees and student academic progression support, SDSU leads the way in maintaining its 140-year-old legacy of providing support to members of the armed forces. SDSU provides pay differential for the length of deployment, and also provides employees 40 hours of paid personal leave for preparation of a deployment.

The State of Delaware has enacted legislation that provides deployed servicemembers with differential pay, including continued health, dental and insurance benefits for its mobilized or recalled military employees.

Toyota employees who serve in the National Guard and Reserve are provided pay differential, continuation of benefits, and the use or replacement of an employee special-lease vehicle for activated Guardsmen and Reservists and their families while deployed. In 2004, Toyota Motor Sales launched its Hire*A*Hero program, an initiative to foster career opportunities for military personnel transitioning back to civilian life. In addition, Toyota received agreement from 1,422 Toyota and Lexus dealers from across America to provide support above and beyond the requirements of the ESGR 5 Star Statement of Support program to their employees who serve in the National Guard and Reserve.

USAA continues to show great care and concern for their National Guard and Reserve employees and their families. Employees who are mobilized receive pay differential and continuation of benefits for up to 2 years. USAA has initiated a variety of military support programs, including Operation Keep in Touch, which was designed to keep deployed employees connected to their coworkers. USAA also provides its activated Guard and Reserve employees with a Deployment Preparedness Kit, which contains a comprehensive guide to assist military members with their leave of absence.

COMPANY INFORMATION FROM U.S. CHAMBER OF COMMERCE MEMBERS

Con-Way Transportation Services, Inc. provides healthcare benefits for their employee/dependents for one year for regular employees serving active military service.

United Technologies Corp. fully supports its employees who are called to duty in the U.S. military. We provide the salary differential for our U.S.-based employees for as long as they are deployed, as well as medical, dental and employee life insurance. Medical and dental benefits include coverage for dependents.

Dow Chemical Company supports U.S. military efforts with leave assistance provided to employees who are called to service. Dow pays employees' full salaries for the first eight weeks of leave. After that, Dow supplements military pay for the employees for up to five years so that they continue to receive an equivalent amount of pay. Also, medical, dental and life insurance benefits continue for employees and dependents for up to six months. Upon discharge, employees return to work a Dow in positions similar to the ones they had when they left.

On June 18, 2004, 662 Boeing employees who were called to active military duty under U.S. Sept.11-related orders each received $3,000 from the company in recognition of their service. Boeing extended the company's normal military leave policy (that normally allows for up to 90 calendar days of pay differential and benefits) to up to five years of pay differential and benefits for individuals called to active military duty under U.S. Sept. 11, 2001-related orders. Boeing's military leave package includes both pay and benefits components to help employees and their dependents.

Wal-Mart Stores, Inc. has partnered with organizations such as the VFW to make certain that our fellow Americans serving our country know that America supports them.

Lockheed Martin, adopted special provisions to lessen hardships and disruption for employees called to active duty in support of the war on terrorism. Since 9/11, approximately 1,000 employees have been called up to serve in the war on terrorism and, most recently, the war in Iraq. The corporation made sure they didn't lose any pay or benefits while protecting our freedom. Additionally, they have ensured that when reservists have fulfilled their active duty obligations, they are able to return to the same or like job position they held prior to their departure.

BellSouth fully supports its employees who are members of the armed forces, and pays the difference between an employee's regular salary and what he or she is paid by the military for the duration of the employee's military leave. The company also continues health care coverage for an employee's dependents during this period.

3M salutes the men and women of our Armed Forces for their courage and service to the country. A Reserve or National Guard member who is ordered to active duty in 2003, 2004, 2005 to support the national emergency receives a pay differential (pay equal to the difference between 3M pay at base rate and military pay) and benefits (with some exclusions) for the first 18 months from the initial activation date; this policy continues to be evaluated and may be adjusted based on the current state of emergency.

Intel has longstanding commitment to military reservists. Intel provides a continuous 24 months of salary coordination. In addition to the salary coordination benefit, Intel's reservists and their families retain full health and other benefits for the duration of the leave, and enjoy a variety of support programs.

As it did in the Gulf War, Honda North America, Inc. has paid its associates serving in Iraq the difference between the associate's Honda pay and military pay for the entire time the associate is on active duty, without time limit.

Since October 2001, New York Life Insurance Company has had a military leave policy for employees who are members of the Reserves or National Guard called to military active duty.

Southern Company is proud to support its employees who volunteer for active duty in Iraq by providing those employees with full payment of the difference between their military salary and their Southern Company base salary.

Sears has supported the men and women serving in the U.S. Armed Forces since 1916. Currently, for its employees serving in the Reserves or National Guard, Sears pays the difference between the employees' Sears salary and military pay for up to 60 months. Qualified Sears employees also receive merit pay increases, incentive pay, stock options and the opportunity to participate in life, medical and dental insurance programs. In addition, Sears recently provide a $2 million grant to the National Military Family Association for unique, innovative programs that benefit military families.

Accenture was named an Outstanding Employer by the National Committee for Employer Support of the Guard and Reserve. Accenture offers benefits beyond the requirements of the law in support of our National Guard and Reserve employees, expanding their pay differential and benefits coverage policies.

UPS has had over 1,400 employees called to active duty and we currently have 1,050 still active.

Landstar System, Inc. supports the men and women in our employ who step up to serve in America's military effort by continuing all benefits in place, including health benefits for them and their families and providing a pay differential for one year of active military duty.

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

The SPEAKER pro tempore (Mr. FEENEY). The question is on the motion offered by the gentleman from Texas (Mr. SAM JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 302, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SAM JOHNSON of Texas. 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 and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1953.

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

There was no objection.

GRANT W. GREEN POST OFFICE BUILDING

Mr. WESTMORELAND. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3770) to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the ''Grant W. Green Post Office Building''.

The Clerk read as follows:

H.R. 3770

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

SECTION 1. GRANT W. GREEN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, shall be known and designated as the ''Grant W. Green Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Grant W. Green Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. WESTMORELAND).

GENERAL LEAVE

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. WESTMORELAND. Mr. Speaker, I rise in support of H.R. 3770 authored by the distinguished gentleman from Indiana (Mr. CHOCOLA).

Mr. Speaker, this bill would designate this post office in Knox, Indiana, as the Grant W. Green Post Office Building.

As the longest serving postman in Knox history, Grant Green served the people of Knox from 1920 to 1970. For more than half a century, he refused to let anything, ''neither rain nor sleet nor snow nor dark of night,'' keep him from his appointed routes. For 23 years, he delivered mail to all houses located north of the Nickel Plate Railroad tracks, which ran through the center of town. He spent the remaining 27 years of his career delivering mail

on rural routes at a time when most homes were located on dirt or gravel roads.

Grant Green moved to Knox as a young man to raise a family, but he quickly became the quintessential public servant: hardworking, passionate about his job, and dedicated to the people in the country in which he served. He was also extremely active in the community as a 70-year member of the local Masonic Lodge. Mr. Green passed away on December 29, 1990, but will be forever remembered as one of the most dedicated citizens of the community of Knox, Indiana.

Mr. Speaker, I urge all Members to come together to recognize the vast dedication of Grant W. Green to public service in Knox, Indiana.

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

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

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 3770, legislation designating a postal facility in Knox, Indiana, after the late Grant W. Green.

This legislation, which was introduced by Representative CHRIS CHOCOLA of Indiana on September 14, 2005, was unanimously reported by the Government Reform Committee on October 20, 2005. H.R. 3770 enjoys the support and co-sponsorship of the entire Indiana delegation.

A rural letter carrier, Mr. Green had the distinction of being the longest serving postal carrier in Knox history. He worked for the Post Office Department from 1920 until 1970. His route ran through the center of Knox and in rural areas, working for 50 years.

Mr. Green's neighbors and friends remember him as dedicated, hardworking, and passionate about his job. Nothing kept Mr. Green from delivering the mail. He was a dependable and friendly letter carrier.

Mr. Speaker, it always gives me great pleasure when we recognize the contributions of postal workers by dedicating a facility in their honor. Designating the newly opened post office in Knox after Mr. Green is a wonderful way to honor the memory of Grant W. Green, and I urge swift passage of this bill.

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

Mr. BUYER. Mr. Speaker, I had the privilege of representing the city of Knox in Starke County for ten years in Congress, and though it is no longer in my congressional district, it is a town that remains special to me. It is a community filled with tight-knit families who support one another through good times and bad.

What is so fitting about naming Knox's post office for Grant Green is that it is not only a tribute to the people of Knox, but to the men and women of the U.S. Postal Service.

Grant Green lived nearly his entire life in Knox where he raised his family, was a model citizen, and dedicated himself to public service.

It is that public service for which he is best known. For 50 years, he served the people of Knox as a postman.

Now, in these days of instant communication and relatively inexpensive travel, it is sometimes easy to overlook the vital role that the men and women of the U.S. Postal Service have played for our communities, especially our rural communities.

Communities such as Knox may have small populations, but they are typically surrounded by family farms. In decades past, postmen may have been the only outside contact that those families had for weeks. Their arrival and what they brought, not only in the mailbag but also in news from town to town, was vital and eagerly awaited.

For 50 years, Grant Green was the link to the outside world for many families and we honor his service today with the naming of the new Knox Post Office.

Mr. CHOCOLA. Mr. Speaker, today, the House will consider H.R. 3770, legislation to designate the newly opened post office in Knox, Indiana, as the "Grant W. Green Post Office Building."

Grant Green worked as a postal carrier in Knox, Indiana from 1920 to 1970, making him the longest-serving postal employee in the community's history. For 23 years, he delivered mail to all houses located North of the Nickel Plate Railroad tracks, which ran through the center of Knox. He spent the remaining 27 years of his career delivering mail on rural routes at a time most rural homes were located on dirt or gravel roads.

A native of North Judson, Indiana, Grant moved to Knox as a young boy and attended Knox High School. Grant was hired by the local post office in 1920 and he quickly became the quintessential public servant: hardworking, passionate about his job, and dedicated to the people and country he served. Twenty years later, he married Margie Gaede. Together, they raised five children, all graduates of Knox High School. Grant was active throughout the community, including his nearly 70-year membership in the local Masonic Lodge. He died on December 29, 1990 and was buried on his 50th wedding anniversary, December 31, 1990.

For more than half a century, Grant refused to let anything, "neither rain nor sleet nor snow nor dark of night," keep him from his appointed routes. Naming the new post office in Knox after a local courier and pillar of the community will honor not only Grant Green, but also the hard working postal employees with whom he served. It will recognize an era unique in the American experience, and it will make a statement to future generations about the importance Knox places on a strong work ethic and public service. I urge my colleagues to join me in supporting this legislation.

Mr. WESTMORELAND. Mr. Speaker, I urge all Members to support the passage of H.R. 3770, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FEENEY). The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House suspend the rules and pass the bill, H.R. 3770.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. WESTMORELAND. 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 and the Chair's prior announcement, further proceedings on this question will be postponed.

□ 1130

CLAYTON J. SMITH MEMORIAL POST OFFICE BUILDING

Mr. WESTMORELAND. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3825) to designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, as the "Clayton J. Smith Memorial Post Office Building".

The Clerk read as follows:

H.R. 3825

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

SECTION 1. CLAYTON J. SMITH MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, shall be known and designated as the "Clayton J. Smith Memorial Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Clayton J. Smith Memorial Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. WESTMORELAND).

GENERAL LEAVE

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 3825 authored by the gentleman from Pennsylvania (Mr. MURPHY). This bill would designate this post office in Pittsburgh, Pennsylvania as the Clayton J. Smith Memorial Post Office Building.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MURPHY).

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

The inscription on the front of the James Farley Post Office in New York City states the unofficial motto of the United States Postal Service: "neither

snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds.''

Clayton J. Smith, otherwise known as ''C.J.'' to his friends and family, was one of these dependable couriers for the Postal Service. For 9 years, Clayton was a diligent letter carrier who worked out of the Post Office at Crafton, Pennsylvania. That was until June 23, 2003, when he was completing his route near the Crafton-Ingram Shopping Center.

He never finished his route that day. He was shockingly killed in a tragic accident. He was only 45 years old.

Among the family members by whom he was survived include his mother Jean Smith and his two sons. We wish his entire family the very best in the future and can only empathize how difficult the rebuilding of their lives has been over the last 2½ years.

It is with great somberness that I urge my colleagues to support this legislation. I sincerely hope naming the Post Office at 770 Trumbull Drive in Greentree in Clayton Smith's honor will be a meaningful tribute to his life, his family, his friends, and his colleagues in the Pittsburgh area. In so doing, we not only honor his memory but the service of all letter carriers and dedicated employers of the Postal Service.

I appreciate my Pennsylvania colleagues for joining me as cosponsors of this legislation to facilitate its advancement and thank the distinguished chairman TOM DAVIS of the Government Reform Committee for bringing this bill to the floor today.

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

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleague in the consideration of H.R. 3825, legislation designating the postal facility in Pittsburgh, Pennsylvania, after the late Clayton Smith.

This bill was introduced by the gentleman from Pennsylvania (Mr. MURPHY) on September 19, 2005, and was unanimously reported by the Government Reform Committee on October 20, 2005. H.R. 3825 enjoys the support and co-sponsorship of the entire Pennsylvania delegation.

Clayton Smith was a postal letter carrier who worked at the Greentree-Crafton Postal facility for 9 years before he was killed on June 23, 2003. Mr. Smith was killed by a stray bullet while taking a midday break in the parking lot outside his postal vehicle. For 2 years family and friends have marked the anniversary of his death.

Mr. Speaker, I can think of no better way to acknowledge the dedication and work of this postal worker than naming a facility in his honor. I urge swift passage.

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

Mr. WESTMORELAND. Mr. Speaker, I urge all Members to support the passage of H.R. 3825, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House suspend the rules and pass the bill, H.R. 3825.

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

A motion to reconsider was laid on the table.

LILLIAN KINKELLA KEIL POST OFFICE

Mr. WESTMORELAND. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4053) to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the ''Lillian Kinkella Keil Post Office''.

The Clerk read as follows:

H.R. 4053

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

SECTION 1. LILLIAN KINKELLA KEIL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, shall be known and designated as the ''Lillian Kinkella Keil Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Lillian Kinkella Keil Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. WESTMORELAND).

GENERAL LEAVE

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 4053 offered by the gentlewoman from California (Ms. SOLIS). This bill would designate this post office in Covina, California, as the Lillian Kinkella Keil Post Office.

Lillian Kinkella Keil, a registered nurse, was one of the first airplane stewardesses hired by United Airways. Keil was happily attending to her passengers when the United States entered World War II. She decided to send a letter to the School of Evacuation in Bowman Fields, California, and within 2 weeks she was accepted. By the summer of 1943, she was in England pulling wounded and frost-bitten soldiers out of B17s returning from bombing raids over Europe.

Keil made 250 evacuation flights, including one to collect the wounded after the invasion of Normandy. Twenty-three of these missions were transatlantic, moving from one man to another, stopping blood flow, bandaging wounds, and giving medicine and comfort.

After World War II ended, Keil returned to the United Airways as an assistant chief stewardess, but her career was interrupted again by the dawn of the Korean War. In 1950, she returned to her duties as an Air Force flight nurse. During the next 16 months, Keil flew 175 air evacuations out of Korea, logging 1,400 hours of flight time.

Her experiences as a flight nurse were used as the basis for the 1953 Hollywood movie ''Flight Nurse'' starring Joan Leslie and Forrest Tucker. Her experiences in World War II and Korea ultimately resulted in her being one of the most decorated women in American military history. She was awarded 19 medals, including a European Theater medal with four battle stars, a Korean service medal with seven battle stars, four air medals and a Presidential Citation from the Republic of Korea. Lillian Kinkella Keil was a true American hero.

I urge all members to come together to honor this brave and patriotic humanitarian by passing H.R. 4053.

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

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

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 4053, legislation designating a Postal Service facility in Covina, California, after the late Lillian Kinkella Keil.

This measure, which was introduced by the gentlewoman from California (Ms. SOLIS) on October 7, 2005, was unanimously passed by the Government Reform Committee on October 20, 2005. H.R. 4053 enjoys the support and co-sponsorship of the entire California delegation.

Captain Lillian Kinkella Keil, a longtime resident of Covina, California, was a flight nurse for the United States Army Air Corps during World War II and the Korean War. Captain Keil flew over 400 combat evacuation missions and was one of the most highly decorated women in military history.

Lillian Kinkella Keil began her career as a stewardess with United Airlines. In 1943, she attended the Army Air Forces' Air Evacuation School near Louisville, Kentucky. She received training as a flight nurse and was involved with evacuating wounded in many missions, including operations in Normandy during D-Day invasions. She was also part of the team that followed General Patton's Army across France.

One year after the war ended in 1946, Lillian returned to United Airlines as a stewardess. She left her job 4 years later, signing up for military flight duty in the Korean War. After Korea, she returned to California, got married, had two children and became a homemaker. In 1954, the year she married Walter Keil, a Navy intelligence officer, Hollywood made a movie based on her life entitled ''Flight Nurse;'' and in 1961 her story was featured on ''This is Your Life.''

Sadly, Lillian Kinkella Keil passed away of cancer at the age of 88 on June 30, 2005. I commend the gentlewoman from California (Ms. SOLIS) for seeking to honor the tremendous legacy of the late Captain Lillian Kinkella Keil. She will forever be remembered as the ''Airborne Florence Nightingale'' and the most decorated female veteran. The Keil story is an inspiration to all, and I am proud and pleased that the postal facility in Covina, California, will be dedicated in her honor. I also note that the mayor and the City Council of Covina join in support of this measure and urge its swift passage.

Ms. SOLIS. Mr. Speaker, I rise today in support of H.R. 4053, a bill designating a post office located at 545 North Rimsdale, Covina, California, in honor of Lillian Kinkella Keil, the most decorated female veteran in U.S. military history.

The story of Lillian Keil is one of remarkable courage. Born in Arcata in Northern California, she studied to be a nurse before becoming an airline stewardess for United Airlines. In 1943, she joined the U.S. Army Air Corps (now the U.S. Air Force) as a flight nurse, where she rose to the rank of Captain. Captain Keil flew on 425 combat air evacuation missions in World War II and the Korean War. She helped load wounded soldiers onto airplanes and took part in 11 major campaigns, including the Battle of the Bulge in Normandy during World War II and the Inchon Invasion in Korea. She tended to about 10,000 soldiers while they were being flown to military hospitals. She endured hazardous conditions, sometimes sleeping on a keg of gunpowder or among medical supplies the planes were delivering to battlefields.

To a wounded soldier, Captain Keil represented hope and home. She won the hearts and touched the lives of countless service members and their families. Her life and service to our country serves as an inspiration to all Americans, particularly women serving in the U.S. military. Captain Keil was awarded 19 medals and ribbons, including: 4 Air Medals, 2 Presidential Unit Citations, 1 World War II Victory Medal, 4 battle stars in World War II, and 1 Korean Service Medal with seven battle stars. In 1954, the Hollywood movie ''Flight Nurse,'' starring Joan Leslie and Forrest Tucker, was based, in part, on her experiences. She was the honorary grand marshal of the National World War II Memorial Dedication parade in Washington, DC.

Keil was honorably discharged from the military in 1955. Her family moved to Covina in 1958, and she continued working as a nurse in emergency rooms and hospitals. After serving her country, she became an active member of the Veterans of War 8620, the American Legion Post 790, and the Chosen Few Veterans Military Organization. Captain Keil died of cancer at the age of 88 in June of this year. As a longtime resident of Covina, Captain Keil was not just a brave and self-sacrificing veteran, but she was a loving wife, a mother and a friend to many who live in the 32nd Congressional District.

I urge all my colleagues to join me in recognizing this beloved military hero. This bill is a tribute to all those who have died for our country and their families. The bill symbolizes the gratitude and admiration we have for our Nation's soldiers, who risk their lives to uphold our way of life and the American ideals of liberty, justice, and equality.

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

Mr. WESTMORELAND. Mr. Speaker, I urge all Members to support the passage of H.R. 4053, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House suspend the rules and pass the bill, H.R. 4053.

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

A motion to reconsider was laid on the table.

FAIR ACCESS FOSTER CARE ACT OF 2005

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1894) to amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies.

The Clerk read as follows:

S. 1894

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 ''Fair Access Foster Care Act of 2005''.

SEC. 2. FOSTER CARE MAINTENANCE PAYMENTS TO PRIVATE FOR-PROFIT AGENCIES.

Section 472(b) of the Social Security Act (42 U.S.C. 672(b)) is amended by striking ''nonprofit'' each place it appears.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Washington (Mr. MCDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

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

Mr. Speaker, I rise today in support of S. 1894, the Fair Access Foster Care Act of 2005. This legislation has recently passed the Senate by unanimous consent.

S. 1894 makes a technical change that will ease the administration of payments to families who assist foster children. It does so by permitting the transmission of foster care maintenance payments through any agency that assists families caring for foster children in licensed settings. Current law prevents the transmission of these payments through private for-profit agencies.

As we have come to learn, public and private agencies that assist families who serve foster children play a pivotal role in promoting child safety and well-being.

□ 1145

While we allow States the flexibility to determine what agencies can best serve children, current law creates administrative burdens that deter the transmission of Federal funds through private for-profit agencies. This legislation would rectify that inequity, ensuring that all public and private agencies that assist families caring for foster children are treated in the same way.

Mr. Speaker, S. 1894 is identical to bipartisan legislation introduced by the gentleman from Oklahoma (Mr. COLE), and I thank him for his work on this legislation. The legislation is supported by the American Public Human Services Association and the Child Welfare League of America. The Congressional Budget Office has informally estimated that the cost of this legislation would be insignificant.

Mr. Speaker, everyone agrees our Nation's children's welfare system is in need of improvement. Unfortunately, this change will only relieve one small facet of a much larger set of administrative burdens that today too often get in the way of ensuring child safety. This legislation is an important step in the right direction, and we must continue to pursue broader reforms in our Nation's child protection programs.

I thank all my colleagues on both sides of the aisle for their support of today's legislation. I urge all Members to support this bill.

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

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

Mr. Speaker, this bill, the Fair Access Foster Care Act, makes a minor technical change designed to broaden the agencies that can recruit and reimburse foster families to include private welfare agencies. The CBO, Congressional Budget Office, concludes that this modification would impact only ''isolated cases'' within the child welfare system. So it is not any big step forward.

In short, we should not give the American people the false impression that we are actually facing the urgent and unattended needs for countless vulnerable children in this country, because we simply are not. ''Fair Access'' in the title still will not bring any access for over half of the abused and neglected children in America today. Over half of America's most vulnerable children are not merely left behind, they are left out of access, and that simply is not fair.

Make no mistake, we know how to fix it. We could start by investing in prevention, providing sufficient resources for States to work with families to prevent child abuse and neglect. We could start by investing in the people on the front lines; we would do something about the fact that the average tenure of a caseworker in the foster care system is less than 2 years.

We could start by investing in families. We could remove the obstacles in current law that prevent foster children from receiving Federal help if they are in the care of a relative because their parents' home is not safe.

We could start by investing in compassion. Thousands of children are among the victims of Hurricane Katrina, but we ignore pleas for help in spite of what we know to be true. Study after study shows that child abuse and neglect rises in the months immediately after natural disasters, particularly hurricanes; that is happening today in Louisiana. But Republicans and the administration pretend to be deaf and blind to the truth.

Mr. Speaker, I have a letter dated September 22, 2005, from the State of Louisiana. In it the State's Child Welfare Director asks the Bush administration for the same assistance that New York City received after 9/11, to meet the needs of abused and neglected children. And that is not all. The Governor of Louisiana has asked us to help them keep foster children in safe and stable settings and provide services like mental health treatment to counteract the trauma these children endured. Louisiana's leaders asked the administration to partner with them to prevent child abuse and to keep children and their families safely together.

Who can forget the President going down to Louisiana and saying, We will do everything we can to help the people affected by this disaster? Louisiana has asked us to be an extended family in a time of need, Americans helping Americans. But 6 weeks later, the Governor is still waiting for an answer to that letter.

Children remain vulnerable, without fair access, in fact, without any access. As bad as this is, the Republican leaders want their Members to make things even worse. Sometime soon, in fact, the notice on my BlackBerry says on Thursday, the House will consider what is known as the Budget Reconciliation Act. As it stands now, Republican leaders intend to cut resources dedicated to children in foster care.

Cut, let me say it again so the Members can remember it: Cut the resources for children. They intend to reduce the number of children in low-income families eligible for Federal foster care. They intend to reduce the reimbursement for the oversight of foster care for children who live with relatives. And the Republican leaders intend to cut case management and rehabilitative services provided to foster children through the Medicaid program. If they get their way, Republican leaders will take away hundreds of millions of dollars in services for abused and neglected kids and give it away in tax cuts for the rich.

Fair access is a false hope under this Republican leadership. They would like to zero out the problem as if all these kids who need us will simply vanish.

I am not going to let that happen. Not today, not tomorrow, not the day when the so-called budget reconciliation bill comes to the floor. It is a kid-buster bill, and America is better than that. Ask anyone in Louisiana. Ask anyone in America. It is time to fund some compassion. It is time to care for Americans. Americans, not Iraqis, not Afghanis, not anybody else, Americans who need us to help them.

We are making a technical correction today that will benefit a few kids, but Republican leaders need to make a titanic correction in reconciliation or we will all go down with the ship of state. A majority party that is deaf and blind to meeting the needs of our most vulnerable children is a party that has been in power too long.

Mr. Speaker, not even the very rich would fault you and us for putting the children first. Do it while they still have a future we can save.

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

The material previously referred to is as follows:

DEPARTMENT OF SOCIAL SERVICES,
OFFICE OF COMMUNITY SERVICES,
Baton Rouge, Louisiana, September 22, 2005.

Re addressing Hurricane Katrina's impact on Louisiana Child Welfare Services.

AMY GRISSOM, LMSW,
Program Specialist, Admin. for Children and Families, Dallas, Texas.

DEAR MS. GRISSOM: the purpose of this letter is to outline requests for waivers of certain activities and for budgetary assistance in the wake of Hurricane Katrina. As you are aware, the catastrophic effect of Hurricane Katrina has dramatically impacted the activities the Louisiana Department of Social Services, and diminished the extent to which the Office of Community Services can implement pre-Katrina initiatives. Coupled with these effects, the state is experiencing significant changes in the public role expected of the Office for the foreseeable future as Louisiana continues its recovery and support of impacted families, children, and communities.

We note that ACF Information Memorandum ACYF–CB–IM–05–06 provides for notice to states of flexibility in regards to title IV–E funds that can assist and protect/support hurricane victims. We seek meaningful ways now to operationalize that offer of provision of flexibility through these requests. The following requests are proposed after considerable thought and assessment of the changing impact of Hurricane Katrina on Louisiana statewide, for Louisiana clients and providers, and on the Office of Community Services. The requests are grouped under two broad categories: Procedural Waivers and Requests and Budgetary Requests.

The requests are as follows:

PROCEDURAL WAIVERS AND REQUESTS

TITLE IV E CLAIMS FOR FOSTER HOME CARE LICENSING STATUS. LICENSED CHILD CARE INSTITUTIONS (RESIDENTIAL FACILITIES AND DAY CARE PROGRAMS)

1. As foster homes, residential care institutions, and child-care institutions are due for relicensing, we propose to grant provisional status for up to one year provided there is documentation that the licensure record contains no concerns about the home in the previous year period. We also ask to provisionally license these providers in foster families/child care institutions who may have been temporarily displaced to another state.

Rationale: This will ease the requirements for families being re-licensed. Louisiana Office of Community Services is asking to make claims through Title IV E for such cases, for a one-year period. We want the ability to make claims for full federal participation for such activities for one year with provisionally licensed homes and facilities.

2. For new applicant homes, we propose to grant provisional licenses to new homes for the next four months that are in the process of being studied. This would preclude the need to have the health department and fire inspections since those are currently backlogged in many parts of the state.

Rationale: We propose this in order to expedite an increase of available new foster home providers to assist with the care of children coming into state custody as a result of the Hurricane.

3. We propose to grant provisional licenses to displaced foster families and provide maintenance payments, medical cards, etc., for foster children in those households as needed.

Rationale: We want to be able to quickly provisionally license displaced families so that they can provide foster care services.

Child and Family Services Plan and Program Improvement Plan

We request that the Program Improvement Plan be suspended for a period of 12 months from September 1, 2005 until August 31, 2006, without potential financial penalties. We seek relief for a one-year period from PIP reporting and related activities except those that interface with the PIP and that the Office undertakes relative to Hurricane Katrina relief efforts. If granted, we propose to renew PIP implementation on June 1, 2006 with the report interval to resume 45 days after August 31, 2006 (approximately on October 15, 2006). Restarting the PIP after the year period may require a renegotiation of the PIP (or at least a realignment or revision of much of the PIP content) before beginning and we propose that approach as well.

Rationale: There has been a dramatic data base shift that has and is occurring for Louisiana families, reporting regions, and children in care. For instance, the largest metropolitan area has been severely impacted and is now and for the next year period (at least) likely to be the smallest region of the state. Further, our Office is now impacted by the new demands for different services for the population and provider base to help implement services. The service capacity in the Orleans Region, which previously was the largest metropolitan area, is changed dramatically.

2. We propose that the 5-Year Child and Family Services Plan be suspended for one year through September 2006, without potential financial penalties. We seek relief from reporting on objectives for a one-year period.

Rationale: If granted, we propose to resume implementation on October 1, 2006 for year two initiatives, goals, objectives, and due dates. Essentially, year two of the 2005–2009 CFSP will functionally become year three of the CFSP.

Title IV E Program Improvement Plan

3. We propose that the previously negotiated time frames for the title IV–E Program Improvement Plan be extended for six

additional months, that the objectives presently due on November 8, 2005 would then be due on May 8, 2006. We further request that those time frame objectives due on February 8, 2006 would be due on August 8, 2006. This request would make the title IV–E PIP extended to an 18-month PIP rather than a 12 month PIP.

Rationale: The Office of Community Services task force work efforts to revise the residential licensing regulations have been suspended as state Licensing, the Office of Youth Development, and this Office now have staff attending to Hurricane Katrina issues, and much of the subsequent IV–E PIP outcomes are predicated on the completion of tasks due on November 8, 2005. The title IV–E PIP involved large participation and input from the Orleans area, this area is now uninhabited.

Judicial Review

4. We request presumptive title IV–E eligibility during the period of 72 hours prior to the evacuation through the time when evacuated courts in the impacted disaster areas resume normal functioning.

Rationale: The Department is seeking relief from these reviews for two reasons: the change in governmental role and expectation and the eliminated capacity to conduct reviews in the disaster impacted areas of Orleans and Jefferson Region. ACYF–CB–IM05–06 clearly acknowledges that areas ''may not have court systems that are fully functioning.'' Courts such as those formerly functioning in Orleans and Jefferson Parishes have now been closed for five weeks, and cannot have retroactive '''alternative procedures'' for judicial determinations regarding contrary to the welfare and reasonable efforts. In the absence of either our staff or courts having access to case documentation, we may not even know for whom we need to obtain these judicial determinations, much less what the removal circumstances were, e.g., we have no way of knowing how many children were in care pending continued custody hearings.

5. We request a waiver of administrative review/case review requirements pursuant to ACYF–CB–IM–05–06

Rationale: This is provided for in the referenced memorandum.

BUDGETARY REQUESTS

The following listing contains issues related to recovery from Hurricane Katrina's impact on the State of Louisiana Department of Social Services, Office of Community Services to adequately operate as the public child welfare agency statewide.

1. Social Service Block Grant (SSBG) Funding—We are requesting a 35% increase in the present funding. This is requested in order to keep foster care placements stable.

Rationale: Needed to support foster and adoptive placements and residential treatment within as well as outside of the state. Entire communities in the severely affected areas of Louisiana (and neighboring states as well) will need extensive supports and services to stabilize and sustain adequate placement resources and to meet on a service continuum the needs of vulnerable children and families in the rebuilding period. Residential placements in Louisiana are currently funded by state and the SSBG, and not by title IX as is common in other states. Many of these supports will be directed at recruitment of additional foster home providers.

2. An additional federal funding allocation for clothing, personal items in the form of an special appropriated allocation for all foster children from Hurricane Katrina affected areas.

Rationale: Rationale is the same as above. Children and families in the displaced areas will need this as well.

3. Chafee Independent Family Living Program—we are requesting 35–40% increase in the allocation for the Chafee Program.

Rationale: A large number of the Independent Living programs were in the disaster impact areas and were pre-Katrina providing a large variety of independent living and young adult services as well as a large number of the provider base were located in New Orleans. Supervised apartments were destroyed or severely damaged as well as furnishings, clothing, and other critical items were lost. New supervised apartment housing wi1l have to be developed and will cost more to the state.

4. Additional funding for foster care reunification services and supports through title IV–B, parts 1 and 2 is requested. This is requested for a two-year period. Further, the state is asking assistance in regards to the required match for these funds. There is no state funding appropriation for the additional matching funding. The state is asking for a federal waiver for the requirement for state matching participation for any increase in these funding sources for services.

Rationale: Children and their biological parents may be separated by significant distances for an extended or indefinite period of time. Pursuant to federal and state child welfare law, states will remain responsible for making reasonable efforts to reunify those children with their families so long as that is the case plan goal. It is noteworthy that approximately one third of the total foster homes in the state were in the Katrina impacted areas. Louisiana does not have a sufficient number of alternative placement resources to replace these children. Children taken into custody in other states will need to be returned to Louisiana and this will result in increased strain on the limited number of available foster homes. Special provisions for recruitment and licensure are sought. It is anticipated also that as the weeks ensue that there wi1l be increases in the number of child abuse reports resulting in a further increase in the need for foster care placement resources. Due to the devastation in three major regions of state foster care population; there will be few families in those areas who will be able to consider fostering or adopting children. This will impact the requirements the state will labor under for requirements for proximity of placement to parents. Additionally, part 2 of title IV–B provides for promoting safe and stable families. This too requires expansion to expand access to mental health assessment and placement assessment services for children and families and to increase support to foster parents through service providers such as family resource centers. Title IV–B, part 2, which has been so instrumental over the past decade of providing for services to prevent removal and provide assistance with reunification, must now be allowed to address for the next 12 months (at minimum) issues of posttraumatic stress in foster children, adjustment counseling for families, grief and loss counseling, social, mental health, and placement assessments, and to put in place services to address other Katrina mental health and crisis recovery impacts of the disaster effects on families and children involved in child welfare in the state.

5. Request for approval of random moment sampling procedures for cost allocation of administrative and other costs associated with service delivery. The state is requesting that we continue to use the June 30, 2005 random moment samples for the quarter ending September 30, 2005 and for the foreseeable future (at least one year) until statistics can be reasonably obtained from and for disaster areas.

Rationale: The state has no statistical capacity for random moment sampling for the three storm impacted disaster regions. Random moment sampling cannot be conducted in these areas. Using the June 30, 2005 sample is our last pre-Katrina milepost for these statistics.

6. Request for special assistance from the Federal Emergency Management Agency (FEMA) to provide for FEMA related replacement costs for replacement of items of foster children that were lost in the storm. The state is asking for ACF assistance with FEMA to organize a quick and easy method for foster parents to submit and receive reimbursements or payments for the items of foster children that were lost during the storm and subsequent evacuation.

Rationale: These are costs that FEMA may be able to reimburse by special arrangement. An innovative foster parent special reimbursement ''track'' is envisioned to assist these families in any state they have relocated to due to evacuation from the disaster areas. Expedited reimbursement to lessen the recovery burden on foster children is the aim of this request.

We appreciate the opportunity to submit these requests to your office. We would welcome any questions or comments. A prompt reply would be appreciated.

Sincerely

MARKETA GARNER GAUTREAU,
Assistant Secretary.

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

I thank the gentleman from Washington for his support for this legislation. I appreciate the concern expressed across the aisle, but the concern is not valid. It is important that we accurately explain the policy included in the spending reform bill, what it will do.

This legislative fix would not alter Federal eligibility for foster care and adoptive assistance. Instead, it would ensure that every State uses the same eligibility criteria for receipt of Federal payments. Promoting child safety and well-being must remain the goal of these programs. And Federal law must be applied evenly in all States. We are doing just that with this policy fix.

Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. COLE), who is the author of this legislation.

Mr. COLE of Oklahoma. Mr. Speaker, I rise today in support of S. 1894, the Fair Access Foster Care Act of 2005.

This legislation makes a technical change to current law, which will allow foster care maintenance payments to any public or private agency that assists families who care for foster children. This will allow for-profit agencies to operate on the same footing as all other such agencies, but States will continue to decide which agencies to use based on their best judgment about what is in the interest of the children and the families they serve.

The Fair Access Foster Care Act will ease the administrative costs to States that already elect to work with nonprofit agencies, allowing the focus and the money to be concentrated on what really matters.

Speaking for my own State, in Oklahoma there are 15 agencies that provide therapeutic foster care. Five of these agencies operate under a for-profit business model.

Mr. Speaker, I will again note that this legislation does not require any State to contract with for-profit agencies. Individual State agencies charged with the oversight of custody children will continue to create their own rules for licensing child-placing agencies within the State. This legislation is identical to legislation I authored, H.R. 3008, so I am very grateful that this legislation was scheduled for consideration.

Mr. Speaker, I want to extend my gratitude to the gentleman from California (Chairman HERGER), the gentleman from Washington (Ranking Member MCDERMOTT), and also to the staff of the Ways and Means Committee for guiding this bill through the legislative process.

And finally, Mr. Speaker, I want to extend my thanks to my friend, Dr. Laura Boyd of Norman, Oklahoma. Dr. Boyd and I belong to different parties and have even been on the opposite sides of each other in various campaigns over the years, but we have always had the ability to work together across the aisle when it counted.

Mr. Speaker, Dr. Boyd did a commendable job in raising awareness of this issue, and she was an effective proponent for this needed change in the law. She is a very big reason why we are at this point today.

I urge the Members to support the passage of this bill, S. 1894.

Mr. MCDERMOTT. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Houston, Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me this time, and I remain very appreciative of his longstanding interest and support on these important issues dealing with children.

Let me thank the distinguished gentleman from Oklahoma (Mr. COLE) for his work on this issue and working, of course, as he has indicated, in a bipartisan way with his constituents back home.

I think it is important to note that those of us who are on this floor and our colleagues obviously have a great concern for our children. So this reporting of the truth about the calamity and the concern about the foster care system in America should not be taken personally. We should all be moving toward trying to improve the system. And I rise in support of the Fair Access Foster Care Act of 2005 simply because it is a procedural change that allows a broader response to the needs of our foster care children.

I happened to have worked in Houston with an outreach committee cochaired by myself and former Congressman Mike Andrews, who used to be a member of the Ways and Means Committee; and we worked on recruitment of foster parents, providing foster parents with more resources. And this was a decade or so ago. Unfortunately, in 2005 we have the same concerns dealing with our foster care system. It is, in fact, broken to a certain extent, and the Fair Access Foster Care Act of 2005 will at least provide the access to not-for-profits to be able to channel the care of foster children, therapeutic care, how important that is, counseling and psychologists and psychiatrists, to build these lives.

But we cannot, Mr. Speaker, deny the fact that more resources are not needed in recruitment, more resources are not needed to give foster parents relaxation, R&R, so that they can come back home to take care of these children. More resources are needed in keeping siblings together, and, of course, as my colleague from the great State of Washington said, more resources are needed to stand in the way of child abuse and neglect.

Might I cite for the Members an article that says ''Record High Numbers of Children Reported in Foster Care.'' This article reports the fact that these numbers are growing and growing and growing. Let me also say that we have seen over the course of 2 months one natural disaster after another: Hurricane Rita, Hurricane Katrina, Hurricane Wilma, and the terrible tornado in Kentucky and Indiana. In Hurricane Katrina alone, the statistics show that 35 percent of those impacted by Hurricane Katrina will be children.

One of the things that we fail to recite and repeat on the floor of the House, Mr. Speaker, 1,000-plus individuals died in Hurricane Katrina. Many of them are the parents of children now still living with relatives or children that are missing. And the very fact that we have ignored that dilemma shows that downstream we are going to be facing huge numbers of children needing foster care.

□ 1200

In my own congressional district, we have thousands of Hurricane Katrina survivors. Many of the family members are there taking care of other people's children or their relative's children.

So the foster care concept or the structure of foster care unfortunately is a safety net for children who are without any supervision or not having their needs being taken care of because of the family dissolution and other problems. This is an important step to fix the problem to add more people into the system, but this does not, Mr. Speaker, answer the total question of building a foster care system to aid those who suffer from neglect and helping out children in these terrible times.

Mr. Speaker, I speak today in support of S. 1894, the Fair Access Foster Care Act of 2005. Therapeutic foster care is foster care for children with special medical, psychological, emotional, and social needs. These children need comprehensive support and attention, requiring a great deal of commitment and sacrifice from foster care parents. Prior to the placement of a child, a potential therapeutic foster care parent must complete a certification process that involves a background check, a training program, and at least two homestudies.

Generally therapeutic foster care children are not permitted to attend daycare and require "line of sight" supervision. That is, therapeutic foster care children must be in view of the foster parents at all times, except when attending school and other approved activities.

Recruiting parents to provide therapeutic foster care is a never-ending job. There are always children waiting for a match to be found. Therapeutic foster care children stay in crisis shelters for the transition period, adding a great deal of stress to their lives.

Since 1992, IV–E funds from Department of Health and Human Services (HHS) have gone to partially fund both for-profit and nonprofit therapeutic foster care providers.

The problem we are facing is that recently, the Oklahoma Department of Human Services (DHS) realized that due to a technicality, for-profit agencies are not eligible to receive IV–E funds from HHS. In addition, other states have come to similar realizations and made arrangements to avoid noncompliance. Unfortunately, some states are not even aware of this discrimination. S. 1894 amends the United States code to allow all therapeutic foster care agencies to receive maintenance payments from the United States Department of Health and Human Services.

The Congressional Budget Office has indicated that any costs associated with this legislation would be insignificant. S. 1894 would amend the United States code to allow all therapeutic foster care agencies to receive maintenance payments from the United States Department of Health and Human Services. The Congressional Budget Office has indicated that any costs associated with this legislation would be insignificant.

In closing, there are over 500,000 children in foster care today. A large number of these children require therapeutic care. The business model of for-profit agencies should not prohibit Title IV–E maintenance cost reimbursement. Now is not the time to prevent highly qualified agencies from placing these children in safe homes.

Mr. MCDERMOTT. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, this bill provides very limited administrative flexibility, essentially just legalizing what a handful of States are already doing with foster care. But this tiny finger of flexibility given with one hand is taken away with both hands from the same abused and neglected children in the companion legislation that this same group of Republican leaders has so enthusiastically endorsed in our committee and which it plans to foist off on the American people this week.

So extreme is the Republican demand for tax breaks and more tax breaks and more tax breaks for those at the top of the economic ladder and the multinational corporations that will not pay their fair share of the tax burden that Republicans have demanded that the same abused and neglected children that they say they would help today, would be the ones to pay the tab for these tax cuts.

Those across America who realize that we need to be doing more for children who are physically or sexually

abused by a parent, or merely abandoned without food or support by a parent who is caught up in a drug habit, need to know that those kids need more help. They need to know that the companion legislation the Ways and Means Committee has approved for consideration in the full House this week would deny those children almost $600 million of federal support.

Most of this is taken from battered, abused, and neglected children who found a new home with a loving family member. Think about it: a grandparent who realizes their child has gone astray and they take their abused, neglected grandchild back into their family to try to give them a chance.

The only federal court, an appellate court, that has interpreted our existing federal foster care law in the case, Rosales v. Thompson, issued a decision that is so clear that the Bush administration chose not to appeal it to the United States Supreme Court. However, the Bush administration has said it will not apply the court's decision to the law in this country outside a number of Western States. Under the court's ruling, abused, neglected, and battered children who seek the safety and stability of a home with grandparents, or other relatives who are not formally licensed as foster caregivers are eligible to receive, quite wisely, federal foster care assistance.

The Republicans are now saying we should deny funding to these grandparents and other relatives that care. The would tear apart tens of thousands of families and disregard the very purpose of the Adoption and Safe Families Act, a Federal law that directs a preference be given to placements with relatives.

For some reason, after endless speeches proclaiming a concern for ''family values,'' the only families that count are those that are sitting up at the top of the economic ladder, while the families that have taken in an abused and neglected child are left behind. This companion bill is the so-called ''reconciliation'' which really ought to be spelled W–R–E–C–K, ''wreck,'' because it is a wreck for these tens of thousands of loving and caring families. It is speeding through this Congress and speaking volumes about how much ''family values'' really count up here.

To say that the Republicans would literally take food from the mouths of babes to fund tax breaks for the rich might sound like partisan rhetoric, but if you watch this Congress this week, that is exactly what you will see.

This very year, President Bush's Office of Management and Budget rated the federal child support program among the highest and most efficient programs in the Federal Government; and yet, in the same bill in which they plan to take away about $600 million from families caring for abused and neglected children, they plan to deny federal support for child support enforcement, as amazing as that might seem.

There has been a 75 percent increase in child support collections from deadbeat dads since fiscal year 1996, adding up to $21.2 billion, a big figure, but it translates, just like these monies for the foster families, into hundreds of thousands of small amounts that put food on the table and allow kids to have the clothes to go to school.

Apparently, the folks that are running this place, the Administration and the House of Representatives do not know what it is like to be a single mom out there trying to get kids through school or to be a single grandmother having to start a second family to care for a grandchild while trying to keep them out of trouble and struggling to put food on the table. A few hundred dollars a month—whether it is from a deadbeat dad or through this foster care program for abused and neglected families—can make a big difference. That little bit of money makes the difference between a child who has a future and a child who ends up just like the abused and neglected parent that placed them in this horrible situation.

And, in the same bill that is a companion to this, House Republicans go even farther than cutting off support for programs that address deadbeat dads and abused and neglected children, they also cut child care funding to the tune of about $500 billion. Those funds are cut from those who are struggling to get off welfare and will result in 270,000 fewer children of poor working families being able to get access to child care in the next 5 years.

This Republican reduction in our federal investment in children will cost us millions and billions of dollars in the long run, but, most importantly, it will deny too many children in this country the opportunity to achieve their full, God-given potential. It is wrong. And while this minor piece of uncontested legislation ought to be approved today, we need to reject this attempt by extremists in this Congress to place all the burden of their fiscal mismanagement on the most vulnerable people in our society.

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

Mr. Speaker, the gentleman from California (Mr. HERGER) brought out a harmless little bill here today, and some may wonder why we have taken so much time to whale away on the Budget Reconciliation Act which is coming down the road.

The fact is that this issue of child welfare is an issue that we have absolutely neglected in this House, and we are talking about the whole issue of child care.

This one little bill here has the title, which is the part that offends me: ''Fair Access to Foster Care Act.'' Well, advertising like that would be out of order, because that is misrepresenting what this is about. This is a technical corrections bill. But the Republicans want to come out here, and everything is a PR piece: ''Fair Access to Foster Care.'' You do not intend to give to anyone. You are not giving it in this bill. You are not going to give it on Thursday in the reconciliation bill. There is simply no concern about foster children in this Republican leadership.

When they send people like the gentleman from California (Mr. HERGER), a good, solid citizen, out here to defend this as ''fair access to foster care,'' people will say, well, I voted for the Fair Access to Foster Care bill, as though voting for a title meant something.

Mr. Speaker, this administration is 6 weeks without picking up a pen and signing a letter to help the kids in Louisiana. That is a President who is leaving people behind. That is a Congress who is leaving children behind. You are not going to get away from it with the Fair Access to Foster Care Act.

I urge all of my colleagues to vote for this bill. We will continue this discussion on Thursday when we have the Budget Reconciliation Act.

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

Mr. HERGER. Mr. Speaker, I appreciate the comments on the other side of the aisle. However, almost none of what was just discussed has anything to do with what is on the floor today. The bill before us is a good one and one every Member should support. Members will soon have a chance to support needed spending reforms to reduce deficits and help balance the budget. That should be a goal for all of us.

But what we hear today from the other side of the aisle is what we always hear: one, ''no'' on any savings in Federal programs; and, two, ''no'' on commonsense reforms; but, three, ''yes'' on raising taxes on the American people. Unfortunately, it is just the same old liberal wine in the same old bottles.

Mr. Speaker, the legislation before us today is an important step towards improving our Nation's child protection programs. It would ensure that all public and private agencies that assist families who care for foster children are treated in the same manner. It is good legislation and would help States focus their efforts on promoting child safety and well-being.

I would like to again thank my colleagues for their work in this area, and I urge all Members to support this legislation.

GENERAL LEAVE

Mr. HERGER. 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 subject of the bill now under consideration.

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

There was no objection.

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

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the Senate bill, S. 1894.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HERGER. 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 and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. KNOLLENBERG. 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 motion to instruct on H.R. 3058.

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

There was no objection.

MOTION TO GO TO CONFERENCE ON H.R. 3058, TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

Mr. KNOLLENBERG. Mr. 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. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, 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. The question is on the motion offered by the gentleman from Michigan (Mr. KNOLLENBERG).

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. OLVER

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

The Clerk read as follows:

Mr. Olver moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 3058, be instructed to recede to the Senate levels for the National Railroad Passenger Corporation and the revitalization of severely distressed public housing (HOPE VI) and recede to the Senate on Section 722 of the Senate amendment.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Massachusetts (Mr. OLVER) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. OLVER).

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

Mr. Speaker, we are approaching the end of what has been a long and complicated process.

□ 1215

As we all know, the Treasury, Transportation, HUD and other agencies, commonly known as the THUD bill, has many moving parts; and while there are many issues to be addressed in the conference, I want to highlight a few today to refresh our memory.

The motion to instruct is fairly straightforward and simple. It addresses three items that deserve the body's attention. The first is funding to ensure that the National Railroad Passenger Corporation, commonly known as Amtrak, maintains its current level of service. It is funded in both bills; however, the House bill provides $1.18 billion and the Senate bill provides $1.4 billion. As you can see, it is intent of both houses of this Congress to fund Amtrak, and my motion to instruct conferees insists on sufficient funding to ensure that Amtrak can continue to provide service, make capital improvements and pay its debt.

The second item deals with the micropurchase cap. The second Katrina supplemental budget included an administration proposal to increase the micropurchase threshold from $15,000 to $250,000. This means that authorized holders of government credit cards can now charge items that cost up to a quarter of a million dollars. This is far beyond the purpose of the government card program and invites the possibility for fraud and abuse. The Senate's version of H.R. 3058, the Senate's amendment to H.R. 3058, included a provision that repeals the increase to the micropurchase threshold. My motion to instruct insists on the Senate provision that repeals the unnecessary and excessive increase to the micropurchase threshold.

And the final issue, Mr. Speaker, deals with HOPE VI. The House bill funded the program at $60 million as a result of an amendment passed on the floor. The Senate funded this important program at $150 million. The fiscal year 2005 level for this program was $142 million.

The HOPE VI program is vital to the rehabilitation of urban areas. And once again, Congress has shown its intent to support this important program, and my motion insists on its being funded at the higher level.

Again, Mr. Speaker, this is a simple motion that instructs the conferees to support the highest possible funding level to ensure Amtrak can maintain the current level of service; to recede to the Senate level for HOPE VI; and to recede to the Senate language in order to repeal the micropurchase cap increase that had been adopted in the second Hurricane Katrina supplemental budget earlier this fall.

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

Mr. KNOLLENBERG. Mr. Speaker, I yield myself such time as I might consume.

I thank my colleague from Massachusetts for his commitment to the programs in this bill and for his partnership in what has been a most interesting journey to bring this bill to a conference.

This bill is a huge compilation of government operations, public service programs and critical national infrastructure. Like other appropriations bills, our allocation and commitment to fiscal responsibility makes funding these programs a challenge. Our task was to fund well-run, effective programs to the greatest extent that we could and encourage reform in others. Two of the motions, Amtrak and HOPE VI, fall into the latter category.

Starting first with Amtrak, this is a railroad in desperate need of reform. This year alone Amtrak will carry over $120 million in funds that were provided to them by the Congress in fiscal year 2005 but not used. The DOT Inspector General, an official respected on both sides of the aisle, has informed us that $1.275 billion is sufficient for Amtrak to continue operating its existing route structure without reductions in frequency, and to dedicate sufficient resources to continue the effort to bring Amtrak-owned infrastructure to a state of good repair. Also included in this figure is $278 million to meet Amtrak's debt service obligations on its nearly $4 billion in outstanding loans.

HOPE VI is a program that is just that for many people, hope that the grant to create new public housing will actually be spent in their neighborhoods. Currently, over $2.8 billion in HOPE VI grants has not been spent. Only 37 of the 224 communities have actually seen the finished product.

For those 37 communities, HOPE VI is a terrific program, and I was a supporter of HOPE VI for that reason, because there are some good examples. However, HOPE VI is not working for the other 187.

Here is another program in desperate need of reform, and I am hopeful for that in the coming year, with whatever level of funding is provided for the program. The authorizing committees of jurisdiction will look for ways to make this program more effective.

Section 722 of the Senate bill deals with micropurchases. I believe the administration has already acted on this issue, and we are supportive of the Senate's provisions.

In the end, we recognize the challenges of reform and have not abandoned our commitment to fund good programs. We will do our best under this allocation that we have to meet to fund the priority programs, including HOPE VI and Amtrak. Again, I thank the gentleman from Massachusetts and

all the members of the subcommittee for their hard work this year.

With that, I would merely announce that I would accept the motion to instruct.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of the Motion to Instruct Conferees to H.R. 3058, the Fiscal Year 2006 Transportation-Treasury Appropriations Act, offered by the Gentleman from Massachusetts (Mr. OLVER), Ranking Democratic Member of the Appropriations Subcommittee.

In part, this motion instructs conferees to recede to the Senate levels for the National Railroad Passenger Corporation, or Amtrak.

This past summer, the House approved by voice vote a bipartisan Amtrak funding amendment that the Gentleman from Ohio (Mr. LATOURETTE), the Chairman of the Subcommittee on Railroads, and I offered to H.R. 3058, the Fiscal Year 2006 Transportation-Treasury Appropriations bill.

The amendment increased funding for Amtrak to $1.176 billion: $1.176 billion more than the Administration proposed in its Fiscal Year 2006 budget request and $626 million more than the House Appropriations Committee approved. It passed overwhelmingly.

The Senate followed the House's lead, but raised the bar, providing Amtrak with $1.45 billion, a difference of about $275 million.

During Floor consideration, the Senate also stripped the Senate bill of several controversial provisions regarding Amtrak, opting instead to pass a reasonable, sensible, bipartisan Amtrak reauthorization amendment, offered by Senators LOTT and LAUTENBERG, to the Budget Reconciliation bill by a vote of 93–6.

I urge that the conferees recede to the Senate level of $1.45 billion.

The fact is that this Congress time and again promotes transportation, particularly rural access to transportation. We should do no less for Amtrak.

Amtrak's opponents, however, are quick to point fingers at Amtrak's management, and claim that Amtrak doesn't deserve our support: That private corporations could run a better passenger railroad.

The truth is that a succession of hard-working and dedicated management teams at Amtrak cannot do the impossible—that is, operate our Nation's passenger rail system without a substantial level of investment from the Federal Government.

From its creation in the 1970's, the Corporation has been on a starvation diet. Lack of adequate funding and the annual threat of elimination have conditioned Amtrak to focus on survival.

Yet despite chronic underfunding, Amtrak has had its successes. According to the Amtrak Reform Board, since 2002, Amtrak has: implemented new accounting and financial reporting systems; reduced personnel by almost 5,000; developed a detailed and prioritized five-year capital plan focused on restoring the Northeast Corridor to necessary levels of reliability and safety, and on restoration of an aging fleet of rolling stock used throughout the system; terminated the mail and express operation; eliminated or truncated three long-distance routes; increased ridership from 22.5 million in 2000 to 25.1 million in 2004; and contained Amtrak's cash-operating requirement at or below $570 million.

Capital investment is up substantially: 256,000 concrete ties were installed; 104,000 wood ties were replaced; 266 miles of rail infrastructure restored; 50 undergrade bridges improved; 43 miles of signal and communications cable replaced; 116 miles of catenary hardware installed; and 19 stations and 37 substations improved.

Since 2002, Amtrak's mechanical department completed 180 remanufactures/heavy overhauls, 111 diesel locomotive overhauls, 14 electric locomotive overhauls, 31 equipment overhauls, 51 wreck repairs, and 32 baggage car modifications.

Excess equipment was sold, unprofitable services were eliminated, fares were lowered on long-distance routes to increase ridership, and a $71 million maintenance facility was opened in a joint partnership between Amtrak and the State of California.

In short, Amtrak is making great progress, even on a limited budget. Let's invest $1.45 billion in our rail passenger future and help Amtrak succeed.

I urge my colleagues to join me in supporting the Motion to Instruct Conferees.

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

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

The SPEAKER pro tempore (Mr. SIMMONS). 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 Massachusetts (Mr. OLVER).

The motion was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. KNOLLENBERG, WOLF, ROGERS of Kentucky, TIAHRT, Mrs. NORTHUP, Messrs. ADERHOLT, SWEENEY, CULBERSON, REGULA, LEWIS of California, OLVER, HOYER, PASTOR, Ms. KILPATRICK of Michigan, Messrs. CLYBURN, ROTHMAN, and OBEY.

There was no objection.

MOTION TO GO TO CONFERENCE ON H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. REGULA. Mr. 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. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, with the 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. The question is on the motion offered by the gentleman from Ohio (Mr. REGULA).

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. 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 bill, H.R. 3010, be instructed to insist that the conference agreement include:

(a) Not less than $8.095 billion to adequately prepare the nation for a flu pandemic;

(b) $5.1 billion for the Low Income Home Energy Assistance Program, an increase of $3.1 billion over the House bill, to help the elderly and the poor cope with rising energy prices;

(c) An additional $1.583 billion over the House bill to promote life through doing real things to reduce the pressure for abortions by making it economically easier for low-income and vulnerable women to choose to carry pregnancies to term, including increases above the House bill of $175 million for the Maternal and Child Health Block Grant, $98 million for Healthy Start, $200 million for childcare, $500 million for after-school centers, $155 million for Head Start, $330 million for the Community Services Block Grant, and $125 million for Domestic Violence Prevention;

(d) An additional $476 million over the House bill to help maintain the basic health care safety net, including providing the full increase requested by the President for Community Health Centers, and keeping funding at no less than last year's level for the Healthy Communities Access Program and key health professions programs;

(e) An additional $5.5 billion over the House bill to provide meaningful educational opportunities for America's children, including a $3 billion increase over the House bill for Title 1 grants to make progress on No Child Left Behind funding promises so that low-income children can learn, a $1.6 billion increase over the House bill to meet our commitments to children with disabilities, a $100 million increase over the House bill to alleviate the impact of military dependents on local schools; and an $840 million increase over the House bill to boost the maximum Pell Grant by $200 in order to partially offset a 34% increase in college costs since 2001;

(f) An additional $439 million over the House bill to protect American workers, wages and jobs by investing in job training and worker protection programs at home and abroad, including restoring an 87% cut in funding for the International Labor Affairs Bureau at the Department of Labor; and

(g) Offsetting the cost of the above, and producing additional deficit reduction, through reductions in tax cuts for households with incomes above $1,000,000.

Mr. OBEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

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

There was no objection.

Mr. REGULA. Mr. Speaker, I reserve a point of order on the gentleman's motion.

The SPEAKER pro tempore. The point of order is reserved.

Pursuant to clause 7 of rule XXII, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Ohio (Mr. REGULA) each will control 30 minutes.

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

Mr. OBEY. Mr. Speaker, I will not take more than 3. I simply would like

to, as a courtesy to the House, explain the motion.

For the last 2 weeks, the attention of the House has been focused on the efforts of the majority party to pass its reconciliation bill, which includes significant cuts in food stamps, in child support enforcement, in disability payments in order to pay for the tax cuts which this Congress has already largely passed. The problem that we have with that is that this bill, in effect, hits those same poor people a second time with cuts in education, health, worker protection programs that are in the bill.

The Senate appeared to give the persons interested in this bill some hope that those cuts could be avoided by adding a $3 billion financing gimmick to their proposal. But it is clear now that that provision is being discarded, and that means that the new caps that the Appropriations Committee adopted last week will eliminate the ability of the Senate to provide that extra $3 billion. That means that the only way that we can avoid that hit is to reduce the size of the tax cuts being provided to make room in the budget for some of these crucial items.

So this motion simply attempts to instruct the conferees to accept the Harkin amendment which would add $8 billion in order to pay fully for the flu pandemic work that needs to be done. It would instruct the conferees to add $3 billion to the low-income heating assistance program to take into account the huge increase in home energy prices that consumers will face this year, especially low-income consumers.

It would provide an additional $1.5 billion in programs that are meant to discourage abortion, programs such as a maternal and child health block grant, Head Start, domestic violence and numerous others, one-half billion dollars to restore health professions training, and $3 billion to put title I on a 5-year track to full funding under No Child Left Behind; $1.6 billion in additional funding for disabled and handicapped children trying to put that program on the same 5-year glide path; and one-half billion dollars in restoration for worker training and job training programs.

It would ask the conferees to support a provision which would reduce the size of the tax cuts for millionaires from an average of $140,000 to $36,000. That is still a pretty hefty cut.

Mr. Speaker, in essence, that is what the motion to instruct would provide. We are offering it because this is the last chance that this body has to reach a different set of judgments concerning budget priorities that affect the poorest and most defenseless people in this society.

POINT OF ORDER

The SPEAKER pro tempore. Does the gentleman from Ohio continue to reserve his point of order?

Mr. REGULA. Mr. Speaker, I make a point of order against the motion because it violates clause 9 of rule XXII by proposing to direct the conferees to exceed the scope of matters committed to the conference. And I ask for a ruling from the Chair.

The SPEAKER pro tempore. Does any Member wish to speak on the point of order?

□ 1230

Mr. OBEY. Mr. Speaker, if one looks at the Budget Act, the purpose of the Budget Act was to force a Congress to get away from runaway spending and runaway deficits by forcing the Congress to confront trade-offs between spending and revenues. In fact, the Congress is being prevented from doing that and the Congress is being shielded from facing those explicit trade-offs unless amendments such as this are offered and debated fully in the House.

We recognize that funding for these programs under the budget resolution is being cut back in order to make room in that same budget resolution for the tax cuts that have been provided and to make room for further tax cuts which the majority party is talking about offering this week. If we cannot offer this kind of an amendment, then it would seem to me that the entire budget process has been intellectually corrupted and turned into a mere enforcement mechanism for majority party will rather than being used as a device to work out an explicit and forthright set of trade-offs.

I would urge the Chair to reject the point of order.

The SPEAKER pro tempore (Mr. SIMMONS). The Chair is prepared to rule on the point of order.

The Chair finds that the proposed instructions dwell their operative focus on matters not within the scope of the differences committed to conference by the two Houses.

On these premises, the Chair holds that the instructions do exceed the scope of conference.

The point of order is sustained.

Mr. OBEY. Mr. Speaker, most reluctantly, I do appeal the ruling of the Chair, not because I have any fault with the Chair, but because this is the only opportunity this institution will have to make a different set of priority choices.

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. REGULA

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

The SPEAKER pro tempore. The question is on the motion to table.

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

Mr. OBEY. 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 5-minute votes on motions to suspend the rules on H. Res. 38, H. Res. 302, and H.R. 3770.

The vote was taken by electronic device, and there were—yeas 218, nays 173, not voting 42, as follows:

[Roll No. 573]

YEAS—218

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
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)
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—173

Abercrombie
Allen
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Cooper
Costa
Costello
Cramer
Cuellar
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr

Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—42

Ackerman
Andrews
Berman
Boswell
Brady (PA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Conyers
Crowley
Cummings
Davis (TN)
Dingell
Doyle
Gutknecht
Harris
Hastings (FL)
Hinchey
Jones (NC)
Jones (OH)
Kilpatrick (MI)
Lee
Marchant
Meeks (NY)
Millender-McDonald
Moran (VA)
Norwood
Owens
Pallone
Pascrell
Payne
Poe
Serrano
Sherman
Solis
Souder
Towns
Velázquez
Waters
Westmoreland
Whitfield
Young (FL)

□ 1259

Messrs. HIGGINS, MELANCON, LARSON of Connecticut, HONDA, DOGGETT, KENNEDY of Rhode Island and Ms. MCKINNEY changed their vote from ''yea'' to ''nay.''

Messrs. HOEKSTRA, PETERSON of Pennsylvania, SMITH of Texas and OTTER 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.

Stated for:

Mr. POE. Mr. Speaker, on rollcall No. 573, I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. MORAN of Virginia. Mr. Speaker, on rollcall No. 573, I was caught in traffic, returning from the Virginia polls. Had I been present, I would have voted "no."

Ms. SOLIS. Mr. Speaker, on rollcall No. 573 on H.R. 3010, I was unavoidably detained. Had I been present, I would have voted "no."

□ 1300

SUPPORTING THE ACCESSION OF ISRAEL TO THE ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

The SPEAKER pro tempore (Mr. SIMMONS). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 38, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 38, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 0, not voting 42, as follows:

[Roll No. 574]

YEAS—391

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
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
Grijalva
Gutierrez
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 (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—42

Ackerman
Andrews
Berman
Boswell
Brady (PA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Conyers
Crowley
Cummings
Davis (TN)
DeGette
Dingell
Doyle
Gutknecht
Harris
Hastings (FL)
Hinchey
Johnson (CT)
Jones (OH)
Kilpatrick (MI)
Lee
Marchant
Meeks (NY)
Millender-McDonald
Norwood
Owens
Pallone
Pascrell
Paul
Payne
Serrano
Sherman
Skelton
Solis
Towns
Velázquez
Waters
Westmoreland
Whitfield
Young (FL)

□ 1307

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: ''Resolution expressing support for the accession of

Israel to the Organisation for Economic Co-operation and Development (OECD)''.

A motion to reconsider was laid on the table.

Stated for:

Mr. SKELTON. Mr. Speaker, on rollcall No. 574, had I been present, I would have voted "yea."

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 574 on H. Res. 38, I was unavoidably detained. Had I been present, I would have voted "yea."

RECOGNIZING AND COMMENDING CONTINUING DEDICATION AND COMMITMENT OF EMPLOYERS OF MEMBERS OF THE NATIONAL GUARD AND THE OTHER RESERVE COMPONENTS

The SPEAKER pro tempore (Mr. BASS). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 302, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SAM JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 302, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 0, not voting 38, as follows:

[Roll No. 575]

YEAS—395

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
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
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (WA)
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 (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
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—38

Ackerman
Andrews
Berman
Boswell
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Conyers
Crowley
Cummings
Davis (TN)
Dingell
Farr
Gutknecht
Harris
Hastings (FL)
Hayes
Hinchey
Jones (OH)
Kilpatrick (MI)
Lee
Marchant
Meeks (NY)
Millender-McDonald
Norwood
Owens
Pallone
Pascrell
Payne
Serrano
Sherman
Solis
Towns
Velázquez
Waters
Westmoreland
Whitfield
Young (FL)

□ 1317

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 575 on H. Res. 302, I was unavoidably detained. Had I been present, I would have voted "yea."

GRANT W. GREEN POST OFFICE BUILDING

The SPEAKER pro tempore (Mr. BASS). The pending business is the question of suspending the rules and passing the bill, H.R. 3770.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House suspend the rules and pass the bill, H.R. 3770, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 393, nays 1, not voting 39, as follows:

[Roll No. 576]

YEAS—393

Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
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
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (WA)
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 (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
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—1

Abercrombie

NOT VOTING—39

Ackerman
Andrews
Berman
Boswell
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Conyers
Crowley
Cummings
Davis (TN)
Dingell
Gutknecht
Harris
Hastings (FL)
Hayes
Hinchey
Jones (OH)
Kilpatrick (MI)
Lee
Marchant
Meeks (NY)
Millender-McDonald
Napolitano
Norwood
Owens
Pallone
Pascrell
Payne
Serrano
Sherman
Skelton
Solis
Towns
Velázquez
Waters
Westmoreland
Whitfield
Young (FL)

□ 1327

So (two-thirds having voted in favor thereof) the rules were suspended and 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. SKELTON. Mr. Speaker, during rollcall vote No. 576 on H.R. 3770, I was unavoidably detained. Had I been present, I would have voted "yea."

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 576 on H.R. 3770, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, I regret that I missed four votes on November 8th, 2005. Had I been present I would have voted "no" on tabling the Obey motion to instruct the conferees of H.R. 3010; "yea" on H. Res. 38 (Expressing support for the accession of Israel to the Organisation for Economic Co-operation and Development); "yea" on H. Res. 302 (Recognizing and commending the continuing dedication and commitment of employers of the members of the National Guard and the other reserve components who have been mobilized during the Global War on Terrorism and in defense of the United States); and "yea" on H.R. 3770 (Grant W. Green Post Office Building Designation Act).

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, personal reasons require my absence from legislative business scheduled for today, Tuesday, November 8, 2005. Had I been present, I would have voted "no" on tabling the motion to instruct offered by Representative DAVID OBEY on H.R. 3010, (Roll Call No. 573); "yea" on H. Res. 38, a resolution expressing support on Israel's accession to the Organisation for Economic Co-operation and Development (Roll Call No. 574); "yea" on H. Res. 302, recognizing and commending employers of the members of the National Guard and other reserve components (Roll Call No. 575); and "yea" on H.R. 3770, the Grant W. Green Post Office Building Designation Act (Roll Call No. 576).

PERSONAL EXPLANATION

Mr. NORWOOD. Mr. Speaker, though I was absent on Tuesday, November 8, 2005 for medical reasons, I wish to have my intended votes recorded in the CONGRESSIONAL RECORD for the following votes:

Rollcall vote 573 on the Motion to Table the Appeal of the Ruling of the Chair on Motion to Instruct Conferees on H.R. 3010—"yea"; rollcall vote 574 on H. Res. 38—"yea," Rollcall vote 575 on H. Res. 302—"yea," Rollcall vote 576 on H.R. 3770—"yea."

PERSONAL EXPLANATION

Mr. GUTKNECHT. Mr. Speaker, I was unavoidably absent from early afternoon votes in the U.S. House of Representatives on Nov. 8, 2005 due to an important meeting I had with the New Zealand Ambassador in St. Paul, Minnesota. During this meeting, the Ambassador and I discussed agricultural trade issues.

Had I been present in the U.S. House of Representatives, I would have voted "aye" on the following bills:

Motion to Table the Appeal of the Ruling of the Chair on Motion to Instruct Conferees; H. Res. 38; H. Res. 302; H.R. 3770.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, postponed votes on motions to suspend the rules and pass H.R. 1953 and S. 1894 will be taken at a later time.

APPOINTMENT OF CONFEREES ON H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. REGULA, ISTOOK, WICKER, Mrs. NORTHUP, Mr. CUNNINGHAM, Ms. GRANGER, Messrs. PETERSON of Pennsylvania, SHERWOOD, WELDON of Florida, WALSH, LEWIS of California, OBEY, HOYER, Mrs. LOWEY, Ms. DELAURO, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, and Ms. ROYBAL-ALLARD.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2048

Mr. BARTLETT of Maryland. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2048.

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

There was no objection.

SEVERE RESTRICTIONS TO AFFORDABLE HOUSING FUND ILL-ADVISED

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

Mr. FRANK of Massachusetts. Mr. Speaker, a couple weeks ago the majority in the House narrowly imposed on the bill creating an affordable housing fund with funds from Fannie Mae and Freddie Mac severe restrictions to keep insidious left-wing organizations from undermining the stability of this country. I have a letter here from one of the organizations that was so targeted. It

is that radical group known as the Society of St. Vincent de Paul, a set of groups in local communities that, to quote them, ''pray at each meeting that families and those who have no home quickly may find a place in which they can live a decent and happy life.''

Here is what this subversive organization of deeply religious people dedicated to trying to help the poor have to say:

''Our members live in communities across the country. They serve individuals and families with no homes, families on the verge of homelessness. We see what they are going through. Many Councils of the Society provide shelter and housing for the poor. The poor need a voice just as much as Americans who have the financial ability to own their own homes. They, too, should be allowed the privilege to register to vote, regardless of where they live; and nonprofits should not be penalized for providing them an opportunity to do so.''

COUNCIL OF THE UNITED STATES,
SOCIETY OF ST. VINCENT DE PAUL,
St. Louis, MO, November 2, 2005.

Hon. BARNEY FRANK,
Rayburn HOB, Washington, DC.

DEAR REP. FRANK: As National President of the Society of St. Vincent de Paul representing 116,000 members across the United States in 4,000 parishes, I urge you to:

1. Support the Affordable Housing Fund in the GSE legislation (H.R. 1461), but without restricting an organization's right to engage in voter registration.

2. Oppose any language that restricts voter registration and freedom of affiliation by non-profit and public organizations when using their own funds.

3. Tell House Speaker Dennis Hastert (R-IL) and Financial Service Chairman Mike Oxley (R-OH) to reject these restrictions and bring the bill to the floor for a vote without this language.

Members of the Society of St. Vincent de Paul pray at each meeting ''that families and those who have no home may quickly find a place in which they can live a decent and happy life.'' I ask that you help us to continue to make this a reality.

It is our belief that it is the right of every American to vote. Access to the privilege to register to vote should not be conditioned upon where people live or what their financial condition is. Nonprofit organizations such as the Society of St. Vincent de Paul, work tirelessly to serve the poor. It is irresponsible to hold organizations hostage by this restrictive measure that impinges on the rights of poor Americans and upon those who seek to help give a face and a voice to the many that are voiceless. We see from the recent tragedies in the south that there are many poor and today many more homeless who need shelter. Adding such limitations on those who are trying so hard to help is wrong.

The Society has been serving the poor in America for over 150 years. Our members live in communities across the country. They regularly visit and serve individuals and families with no homes, families on the verge of homelessness, and families who live in hazardous and substandard conditions. We see what they are going through. Many Councils of the Society provide shelter and housing for the poor. The poor need a voice just as much as Americans who have the financial ability to afford their own homes. They, too, should be allowed the privilege to register to vote regardless of where they live, and nonprofits should not be penalized for providing them an opportunity to do so.

Sincerely,

JOSEPH FLANNIGAN,
National President,
Society of St. Vincent de Paul.

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.

□ 1330

ASSURED FUNDING FOR VETERANS HEALTH CARE ACT OF 2005

The SPEAKER pro tempore (Mr. BASS). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, this is the week upon which the Nation will solemnly recognize the holiday known as Veterans Day, a day out of the year when we should pause to recognize the sacrifice of those 25 million who have served our Nation and the 2.2 million people serving today in uniform, many on the front lines in Iraq, Afghanistan, or in other hot spots around the world.

This is not the only day in which we should recognize the sacrifice that those who have served in the past have given or the current sacrifice of the veterans and the active-duty military and their families, but we should do that every day. And the way Congress could do that best would be to assure veterans that the United States Government will keep its promises, promises that were made to them and their families at the time of enlistment.

Unfortunately, we have fallen short. Until this year the administration had consistently underfunded veterans' benefits, and in fact, even earlier this year the President's proposed budget would have claimed a substantial increase in health care funding for veterans, but actually would have done that by taxing veterans with a $250 enrollment fee for 2.2 million veterans and doubling the prescription drug copayment. It was not too many years ago that we had no required copayment for veterans. We should return to that time for vets in need.

These are quotes from the Veterans of Foreign Wars; since we do not want this to be a partisan issue, let us quote from a nonpartisan group about the President's budget:

''This budget will cause veterans health care to be delayed and may result in the return of 6-month-long waiting periods. That is especially shameful during a time of war.'' This is from the VFW, February 7, 2005.

''The message that this budget communicates is that part of the Federal Government deficit will be balanced on the back of military veterans,'' he said, ''because it's clear that the proper funding of veterans health care and other programs is not an administration policy.'' Again, a quote from the VFW.

The American Legion, same day: '' 'This is not acceptable,' said Thomas P. Cadmus, national commander. ''It's nothing more than a health care tax designed to increase revenue at the expense of veterans who served their country.'' He went on to say that during his visits to VA hospitals, he had not run into Bill Gates, Donald Trump, or Ross Perot seeking care. He sees mostly veterans, many on small fixed incomes, trying to make ends meet and exercising their very best health care option, Cadmus observed.

''No active-duty servicemember in harm's way should ever have to question the Nation's commitment to veterans. This is the wrong message at the wrong time to the wrong constituent.'' Again, the commander of the American Legion.

Why is the Republican-led Congress not listening to that? This week they are going to struggle mightily to cut programs important to middle-income families, student loans and other programs. Then, in the near future, they are going to struggle mightily to pass $70 billion of new tax cuts for people who earn over $300,000 a year. But are they going to struggle or are they even going to allow a vote here on the floor of the House of Representatives on H.R. 515, the Assured Funding for Veterans Health Care Act?

There is no better way that the elected Representatives could celebrate Veterans Day here in the United States than by bringing up and passing this legislation that would, for all future budgets, assure that there would be adequate funding for veterans. They are already threatening a 2 percent across-the-board cut on that side of the aisle after they do the tax cuts for the rich people, because then we will be having to increase the size of the deficit despite the cuts to middle- and low-income programs, and that, of course, would hit hard again on veterans' programs.

We need assurances that that is not going to happen again. We need to properly recognize their service. The pay raises for Members of Congress, those are going forward in the House, although I oppose them. But somehow we cannot get the additional funding and the assured funding we need for our Nation's veterans.

Please, to the leadership, my Republican colleagues, and those on my side of the aisle, let us not just go home and march in the parades and tell people we are with the veterans. Let us demonstrate that with a vote of support on assured funding, mandatory funding, for every future budget year so that we will not go through these future struggles.

I have had too many calls from too many veterans to my district office where we have tried to help them get

in for critically needed care because of the extraordinary waiting lists in my part of the country, and I know that is not unique. We have got to do away with those waiting lists and deliver on the promises we have made.

Happy Veterans Day.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

NICS AND HEALTH CARE

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, every week I stand here and I talk about common-sense approaches to reducing gun violence in this country, and yet this body sees fit to chip away at existing laws. So tonight I want to talk about the effects of gun violence in terms that everybody in this body understands, dollars and cents.

Throughout America our States are experiencing extraordinary budget problems, forcing them to cut spending on many important initiatives. A great deal of these budget woes are caused by skyrocketing health care costs, and the proposed cuts for Medicaid are not going to help the situation.

Among the initiatives being neglected because of State budget crunches is the National Instant Criminal Background Check. NICS is the database used to determine whether an individual is legally allowed to purchase a gun or not. Since its inception in 1994, NICS has been a great success. More than 700,000 individuals have been denied a gun for failing a background check.

However, the NICS system is only as good as the information that is in it, and because of tight budgets, updating the NICS database has fallen off the radar for many States. But as Congress continues to weaken our gun laws, we increasingly rely on the National Instant Background Check System to assure our constituents that guns do not fall into the wrong hands. But, unfortunately, the NICS database has become 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 the terrorist watch list cannot get on a plane, but they can buy a gun. This defies common sense.

I have introduced H.R. 1415, legislation that will require States to enter in all NICS information as quickly as possible. My bill would also provide grants to States that do not have the resources needed to update their databases. These grants will not only keep guns out of the hands of felons, but will reduce the States' out-of-control health care costs as well.

Of course, Congress will not allow funding for the Centers for Disease Control to study the economic impact of gun violence, so we have to use data from independent sources. Independent sources have shown gun violence costs our economy over $100 billion a year, $100 billion a year. In fact, each gun death costs our economy $2.8 million. And much of the cost is picked up by the State and local governments.

Gun violence increases law enforcement spending. Gun violence costs the economy lost productivity. And while Congress will not let us learn the exact amount, gun violence costs our health care system billions each and every year. And since gun violence plagues so many low-income communities, victims are often uninsured. And who picks up the tab for uninsured victims of gun violence? American taxpayers. That is who.

Passage of H.R. 1415 would serve as preventive medicine for the public health care system in many States. This legislation would prevent gun violence without infringing on anyone's second amendment rights. Nobody in this body believes convicted felons should be able to own guns. In fact, H.R. 1415 passed the House by a voice vote in the 107th Congress. Unfortunately, the other body did not have time to pick the bill up. But the bill had the support of several Senators who are known for their strong support of gun rights.

We have an opportunity to reduce health care costs and save lives by improving the NICS system. Mr. Speaker, let us pass H.R. 1415, the NICS Enforcement and Improvement Act, before the end of the year. Let us give the States the help that they need.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE REPUBLICANS' BUDGET CHOICES

Ms. CARSON. Mr. Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, more than 10 years have passed since the Republican Party issued its ''Contract With America.''

This week Congress will vote on budget cuts and sacrifices that only middle-class America is asked to bear. These budget cuts have less to do with deficit reduction than they have to do with making the richest among us more comfortable in the face of bad economic times, massive health care costs and unfunded mandates passed on to State and local governments.

Sadly, Mr. Speaker, middle America is waking up to the bad news that Democrats have long known, and that is that the budget choices put forth by Republicans show that Republicans have a ''Contract on America.''

In the release of The Status of Working Families in Indiana, Indiana has had a dramatic increase in the number of persons in poverty during the past few years and has seen household incomes decline for the sixth year in a row. Job growth has been slow and wages have continued to be stagnant. The poverty rate for children in Indiana has jumped sharply in the past 3 years from 10.5 percent in 2002 to 18.5 percent in 2004. Indiana's childhood poverty rate is now greater than the Nation's, which is 17.8 percent.

Employment: From May, 2000, to January, 2002, Indiana lost 122,000 jobs due to the national economic slowdown and recession. Since September, 2003, Indiana has been on the road to recovery, but as of July, 2005, it was still 46,000 jobs below the level reached 5 years ago.

Wages: Indiana's wages have been stagnant for the past several years and have not kept pace with the average wages in the United States. By 2004, the average annual wage in Indiana had fallen to just over 88 percent of the U.S.

Incomes: Based on 2-year averages, Indiana's median household income has declined steadily since 1998 and 1999, when it was $46,136. By 2003 to 2004, it had fallen to $42,946.

In our rush to cut the budget on the backs of the poorest of Americans, we need, Mr. Speaker, to counteract that abusive act against middle-class and poor people and restore some economic sanity to the Nation's budget, to the United States of America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. KENNEDY) is recognized for 5 minutes.

(Mr. KENNEDY of Rhode Island addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IRAQ AND TORTURE

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

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, Yogi Berra once told us that ''When you arrive at a fork in the road, you should take it.'' Well, the United States has reached a fork in the road when it comes to torturing other human beings, and it is time we took it, once and for all.

□ 1345

Senator JOHN MCCAIN has offered an amendment to the Defense appropriations bill clarifying that the United States Government, including the military and the CIA, does not condone the use of torture, putting the United States in a position to set an example for the rest of the world by clearly affirming our opposition to the use of torture as a military tactic.

Yet if the Bush administration has its way, Congress will reject this amendment, reserving its right to employ the use of torture in certain situations. That is right: The Bush administration has come out against an amendment that states for the record that the United States opposes the use of torture. Do they really want people to think we support torture?

For one thing, America's use of torture certainly has not helped us win any friends so far. It did not win us friends when it was revealed that the American military had abused prisoners at Guantanamo Bay. It did not win us any friends when thousands of photographs were released showing U.S. servicemembers torturing, beating, humiliating, and generally violating Iraqi prisoners of war. And it certainly did not win us any friends last week when it was revealed that the United States might possess dozens of top-secret military prisons in Eastern Europe for the sole purpose of viciously interrogating enemy prisoners. Never mind the fact that torture as a tactic does not provide accurate results. Individuals who are placed in unbearable situations will say just about anything to end the pain that they are suffering. Yet, even if torture produced positive results, it violates every single principle that our country stands for.

I am not the only one that understands this. Most Members of Congress on both sides of the aisle are opposed to torture. This weekend, Senator CHUCK HAGEL, who is no stranger to conservative politics, did not pull any punches when he said, ''I think the administration is making a terrible mistake in opposing JOHN MCCAIN's amendment on detainees and torture.'' He said, ''making a terrible mistake.''

Yet, the President responds with the same tired talking points. Yesterday, he tried to justify his opposition to the McCain amendment by saying, our President, ''We will aggressively pursue the enemy, but we will do so under the law.'' Then he went on to say, ''We do not torture.''

Mr. Speaker, does the President think he can paper over this problem and expect it to go away? If the President is so adamant that the United States does not torture, why does he continue to oppose the McCain amendment banning the use of torture? Unfortunately, this is just business as usual for an administration that has time and again taken the wrong path when arriving at a fork in the road.

Let us not forget that there were plenty of other options for the United States before the President made the decision to go to war in Iraq, a war that has subsequently cost the lives of nearly 2,100 American soldiers, uncounted tens of thousands of innocent Iraqi civilians, and caused grave injuries to another 15,000 American soldiers.

Now, the President and his administration have yet another choice. They ought to take the high road when it comes to permanently ending the use of torture, and they ought to take the high road in bringing our troops home from Iraq and returning Iraq to the Iraqi people.

The Bush administration can never take back the many mistakes that have been made over the past several years: A failed war in Iraq, heinous acts of torture around the world, and a shamefully cynical foreign policy that has put Americans at greater risk than ever before.

But we are at another crossroads, and it is not too late to take the right path. If we do not, we risk suffering another Yogi Berra prophecy: ''Déjá vu all over again.''

The SPEAKER pro tempore (Mr. BASS). 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.)

REPUBLICANS HAVE A PLAN

Mr. MICA. Mr. Speaker, I ask unanimous consent to have 5 minutes in place of the gentleman from North Carolina.

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I did not plan to use these 5 minutes; but as we hear Bush-bashing and bashing of the Republicans as you walk through the Halls of our Chambers here, I think it is appropriate that we do take a minute to respond.

We just heard more Bush-bashing about accusations of torture in Iraq. I wonder where some of these same people were when Abu Ghraib prison had the torture of thousands of innocent Iraqi civilians and other people in that society who had their limbs lopped off, who were taken to the precipice outside of the prison and lined up, to deal with prison-crowding. A former Iraqi prisoner told some of us Members of Congress they would line up the prisoners and then shoot them in front of a ditch and then bury them. One escaped who had been shot several times and he told us that story.

The Bush administration has wanted to stop the torture of people in that prison and the loss of life in that country. They do not want to talk about the 300,000 mass graves that we have uncovered in that country, the slaughter of his own people that Saddam Hussein conducted.

Then we heard the previous speaker talk about how bad things are in America under the Bush administration and Bush policy. They did not tell us that under the policy of President Bush we have actually, in just this last fiscal year that ended the end of September, we have $100 billion in additional revenue into the United States Treasury. That is a plan of failure? In one year we have reduced the deficit, the projected deficit a year ago by some 25 percent, a sizable feat; we had unemployment before Katrina go to 4.9 percent, one of the lowest percentages on record, and even in the last quarter, with the incredible natural disaster that we faced in the gulf coast and in Florida, we had a remarkable 3.8 percent economic growth. They do not want to talk about the jobs that have been created under this policy.

So we do have a plan. We have a plan this week or soon to reduce some spending. We have balanced the budget before; we can do it again. We can bring about the reforms, and some of those are tough reforms, but we have a plan. It involves reform, and it will result in savings and we will see continued growth, economic growth in this country, and fulfill the dreams of Americans who want better jobs, who want lower taxes, less government regulation, and less litigation. All of those things, higher taxes, more government regulation, and litigation, we know drive jobs and opportunity out of this great Nation.

So Republicans have a plan. We will make reforms. They will result in savings and better opportunities for all Americans as opposed to the rhetoric that we have had here on the floor this afternoon. So I am pleased to present those items to the House in response to the rhetoric we have heard.

ONE NATION—TWO PRESIDENTS

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, across the country today, Americans are going to the polls to vote for candidates and issues. A year ago, the Americans went to the polls and voted for a President, but they got two instead. We have George W. Bush, the President of domestic policy, like appointing a self-described fashion God who left the gulf coast unprotected; and we have DICK CHENEY, the President of foreign policy, including secret CIA presence around the world.

Now, today the President of foreign policy is trying to round up votes in the Senate to exempt the CIA from an amendment that would ban the torture and inhumane treatment of prisoners. It is a sure sign that America has lost its way when we even have to talk about banning torture and inhumane treatment of prisoners.

America has never had two Presidents until now, and America has never had a question about its moral integrity, until now. The President of foreign policy would have us believe that we must become the enemy to defeat the enemy. Like so much from this administration, this is not true. America's moral imperative is true enough, strong enough, and safe enough to keep this Nation a shining light of freedom without secret, black ops demanded by someone who was never elected President.

Throughout our history, Presidents have led this Nation through wars at home and abroad by remaining true to America's principles and values. In the mid-19th century, America had never before faced a more ferocious enemy than the one from within that reduced us to the Civil War. President Lincoln never lost sight of what we were fighting for. He said: ''Our defense is in the preservation of the spirit which prizes liberty as a heritage of all men in all lands everywhere. Destroy this spirit, and you have planted the seeds of despotism around your own doors.''

In the early 20th century, America had never before faced a ferocious foe like the one that plunged the whole world into war, but President Woodrow Wilson did not forget what America stood for. He said: ''The present and all that it holds belongs to the nations and the peoples who preserve their self-control and the orderly processes of governments; the future to those who prove themselves the true friends of mankind.''

In the mid-20th century, America had never before faced an enemy more like one that had plunged us again into a world war, but Franklin Delano Roosevelt never wavered in his defense of his country: ''The only thing we have to fear is fear itself.''

And with the world on the brink of nuclear terror during the Cuban Missile Crisis, John Kennedy kept America free and safe without subverting American values. JFK knew a lot about winning a war without losing the peace. He said: ''When at least at some future date the high court of history sits in judgment on each one of us, our success or failure in whatever office we may hold will be measured by the answers to four questions: Were we truly men,'' and I would add women, ''of courage, men and women of judgment, men and women of integrity? Were we truly men and women of dedication?''

Presidents Lincoln, Wilson, Roosevelt, and Kennedy knew a thing about freedom and liberty; and they knew a lot about America. We are the land of the free and not the home of the afraid. But the President of foreign policy would have it otherwise. His demands for black ops is a black eye on this Nation. American history, not the unelected President of foreign policy, should be our guide.

Great American Presidents have led this Nation in times no less frightening than today. Ask any veteran of the Second World War what was at stake. They called it a world war for a reason. They did not shrink from their duty, and we must not forget that we did our best and we are the best hope of this world. We keep America free without losing America's moral integrity.

The unelected President of foreign policy wants an exemption on an amendment that would ban torture and inhumane treatment of prisoners. He wants the CIA to be free to do whatever they want.

We have come a long way from the days of great Presidents to arrive at the day of an unelected President. He acts not in the shadow of the White House, but standing in front of the person elected President. We used to shine light into the darkness of regimes where people disappeared into secret prisons, gulags. Now, the unelected President of foreign policy would have us become the custodians of gulags.

For a long time, people have wondered just how President Bush could get it so wrong so often. Now we know: he has help. America has a second President we never elected.

Mr. Speaker, I will include for the RECORD an article from the Village Voice.

PRESIDENT SHOULD DUMP CHENEY

(By James Ridgeway)

WASHINGTON, D.C.—Politicians across the political spectrum are hoping against hope that President Bush can take control of the nation and jumpstart a second term, kicking out chief adviser Karl Rove—who remains at risk in the Plame Affair—and changing policy in Iraq, where U.S. soldiers continue to die. But as everyone in Washington knows, Rove isn't the real problem here. The real problem for Bush is Vice President Dick Cheney—it's Cheney's now former chief of staff, Scooter Libby, who has been indicted in the Plame Affair, and it's his pushing that has the administration taking a hard line on the handling of detainees. And the best way, perhaps the only way, for Bush to take charge of the country is to dump the vice president, forcing him into retirement before he can be charged by Plame Affair prosecutor Patrick Fitzgerald with violating the espionage laws.

These last few days, while Bush wandered around South America from one fruitless meeting to another and fended off charges of prisoner abuse in Iraq with bland statements such as ''We do not torture,'' Cheney was busily working away behind the scenes seeking to persuade Congress not to impose restrictions on the CIA torture interrogators. The Washington Post revealed last week the CIA was running interrogations in secret jails for suspected terrorists in eastern Europe.

Cheney, even more than Defense Secretary Donald Rumsfeld, is the man behind the Iraq war. Fitzgerald's indictment of Libby bluntly states that Cheney's top aide learned Valerie Plame, the covert CIA agent, was administration critic Joe Wilson's wife from Cheney. Given that, how can Cheney avoid testifying in a Libby trial? He does not have the immunity of a president.

''Libby is the firewall protecting Vice President Cheney,'' writes John Dean in his FindLaw column:

The Libby indictment asserts that ''[o]n or about June 12, 2003 Libby was advised by the Vice President of the United States that Wilson's wife worked at the Central Intelligence Agency in the Counterproliferation Division. Libby understood that the Vice President had learned this information from the CIA.''

In short, Cheney provided the classified information to Libby—who then told the press. Anyone who works in national security matters knows that the Counterproliferation Division is part of the Directorate of Operations—the covert side of the CIA, where most everything and everyone are classified.

If Fitzgerald were successful in flipping Libby—and that seems pretty clearly to be his intention—then Cheney himself would face charges of violating the espionage act.

The outcome? Libby will probably hold fast through the 2006 election, his lawyers dragging out the case by interviewing reporters, etc, and then Libby, if convicted, can expect a pardon. As for Cheney, he could save face, resigning for health reasons—that suspect ticker of his coming to the rescue.

At that point, Bush could appoint a new vice president to serve out the remainder of his term. This appointment would require majority approval of both houses of Congress under the 25th Amendment.

Meanwhile, its business as usual, Bush drifting from day to day with the currents. Yesterday just as Bush uttered his denial of torture, the army charged five Rangers with abusing prisoners in Iraq. This morning, Italian state TV aired a documentary describing how the U.S. used white phosphorous bombs against civilians in Falluja. The U.S. admits using the weapons to illuminate battlefields. We are not signatories to a treaty banning the use of white phosphorous weapons. The film is being broadcast on the first anniversary of the U.S. attack on Falluja, which destroyed much of the city and displaced its population of 300,000.

Tomorrow, Ahmed Chalabi, a deputy prime minister of Iraq, the man who fed the gullible American press wrong information on Saddam's possession of weapons of mass destruction, is visiting Washington to address neocon headquarters at the American Enterprise Institute. Chalabi also is to meet with Secretary of State Condoleezza Rice. A thoroughly disgraced liar, the conduit of so much of the phony information that led us to war, a man with no political base outside the conniving neocon circles, Chalabi is now seriously discussed in Washington as a possible American-backed compromise candidate for Iraqi prime minister because he might appeal of the Shiite southern part of the country. As it stands, he is now in control of the

oil industry, and in the minds of U.S. policymakers, that counts for a lot.

□ 1400

The SPEAKER pro tempore (Mr. BASS). Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

(Mr. GINGREY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

(Mr. KIRK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

(Mrs. CHRISTENSEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

HURRICANE WILMA AND RECONCILIATION

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I ask unanimous consent to claim the time of the gentlewoman from the Virgin Islands.

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to talk about a crisis in South Florida.

The third most destructive hurricane ever to hit this country struck my congressional district just over 2 weeks ago. Thousands of people are still without power, thousands still have holes in their roofs that threaten to condemn their houses with every new rain.

Thousands have mobility issues and are without housing because they cannot get up and down the stairs to their apartment. The list goes on and on, and it is truly heart wrenching.

Just last week I was delivering meals to seniors in my district who could not get out of their third floor condominiums. Even though it was 5 days after the hurricane struck South Florida, the residents there said that no one had heard from FEMA, no one had seen FEMA and, worse yet, no one knew how to get in touch with FEMA to make sure things did not get any worse.

And why do I fear that things could get worse? Because of problems like this. This is a third floor apartment, that is the ceiling of the apartment, and as we can see, you can look right through the ceiling at the sky.

This is the woman's master bedroom and literally during the storm, 1 minute after she walked out of that master bedroom the ceiling came down on her bed. The roof caved in. A minute earlier and it would have caved in on her.

Obviously, this apartment is uninhabitable. However, this is a three-story building. If we delay the disaster response, if we do not get FEMA tarp distribution centers set up right away, if we wait weeks before we deliver individual assistance, then not only are we saying to the woman that lived in this unit, tough it out, you are on our your own for now, but we are also making the problem worse because there are two floors below this apartment unit.

If it rains through this massive hole in the ceiling in this woman's apartment, then it will leak down onto the apartments on the second floor and possibly weaken the structure, leading to the evacuation of everyone in that part of building. And that is beginning to happen; this is what is happening. Our ineffective response is not only irresponsible, but it also costs the taxpayers more money than necessary.

Now, I have been talking about a natural disaster, which is Hurricane Wilma. But I also want to talk a minute about a man-made disaster that is coming, something that will victimize once again the victims of Hurricane Wilma, Katrina and Rita. I am talking about the Draconian budget cuts proposed by the Republican leadership in their so-called budget reconciliation package.

Last week, the papers in South Florida blared the news that over 5,000 people's homes had been condemned, much of it affordable housing. In Broward County the median price of a home is $348,000, making many homes and even rental apartments out of reach for thousands of south Floridians.

While the loss of 5,000 homes damaged by Hurricane Wilma is terrible, I would like to point out that the budget reconciliation package endorsed by the Republican leadership eliminates affordable housing vouchers for 3,500 people in Florida alone.

In other words, Mr. Speaker, while Hurricane Wilma made 5,000 Florida families homeless last week, the Republican leadership is proposing cuts that would make 3,500 more Florida families homeless. So first we get hit by Katrina, then we get hit by Wilma and either this week or next the American people will get hit by Hurricane Republican.

Hurricanes are natural disasters, Mr. Speaker. What we will be debating in the House this week or next is a man-made disaster, a man-made disaster that not only would leave 3,500 Florida families homeless through cuts to Section 8 housing vouchers, but also, incredibly, would cut $58.9 million in elementary and secondary education funds for Florida students, $4.9 million in cuts for supplemental nutrition programs for women infants and children, $25.1 million in cuts for children and families.

These are funds that provide for the Head Start program and help abused and neglected children. Cutting funds for abused and neglected children, what are we coming to here?

I urge my colleagues to vote against a man-made disaster that will originate from this body this week and sweep across the country, displacing thousands of people nationwide. I urge them to vote against the Republican budget reconciliation package.

DEFICIT REDUCTION ACT OF 2005

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from South Carolina (Mr. SPRATT) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. SPRATT. 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 upcoming special order.

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

There was no objection.

Mr. SPRATT. Mr. Speaker, as we speak, there is a bill in the wings called the Deficit Reduction Act of 2005, its fate yet to be determined because it is not at all clear that there are enough votes in this body to pass it.

Basically, this bill is part of the budget resolution for 2006, and what it anticipates is a three-step process except that those steps are treated very separately and in isolation. The first step is what the bill I am talking about proposes, that is, reductions in mandatory spending, so-called ''entitlement spending,'' of about $54 billion.

The second step to follow is a reduction in taxes in the amount of $106 billion. That is what the budget resolution calls for. As a consequence, this bill does not achieve its stated name, which is the Deficit Reduction Act of 2005. Instead, by cutting taxes by more than they cut spending, it leads to a deficit that is $52 billion bigger than would otherwise be the case. That is the second step.

And then there is a third step in this bill that is not much talked about, but it is written into the bill, written into the budget resolution for 2006, and that is an increase in the debt ceiling of the United States by $781 billion. That is what happens when you have tax cuts that are not adequately matched by spending cuts. The deficit gets worse, and the bottom line is, $781 billion will have to be added to the debt ceiling of the United States, the legal limit to which we bill because of the fiscal policies we have followed for the last 5 years.

Now, some supporters claim that this bill, the so-called Deficit Reduction

Act of 2005, will go to help pay for Hurricanes Katrina and Rita. In truth, this bill has nothing to do with paying for Katrina. It has everything to do, as I said, with facilitating further tax cuts.

This bill is part of a larger budget resolution that calls, as I have said, for a total of $106 billion in additional tax cuts yet to come, but nevertheless called for in the budget resolution. $70 billion will come in reconciled tax cuts, which means they will be on a fast track. They will go through the Senate without threat of filibuster. $36 billion are in unreconciled tax cuts. The total is $106 billion.

As I have said, this is a three-step process. The original purpose of reconciliation was to rein in the deficit. But the reconciliation bill this year, the one that is waiting in the wings, the one we are addressing today, only raises the deficits for the reasons I have just mentioned.

Now, if we do not acknowledge this, but if you take the position that these cuts are somehow going to facilitate the appropriations we have passed and will pass to pay for Hurricane Katrina and Rita, one would have to say that if we are going to do that—and I think we should somehow, over time, have a plan for paying the enormous sums we are borrowing to reconstruct the gulf coast—if we are going to do that, we should spread the cost equitably over our whole population. And that is what we want to address today, more than anything, and that is how the costs are being spread, how the costs are being allocated. Whether you take the attitude that this goes to pay for Katrina or goes to offset tax cuts, who bears the brunt? Will it be those who are able to bear the brunt or those who are vulnerable and least able to bear the brunt?

Unfortunately, and this is a point we will make again and again and demonstrate the facts to prove our case, unfortunately, the brunt of this bill will come to rest on the shoulders of those who are least able to bear it.

In that respect, I now recognize the gentleman from Hawaii (Mr. CASE) to discuss the implications of this bill.

Mr. CASE. I thank my colleague.

Watch out, watch out, America, because the majority's and the President's spin machine is in overdrive on this bill. Yes, the majority's budget reconciliation bill brazenly and erroneously entitled the Deficit Reduction Act of 2005, what a laugh, is hitting the floor, or we think it is going to hit the floor.

We will hear in coming days what a brave and revolutionary bill this is. Wrong. This is a cowardly bill, a hurtful bill, and it continues the majority's policies which, in the course of 4 short years have wrecked a once strong budget.

We will hear that this bill is the only way to go. Wrong. This is the way to go if your goal is to help the few at the expense of the rest of us and without regard to basic fiscal responsibility.

We have heard that this bill will decrease the budget. Watch the numbers on this bill. This bill does not decrease the budget deficit. This bill worsens the deficit, worsens it substantially.

This bill is really about credibility. It is a matter of credibility, of who has the best overall plan to balance our Nation's books and restore fiscal stability. Is it the same people who over the last couple of years told us that ''deficits do not matter''? I do not think so. Is it the same people who are presiding over the most rapid increase in Federal spending in 40 years? I do not think so. Is it the same people who keep raiding the Social Security trust fund for non-Social Security purposes, and then turning around and saying it is okay, saying do not worry about it, but also introducing a bill to radically reduce benefits in order to make up for the stolen amounts? I do not think so.

Is it the same people who pretend that a 1-year deficit of over $300 billion, almost $500 billion if you are counting the Social Security trust fund monies that were raided to boost up the revenues, is it those people? I do not think so. Is it the same people that increased your debt, your total debt, from $6 trillion when I joined Congress just 3 years ago to $8 trillion today and now another almost $1 trillion in this bill itself? I do not think so.

We want to balance the budget. We know that this will take careful and painful balancing of revenues and expenses. But we do not trust the majority and the administration with this bill because we do not believe that you have shown you can be trusted with America's books, that you will not put all of your sacred cows on the table just as we are willing to put our sacred cows on the table.

When you are truly ready to put everything on the table with us, then I believe that we can have a constructive discussion. Until then, your bill is junk in, junk out. When you are ready to get real about what it is going to take to truly balance our books, let us know.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, more than slogans, sound bites and speeches, far more important for Members of Congress is what we do when it comes to expressing our values. What we do in this budget will say more about the values of Members of Congress than any speech given on the floor of the House this year.

It is interesting and it is sad that while last week we honored Rosa Parks as the first woman in American history to lie in state in the Rotunda of our Nation's Capitol, just a few days later, this House leadership will dishonor all that she stood for. How? By cutting child support, by cutting foster family programs, by cutting 40,000 students off of school lunch programs, by robbing $14.3 billion from student financial aid to give our hard-working, high-achieving youth a chance for better life through a college education, and by cutting health care programs for low-income families.

Rosa Parks did not just fight for a seat on the bus. She fought for fairness for every American, and to see that every child has a chance, a fair chance, to reach his or her highest God-given potential.

This legislation 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.

□ 1415

Why? Not to pay for Hurricane Katrina costs. The House leadership is doing this so that people making $1 million a year this year in dividend income can continue to receive every dime of their $220,000-a-year tax cut.

Mr. Speaker, if this is compassionate conservatism, where is the compassion? If this is a faith-based program, I would ask what major religion in the world preaches the values of taking the most from those who have the least and taking 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. The American people understand this. And I believe when the American people find that Republican leadership of this House wants to make college education less affordable for hard-working middle-income and lower-income children in this country; when Americans find out that they want to cut Medicaid health care services for pregnant women and take away school lunches from children who need a decent nutritional lunch in order to reach their highest God-given potential in school, I think they are going to be outraged.

This budget bill aptly, or should I say amazingly, named the Deficit Reduction Act, is actually going to raise the deficit as the gentleman from South Carolina (Mr. SPRATT) said by $52 billion.

Mr. Speaker, if there were a law against dishonesty in naming legislation before this House, anyone who votes for this bill would deserve a felony conviction. This bill is wrong for America. It does not reflect the values of the vast majority of good, decent, hard-working American citizens, Republicans, Democrats, and Independents alike. More than anything I have seen in my 14 years in Congress, I believe this budget bill shows that the House Republican leadership is truly out of touch with the American people.

Let us say ''yes'' to the future of this country. Let us say ''yes'' to lower deficit. Let us say ''yes'' to hard-working college students and to families who want to have a dream for a better life for their children by saying ''no'' to this unfair, unwise, ill-thought-out budget bill.

Mr. SPRATT. Mr. Speaker, I yield to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT) for his leadership on this very important matter. When we talk about the cuts contained in this reconciliation bill, they sound like such large numbers. It is very hard to relate to. When we talk about cutting student loans $14 billion and Medicaid $11 billion, child support enforcement $4.9 billion, food stamps $844 million, it is very difficult to get your arms wrapped around those numbers because they seem so extraordinary that they become almost distant and nonnumbers.

But I can tell you for the people that I represent, and the gentleman from South Carolina (Mr. SPRATT) has been to Nevada, he has been to my congressional district, he knows what I am dealing with there. In real human terms, when you cut that much out of Medicaid over 200,000 Nevadans, poor Nevadans that depend on Medicaid so that they can have their basic health care needs met, they are going to be plum out of luck. And there are 18,000 students that are going to be affected by cuts in the student loan program. What does that mean?

I went through school on student loans. I am the first person in my family to go to college. My dad was a waiter when I was growing up and money was pretty scarce in our home. There is no way my parents could have afforded to put me through college and law school. So what did I do? I depended on those student loans. So as a Member of Congress I am going to cut the opportunity for middle-class Americans to send their kids to school? That would be the worst possible thing to do. And over the next 5 years funding in Nevada that we receive for child support collection is going to be cut by $60 million. What does that mean? That means that we will have a whole lot of deadbeat dads in Nevada that are not going to have to live up to their responsibilities to pay child support because there will be no way to force them to do that. And that would be horrible for the families that these people, that these men are leaving.

When we talk about the school lunch program, there are going to be 40,000 children who are going to be impacted if we cut that school lunch program. Now, I am sorry to say, but there are a lot of people in my congressional district that the only meal that these kids get, the only decent, warm meal they get is the one that they get when they go to school with the school lunch program. These cuts would have devastating consequences on ordinary Americans, people that elect us to come here to protect and defend them and to give them a helping hand.

This is not a helping hand. This is a slap in the face to all Americans. And I know from my own constituents, it is going to have devastating consequences.

But there is something that I really want to talk to the gentleman from South Carolina (Mr. SPRATT) about because I am not sure that I understand, so maybe I am wrong. As you know I have got the fastest-growing senior population in the United States. We have been told, not threatened by the doctors, but we have been told by doctors because of the decline in Medicare payments for treating older Americans, senior citizens, that many of the doctors are not going to be able to treat Medicare patients. So that means that I have a whole lot of senior citizens, 65 years and above, that depend on Medicare so that they can go see their doctor.

Now, if I have got doctors and we have got doctors across this country telling us, telling us they can no longer afford to treat Medicare patients. So the other body acted responsibly and they put the requisite amount of money that they needed in order to help the doctors so that the doctors can continue treating older Americans, treating our senior citizens and helping with their health care needs. This body, the Republican leadership here does not include this in our budget reconciliation because they want to get to that $50 billion magic number for whatever reason and they are going to do that on the backs of the doctors and the senior citizens in this country.

But here is the rub: my husband is a doctor. He is a nephrologist. He treats a lot of older Americans. He just received an alert from the American Medical Association saying that we need this desperately. We need the Medicare reimbursement fund so we can continue treating our senior patients, but the Republican leadership in the House says that they are not going to put this in the reconciliation bill. But do not worry, doctors, we are going to go ahead and we will put it in Labor HHS.

If I am not mistaken, we already passed Labor HHS and there is no reimbursement for our doctors for care for senior citizens. So I do not understand where they think this money is going to be magically coming from.

The reality is it is going to cost $10.8 billion in order to get the doctors to where they need to be to treat senior citizens. We are doing the smoke-and-mirror thing. If we are doing a budget reconciliation thing here but we are still winking at the doctors and saying, oh, do not worry, docs, we will take care of you down the road, how are we going to do that? Where are we going to find the money? Does it not come from the same pot? $10 billion is $10 billion, whether it is in budget reconciliation, which would be the more honest place to put it, or whether it is down the road in a piece of legislation that we have already passed.

This is not at all fiscal responsibility. I have heard Republican after Republican come down here and talk about how they will put money in Americans' pockets and they need to cut the Federal Government's budget. That is nonsense. They are not doing that at all. What they are doing is deferring it. They would like to have this $50 billion pot of money so they can go back during the election and brag that they are actually saving taxpayers money.

They are not saving taxpayers. They are hurting taxpayers. They are hurting the people that we represent, and this is not fiscal responsibility. This is fantasy.

Am I wrong in this? Do I have my facts wrong?

Mr. SPRATT. The gentlewoman is not only right. She is forcefully correct. She is absolutely right, no question about it.

Ms. BERKLEY. So what should we do about this? Is this not a bit dishonest for the Republican leadership?

Mr. SPRATT. That is what we are doing now is alerting everyone to the contents of this reconciliation bill which is hanging in the wings, pretending under the name of ''deficit reduction'' to be about fiscal responsibility when it is anything but that.

Ms. BERKLEY. Well, I find it absolutely fascinating, and I know being married to a doctor that doctors are about the worst politicians in the world. They do not understand this political process. But they have gravitated over to the Republican side of the aisle when they were talking about tort reform, although it is my opinion as a doctor's wife, the other side never had any intentions of passing meaningful tort reform for the doctors. They just kept them hanging on a string.

This, which is the AMA's number one priority, to make sure that the doctors are getting appropriately reimbursed for treating Medicare patients, senior patients, this is so much worse for the doctors. And they are still playing games with the doctors, playing games with the seniors, playing games with the American public by saying wink, wink, we will take care of you later.

Let us take care of the docs and the senior citizens now when we should, in front of full view, in the daytime, in the light of day; and let us stop this nonsense of trying to sneak money in through the back door. It is disgusting and shameful.

Mr. SPRATT. I thank the gentlewoman for her comments. Mr. Speaker, I now yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding to me. I appreciate the opportunity to speak out on this poorly named reconciliation bill which will expand the Federal deficit and does enormous damage to people in this country. When 8.2 million children in America do not have health insurance, cutting Medicaid is wrong. When millions of children in America are abused and neglected, cutting child protection is wrong. When millions of children do not have access to early childhood programs, cutting child care is wrong.

Let us go back over these areas. Medicaid, the House bill would allow States to charge low-income working families substantial new premiums and co-payments in order for their children to participate in the Medicaid program, access health care services, or obtain prescription drugs. While the House bill would permit States to impose costly new fees on nearly all Medicaid beneficiaries, those most likely to face significantly higher premiums and co-payments are the 6 million children who receive their health care through the Medicaid program and whose families have income just above the poverty line or above 133 percent of the poverty line for children under six. Most families with incomes just above the poverty line are working families struggling to get by.

Let us turn to child support and faster care. CBO projects that the cuts in Federal Child Support Enforcement funding will mean that an additional $24 billion in child support will go uncollected. In this Congress we have been so proud in the past that we have finally been able to create a system in this country so that deadbeat dads will be forced to pay the child support that the courts have ordered them to pay. Now, in this Republican budget, they have decided that they are going to reduce dramatically the support for child support funding.

In addition, the House budget reconciliation bill would reduce Federal supports for children in foster care and for grandparents and other relatives who are taking care of these children. This cut comes at a time when the overall child welfare system is struggling to address the needs of over 800,000 children in need.

When you look at this package, it is beyond belief. Their food stamp cuts, reductions in food stamps, that will mean 225,000 individuals, according to the Congressional Budget Office, most of whom live in low-income working families, will be cut off the food stamp program. Basically, when you take this whole package together, you have a reconciliation bill described as a deficit reduction bill which increases the deficit. But what we are really talking about here is sacrifice.

We have been saying for years that if you do trillions of dollars of tax cuts mostly for the wealthiest people in this country, when you spend a billion and a half dollars a week in Iraq, the wars in Iraq and Afghanistan are simply borrowed money, finally, the Republicans say we have to sacrifice. And the people at the head of the line to sacrifice are our children, the disabled, people from low-income families, that is who the Republicans want to sacrifice to pay for the tax cuts to pay for Iraq and to pay for Katrina.

□ 1430

There is no more immoral set of priorities in this country than what we see in this bill today and what we see in the Republican agenda in the House.

Mr. SPRATT. Mr. Speaker, I thank the gentleman, and I now yield to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I appreciate the gentleman from South Carolina (Mr. SPRATT) leading this discussion of what is wrong with the Republican reconciliation bill, and I agree there is devastating harm from the cuts to Medicaid, student loans, and food stamps. Cutting these programs that assist low-income and middle-income families to help pay for the tax cuts for the very wealthiest is simply unconscionable. These are all good reasons to vote ''no'' for this bill.

I want to talk about something else that is contained in this bill that has not gotten as much attention. That is the Republican proposal to allow new offshore oil drilling around large parts of the country, the so-called OCS provisions that have come out of the Resources Committee.

I want to direct my remarks to my Republican colleagues from coastal States. I do so because coastal-State Republicans will either stop this provision or allow it to become law.

Let us be frank. Democrats are not going to vote for this bill, and that means that coastal Republicans will decide whether or not we have new drilling off our coasts. These are Republicans in Florida, Georgia, South and North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Connecticut and New Hampshire on the East Coast. On the West Coast, Republicans from California, Oregon and Washington all need to stand up for their coastal communities.

All we need are 15 or 20 of them to tell their leadership that they are going to vote ''no'' on the bill unless the oil drilling provisions are removed. These provisions are not included in this Senate bill, and if they are taken out of the House bill, then we will not see them in the final conference report. It is really that simple.

I know that some Members are tempted to buy the argument made by proponents of lifting this ban. Governor Jeb Bush and others are saying that this gives States control over their coasts and that new drilling everywhere is inevitable, but those arguments just do not hold water. Here is the straight story.

Among its many provisions, the bill ends the annual congressional moratorium immediately, including the one we just passed and was so recently signed into law.

Section 6515 of the bill states: ''All provisions of existing Federal law prohibiting the spending of appropriated funds to conduct oil and natural gas leasing and preleasing activity for any area of the OCS shall have no force or effect.''

This provision permanently removes Congress from any future decisions about offshore oil drilling. Theoretically, the bill leaves the Presidential moratorium in place until 2012, but this President or whoever follows him could end that whenever he or she wants.

Section 6509 of the bill specifically gives the President the authority to partially or completely revoke the existing Presidential moratorium before 2012. I am not a betting person, but I would wager that if Congress ends this moratorium, President Bush would quickly follow suit. That would mean the immediate end to the ban now in place on new offshore drilling off Florida, New Jersey, and all the other coastal States.

In addition, after expiration or revocation of the Presidential moratorium, States lose all control over drilling conducted beyond 125 miles offshore. That is 75 miles closer than current law. To be fair, it does allow the States that support drilling to have some control, but this at the expense of their neighbor. For example, the bill completely rewrites the Coastal Zone Management Act's Federal consistency review authority.

Section 6503 of the bill replaces the definition of ''affected State'' under the OCS Lands Act with a new, weaker definition for adjacent States. That means if Virginia wants new oil drilling off its coast, North Carolina, Maryland or Delaware would have no say in the matter, even though drilling off Virginia would clearly affect those States. The same holds true if Alabama or Georgia wants to drill and Florida does not.

Supporters of the bill say that the bill helps States that oppose new drilling as well, but that is just wrong. If President Bush repeals the moratorium, a State can supposedly petition to extend the moratorium off its shores for 5 years, but that requires repeated action and complex steps. Even if a State makes the request, the Federal Government could simply say ''no'' and drilling would begin off Florida or New Jersey or any other of these States.

Under the current administration, I do not think it is hard to imagine that that would happen.

Even if the Feds grant the extension, the protection would only be temporary for 5 years, with one-time renewal. After that, no more moratorium on new drilling anywhere.

Under this bill, we would literally see the push for new drilling on the entire United States coastline almost immediately upon enactment.

So this is what we are left with if Republicans allow this bill to become law: No congressional moratorium on new drilling; a Presidential moratorium that can and would likely be withdrawn immediately; no limits on drilling in neighboring States that might want to drill; and a cumbersome process for States that do not want new drilling and one that could simply be ignored by the Federal Government. It does not sound like protection for coastal States to me.

Coastal State Republicans can stop this. I urge them to stand up for their

communities and tell their leadership to take these OCS provisions out; and if the new drilling provisions are included in the bill, I urge them, along with us, to vote ''no.''

Mr. SPRATT. Mr. Speaker, I thank the gentlewoman for her statement, and I now yield to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to condemn this fiscally irresponsible and morally offensive budget proposal which violates every principle of responsible government.

This budget reconciliation bill, as presented by the majority leadership, is a pathetic attempt to disguise their real intentions to pass another bloated windfall for the wealthiest Americans at the expense of millions who are already suffering great hardships.

It is shameful that the same leaders who spend much of their time talking about morality and family values would attempt to finance another tax cut for millionaires by cutting food stamps for the hungry and slashing $12 billion from Medicaid.

At the State level, hundreds of thousands of hard-working Americans are already losing their Medicaid benefits. In Missouri alone, in my State, the Republican legislature and governor have managed to knock 90,000 Medicaid recipients off of the rolls and another 30,000-something children off of CHIPs. We are pushing these people into the army of the uninsured, which now numbers more than 45 million in this country.

On top of this travesty, the majority leadership is trying to reward big oil and big gas companies with a get-into-ANWR-free card as part of the budget reconciliation. These same companies made $27 billion in profits during the last 90 days, and they still want more?

I appeal to my Republican colleagues to rediscover their humanity and to return to fiscal sanity. The courageous communities along the gulf coast who survived the hurricanes and people of goodwill across this country are counting on Congress to do the right thing. The very last thing we should do is to punch more holes in a safety net that is already badly damaged.

Mr. Speaker, poverty and food insecurity in the United States are on the rise and Hurricane Katrina just made things worse. The number of Americans in poverty is rising steadily, from 32 million in 2000 to 37 million in 2004. More than one in six U.S. children lives in poverty. Food insecurity in the United States increased in 2004 for the fifth straight year, affecting 38.2 million people or 11.9 percent of our households. Children fared even worse; 19 percent of them were food insecure in 2004, meaning their families did not have enough money to provide sufficient food.

The combination of stagnant wages and sharply rising costs for essentials such as health care and energy has forced more struggling families to skimp on food in order to pay their bills. This year, Hurricane Katrina left hundreds of thousands of families with no homes and no jobs. This reconciliation bill cuts $7 billion from programs serving working families and vulnerable individuals. Over 5 years, the House bill cuts child support by $4.9 billion; cuts food stamps by $844 million; cuts foster care assistance by $577 million; and cuts Supplemental Security Income to the elderly and disabled by $732 million.

These cuts are likely to generate more poverty and economic insecurity among families and individuals struggling to get by. We must defeat this resolution and then renew our bipartisan commitment to restoring balance, fairness and common sense to the budget process.

Mr. Speaker, I thank you.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for his statement, and I now yield to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Mr. Speaker, I thank the ranking member for yielding.

Mr. Speaker, I rise to strenuously object to tucking the Temporary Assistance to Needy Families Act reauthorization into this budget reconciliation bill.

What this does is masquerade the Draconian policy changes of TANF that impinge on what we claim to be our priority, to help working families, particularly women, get back into the workforce. How can we do that, create productive workers in view of slashing the work supports so desperately needed by these marginal families?

How can we cut $11 billion from the Medicaid program and say we want these women to go to work? How can we cut $4.9 billion from child support enforcement and say that we want you to go to work? How can we not even provide an inflationary increase in child care funding, while we increase those work requirements and say with a straight face that we are trying to help people reach self-sufficiency? How can we claim to try to raise women up and families up from their conditions, when we slash educational opportunity, reduce educational opportunity into oblivion?

Well, Mr. Speaker, there are people who are prepared to tell me that we are increasing TANF benefits by almost $1 billion, but when you look at what we are doing, the $926 million over 5 years, scored by CBO, because they must include extensions of supplemental grants, which they are excluded by law from not projecting, if you look at that, and adjusting for this scoring factor, what we are actually seeing is a TANF spending reduction of $239 million. Yes, I said it, $239 million reduction in TANF services.

This basic block grant is frozen. It increases work requirements, but it does do one thing that I approve of. It eliminates two performance bonus programs, saving us $1.1 billion, but it plows that money, $349 million, back into marriage promotion programs.

Do we have any concern about the kind of domestic violence that this may spawn, or another $409 million for, quote, unquote, ''new research projects,'' researching and studying the poor, rather than providing the poor with the needed services like Medicaid, like child care, like educational opportunity? Instead, we are continuing to make this a windfall for what we call poverty entrepreneurs.

Mr. SPRATT. Mr. Speaker, I thank the gentlewoman for her statement, and I yield to the gentlewoman from Connecticut (Ms. DELAURO).

□ 1445

Ms. DELAURO. Mr. Speaker, I thank the gentleman for yielding to me and for his hard work and energy, his effort and commitment to the people of this Nation.

I consider it a privilege to serve on the House Budget Committee, helping to lay out a fiscal blueprint for the Nation to work toward crafting a document that reflects the values and the priorities of the American people.

Budgets are just not numbers on a page, Mr. Speaker. They live and they breathe. They are about human beings and what is happening in their lives. As this House prepares to consider $54.2 billion in a budget package, I find it hard to believe that the American people's priorities would include denying food stamps to 300,000 Americans and 40,000 children. I find it hard to believe their values tell them that we should respond to the skyrocketing health care costs by charging children from poor families for doctors' visits; that their answer to unaffordable child care costs would be denying child care assistance to another 270,000 children of working parents, cutting food stamps, charging poor families for visits to the pediatrician, denying child care to a quarter million working parents.

Those are not the values or the priorities of the American people; but it is becoming increasingly clear that they are the priorities of the Republican Party, the Republican House leadership, the Republican administration, and the party that controls all three branches of government right now.

Let us take a look. What other priorities do the Republicans bring to bear with this reconciliation package?

One, let us make it harder for people to attend college. If you attended college in the last 50 years, you received financial aid from the Federal Government. Following World War II, you had the benefit of the GI Bill. Eight million veterans were given education vouchers at the same time it doubled the number of homeowners.

Thirty-five years ago, Congress passed the Higher Education Act and said that the Federal Government was going to open the doors of colleges, regardless of family wealth; that, in fact, education was the great equalizer in

this country, that because of your God-given talent you could succeed. Federal student aid has helped millions of people go to college who otherwise might never have had that opportunity.

This bill turns its back on that commitment. It leaves the typical student borrower, and I say to young people and their families today, understand this, you are already saddled with $17,500 in debt and you are going to pay an additional $5,800 in interest and taxes over the life of your loan if this bill is passed.

At a time when our Nation faces unprecedented competition from the likes of China and India, this majority puts up financial barriers that prevent 4.4 million high school graduates from attending a 4-year public college over the next decade; 123,000 students in my State of Connecticut alone will not be able to attend college. This when the United States is projected to face a shortage of up to 12 million college-educated workers by the year 2020.

Mr. Speaker, this piece of legislation impacts children and families. It also strips protections which would guarantee more than 5 million children who receive the medical services they need no longer receive them: medical health services, optical care, hearing aids, cuts to child support enforcement by 40 percent, eliminating the federally funded foster care benefits for grandparents and relatives of abused and neglected children. This bill goes out of its way to make the lives of Americans already living on the margins even more difficult.

A final point. Food stamps, a program which goes straight to the heart of the government's responsibility, a moral responsibility to people, 25 million people in this Nation rely on food stamps. It is a program of efficiency and competence. The cuts result in 300,000 food stamp recipients losing eligibility. That includes 40,000 children. When you cut food stamps, which is the direct measure for eligibility for the school lunch program, that means 40,000 kids will no longer be eligible for a school breakfast program or a school lunch program.

Why? Why are we doing this? Let us lay it on the table. It is about tax cuts, tax cuts for those who need them least. Fifty-three percent of the tax cuts go to the upper 1 or 2 percent of the public making over $1 million a year. $70 billion of tax cuts, capital gains, and dividend tax cuts go to Americans who are living lives of comfort and lives of leisure. And paying for these tax cuts will be 40,000 kids going hungry.

The majority is effectively saying, so much for morality, so much for values, so much for the common good. These are Republican priorities. They are not mine. They are not my constituents. I think we will all learn over the course of the next year they are not the American people's. This Nation must understand what is potentially going to befall them if this bill is passed. I urge you to stand tall and say ''no'' to these cuts which will do nothing but ravage the good people of this Nation.

Mr. SPRATT. Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I want to thank the gentleman for yielding to me and allowing all of us to come to the floor today to talk about what is really meaningful in the budget. There is no one in this House that knows every paragraph and every decimal point in this budget reconciliation bill better than the gentleman from South Carolina, and no one who knows better, too, the pain and the suffering that you can read between the lines.

Besides the U.S. Constitution, there is no document more defining of our priorities and our values and our morality than budgets. Yes, budgets. Even though we have pages of numbers, it is a moral document. I want to read from an article written by the religion writer for the Chicago Sun-Times paper last Friday. This is what Cathleen Falsani had to say.

She wrote: ''This week, as Republican leaders try to force a monstrous $50 billion budget cut designed allegedly to offset the mounting costs of hurricane-related aid through Congress, it is clear that the Bush administration's moral compass has been lost.

''The proposed budget cuts, part of the so-called budget reconciliation, would have devastating effects on the poorest, most vulnerable Americans, while allowing tax relief for the rich.

''The massive budget reductions would include billions of dollars from pension protection and student loan programs.'' She goes on to list them.

Then she says: ''Maybe Republican leaders should consider proposing an open season on the homeless, or the resurrection of debtors' prisons while they're at it. Is this the kind of leadership the majority of voters who, according to pollsters at the time, cast their ballots in the 2004 based on moral values? Is this what they had in mind?'', she asks.

''Is this what faith-based compassionate conservatism looks like? Is our Nation more moral, more secure, or spiritually healthy than it was a year ago? And, to address my fellow Christian voters specifically,'' she asks, ''has the Good News been advanced in any way? No, absolutely not,'' she says.

She goes on to describe ''all 65 bishops at the Evangelical Lutheran Church in America have signed a letter to Members of Congress vehemently opposing the proposed budget cuts, saying in part 'The biblical record is clear. The scriptural witness on which our faith tradition stands speaks dramatically to God's concern for and solidarity with the poor and oppressed communities while speaking firmly in opposition to governments whose policies place narrow economic interests driven by greed above the common good.' ''

That is what the Evangelical Lutheran Church in America said. She goes on to say: ''The Evangelical Christian theologian and leader, Jim Wallis, founder of Sojourners, a national network of progressive Christian peace and justice activists, led an ecumenical gathering of religious leaders in a protest at the Capitol building last Thursday, calling the proposed cuts 'a moral travesty.' '' This is quoting Jim Wallis: ''Instead of wearing bracelets that ask, 'what would Jesus do,' perhaps some Republican should ponder, 'what would Jesus cut?' ''

The author writes: ''The immorality, by any religious tradition's measure, of the proposed $50 billion budget reconciliation package, is brazen. If enacted, it would prove only to increase the suffering of the already struggling poor, including tens of thousands who lost everything along the gulf coast. Maybe immoral isn't the appropriate word,'' Kathleen Falsani says. ''Maybe immoral isn't the appropriate word. Downright evil is a better description.''

I thank my colleague for allowing me to read this article. I think it is instructive to all Members of Congress and all people of faith as well.

Mr. SPRATT. Mr. Speaker, I thank the gentlewoman for her presentation, and I yield now to the gentlewoman from Pennsylvania.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, the budget reconciliation process has been used since 1974 as a vehicle to set priorities, enact fiscal discipline, and reduce deficits. The last three budget reconciliation packages, which were passed in 1990, 1993, and 1997, each attempted to reduce the deficit by an average of $367 billion over 5 years.

However, this year, the Republican majority has decided to split the budget reconciliation package into two parts. The first, which will come before this Chamber this week, likely on Thursday, will make deep cuts to vital government initiatives that directly improve the lives of millions of average Americans. The second, which may not come to the floor until after Thanksgiving, would further extend tax cuts to corporations and to individuals in the very highest income brackets.

When taken together, the Republican reconciliation package will add $35 billion to the Federal deficit over the next 5 years, a fact that should disprove the other side's claim that this is an attempt to enact fiscal discipline or restore our budget to balance. It does not.

The fact that we are handling this process in piecemeal does not hide the majority party's preference for providing tax cuts that benefit only a limited number of people and corporations rather than making the investments in our future that will enable hard-working families and our communities to meet their obligations.

For example: instead of repairing tomorrow's workforce by helping more Americans, including tens of thousands of young people striving to be prepared for jobs of the future to obtain college

degrees, the Republicans are slashing $9 billion from government-sponsored student loans.

Instead of working to expand access to health care, even in the face of a major flu epidemic, the Republicans are working to restrict access and to limit eligibility for Medicaid, the very program that ensures that mothers and children and working people with special health needs get the care that they require.

And the third example: instead of fully equipping our public safety officers, our police officers, firefighters, and transit personnel with the needed communication equipment, the Republicans would continue to underfund important homeland security initiatives.

The Republicans, through the reconciliation process, have made clear that they prioritize tax cuts to the wealthiest Americans and to very few large corporations at the expense of creating opportunities for hard-working Americans and helping Americans meet their responsibilities. Moreover, they have chosen political rhetoric over honest budgeting by failing to consider both aspects of their proposals, the spending cuts and the tax breaks, at the same time in the same bill.

Mr. Speaker, I want to urge Members on both sides of the aisle who believe in fiscal responsibility, who believe in sound budgetary principles to oppose this reconciliation measure that we will be considering in the coming days and weeks.

Mr. SPRATT. Mr. Speaker, I thank the gentlewoman for her statement, and I yield now to the gentleman from Massachusetts (Mr. NEAL), and I would remind the gentleman that we have about 6 minutes left. Is that correct, Mr. Speaker?

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). The gentleman is correct.

Mr. NEAL of Massachusetts. Mr. Speaker, I want to thank the gentleman from South Carolina (Mr. SPRATT) for allocating this time to me.

We began this session with an idea and a plan that would privatize Social Security. I thought that was the worst idea that we would encounter. But now that that argument is at last behind us, now we can see the reality of the President's budget process. This proposal that we are about to entertain on Thursday is a fiscal disaster. It not only forces painful cuts to programs that serve regular people; it awards large new tax cuts to people who already are the most privileged in our society.

When President Clinton left office, the country was running a $236 billion surplus. We were on track to have a $5.6 trillion surplus over the next 10 years. Now, let me tell you what that would have done. That would have allowed us to fix Social Security, to fix Medicare, to pay down the debt, and to provide modest tax cuts for middle-income Americans. Instead, we have cut taxes five times while we are fighting two wars.

And what is the result? Well, a month and a half ago to 2 months ago, the Humvees just arrived in Iraq. The body armor has just begun to arrive in Iraq. For those men and women who serve us honorably every single day in the American military, the equipment is just starting to arrive.

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But what do we have time to do here? Let us cut Medicare. Let us chop Medicaid. Let us go after student loans. Let us cut back on home heating oil for the most vulnerable among us in the Northeast; and, with a straight face, let us cut taxes by $70 billion over the next couple of weeks.

Think of this Congress, what it did with the Clinton surplus: $5.6 trillion of surplus projected over 10 years, and this Congress cuts taxes and yanks $1.3 trillion out of the budget and then declares Social Security has a problem after they have taken that money away.

You hear from the Members of this body on the other side of the aisle about supply-side economics. I do not know any primary supply-side economists left who are accepted in the academy. Nobody buys that argument any more based upon the budget deficits the Nation is running.

We were on a sterling course of fiscal responsibility in this body. Just when people said it could not be done, we got it done. We balanced the budget, projected large-term surpluses, and we had this grand opportunity to take on some of the issues we would all like to address. But what has happened now? Is there anybody here who believes that we are not going to need a lot more money for Iraq? A lot more money for Afghanistan? Those dollars are going to be necessary. The same institution that voted to send us there, this Congress, I hope will not dare to cut back on what these men and women need. But I can tell you this: the budget they have put in front of us takes us precisely there. You cannot have it both ways, and we have learned that the hard way. But I will say this about the majority in this body, they will keep going.

Most conventional political figures see a stop sign and they stop. Not here, they will keep going. Cut programs for the neediest and cut taxes for the strongest. I am reminded of Matthew when he said it is our goal and our job to clothe the naked and to feed the poor; and the Republicans here would add, and to take care of the wealthy and to take care of the strong.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentleman from South Carolina.

In our pledge every day, we pledge one Nation under God with liberty and justice for all.

Mr. Speaker, with this reconciliation package, this is not one Nation, one liberty and justice for all. If you look at those students, this is not liberty and justice for all. For students today, only 10 percent of children from working-class families graduate from college by the age of 24 as compared to 58 percent of upper-middle-class and wealthy families. This is not liberty and justice for all.

If you are disabled, mentally retarded, poor, hungry or a foster family, this is not liberty and justice for all. This reconciliation package slams the door on those with disabilities trying to gain a foothold in society. It cuts the Medicaid program, taking away opportunity from those with intellectual difficulties. It takes food out of the mouths of the poorest children in our society. And it goes after those that are trying to make an opportunity for themselves in this society by getting an education when an education is more important than at any other time in American history.

Today, our economy is about an economy of ideas. If we do not provide education for every single American, we are consigning those without an education to second-class status. This reconciliation bill consigns millions of Americans to second-class status by cutting aid to education that opens up the doors of opportunity for millions of Americans.

Franklin Roosevelt said the test of our progress is not whether we add more to the abundance to those who have much; it is whether we provide enough to those who have too little. This reconciliation package fails that test as well.

Mr. SPRATT. Mr. Speaker, I yield to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman from South Carolina for his leadership on this issue.

After 5 years of record debts and deficits, the other side of the aisle is demanding cuts to the programs that help Americans most in need. We showed in the 1990s that this government can be fiscally disciplined and compassionate to our neighbors most in need at the same time. The cuts before us now will not restore fiscal sanity; and they certainly are not compassionate, not even to the people who are suffering now from the recent hurricanes.

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We showed in the 1990s that this government can be fiscally disciplined and compassionate to our neighbors most in need at the same time.

The cuts before us now will not magically restore fiscal sanity, and they certainly are not compassionate, not even to the people devastated by recent hurricanes.

Our friends on the other side of the aisle may be selling these cuts as a matter of budget principle, but the fact remains that their

budget will still increase the deficit by more than 100 billion.

Even more outrageous is that these cuts would make our government—which is meant to be of the people and for the people—less responsive to the people who need its help most.

Fewer food stamps. Reduced student loans. Less aid for foster care. Reduced Medicaid access.

And we all saw how Katrina disproportionately devastated low-income Americans.

Those Americans already lost their homes and their livelihoods, now they are in line to lose the federal aid that could help them the most.

It isn't surprising—this same Congress that gives no-strings aid to Iraq also demands that residents of the Gulf Coast repay emergency disaster assistance.

I urge my colleagues to vote ''no'' on the budget reconciliation—it's an uncompassionate and misguided bill.

Mr. BISHOP of New York. Mr. Speaker, I thank the gentleman from South Carolina, Mr. SPRATT, for yielding and for his superb leadership in presenting the case against the spending cuts contained in the first half of this misguided budget reconciliation package.

When the final budget resolution passed by a margin of only three votes back in April, who would have guessed that the Republican leadership would want to re-visit this legislation by actually making deeper cuts to health care, student loans, and food stamps—particularly in a time of national crisis?

And given that Congress has not enacted budget reconciliation since 1997, you would have thought that the Republican leadership could have put forward a more fair and balanced set of spending adjustments after preparing for eight years between reconciliations.

When you think about it, budget reconciliation is not much different than balancing a checkbook, unless, of course, you are referring to the way Congress balances its books.

On one side of the ledger, we have spending cuts—ostensibly to pay for rebuilding the Gulf Coast, but in reality to pay for the tax cuts that this leadership insists on passing despite three consecutive years of record-breaking deficits and $3 trillion in new debt.

Still, this reconciliation package doesn't even pay for the tax cuts. The net result is actually an increase in the deficit of at least $50 billion.

And in the other column, even after the tax cuts are in place, there won't be a dime left over to pay for reconstruction in the wake of Hurricanes Katrina, Rita or Wilma.

Like the 2001 and 2003 tax cuts—and like the class action, bankruptcy and needless tort reform on the Republican agenda—this Administration's failed economic policies and misplaced priorities are on display again this week in the form of the ''Reconciliation Spending Cuts Act of 2005.''

Championing the values and priorities of the wealthiest at the expense of the middle class—and by punching holes in the safety net—are hallmarks of this Administration but not the solution we need today to alleviate the misery in the Gulf Coast or ease the squeeze on the middle class.

As we build new universities in Baghdad, schools across the United States are falling apart. How can we in good conscious cut student loans after the College Board recently reported tuition continues to rise faster than the rate of inflation?

To illustrate this point, consider that under this legislation, someone earning over $1 million stands to gain a tax break of $19,000—on top of the average $103,000 tax cut they already receive—whereas the typical student borrower, already saddled with $17,500 in debt, would face new fees and higher interest charges that could cost up to an additional $5,800.

And yet, no one in this Administration has suggested putting Iraqi reconstruction money on the table. We simply cannot afford the continuing sacrifices and investments there at the expense of our priorities here at home. Nor has there been any hint that the tax cuts should be suspended for those earning more than $400,000 or that we should scale back the estate tax cut, which has no impact on nearly 98 percent of American families.

None of this is on the table, even though federal spending has grown by a third and record surpluses became record deficits since President Bush took office. With the most expensive tax cuts not yet fully phased-in, these policies threaten to expand the deficit beyond what we and future generations of Americans can afford.

Common sense tells us that when you're in a hole, stop digging. But not only are we still digging, we are falling deeper into new fiscal depths with this budget.

Mr. Speaker, Hurricane Katrina was a tragic reminder that too many American families are struggling in today's economy. Squeezing them harder, as this reconciliation legislation would do, is not the answer. It takes our nation in the wrong direction, and I urge my colleagues to defeat it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, Key Points About Reconciliation:

1. All of these spending cuts will be used to offset tax cuts, not the costs of hurricane response or deficit reduction.

2. Spending cuts threaten vital services, including services for hurricane victims.

3. Even with these spending cuts, the Republican budget resolution still increases the deficit by more than $100 billion over five years.

4. Republicans reveal a double standard in proposing to offset hurricane costs but not war costs or tax cuts.

Summary of Cuts: The $53.9 billion in cuts is $14.8 billion higher than the reconciliation cuts that the Senate is considering.

The $53.9 billion in cuts marks a 56 percent increase from the $34.7 billion in reconciled spending cuts included in this year's budget resolution.

The budget cuts do not offset spending for hurricane reconstruction—they go towards offsetting $106 billion in tax cuts.

Why does republican leadership insist on offsetting the cost of rebuilding damage from Katrina, but not the cost rebuilding Iraq?

The objectionable cuts threaten vital services that people depend on:

1. Medicaid—The bill cuts Medicaid spending by $11.9 billion.

a. $8.8 billion will fall upon beneficiaries in the form of increases in cost-sharing and premiums.

b. ''Flexibility'' that will allow states to cut benefit packages for certain individuals.

c. Provisions that will make it harder for some seniors to access needed long-term care.

2. Student Loans—The bill cuts spending on student loan programs by $14.3 billion over five years.

a. Primarily through increases in the interest rates and fees that students pay as well as some reductions in subsidies to lenders.

b. At a time when college costs are rising faster than inflation, the Committee is making the largest cut in the history of the student loan programs.

3. Food Stamps—The legislation imposes cuts to food stamps of $844 million over five years (2006–2010).

a. Savings are achieved by adopting the President's proposal to limit categorical eligibility for food stamps to TANF recipients and increasing the in-country waiting period for legal immigrants to seven years. Under current law, 44 percent of those eligible for food stamps do not participate in the program. Changes such as these may mean even fewer vulnerable children and working families who qualify for nutrition benefits will actually receive them.

4. Children—

a. The legislation cuts $4.9 billion from child support programs over five years.

i. This cut will reduce states' capacity to establish and enforce child support orders. Custodial parents will receive $7.1 billion less child support over five years and $21.3 billion less over ten years.

b. The Committee cut $397 million from foster care over five years by limiting children's eligibility for federally funded foster care payments.

i. The committee saved another $180 million by limiting circumstances under which states can receive federal funding for services provided to children.

CORRECTING AMERICA'S IMBALANCED TRADING RELATIONSHIPS

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise today on the heels of President Bush's failed trade trip to Latin America to discuss our Nation's trade policy, a policy that continues to ship out American jobs, a policy that opens our doors to imports while other markets remain closed to us. Markets like Japan, markets like China, they keep their doors shut tight.

This is a policy that is hurting our country, not just today, but for tomorrow. It hurts our workers. It hurts our farmers; and, indeed, it truly hurts our future.

Our latest trade deficit numbers released last month for the month of August show yet another increase in America's trade deficit. The trade deficit for the month of August alone was $59 billion. For every billion dollars of deficit, we incur another 20,000 lost jobs. In a year, the loss to us is over three-quarters of a trillion dollars of more imports coming in than exports going out.

Last year our trade deficit was $668 billion; and in the first half of this year, this number clearly was increasing. This chart summarizes what has

been happening with the rise in imports over exports over the last 20 years. Every single year, after every single one of these trade agreements gets signed, the red ink gets deeper and deeper. It will not take long to reach a trillion dollars, which lops real economic growth off our gross domestic product.

According to one report, the higher price of oil this year alone could add an estimated 60 to $90 billion more to the trade deficit of 2006. The deficit represents jobs lost in our communities, lives changed forever, as well as a very real threat to the economic security of our country.

Trade agreements like, and Members know the names, NAFTA, CAFTA, PNTR, normal trade relations with China. I do not know what is normal about having hundreds of billions of dollars of deficit with any country where our jobs have been shipped elsewhere. We can see the cashing out of America.

The latest company that tells us they are ready to leave is Delphi, based in Flint, Michigan, a corporation that employs over 50,000 people nationwide, telling workers they have to take a two-thirds cut in wages, pensions gone, health benefit gone. And what they are basically doing, they are following their major customer, which is General Motors, which has cashed out to Mexico, and now the suppliers are following suit.

Here is how the trade model works: half of Delphi's sales go to General Motors. Therefore, if General Motors outsources, so will Delphi. If General Motors goes to Mexico, which is has, it is the largest employer in Mexico after the government of Mexico and the oil industry, so will Delphi go. How destructive this trend is to our future as we see our workers work for lower wages and our families shopping now at Wal-Mart to get bargain prices. Imagine, Wal-Mart, the largest employer in the United States of America. We are becoming a distributor not a manufacturer, and our people are not earning enough to shop at the department stores that they used to. Many of those have closed in the major metropolitan areas of our country.

What we find are the Wall Street investors, who have a global reach and love to get richer than any of us could ever imagine, are taking production around the world. Franklin Roosevelt had it right: he called them the malefactors of great wealth. They do great damage in their path.

Today I do not want to just draw attention to what has been happening to our economy and working people, but I want to draw attention to what we can do. Sadly, President Bush appears to be trying to expand NAFTA with his recent trip down to Latin America, and the people down there have awakened to what these trade agreements really mean to them. The Free Trade Agreement of the Americas appears to be dying a slow death.

But I have a different idea, and so do some of my colleagues. This week we are introducing a bill, the Balancing Trade Act of 2005, which will require action on the part of the President when America faces deficits like we see today. It would require the President to take action to correct these imbalanced trading relationships with any nation where our deficit with them would equal $10 billion in any 3-year period, in other words, where that $10 billion would exist for 3 consecutive years.

Our trade balance, for example, with both of our NAFTA trading partners has been more than $10 billion in deficit for the last 3 years. NAFTA has basically been a great sucking sound of jobs out of this country.

Our trade deficit with China has been greater than $100 billion this year and over the last 3 years, and rising every single year. It is more lost jobs, and this bill says it is time to stop the music; it is time to start doing something about this.

In order to correct accounts that are seriously in the red, someone has to go back and look at the books. It is a responsible approach, one that the executive branch should be taking and one that is long overdue. I ask my colleagues to look at the Balancing Trade Act of 2005 and join us as cosponsors to right America's very imbalanced trading relations with the world.

THIS IS NOT THE TIME TO UNDERCUT AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, just a few minutes ago, many heard my colleagues join in a full discussion on the very important debate that we will engage in this coming week regarding the Budget Reconciliation Act. Frankly, I wish we could go back to the days of old of this institution when you could have a thorough debate. The Founding Fathers established this august body, some 13 colonies; and when they engaged in a debate, it was just that: it was a thorough analysis. It was a long, extended analysis of the issue at hand. I imagine that might have been the setting in the Constitutional Convention when we established this Nation and we premised it on democracy.

One day of debate certainly does not equal the moment of importance to be voting on what we call a budget reconciliation bill when so many lives will be impacted.

Just a few minutes ago, I hung up from a call with my local authorities who were speaking to me about the enormous mounting need for resources in the gulf region. We know how generous Americans have been, but it is important to note that States like Texas, Alabama, and Louisiana are still trying to work with the many Hurricane Katrina survivors, our neighbors on the east coast and Florida, impacted by Wilma, and now our neighbors to the north impacted by this terrible tornado in Indiana and Kentucky. It says that we must be empathetic and sympathetic and our budget reconciliation has to address the idea of being willing to give people, not a hand out, but a hand up.

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Well, Mr. Speaker I do not see how we can possibly do that under the heavy burden of between $70 billion and $200 billion in tax cuts. It just does not work, the sacrifice that our soldiers are making in the week of the veterans celebration, commemoration, so many veterans who have come home from Iraq who are now in need of hospital care and counseling and jobs. As we honor them this Friday, what sense does it make to be able to say to these veterans who may ultimately either want to be able to send their young people, their children, to school because so many of them are Reservists, that we would in this day, one day, raid student aid?

The single largest cut to student aid will occur if this budget passes on Thursday, $14 billion, $14.33 billion cut from student aid, $7.8 billion in new charges on student aid for parent-borrowers. Those are the same parents who are seeing their salaries go down, who are seeing a consolidation of their companies and, therefore, layoffs, who are seeing a lack of increase in their salaries, who have not seen an increase in the minimum wage for years.

We cannot afford this kind of raid on the Treasury so that students who are only seeking an opportunity for a hand up and not a handout are going to be the victims of this budget reconciliation.

Might I also suggest that we have better priorities than to give tax cuts to the 1 percent richest in America. We have better priorities than to provide for a $200 billion tax cut that takes place in 2006. We can document that tax cuts do not energize the economy. We can document that it is jobs, that it is the investment in the building of jobs.

It will be the building of homes in the gulf region, creating opportunities for American workers. It will be, in fact, the investment in students that will be the creation of jobs, not an average tax cut through 2010 without sunsets, this multibillion dollar tax cut that we can see and the income groups that will get it, the top 1% income earners in America. The amount of the tax cut here shows more than $87,000, going to the richest Americans. This is the kind of difficulty that we will face in this debate, and frankly, I believe that we can wait on those tax cuts.

What else we can wait on, Mr. Speaker, is the raid on Medicaid, because Medicaid will experience $12 billion in cuts over 5 years, $47.7 billion in cuts in Medicaid over 10 years. We believe,

as Democrats, that there should be no cuts.

So the message today is, let us do this in a bipartisan manner. This is no time to undercut America with cuts that will not save America. It will only hurt America. And, frankly, in the many constituencies that I have engaged in across America, not just Texas, we have nursing homes that are going to suffer, senior citizens that are going to suffer.

What about the 5-year look-back on a senior citizen to be able to be eligible for Medicaid and that particular senior citizen is destitute right now? We are going to force them to look back 5 years where there may have been a death, that their partner, their husband or their wife, may have died, and their income may have dropped drastically and it does not show that.

Frankly, Mr. Speaker, I think we can do better. Something is not right and we can do better. Let us defeat the budget reconciliation. Let us work on behalf of the American people and the American young people.

THE DEFICIT REDUCTION ACT OF 2005

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. HENSARLING) is recognized for 60 minutes as the designee of the majority leader.

Mr. HENSARLING. Mr. Speaker, as the Members can tell, we are having a rather spirited debate in this body over something called the Deficit Reduction Act of 2005. It is a little surprising that we would come here and not work in a bipartisan manner to try to actually reduce the deficit.

So we need to explore, Mr. Speaker, exactly why is it that we need to do this, why is it important that we on the Republican side of the aisle have put forth a plan to help reform the government, to help achieve savings for the beleaguered American family? I believe it is very important, Mr. Speaker, because I still believe that although we face a number of challenges, we still have enemies, terrible enemies, who want to seek to do our country woe; that we have challenges in filling up our cars and pickup trucks; that the cost of health care needs to come down. We have a number of challenges, Mr. Speaker, but ultimately we can address them.

America has faced even greater challenges than that before. If we will just preserve freedom, if we will preserve opportunity, if we will protect the family budget from the explosive growth of the Federal budget, I still believe there is no limit to what we, the people in America, can achieve.

But this is a very important debate. And the vote on this act, the Deficit Reduction Act of 2005, Mr. Speaker, is going to be one of the most important votes that we cast this year because as our Nation faces a number of fiscal challenges in trying to pay for a number of our programs like Medicare and Medicaid and Social Security and, on top of that, the devastating hurricanes that have hit our great Nation, as we seek ways to pay for those, Mr. Speaker, at the end of the day there are only three different ways we can do it.

Either, number one, we are going to raise taxes again on the American people, as the Democrats want to do, and they do not claim they want to do it, but I assure the Members, Mr. Speaker, they do. So number one, we are either going to raise taxes on the American people; or number two, we are going to pass debt on to our children yet again, as unconscionable as that is; or number three, Mr. Speaker, again we can go to our plan, our plan to reform government programs so that we can achieve savings for the American people. And that is what this debate is going to be about.

We can have a bright future. But if we do not do it, Mr. Speaker, if we do not start today on this plan to reform government programs to achieve savings for the American people, I fear that our future could be dark.

For example, Mr. Speaker, I have a chart here. It is a multicolored chart, and it talks about what we call in Washington ''entitlement spending,'' kind of mandatory spending that is on automatic pilot. Much of it is good, but it is growing beyond our ability to pay for it.

This is 2003, and on this side of our chart we have a percentage, and this talks about the percent of our economy that we are spending right now on government.

Right now, Mr. Speaker, all of this spending here, and this year is 2003, just a couple years ago, we were spending roughly 20 percent of our economy on the Federal Government. This line here is our tax revenues, which stays fairly consistent, just a little bit below 20 percent of our economy.

But, Mr. Speaker, as the years go by, if we do not reform these programs, we can look at the year 2015, the year 2030, and the year 2040. Mr. Speaker, if we do not start to reform today, we are on the verge of doubling the size of government in one generation.

What is that going to mean to our children? What is that going to mean to their standard of living? We are on the verge of being the first generation perhaps in the entirety of American history to leave our children a lower standard of living than we enjoyed. And, Mr. Speaker, I just believe that is absolutely unconscionable. We must begin this process of reforms.

Again, we are on the verge of doubling the size of government, and that is just leaving the programs alone. Doing what the Democrats want us to do, turning our back on future generations, is going to double the size of government, taking away that hope, taking away those jobs, taking away those opportunities. How are we going to afford then to put gas in our pickup trucks? How are we going to afford to send our children to college? How are we going to afford paying our heating bills when Uncle Sam says, No, we are going to have to take twice as much of the economy just to pay for the Federal Government. What does this translate into for families all across America?

Again, if anybody was listening to the earlier debate, we did not hear the Democrats say this, but this is their plan. We have a plan to reform government programs, to achieve savings for the American people. They have a program to double taxes on the American people in one generation. Look at what is going to happen to the average family as the years go by, and this is 2005.

If the Democrats have their way, they will increase taxes on American families almost immediately by $4,000 a family. Well, there just went a down payment, a huge down payment on a car to get, perhaps, a parent to work. There just went, in some places, a semester or two of college. There just went no telling how many months of child care with the Democrat plan to immediately increase taxes on the American people. And as time goes by to 2009 and 2017 and 2027, increasingly, taxes go up and up and up.

So, again, Mr. Speaker, it really comes down to the question: Do we have a spending problem in Washington or do we have a taxing problem in Washington? And I think as we carry on with this debate, the American people will agree that what we really have here is a spending problem, that spending is out of control in Washington, DC. But I believe, Mr. Speaker, as do so many of my colleagues, that with a good plan of reform to achieve these savings, that we can actually deliver better health care, better retirement security for our seniors at, frankly, a lower cost.

And it is just so sad, Mr. Speaker, that we cannot seemingly get any Democrat from this side of the aisle to come join with us. And it is my fear, Mr. Speaker, that they are more concerned about the next election than they are the next generation.

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

Mr. HENSARLING. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I think it is really important that if Members look at the deficit reduction package that we are looking at, it is a reform package that creates savings as opposed to the typical tax-and-spend tactics of the other party, and reform is what most of us, Democrat or Republican, have come to Washington to do.

How many times do people running for Congress go to the local Rotary Club and say we have got to run government more like a business, we have got to end the duplications and the bureaucracy, we have to cut the red tape? And yet here is an opportunity to have some great bipartisan reforms, and all we are doing is getting criticism. And

it is the same old broken record we hear from the Democrats that this is all about cuts.

I was here when we did welfare reform, and the same people were saying that we are pushing people out in the streets, even though welfare reform has been a success, and incidentally, was signed into law by President Clinton. But when a person in today's world thinks about what companies are doing great, they think about Verizon or UPS or Starbucks or Coca-Cola or McDonald's, and they think there are a lot of things going on in the private sector. And they turn around and think what do we have in the Federal Government? FEMA, the IRS, the Immigration and Naturalization Service, the United States Postal Service, and then the local motor vehicle department.

One can go into McDonald's and order food for a busload of teenagers coming back from a homecoming football game and get the food faster than they can going into the post office and getting a book of stamps. And I think it is relevant for people to realize we should not accept second best, third best, and fourth best from the United States Government. This package takes a step in that reform, and it does so by creating a lot of savings for us.

I am an agriculture guy, and I think it is really important to talk about the food stamp portion. We hear time and time again, oh, the agriculture budget is too much and you guys should do something about it. Well, 60 percent of the budget is actually for food stamps. Food stamps have increased from $17.7 billion in 2001 to $35 billion today, $35 billion.

Mr. HENSARLING. Mr. Speaker, reclaiming my time, since the gentleman serves on the Agriculture Committee, which has jurisdiction over the food stamp program, we just heard folks on the other side of the aisle, the Democrats, talk about massive cuts in the food stamp budget. But is it not true that even after we reform these programs, we will spend more on food stamps next year than we did last year?

Mr. KINGSTON. $250 million more next year than we are spending this year on food stamps, Mr. Speaker. And yet only in Washington, DC, only in that fantasy world that competes with Disneyland when it comes to creating make-believe, would people call it a cut. Because what we want to do is look at the increase, and we have determined that we can reduce one-half of 1 percent of the total food stamp budget, about one-half of 1 percent. Food stamps will still increase $250 million, and yet people can go down to the floor of the House with a straight face and say that is a cut. I do not know how they do it.

If I am giving my child an allowance of $10 and I am going to increase it to $15, but he wants $16, I still have not cut his allowance. I cannot get away with that back in Savannah, Georgia, but somehow the Democrat Party can do that with a straight face in Washington.

□ 1530

If nothing else, you have to admire their nerve.

Mr. HENSARLING. Mr. Speaker, if the gentleman will yield again, it reminds me that in this great body everybody is entitled to their own opinion, but they are not entitled to their own facts. The fact is that these budgets are still increasing, even after our reforms.

But another question for the gentleman: is not one of the suggested reforms that we are offering here simply to extend for noncitizens, people who are not citizens of the United States of America, supposedly people who came here who wanted to roll up their sleeves and seek freedom and opportunity, a waiting period of 7 years instead of 5 before they receive food stamps, for noncitizens? Is that correct?

Mr. KINGSTON. Yes. The irony is that under President Clinton's signed welfare reform plan, originally you had to be in the United States of America 10 years before you were eligible to receive food stamps. That was later reduced to 5 years. And what we are saying is, you know what? That got real expensive. Let us just change it to 7 years. Yet, people are screaming bloody murder, and it is the same folks who say we have to do something about our illegal immigration and our immigration laws in general.

But remember, when you come to the United States of America and you become a citizen, noncitizens, you actually have to sign a waiver saying that you would not get public assistance benefits, you would not become a ward of the State. We are saying okay, listen, at least keep your word for 7 years. Yet, there again, we hear all the hysteria and rhetoric, which makes people just feel less belief in the government. As the gentleman said, people just pick and choose their own facts here. That is not allowed in the real world.

Mr. HENSARLING. Mr. Speaker, I appreciate the gentleman's comments to help illustrate the point again that almost every single budget for these programs will increase next year over last year. That is just a simple fact.

It is hard for me to believe that there are people in America who are going to find it highly controversial that those who supposedly signed a contract not to be wards of the State, those who came here for jobs and for freedom and for opportunity, that somehow it is a draconian cut to ask them to wait for 7 years instead of 5 years to be on food stamps.

Dollars have alternative uses. So the millions you save by this simple reform are millions of dollars that instead now can go to help relieve human suffering along the gulf coast. It could go to increase the number of mammograms for indigent women in the Medicaid program. It is dollars that could be used to help fund more college scholarships. But instead, our friends on the other side of the aisle said, no, we cannot have any reforms, we cannot have any reforms. It is all about massive cuts.

Mr. KINGSTON. In the nanny state, the liberal Democrats envision that the United States has to have Big Government sitting by your cradle when you are born and taking you to your grave when you die 75 years later or whatever. In their nanny-state vision, they are convinced that we have to pay for every step of your progress along the way.

One of the things they are screaming about now is nobody will be able to go to college because the Federal Government will not be able to step in and pay for your tuition. Well, the Federal Government does have assistance for people who deserve a college education and who have worked hard for it. But in the food chain, lenders make a minimum of 9.5 percent loaning you the money. Now, most people right now are not getting 9.5 percent on their investments.

What we are saying is, we are going to cut out that minimum of 9.5 percent that the lenders are getting on college education loans. Yet, again, we hear from the other side that that is a cut. I have trouble following them. I like fiction, I like crazy movies of fantasy, but they go beyond the page of what is real.

Mr. HENSARLING. Mr. Speaker, the gentleman makes another great point, and that is that only the government, only the government would be so foolish as to pay two and three times the market rate for a loan to send somebody to college. Yet, in the twisted logic of our friends on that side of the aisle, they say, well, you are cutting student loans by not giving all of these great surpluses to the lenders. I mean, it is complete nonsense. Again, there are so many other reforms we can make that I believe will help improve retirement security and health care at a lower cost.

I am very happy that another gentleman from Georgia has joined us this afternoon who is a doctor, and this body could use more doctors; somebody who has extensive experience in dealing with Medicare and Medicaid. We are hearing all the scare tactics on the other side of the aisle. Frankly, we have heard them for 50 years, but we continue to hear it.

What we do know is this: Medicare is growing at 9 percent a year. Medicaid is growing at 7.8 percent a year. Now, these are important programs but; Mr. Speaker, they were designed back about the time I was born. They have not kept pace with the pace of medicine. They are not helping the people today as they once were, and there are so many reforms we can make to save them, because if we do not save them today, if we do not take the steps to reform, Medicare and Medicaid will simply not be around for my children.

With that, I yield to the gentleman from Georgia (Mr. GINGREY) to tell us a little bit about his insights into those programs.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Texas for controlling the hour, for bringing this important information to us, and for allowing me to weigh in on it.

Mr. Speaker, it is kind of interesting that the other side of the aisle, when we had a plan to reform another mandatory, big, mandatory spending part of our budget, and that is Social Security, they wanted to say that, no, we do not need to be addressing that right now, because we have other more serious problems, we have the serious problem with the mandatory spending in Medicare and Medicaid. So while they did not want to address the needed reform, good reform to save money and sustain that program for our seniors, for their retirement, now we want to try to come forward, this Republican leadership, with a plan, a good plan of government reform, so that we can effect meaningful savings, and that is exactly what we are here to talk about this afternoon. I thank my colleague for giving me an opportunity to weigh in on one of those items in particular, and that is the Medicaid program.

The Medicaid program is so out of control that it is rapidly approaching 50 percent of our State budgets. Within another 5 years, if we do not do something to control and to reform Medicaid spending, Mr. Speaker, then we will be up to 80 percent, and it will not be in the too distant future that it will absorb the total amount of our State budgets. We cannot let that happen.

In fact, the Governors Conference did great work on this. I want to commend the Democratic Governor of Virginia, Governor Warner, and the Republican Governor of Arkansas, Governor Huckabee, who together took this as an ad hoc committee that took on this responsibility and made some very, very significant, needed suggestions to reform Medicaid.

A perfect example would be in those States who are under a waiver program, Mr. Speaker, that allow Medicaid coverage for people up to 150, 185 percent of the poverty level, at those higher levels to start having a little bit of a copay, just a little bit of a copay, maybe $3 on a generic drug or $5 on a brand-name prescription that their physicians feel that they need, and possibly even, yes, for the higher-income people under the waiver program to have a little bit of a deductible, to ask them, to ask these beneficiaries to show a little bit of responsibility for their own health, for their own health care, and how the spending is utilized.

The gentleman from Texas is absolutely right: We desperately need Medicaid reform. Just listen to this: We want to put Medicaid on a more sustainable path; grow it, yes, absolutely. We are not here today to talk about cutting. Our colleagues on the other side of the aisle, they are always wanting to scare people, the poor, the elderly, the infirm: These greedy Republicans are on the verge of cutting your benefits. Not at all. It is just reducing the growth rate by one-tenth of 1 percent. We need to do that. Who would argue that we need to root out waste, fraud, and abuse from the Medicaid program or, in fact, the Medicare program? We want to make sure that we give flexibility to the States to enact, if need be, some copays and some deductibles.

But pharmaceutical spending is out of control, as it certainly is. Listen to this: Medicaid once paid $5,336 for a prescription that only cost the pharmacist $88 to obtain. The Department of Health and Human Services Inspector General found, this was back in 2002, that Medicaid reimbursements exceeded pharmacists' true costs during that year, 2002, exceeded the actual cost by $1.5 billion.

Every dollar wasted on overpayment is a dollar that does not go to the patients who truly need that benefit.

Mr. HENSARLING. Mr. Speaker, if the gentleman will yield for just one point, and I think I heard the gentleman correctly that the government paid over $1,000 for a prescription that should have cost approximately how much?

Mr. GINGREY. Well, let me repeat that, because I know it sounds unbelievable. It is even more unbelievable than the gentleman from Texas just stated. Medicaid once paid $5,000, not $1,000, but $5,336 for a prescription that only cost the pharmacist $88 to obtain. Now, was that a mistake on the part of the pharmacist? Possibly. We are not trying to single out any individual.

But the point is that there is so much waste, fraud, and abuse; and this oversight is needed. We absolutely need it.

Mr. HENSARLING. Mr. Speaker, if the gentleman will yield again, does that not mean, though, as we listen to the rhetoric by our Democratic friends on this side of the aisle, though, that by rooting out just this one waste, we would say somehow that we have cut health care for the poor by $5,000 because we found this waste, we found this fraud? It is again just one story out of countless stories about how you can reform government and still save money for American families.

Mr. GINGREY. Mr. Speaker, there is no question. Another thing that is astounding, and I think that we cannot state this often enough, is the fact that the nursing home reimbursements in this country, probably close to 80 percent of nursing home reimbursement is through the Medicaid program, and most of those dollars are Federal tax dollars. There is a State match, of course. For example, in my State, it is 60/40. The States with lower average incomes appropriately pay less. But when we are in a situation where people game the system to get their loved ones into a nursing home and hide their wealth, I mean, it is understandable why they might be inclined to want to do that, but that is taking money directly away from these children, many of whom are disabled. We have something called the waiting list for care, home-bound care for disabled people and pregnant women who are not getting prenatal care, and all of this money needs to be spent wisely and spent appropriately.

So I thank my colleague for letting me as a physician Member to weight in on some of these things. I have seen certainly not just since I have been a Member in the 3 years that I have been here in this body, but also over 28 years of practicing and seeing the need for this kind of reform by the Republican Party, reform to government, this good plan of reform that will save money and effect better care in the long run.

Mr. HENSARLING. Mr. Speaker, I certainly thank the gentleman for his leadership on health care issues in this body and his leadership in trying to protect the family budget for the Federal budget. The gentleman did such a great job tonight in helping illustrate, Mr. Speaker, that again, there are so many ways that we can help reform these programs to achieve savings for the American people. If we do not do it, again, we are looking at a future of having to double taxes on the American people just to balance the budget, an unconscionable future.

Now, Mr. Speaker, again, this whole Deficit Reduction Act of 2005 is designed to help reform government programs to bring about savings. More so than any other event that precipitated this was the terrible hurricanes that ravaged our Nation recently; and Congress, rightfully so, joined together, Republicans and Democrats, came together to help relieve this human suffering, and it was important that we do that. A great tragedy had occurred in our Nation. But many of us were convinced that we could not let a great natural tragedy of this generation turn into a great fiscal tragedy for the next.

So I think one Member, above all other Members, came to the floor of this House of Representatives and said, we need to offset this spending. He launched something called Operation Offset, as chairman of the Republican Study Committee, Congress's largest caucus, made up of those who care about faith and family and free enterprise and freedom and, due to his actions, we were able to come to this point today. Because we know there are only three ways, Mr. Speaker, that we can offset this spending.

□ 1545

More taxes on our children, more debt on our children, or finding a plan to reform government to achieve these savings. And with that, I would love to yield to the chairman of the Republican Study Committee, my dear friend, the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Let me say I am deeply humbled by the gentleman's characterization of our efforts. There is not a

day goes by in this Congress that I am not grateful to the people of Texas for sending Congressman JEB HENSARLING to Washington, DC. His work, Mr. Speaker, on the Budget Committee, his work as the leading voice of fiscal restraint in the largest caucus in the House of Representatives has been seminal to the debate that we are engaged in, both in the House and, as we have motivated it, in the Senate; and I congratulate my colleague from the heart.

Mr. Speaker, I rise, along with my other colleagues today, in strong support of the Deficit Reduction Act. The numbers speak for themselves. And as I have listened to the opposition to this legislation speak, as I have listened to even the advocates of this legislation speak, we are spending a great deal of time in, specifically, distinguishing the trees from the forest. I would like to talk about the forest from the trees for a moment.

The forest is $8 trillion in national debt, a national debt that has swelled by 25 percent, $2 trillion in the last few years alone, a post-World War II high of per-family share of the national debt, I believe the number, the gentleman will correct me, in excess of $24,000 in obligations for every American family. It is a second mortgage on every American family, that $8 trillion in national debt.

We come into this well, this week, as our colleagues in the Senate did last week, and in the face of a hurricane of national debt, we are going to throw a pebble of $50 billion in savings. And in the context, Mr. Speaker, of a $2.5 trillion Federal budget, this is a modest effort, but a meaningful effort. And I rise to applaud it.

$8 trillion in national debt. And then as the gentleman from Texas observed, in 6 days, in the wake of the worst natural catastrophe in our country's history, the worst hurricane to strike the coast of this country in some three centuries, this Congress spent over $60 billion in 6 days. And the American people, and many Members of Congress simply stood astride that freight train of spending and yelled ''Stop.'' And it is in a very real sense, that, in part, which brings us to this impasse today, whether or not we, as a Republican majority, as a governing majority in America, are going to be able to make tough choices during tough times.

I believe that we will. I believe, as our colleagues in the Senate bravely did last week, I believe this Congress this week, will rise to this challenge because I believe it is precisely what the American people meant this majority to do, to be able to practice both generosity and fiscal discipline at the same time.

In a very real sense, I must say that as we saw $60 billion flow out of this institution in less than a week, in the aftermath of Katrina, I bristled at the posturing of some in the House and the Senate who went before the American people who were still grieving in our hearts at the extraordinary cost to families and communities along the gulf coast. And some in Congress stood up and said that we have done the hard work.

Well, getting out my grandchildren's credit card and borrowing $60 billion for the families and communities along the gulf coast is not hard. What we are doing this week with the leadership of Speaker DENNIS HASTERT and the leadership of this Republican majority, what the Senate did last week, is the hard work that the American people expect us to do. That being said, we will take a modest but meaningful step in the direction of ensuring that a catastrophe of nature does not become a catastrophe of death. But let us not overstate it.

And with this, I close. As we look at some $50 billion in savings over the next 5 years, we are hearing the remonstrations of the opposition that we are cutting Medicaid, we are cutting student loans, we are even cutting Low-Income Home Energy Assistance Programs. And it is simply not true. As much as it might warm the heart of this conservative for Congress to get out the sharp scalpel and truly go after that $8 trillion in national death, as the gentleman graciously assists me with the chart, that the baseline of changes in mandatory spending between this bill and the last mandatory spending was projected to grow, without my glasses on, at 6.4.

Mr. HENSARLING. If the gentleman will yield, I will be glad to read this.

Mr. PENCE. I will be glad to yield.

Mr. HENSARLING. It is such an instructive chart, Mr. Speaker, to show the American people that, contrary to the rhetoric of the Democrats who speak of their massive cuts, look how much money we have spent on what we call mandatory spending in 2005, roughly $1.5 trillion; and in our 5-year budget, if we are successful and achieve these savings, these mandatory programs will grow at 6.3 percent a year instead of 6.4, a most modest, modest step of reforms, yet necessary and important.

And I will yield back to the gentleman from Indiana.

Mr. PENCE. I thank the gentleman, having not brought my reading glasses.

What we are doing here is adjusting the arc from 6.4 growth to 6.3 percent. And as the gentleman from Georgia just said moments ago, in Washington that is what passes for a cut. And that is just false advertising in America today, and the American people are on to it. They know under this bill Medicaid will grow by 7 percent. They know that student financial aid will continue to increase. And they also know that there is a billion, a 50 percent increase, in low-income home energy assistance, over $1 billion in additional resources available.

This is modest, but meaningful pruning of the Federal budget. It is not, even though it may warm this conservative's heart, it does not represent the hard choices and deep cuts that, candidly, future Congresses and future generations will have to make to meet the unfunded obligations that this government faces in the next 50 years.

So I rise today to say, this is a good start. It is time to put our fiscal house in order. It is time to take that first step toward fiscal restraint.

I urge my colleagues to see this in context. For conservatives for whom it is not enough, accept it as an important first step. And for those less conservative in the Congress than me, which is most, see this as a modest first step in the direction of fiscal restraint that is so much needed in the wake of catastrophes of nature.

Mr. KINGSTON. The gentleman from Indiana has talked about this being a first step. I think controlling spending, fiscal responsibility is almost like daily exercise and daily diet. It cannot just be a vote once a year. It needs to be a daily exercise.

There are all kinds of things that we can talk about in our multitrillion-dollar budget. Zero-based budgeting. As an appropriator I can tell you when agencies come in to us, all they talk about is the new spending. They do not ever go back to why did we originally need the money. And I will give you an example.

We had a series of forest fires out West. When I was on the Interior Appropriations bill, we spent money to help react to fight the forest fires. And the next year, no fires, so we tried to take the money out of the budget. No fires, no fire money. But guess what? That was called a cut because people decided, oh, no. You are not going to go back to zero base on us.

I think we should look at a Grace-type commission, an outside, a BRAC-type commission that could look at the Federal agencies and figure out which ones of them can be eliminated, where are the duplications and so forth. I think we should talk seriously about ending earmarks or at least reducing earmarks for the coming year to offset the cost of Katrina and Iraq. And then after we pass this, I believe we should go back and look at a half percent or a 1 percent or a 2 percent across-the-board decrease, because all of this has to be done year after year. Because that Federal budget, when all the good taxpayers are home sleeping at night, it continues to grow and it gets out of hand.

And I just wanted to say we are hearing lots and lots of crying. And I am going to close with this because I know you have the gentleman from New Jersey and the gentlewoman from Tennessee here, but if you just think about it this way, that Medicaid, through all this screaming and yelling that we are hearing from the other side, will still grow next year by $66 billion; that is, if we get to reduce it by 0.03 percent, it will still grow by $66 billion. It is not a cut.

It is not going to do all the things that most conservatives would like done, but as Mr. PENCE said, this is a

step in the right direction. And I thank the gentleman from Texas for your time and your leadership on these issues.

Mr. HENSARLING. Well, I thank the gentleman from Georgia for his clarity in debate, for his leadership on this floor, for helping be one of the very clear voices in trying to protect the family budget from the Federal budget and bring about reforms.

Mr. Speaker, I am now very happy to be joined by one of my dear friends in this body, someone who I believe exhibits more principle and more courage than just about anybody else in this body, one of the strongest leaders we have for limited government in the United States House. And with that, I would be happy to yield to my friend from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Well, I thank my friend from Texas for those words. And I thank you also for your leadership and the opportunity to join you this evening as you continue the battle for reform.

As we take up this critical matter of budget reform this week, I would ask my colleagues from both sides of the aisle to view this as a process not in terms of dollars and cents of savings and cuts, but more in the terms of what really is the proper role of the Federal Government.

The Republican Party, I think, is the party that gives more credit to the American people than the other side of the aisle ever will. It is the philosophy of keeping government close to the citizens and Federal Government in its proper place that put the Republican Party in the majority several years ago and has kept it there now for the last 10 years. Yet, I feel at times that political control can cause us to lose hold of what our Founding Fathers initially thought that our role should be.

But in forming any policy, as we discuss these issues, I think casting votes on the floor, the Constitution should be our guide, not simply the whims of the day. And so in any discussions on this, let me just bring us back to what one of our Founding Fathers of the Constitution told us back in Federalist 45 when he said, James Madison said:

''The powers delegated . . . to the Federal Government are few and Defined . . . The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs; concern the lives, liberties and properties of the people, and the internal order, improvement and prosperity of the State.''

If Mr. Madison was to join us here today, I would imagine that he would see very little difference between King George and London and today's bureaucrats here in Washington, D.C. when it comes to big government and meddling in local issues. Unfortunately, just as the Founders of the Constitution have long since passed, so have many of their principles which this system of government was set upon. And were they to return today to the halls of D.C. and Congress, they would see the government has grown out of all bounds.

They would see a Federal judiciary that has traded judicial self-restraint for judicial activism, and they would find a wildly inefficient Federal bureaucracy.

The framers saw the excesses of London and Versailles, the gross central powers, at the disposal of so few and at the expense of so many.

□ 1600

The government conceived by Madison and others was designed specifically to resist such a fate. Now, Alexis de Tocqueville famously observed the greatest genius of libertarians, egalitarian of early America, was that it bore absolutely no resemblance whatsoever to his native France. Indeed, men like Madison and de Tocqueville might wander the Halls today and find striking similarities between the opulent and power-laden prerevolutionary Versailles.

But short of storming the Bastille, I came to Congress in the 108th Congress convinced that something could be done, and we are working towards that endeavor today. We are working towards that endeavor in other fields as well, such as Congressional States and Community Rights Caucus to turn Congress back to the Constitution and the 10th amendment.

Many of my colleagues and others inside the Beltway forget that State taxpayers and Federal taxpayers are not simply separate groups of people. Americans from all over the country send their money to Washington, only for Washington to lose some of it, waste some of it and spend some of it in ways that may not be best for all of us. Take my State of New Jersey: for every dollar in taxes my State of New Jersey sends down to Washington, we only get 54 cents back. That does not make much sense to me, nor to the citizens of my State. New Jerseyans would be better if they kept most of that money back home for their own self-control and projects.

Mr. Speaker, to conclude, this week provides the House with an opportunity to help restore the vision of our Founders, the vision of Ronald Reagan. Yes, we must look out for the least among us. Yes, we must protect the key interests that cannot be dealt with at any other level, but just as the 10th amendment states clearly, and I quote, ''The powers not delegated to the United States by the Constitution, nor prohibited by and to the States, are reserved to the States respectively or to the people,'' all of us as elected representatives of the people.

Mr. Speaker, I ask that Members of this House keep those words in mind as we go through this week, as we consider this legislation, and truly need it here in Washington D.C. and remember to return the power back to the people.

Again, I commend the Member from Texas for his leadership in this endeavor.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for joining us this evening. I thank him for his leadership. I thank him for reminding us that ultimately this is a debate about the role of government in a free society, because too often it seems that our friends on the other side of the aisle believe nothing good has ever happened in America that was not the result of a Federal program: Without the Federal Government there would be no motherhood. Without the Federal Government, there would never be a meal placed on the table, there would be no Boy Scouts, there would be no baseball.

The truth is that it is freedom, it is individual freedom that counts in the lives of individuals and helps lift people out of poverty.

Mr. Speaker, I am now very happy that we have been joined by one of the true leaders and one of the more articulate and dynamic voices in this body on government reform, the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Texas for his leadership on this issue and for constantly reminding those of us in this body that our work is to protect the family budget and be certain that we rein in that Federal budget.

To a comment, Mr. Speaker, that the gentleman from Texas just made, talking about government, and so many people feeling that many times there is nothing good that happens unless it comes from the Federal Government. I have constituents who remind me repeatedly that every time we have a new Federal Government program that is to cure some ill in our country, that there is a cost that comes with that. Yes, there is the cost that comes with putting that program in place, the operational cost, the funding cost. But there is also a second cost. That is, if the Federal Government steps in to fill a void, then neither the private nor not-for-profit sector is going to step in and fill that void.

Mr. Speaker, to be quite honest with you, over the past few days, as we have talked about the Deficit Reduction Act, and beginning to put this body on the right track to reducing, spending, restraining the growth of government and then beginning to right-size government, right-size and reform government, I said there is another one, and it is with every program, there is a difficulty with getting that program back under control, because every program has a bureaucracy and every bureaucracy has a constituency. That is another cost for each and every program. Of course, they are all good ideas, but is it the proper role of government.

To the gentleman from Texas, I appreciate the chart that he has about mandatory spending and talking about baseline spending in the chairman's mark. I would like to make a couple of comments on this. We have talked about the baseline calling for 6.4 percent growth over the next 5 years; and

with the work that this body has already done and is continuing to do, we will see that growth move from 6.4 percent to 6.3 percent growth.

One of the things in our district we have talked about is that baseline. Now, as the gentleman from Texas says, the family budget, that is something where we sit down every year with a clean sheet of paper, a No. 2 pencil, and we start at zero and we work out and say what can we afford to put on particular categories this year. Unfortunately, taxes and fees seem to be the biggest of those categories. But we start with a clean sheet of paper and a No. 2 pencil.

Unfortunately, government does not do that. They start from what they spent this past year regardless of the effectiveness of the program, regardless of whether the program is still needed, regardless of whether it should be wound down, regardless of whether it has outlived its usefulness. That is where they start, with what they got last year.

Based on what they got last year, then they ask for an increase in that funding. Now, let us say they got $100 last year, and this year they are going to ask for $125. We come back and say, well, you can't have $125, but we'll give you $110. Then they are saying, oh, no, you've cut us $15. You can't do that. You can't do that. That's a cut.

As the gentleman from Texas said and the gentleman from Indiana, just a few moments ago, in Washington-speak, when you restrain the growth, that is a cut. That is the way many of those from the left who support constantly growing the bureaucracy, constantly giving the power and the money to bureaucrats in buildings, that is how they refer to this process.

For our constituents, I think it is so important that we work together on this, addressing that baseline, being certain we are restraining the growth and that we work to pull it down past 6.4 and 6.3 and reduce it even further and then get into that baseline and actually begin to make some reductions in that baseline in programs that may have outlived their usefulness.

I commend the gentleman from Texas for the work that he has done on the budget. I commend him for continuing to bring this issue and reminding us that it is important that the Federal budget continue to protect and work to protect the family budget.

Mr. HENSARLING. Mr. Speaker, I thank the gentlewoman for her comments tonight, and especially reminding us that once again in this great body people are entitled to their own opinions. They are just simply not entitled to their own facts. The facts are that even after our exceedingly modest reform proposals are enacted, all this spending, all this Federal spending on automatic pilot will grow at 3.6 per year instead of 6.4, notwithstanding the threat to future generations, the incredible burdens on their futures and their hope and their opportunity.

Under this reform plan, Medicare will grow, Medicaid will grow, food stamps will grow; but we make commonsense reforms so that we manage to hopefully save the next generation from a fiscal tragedy.

Mr. Speaker, I am very happy to see that we have been joined by the gentleman from Indiana (Mr. CHOCOLA), another member of the Republican Study Committee, one who cosponsored the Family Budget Protection Act to try to reform this process and again save the family budget from the Federal budget.

Mr. CHOCOLA. Mr. Speaker, frankly, I had not planned on coming to join you tonight, but I was inspired by the comments from our colleagues. I heard an example of kind of the issues that we are talking about today from one of our other colleagues, because I think it is so important to point out that we really are not talking about cutting anything.

We simply are talking about slowing the growth of government in the future. One of our colleagues that shared an example, I think, resonates and is identifiable to all the people in this country. The example goes something like this:

Mr. Speaker, imagine that you have a child, let us say your daughter, who mows the lawn and does a great job. Let us say for the last year, you have paid your daughter a $10-a-week allowance for mowing the lawn, and she has done a good job. After that year she comes to you and says, Dad, you know, I think I need a raise. She has been doing a good job. So you say, honey, I probably might consider that raise. How much do you think you deserve? Your daughter looks at you and says, you know, well, I have been doing a good job. I think maybe I deserve $20 a week. You say, well, that is kind of generous. How about if we compromise at $15 a week?

Now, you will probably be able to determine your daughter's political future by her response. If your daughter says, well, jeez, you know, $15, that is a 50 percent raise, that is pretty generous, I think I can live with that, probably has not a great future in politics, probably should consider going into the business world. But if your daughter says, well, jeez, Dad, I was expecting $20, $15 would be a 25 percent cut, she would certainly understand the rhetoric that we hear so many times and too often here in Washington.

When we talk about reforming government, when we talk about fiscal responsibility, when we talk about a plan to reform government and attain savings, we are not talking about cuts at all. We simply are talking about doing the responsible thing, slowing the growth of government by tenths of a percent.

As an example, HUD in 2001 had 10 percent of their budget, $3.3 billion, was paid in overpayments. Now, we are talking about tenths of a percent that we might be able to find savings by rooting out fraud, waste and abuse when many Federal programs already waste a significant percentage of their budgets in overpayments, erroneous payments, and simply wasted money.

I commend the gentleman from Texas for continually reminding us that this is a responsible thing to do to find the savings, to make sure that we do not pass along huge deficits to our children that they will not be able to pay and they will look back at us and recognize that we did not do the fiscally responsible thing by simply managing the taxpayer monies better and being better stewards of the taxpayer dollar.

I thank the gentleman for letting me join him for a few seconds. Again, I commend him for his leadership.

Mr. HENSARLING. I thank the gentleman from Indiana for joining us this evening in this very, very important debate.

Mr. Speaker, I think when you hear about all the different commonsense reforms we can make and how modest they are and how this juggernaut of government spending is going to continue on, unfortunately, for years and years and years to come, again it cries out for us to take a stand and be courageous and begin the program of reform. We need to remind ourselves why we need to do this.

Well, Mr. Speaker, let me give you a couple of quotes, one from Chairman Alan Greenspan, Chairman of the Federal Reserve. He says, Mr. Speaker, ''As a Nation, we may have already made promises to coming generations of retirees that we will be unable to fulfill.'' He said that about Social Security, he said that about Medicare, important programs, important programs for seniors; but they are on automatic pilot, automatic pilot to eventually go bankrupt if we do not start the process of reforms.

Mr. Speaker, the Brookings Institute, not exactly a bastion of conservative thought in this Nation, said in a recent report, ''Expected growth in these programs, Social Security, Medicare, and Medicaid, along with projected increases and interest on the debt and defense, will absorb all of the government's currently projected revenue within 8 years, leaving nothing for any other program.''

The General Accountability Office has said that right now we are on automatic pilot: ''We are heading to a future where we will have to double Federal taxes or cut the Federal spending by 50 percent.''

That is the future this Nation is facing, Mr. Speaker, unless we begin and enact this plan, to begin these modest reforms, so that we can begin to achieve savings for the American people.

Again, if we do not do it, this is what the Democrats have planned for us. These are the tax increases, a sea of red ink, a tsunami of red ink, a hurricane of red ink. It is all tax increases,

or it is all going to be debt, passed on to our children, because our friends on the other side of the aisle will not join us in these modest reforms.

In fact, they tell us every single day that somehow tax relief to the American people is part of the problem.

□ 1615

What they do not tell you is the massive tax increases that are going to be necessary just to pay for the government we have, not even the government that they are trying to add on top of the government programs that we already have.

Under their program, they will be bringing back the marriage penalty. They will be bringing back the death tax. The new child tax credit, say goodbye to it, accelerated depreciation and the list goes on and on.

Mr. Speaker, that is not a future that the American people want, and so we are going to debate this spending.

To me, Mr. Speaker, when we see that this spending is out of control, there was a time very recently until this last Congress when Medicare paid five times as much for a wheelchair as the Veterans Administration did, five times as much, because one would competitively bid and the other would not. Well, according to our friends on that side of the aisle, somehow we cut health care for the elderly when we began to pay market prices for wheelchairs. It is absurd, Mr. Speaker.

Now we are offering reforms saying that, you know what, if you are not a citizen of the United States of America and you signed a contract not to become a ward of the State, maybe you ought to wait 7 years instead of 5 before you qualify for food stamps so that maybe we can send that money to help relieve human suffering along the gulf coast. But somehow, again in this body, notwithstanding the fact that food stamps will grow next year over this year, it is somehow called some kind of massive cut.

It is just not true, Mr. Speaker. You are entitled to your own opinion, but you are not entitled to your own facts.

Mr. Speaker, what is important is that we do not let the Democrats put double taxes on our children. It is important we not allow them to increase taxes today, because the tax relief we have passed has been great for this economy. It is what is helping people. Right now, we have passed tax relief, and guess what, Mr. Speaker, we have more tax revenue.

Mr. Speaker, right now, on this chart you can see that after we passed tax relief for the American people, allowing small businesses and families to keep more of what they earn, in 2003 we have almost $1.8 trillion in revenue, in 2004 almost $1.9 trillion in revenue, and now in 2005, $2.1 trillion in revenue. Tax relief has proven to be part of the deficit solution, not part of the deficit problem.

Mr. Speaker, that may be counterintuitive to some people, but let me tell you just one story about one small business in my district back in Texas.

It is an outfit called Jacksonville Industries, employs 20 people, an aluminum and zinc die cast business. Before we passed our economic growth program that had tax relief, they were getting ready to have to lay off two of the individuals due to competitive pressures, but because of tax relief, Mr. Speaker, they were able to go out and invest in new machinery that made them more efficient. Instead of having to lay off two people, Mr. Speaker, they hired three new people.

That is five people that could have been on welfare, five people that could have been on food stamps. That is five people who could have been on unemployment, but instead, Mr. Speaker, it was five people who had good jobs with a future, who had their own housing program, their own nutritional program, their own education program called a job.

So, to listen to our friends on the other side of the aisle, they would say somehow that is a cut. It is not, Mr. Speaker. It is about freedom and opportunity, and that is what helps the poor.

STONEWALLING CONGRESS

The SPEAKER pro tempore (Mr. FORTENBERRY). Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, first of all, let me thank my friend and colleague for allowing me to take this 5-minute special order before his 1 hour. I will be brief, but I rise for an issue of severe concern to me, Mr. Speaker.

As someone who has spent 19 years working on defense and security issues in this Congress and currently serves as the vice chairman of the Armed Services and Homeland Security Committees, I have to report to my colleagues continuing efforts to try to find out what happened before 9/11 and, unfortunately, have to report that we are being stonewalled. In fact, Mr. Speaker, I cannot use any other term but the appearance of a cover-up.

Just a few moments ago, I questioned one of the cochairs of the 9/11 Commission, Lee Hamilton, why the Commission has not yet responded to a letter that I sent to them on August 10 of this year, which I will enter into the RECORD at this point.

AUGUST 10, 2005.

Hon. THOMAS H. KEAN, Chairman,
Hon. LEE H. HAMILTON, Vice Chairman,
9/11 Public Discourse Project, One DuPont Circle, NW., Washington, DC.

DEAR CHAIRMAN KEAN AND VICE CHAIRMAN HAMILTON: I am contacting you to discuss an important issue that concerns the terrible events of September 11, 2001, and our country's efforts to ensure that such a calamity is never again allowed to occur. Your bipartisan work on The National Commission on Terrorist Attacks Upon the United States shed light on much that was unclear in the minds of the American people regarding what happened that fateful day, however there appears to be more to the story than the public has been told. I bring this before you because of my respect for you both, and for the 9–11 Commission's service to America.

Almost seven years ago, the National Defense Authorization Act for Fiscal Year 1999 established the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, otherwise known as the Gilmore Commission. The Gilmore Commission reached many of the same conclusions as your panel, and in December of 2000 called for the creation of a ''National Office for Combating Terrorism.'' I mention this because prior to 9/11, Congress was aware of many of the institutional obstacles to preventing a terrorist attack, and was actively attempting to address them. I know this because I authored the language establishing the Gilmore Commission.

In the 1990's, as chairman of the congressional subcommittee that oversaw research and development for the Department of Defense, I paid special attention to the activities of the Army's Land Information Warfare Activity (LIWA) at Ft. Belvoir. During that time, I led a bipartisan delegation of Members of Congress to Vienna, Austria to meet with members of the Russian parliament, or Duma. Before leaving, I received a brief from the CIA on a Serbian individual that would be attending the meeting. The CIA provided me with a single paragraph of information. On the other hand, representatives of LIWA gave me five pages of far more in-depth analysis. This was cause for concern, but my debriefing with the CIA and FBI following the trip was cause for outright alarm: neither had ever heard of LIWA or the data mining capability it possessed.

As a result of experiences such as these, I introduced language into three successive Defense Authorization bills calling for the creation of an intelligence fusion center which I called NOAH, or National Operations and Analysis Hub. The NOAH concept is certainly familiar now, and is one of several recommendations made by your commission that has a basis in earlier acts of Congress. Despite my repeated efforts to establish NOAH, the CIA insisted that it would not be practical. Fortunately, this bureaucratic intransigence was overcome when Congress and President Bush acted in 2003 to create the Terrorism Threat Integration Center (now the National Counterterrorism Center). Unfortunately, it took the deaths of 3,000 people to bring us to the point where we could make this happen. Now, I am confident that under the able leadership of John Negroponte, the days of toleration for intelligence agencies that refuse to share information with each other are behind us.

The 9–11 Commission produced a book-length account of its findings, that the American people might educate themselves on the challenges facing our national effort to resist and defeat terrorism. Though under different circumstances, I eventually decided to do the same. I recently published a book critical of our intelligence agencies because even after 9/11, they were not getting the message. After failing to win the bureaucratic battle inside the Beltway, I decided to take my case to the American people.

In recent years, a reliable source that I refer to as ''Ali'' began providing me with detailed inside information on Iran's role in supporting terror and undermining the United States' global effort to eradicate it. I have forwarded literally hundreds of pages of information from Ali to the CIA, FBI, and DIA, as well as the appropriate congressional oversight committees. The response from our intelligence agencies has been

underwhelming, to put it mildly. Worse, I have documented occasions where the CIA has outright lied to me. While the mid-level bureaucrats at Langley may not be interested in what I have to say, their new boss is. Porter Goss has all of the information I have gathered, and I know he is ready to do what it takes to challenge the circle-the-wagons culture of the CIA. And Pete Hoekstra, the chairman of the House Intelligence Committee, is energized as well. Director Goss and Chairman Hoekstra are both outstanding leaders that know each other well from their work together in the House of Representatives, and I will continue to strongly support their efforts at reform.

All of this background leads to the reason I am writing to you today. Yesterday the national news media began in-depth coverage of a story that is not new. In fact, I have been talking about it for some time. From 1998 to 2001, Army Intelligence and Special Operations Command spearheaded an effort called Able Danger that was intended to map out al Qaeda. According to individuals that were part of the project, Able Danger identified Mohammed Atta as a terrorist threat before 9/11. Team members believed that the Atta cell in Brooklyn should be subject to closer scrutiny, but somewhere along the food chain of Administration bureaucrats and lawyers, a decision was made in late 2000 against passing the information to the FBI. These details are understandably of great interest to the American people, thus the recent media frenzy. However I have spoken on this topic for some time, in the House Armed Services and Homeland Security Committees, on the floor of the House on June 27, 2005, and at various speaking engagements.

The impetus for this letter is my extreme disappointment in the recent, and false, claim of the 9–11 Commission staff that the Commission was never given access to any information on Able Danger. The 9–11 Commission staff received not one but two briefings on Able Danger from former team members, yet did not pursue the matter. Furthermore, commissioners never returned calls from a defense intelligence official that had made contact with them to discuss this issue as a follow on to a previous meeting.

In retrospect, it appears that my own suggestions to the Commission might have directed investigators in the direction of Able Danger, had they been heeded. I personally reached out to members of the Commission several times with information on the need for a national collaborative capability, of which Able Danger was a prototype. In the context of those discussions, I referenced LIWA and the work it had been doing prior to 9/11. My chief of staff physically handed a package containing this information to one of the commissioners at your Commission's appearance on April 13, 2004 in the Hart Senate Office Building. I have spoken with Governor Kean by phone on this subject, and my office delivered a package with this information to the 9–11 Commission staff via courier. When the Commission briefed Congress with their findings on July 22, 2004, I asked the very first question in exasperation: ''Why didn't you let Members of Congress who were involved in these issues testify before, or meet with, the Commission?''

The 9–11 Commission took a very high-profile role in critiquing intelligence agencies that refused to listen to outside information. The commissioners very publicly expressed their disapproval of agencies and departments that would not entertain ideas that did not originate in-house. Therefore it is no small irony that the Commission would in the end prove to be guilty of the very same offense when information of potentially critical importance was brought to its attention. The Commission's refusal to investigate Able Danger after being notified of its existence, and its recent efforts to feign ignorance of the project while blaming others for supposedly withholding information on it, brings shame on the commissioners, and is evocative of the worst tendencies in the federal government that the Commission worked to expose.

Questions remain to be answered. The first: What lawyers in the Department of Defense made the decision in late 2000 not to pass the information from Able Danger to the FBI? And second: Why did the 9–11 Commission staff not find it necessary to pass this information to the Commissioners, and why did the 9–11 Commission staff not request full documentation of Able Danger from the team member that volunteered the information?

Answering these questions is the work of the commissioners now, and fear of tarnishing the Commission's legacy cannot be allowed to override the truth. The American people are counting on you not to ''go native'' by succumbing to the very temptations your Commission was assembled to indict. In the meantime, I have shared all that I know on this topic with the congressional committee chairmen that have oversight over the Department of Defense, the CIA, the FBI, and the rest of our intelligence gathering and analyzing agencies. You can rest assured that Congress will share your interest in how it is that this critical information is only now seeing the light of day.

Sincerely,

CURT WELDON,
Member of Congress.

This letter asks significant questions about a Top Secret intelligence unit in the military that identified Mohammed Atta and three associates in a Brooklyn cell 1 year before 9/11.

Mr. Speaker, these individuals are still in the military, and they have offered to testify publicly, but this administration is gagging them. This administration is not allowing these military officers to speak, and in fact, the Defense Intelligence Agency is in the midst of destroying the career of a 23-year Bronze Star recipient, a lieutenant colonel in the Army, for doing one thing, for telling the truth.

Mr. Speaker, there are bureaucrats in this administration, in the previous administration who do not want the story of Able Danger to come forward. Even though this secret intelligence unit was ordered by the Chairman of the Joint Chiefs of Staff, carried out by Special Forces Command, and we now know had information 2 days before the attack on the *Cole* that could have prevented 17 sailors from losing their lives; and in January of 2000, identified Mohammed Atta and, in September of 2000, tried to transfer that information to the FBI on three occasions.

In fact, Mr. Speaker, the 9/11 Commission did not mention Able Danger at all. When they were asked about it by the New York Times in August of this year, they said, Well, it was historically insignificant.

Mr. Speaker, Louis Freeh, the FBI Director during the time of 9/11, was interviewed on national news by Tim Russert on ''Meet the Press'' 2 weeks ago, and when he was asked about his role in the information on 9/11, he said, Well, you know, if we would have had the information from the Able Danger team, and I quote, ''that is the kind of tactical intelligence that would have made a difference in stopping the hijacking.'' Louis Freeh says it could have stopped the hijacking, and the 9/11 Commission now says it is historically insignificant.

Mr. Speaker, there is something wrong in the Beltway. Tomorrow, at 12:30 in the House gallery, I will unveil additional new information on Able Danger. I will unveil an enhanced set of investigations because, Mr. Speaker, in the end, the families of the 3,000 victims, the families of the 17 sailors, the people in this country deserve to know the truth.

What happened before 9/11? Why is information being held in secret? Why are military officers being gagged? Why can the truth not be told?

Mr. Speaker, we must in this body demand the truth publicly.

AMERICAN WORKERS PENSION SYSTEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. GEORGE MILLER) is recognized for 60 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, millions of Americans are worried sick about their retirement nest eggs, and they are demanding decisive action by Congress. In just the last 2 weeks, two national publications have featured cover stories on the peril America's workers and retirees are facing.

On October 31 of this year, the issue of Time magazine has a stinging anthology of missteps and foibles of the Congress in the regulation of private pension plans. The cover story that is pictured here on this cover of Time magazine, called, ''The Great Retirement Rip-off—Millions of Americans who think they will retire with benefits are in for a nasty surprise—how corporations are picking people's pockets—with the help of Congress.''

That is the status of the American workers' pension system today. It is a system that is in peril, and it continues to be in peril because of the lack of action by this Congress.

For 3 years, we have been warning the President and this Congress that we must take decisive action to strengthen unfunded pension plans. Back in July of 2002, I wrote Secretary O'Neill and Secretary Chao, urging them to take action after private pension underfunding quadrupled $25 billion to $111 billion.

I wrote to them that ''The implications of such massive shortfall in pension funds are staggering, for pensioners, taxpayers and for private companies themselves. As part of your agency's statutory duties, as overseers of the Pension Benefit Guaranty Corporation, it is incumbent upon you,'' Mr. and Mrs. Secretary, ''to ensure that private pension plans continue to

be properly and adequately funded, and that the economic security of employees and taxpayers is no further endangered.''

What do you think happened since I wrote that letter back in July of 2002? Private pension plans' underfunding has quadrupled again to nearly $450 billion. The pension plans of hard-working men and women in this country, the pension plans that they are basing their retirement plans on, the pension plans that they are relying on for the future care of their spouses and other members of their family are underfunded by $450 billion.

The deficit at the PBGC, the agency that is supposed to guarantee these pensions should these companies go out of business, should these pensions be put into default, they are, in fact, now at greater risk of having to pay out billions of dollars to make up the shortfall. In fact, they are at risk of whether or not the PBGC can continue, given the amount of shortfall that exists in America's pension plans.

Since we wrote the Secretaries back then and since the quadrupling of the underfunding, hundreds of thousands of employees at U.S. Airways and United have lost billions of dollars in promised benefits. What has this Congress done about this? Absolutely nothing.

It took years for the Bush administration to get a reform plan up to the Congress, and it has not lifted a finger to push for the passage of that plan. Where is the leadership on behalf of America's working families? Where is the sense of urgency to protect billions of dollars in promised retirement benefits that are now threatened?

After years of costly delay, finally the House and Senate committees have passed legislation out of committee, but there is an ugly truth about the bills that many of you do not know about. When the Members of Congress voted on these bills, they were not given the facts about what these bills really do: What is the impact of these bills on the Pension Benefit Guaranty Corporation; what is the impact on the companies who we were raising the premiums for; what is the impact on the taxpayers; and what is the impact on America's workers and their retirement plans.

When we voted on one of these so-called pension bills last spring, the committee Democrats voted ''present'' because we had no information on the legislation's impact. A few weeks ago, several weeks after the committee voted, we asked the PBGC and CBO what, in fact, are the real impacts? What they have told us is that it has made the situation worse, that the bill that was passed in the committee actually hastens the pension crisis.

Here is what the Congressional Budget Office wrote us in October of this year: ''H.R. 2830,'' the pension bill, ''would increase PBGC's 10-year net costs by $9 billion, or about 14 percent, compared with what it would be under current policy.'' So we made the problem for the guaranty corporation worse with this bill.

The PBGC, that guaranty corporation, also analyzed itself, and it said that using a model that contains the hundreds of plans found in the guaranty corporation, the committee-passed bill would add billions more to the PBGC's deficit than under current law.

Not only does this bill make the problems worse with respect to underfunding, it also fails in many other respects. Most significantly, the bill does not stop companies like United Airlines from dumping billions of unwanted pension debt onto the guaranty corporation.

Delta and Northwest now have watched this Congress, they have watched United; and I believe that we can expect that they will follow suit, and we will end up with those pensions. They watched United dump $10 billion onto the public taxpayers, and the Congress did not lift a finger. Now Delta and Northwest are in bankruptcy and very well could dump their pensions into the guaranty corporation and onto the backs of the taxpayers.

According to the guaranty corporation, Delta Airlines is underfunded by $10.6 billion. The PBGC loss would be about $8.4 billion and the employees and retirees would lose $2.2 billion in promised benefits.

□ 1630

Northwest Airlines is $5.7 billion underfunded, and the employee loss would even be greater there. Those employees would lose about $2.9 billion in pension benefits that they have planned on, that they are expecting, and that they have built their retirement on. And now, more dominoes may be falling. Delphi Auto Parts has filed for bankruptcy, the largest such filing in the history of the automobile industry. According to the PBGC, the Delphi claim on the taxpayer-funded corporation would be about $4.1 billion. The hit on employees, over $10 billion in uninsured losses would be the largest ever. That tops the $6 billion in worker losses that the PBGC estimated occurred over its four previous largest pension plan terminations.

What does this all add up to? This all adds up to the fact that there is bad news for American workers who are relying on their employer to help them provide for their pension plans, for their retirements. We see this story in Time magazine, the cover story telling us how Americans are in for a very nasty surprise when it comes time to retire in the next few years for many of the baby boomers. Then we see a week later in The New York Times magazine: ''We Regret to Inform You That You No Longer Have a Pension.''

That is the message that is being sent to millions of Americans, millions of Americans who in many instances have no way to recover those resources for their retirement because of their age. They are 50, they are 55, they are 60 years old. They have no way to recover this. They could not work enough overtime. They could not work enough Saturdays and Sundays. They could not work enough holidays to get that pension back.

What is the Congress doing? The Congress is doing nothing. In fact, the tragedy of the Time magazine story is that it shows that Congress has been a handmaiden in allowing corporations to game the system, allowing corporations to use the pension plan for the convenience, the profit, and the personal rewards of board members, shareholders, and the CEOs of the company. They all use the pension plan and manipulate the pension plan for their benefit. But the workers are left out of that equation.

Even this morning, in The New York Times, we are told that the Accounting Standards Board is now looking at taking action because of this manipulation of workers' pensions. They talk about how, I believe it was the Lucent Corporation, where the CEO was given a $4 million bonus for doing such a great job, on top of a $1.5 million salary, and then was given another bonus because the profits of the corporation were up and the revenues were up. The only problem was that the CEO had been in the process of manipulating the pension plan to make it look like the profits of Lucent were up.

Of course, the story of Lucent is well-known. The profits were phantom. They were not there, and they have tumbled. That same CEO has now been fired, probably given a severance package, but nobody said a word while they were manipulating the pension plan.

So this goes on every day and the Congress stands by and does nothing. They do nothing to ensure that Americans will have a say in their pension plans. Imagine this, this company had $10 billion, $12 billion of workers' money, their retirement; yet those workers had no say in how that company would use that pension plan. That is not just Lucent; that is true of almost every other pension plan in this country. That is what we saw with Enron. That is what we see with Lucent. That is what we see with company after company that uses the plan for the convenience of the company to mislead shareholders, to mislead investors, and to mislead Wall Street.

Hopefully, hopefully in the next few weeks, the Accounting Standards Board will step up to the plate here and hit one out for the American public and give the American public some say in the money that they have earned, people who have earned these pensions over 15 years, over 20 years; these people who gave up salary so they would have a better retirement plan. They gave up health care so they would have a better retirement plan. They produced this pension plan, and now it is treated as if it is only the personal property of the executive board of the company, the corporation, and the personal property of the CEO. And if

things go bad, they run to the taxpayers to bail them out, but the workers lose over half of all of their pensions. That is what happened to the people at United Airlines. That is what is going to happen to the people at Delphi, and that is what is going to happen to so many pensioners.

Now, we could not get the Republican Congress to hold a hearing on this problem to take a look at United Airlines, so we had to resort to an e-hearing. We had to go out on the Internet and ask the employees of United to tell us what this meant to them, and we got thousands of responses from people, thousands of responses from people about what this pension meant to their life.

Among those thousands of responses, and among millions of so many people in this country, were people telling us about their pensions and the importance of their pensions to take care of a spouse who had serious illnesses, who had disabilities; to take care of a child who was disabled; to take care of a child who had a serious illness, and now they were going to lose that ability because United was cutting their pensions in half, and the PBGC Board would not be able to take care of them. So very often these people talked about their plans for their retirement that simply evaporated the day United callously threw their plans into bankruptcy.

One of the letters we see was from a spouse of a captain at United. She wrote: ''Dear Congressman Miller, my name is Ellen Saracini. My husband, Captain Victor J. Saracini, was the captain of United Flight 175 that struck the south tower of the World Trade Center on September 11, 2001, at 9:03 a.m. While no one could have imagined the events of that infamous day, neither could Victor have imagined what would be happening to his wife and two daughters.

''I am writing this letter to voice to you what has been taken away from Victor and his family. If you only knew my husband, you would know he was a true family man, who made sure his family's future was provided for. I am currently receiving the spousal portion of Victor's pension, which is 50 percent of what he thought would be there for his family. After United took away our employee stock ownership plan, this pension is how I am supporting my two daughters and myself.

''I was given a choice to sue the airlines, the port authority, and others, or join in with the victims compensation fund set up by the government. I pledged I would not sue and proceeded with the fund. After all, this is the company Victor was so proud to work for and the same company of his United brothers and sisters. Every bit of preparation that Victor and I worked for was used against the claim. Life insurance was deducted. My full pension was deducted from the award. Now I will have a double jeopardy, as I will again lose my pension with no recourse on either side.

''I can't help but ask myself, at what point are companies allowed to take away so much from the lives of dedicated employees and their families? At what point does our government step in and stop the atrocities such as this before they are allowed to irrevocably change the lives of so many? I refuse to believe that this is the only solution that can be reached.

''The Pension Benefit Guaranty Corporation's decision to allow United Airlines to end their pension is just wrong. If this monumental verdict moves forward, I will be faced with many hardships. Victor was a proud United pilot, husband, father, and friend, who fought a war with terrorists. Never would he have imagined that he would have to fight for his family's well-being with the very company he so proudly spread his wings for. Sincerely, Ellen Saracini.''

That letter echoes what we heard from so many across the country about their plans being shattered, about their ability to care for members of their family being shattered. And, of course, we understand that so many others would like to tell their stories, but there is no vehicle in the Congress of the United States for doing that.

One of my colleagues on the Education and Workforce Committee, Congressman TIERNEY, I see has joined us from Boston; and I would like at this point to yield to him. He has been a stalwart in this effort to try to hold the Congress accountable, to try to hold the Pension Benefit Guaranty Corporation accountable, and most importantly to try and hold corporations to be accountable and stop this criminal activity of the manipulation of the pension plans of their employees, the same manipulation, the same activities that are outlined in the cover story of Time magazine of October 31 of this year and then again in The New York Times magazine of October 30 of this year. And today, if you want to be current on it, you can read The New York Times business page about the continued manipulation of the pension plans for the benefit of everybody except the retirees.

Mr. Speaker, I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Speaker, I thank my friend and colleague from California (Mr. GEORGE MILLER) for yielding to me. As you say, reading those articles is just shocking, but it is nothing new to us.

For a couple of years now, we have been following my colleague's lead as Democrats on the Education and Workforce Committee trying to get the Republicans in this body to understand the need to confront what is nothing short of a crisis. Millions of Americans are in retirement, or they are nearing retirement; and all they are experiencing now is either decreasing health benefits or decreasing pension benefits, and the total loss of one or the other in many instances. It is not fair, it is not right, and in fact it is not sound policy for this country.

For the past century, we have really had a history of gradually improving people's quality of life. Go back to 1938, when Franklin Delano Roosevelt said: ''There is still today a frontier that remains unconquered, an America unclaimed. That is the great nationwide frontier of insecurity, of human want and fear. This is the frontier, the America we have set ourselves to reclaim.''

At the time that he said that, a majority of aging citizens were faced with either working until they dropped or living in poverty as they got older or as ill health set in. But Franklin Delano Roosevelt and his thirst set about doing something about it: Social Security. Eisenhower later on added disability to that, and the Johnson years saw Medicare and Medicaid. All along the way, corporate America actually helped, with Jacob Hacker constructing what they called ''structures of security.'' They guaranteed pensions, generous health care benefits, and generous life insurance.

So we had all of America working together. This was an effort where together America did better. We were protected from what FDR called ''the hazards and vicissitudes of modern industrial life.'' Together, we shielded families and we covered them from uncertainty and fear.

Now that is all settling back in. If you look around and talk to any family, as my colleague has done, talk to families and again that uncertainty and that fear of the future is there for them. Corporate America no longer seems to want to participate. They are taking away health benefits; they are taking away pensions. They do not want to honor the pensions. And my colleague and I both know that people worked for those pensions. It was not something that was just given to them. They gave up extra salary on the promise that the company would set aside that money to build a pension fund or a health care fund for their retirement, for the future. They earned those benefits. They struck a bargain, and now that bargain is being broken.

We are watching as company after company cut back on health benefits, jettison pension obligations, and usually through the side door of bankruptcy. The gentleman mentioned what happened with United. They are not just going to toss them out. They go into a bankruptcy court, and they convince the court that they have to cut loose on those pension funds in order to regroup and come back out of bankruptcy at some point as a healthy company.

But the CEOs do not get hurt. The CEOs and other management people walk out with golden parachutes worth millions of dollars, leaving very little for the people that put their blood and sweat into building that company in the first place and building the value of that stock. We hear the obligatory regrets, we see the handwringing, and we are told there was nothing else to be done.

But we know that is not the case. Most did not exhaust all the avenues to finance a continuation of those pension funds, and my colleague pointed out a number of occasions like that. Most of these companies did not even work with the Pension Benefit Guaranty Corporation to look at the numerous number of financial vehicles that are out there that could have been used or at least considered to try to keep these plans healthy so that all these employees could have gotten more than they got when they were brought up at the bankruptcy and ignominiously dropped off and dumped.

Shareholders, new shareholders and new owners come out of bankruptcy and find a profitable company and make millions. But people who lost their pensions end up on the short end of it and their livelihoods are getting killed in this process. Companies did not honor their promises. They did not set enough funds aside. They used tricky accounting, unscrupulously applied by management, management obviously more involved with the bottom line and sometimes their own benefits and their own retirement programs than they were with the human needs of all those people that worked so hard to make that company successful.

Whole industries are now parroting what United did. We are watching the airline industry one after the other marching into the bankruptcy courts and saying, hey, this is not so bad. We can dump off our obligation and hurt all these employees, but we might save the company against other creditors. Under this Republican leadership in Congress, we have done nothing about that. We really have not looked at it and have not tried to deal with this problem. We have done way too little.

We have done a little. After 2 years of badgering from the Democratic side of the aisle, we are looking to try to shore up that Pension Benefit Guaranty Corporation, increasing the fees somewhat, making it more expensive to withdraw. But it is late, and it may or may not be all we need to do to make sure that that works. We have to tighten the rules to make sure we have the proper valuing system going on and to discourage people from dumping the funds.

We also have to set some parity. Maybe the surest way to make sure people get treated fairly is a bill my colleague has proposed to make sure that CEOs and other executives do not get treated much, much better than the employees; that they do not get to dump the employees off while saving themselves. If we had parity, where what is good for the goose is good for the gander, we would not be watching that happen.

We have to create more transparency. This is anther issue we have brought up time and time again. We ought to know ahead of time what the true status of these funds is. It is not enough to, well, say we cannot tell the public because sometimes on paper it looks worse than it is and they will panic. We are talking about adults here. We are talking about people trying to plan their future. And if we let them know what state that pension is in early enough in time, we can get the company and apply enough pressure to maybe correct that situation. That is good for all stakeholders, employees, shareholders, customers, and everybody right down the line.

We should require that the Pension Benefit Guaranty Corporation and companies try to work these things out before they go to bankruptcy. It ought to be a requirement that they use every single measure available and consider all alternatives and only go in as a last resort.

□ 1645

And we had better find a way to protect workers' pensions if they do go into bankruptcy. What is the explanation why people who have invested over the course of 15, 20, 30 years of work do not have their rights protected as a creditor, yet someone who might have given a loan to the company in the last 6 months gets credited as a preferred creditor and gets supported.

Whose rights are more important and who has a better claim to the assets of that company than the employees who made it what it is?

Finally, the Pension Benefit Guaranty Corporation was not designed to have whole industries fall apart. It was designed that if an occasional company went under, it would be able to shore up and at least give those employees some portion of their retirement benefits so they would not lose everything. But now what we are seeing is other people following the lead of United, whether it is Delphi, United, other airlines, we stand the prospect of having whole industries jumping on the Pension Benefit Guaranty Corporation as an insurer and they are totally underfunded for that kind of a situation.

We need to look at that and say, is there something that we should set up, another source of funds, whether it is a ticket fee or something else, something that we can set aside so that industry going down does not take on the whole Pension Benefit Guaranty Corporation and all corporations and put all those employees at risk.

More broadly, I think we need some leadership here in Congress on this issue. If corporations are not going to do anything about it, what are we going to do? What are we going to put in place for structures of security for the American people? What is our plan to make sure that something is there for people?

People do not save enough. History shows us that. If corporations are going to take their money over a number of years and not hold their promise, what are we going to do as a society to make sure there is some security for people when they retire and can no longer work because of their age or because of their health?

We need 21st century structures of security here. Democrats have been talking about this. We want to do something about it. We have ideas and we are open to a lot of other ideas. We cannot get the conversation started. We are going to keep at it.

Mr. GEORGE MILLER of California. Mr. Speaker, the gentleman points out that this raid is taking place on pensions. The President, in the middle of the Enron debacle said what is good from the captain is good for the crew, and then we have heard nothing from the President again. The President has done nothing to shore up the existing system that is under threat. And in the middle of that, what does the President do? He attacks the Social Security plan, which is the single largest source of pension benefits for these very same people.

So while he lets the corporations dump pension benefits into bankruptcy, lets corporations dump them into the Pension Benefit Guaranty Corporation, which costs the pensioners billions and billions in dollars of pension benefits, then at the same time he conducts a raid on Social Security by trying to create some private accounts that adds trillions of dollars in new debt to Social Security.

So now what you have is the poor American worker, whether it is their private savings, whether it is their employer pension plan or Social Security, it is all under threat. It is all under threat. The tragedy is that, given what is going on in the private sector with the manipulation of pension plans, with the uncertainty about the future of pension plans, with corporations fully prepared to just throw them into bankruptcy, Social Security is emerging as the most secure retirement system in the Nation. There is not a single corporation, not Delphi, not General Motors, not AT&T, not Lucent, not Kodak, not Microsoft, that can look you in the eye and tell you, 75 years from now 85 percent of your benefits will be there and they will be there like clockwork. Social Security can, and that is the one they have targeted for extinction.

Their proposal is to leave the worker in this country, the employee who has struggled for the success of the companies that they work for, to leave them with nowhere to turn. All you have to do is just go out into any public gathering and you will start to get feedback from people who are telling you about how nervous they are about their retirement benefits and how much they have counted on them, and now they do not know if they are going to be there or not. They are uncertain and they have no ability to plan.

We have a plan, and that plan is, just as we did with employer and employee contributions to pension plans, just as we did to employer and employee contributions to Social Security, the idea is if we work together as a society, we can bond together and provide these resources so people will have decent retirements.

Because we went through many generations in this country where people's retirement was only about poverty. But because of Social Security, because of Medicare, we have lifted millions and millions of Americans out of poverty to have a decent retirement plan. They have contributed with their personal savings and their employers have contributed with their employee pension plans. Now all of that appears to be at risk.

This Congress must step in and start to deal with this problem because the economic livelihood of millions of American families and individuals is at stake here and the system we have now was designed when few companies went out of business.

Today, these companies understand that you simply take all of your liabilities, you dump them on the taxpayer, and this is what Bethlehem Steel did, you get rid of those liabilities, and then the company continues on. We absorbed billions of dollars in liability from the steelworkers. Mr. Ross got all of the steel companies together, and then he sold them to Mitel, the Indian steel company, and they are off and running as part of one of the largest steel companies in the world. Thank you, American taxpayer, and thank you the steelworkers who lost a big chunk of their pension plans. They subsidized that activity.

Mr. Speaker, that cannot be allowed to continue. I thank the gentleman for joining me here today.

Mr. TIERNEY. Mr. Speaker, there are simple things that we should do just to get started. If we change the default on 401(k) plans so they default into them as opposed to they have to take an affirmative action in order to sign up for them, all of the reports show that would increase savings in this country or at least put a hedge on that.

If we allowed people to bifurcate their tax returns, so instead of one check sent back or put towards next year's taxes, workers could actually have some set aside for a 401(k), reports show it would increase savings.

We cannot get our colleagues on the other side of the aisle to join us in doing a simple first step. This is a serious matter. They talk about the ownership policy of the President. But basically it is every man, woman and child for themselves. They are not going to tax the estates of dead people, not going to tax dividends, but are going to tax every ounce of work that causes sweat on your brow, not have companies live up to their promises with respect to your pensions, let companies take away the health care that they promised when you retire.

Mr. Speaker, as a government, we are about much, much more. This is a country that has always had a mixed economy. This is a country that has always relied on having a free market and that was always invigorated by a rigorous public square, public policy that worked for everybody; and corporations and individuals and government leaders worked together to find solutions.

We are ready to do that. If the other side does not want to do that, then step aside and let us go because this is a serious matter for families across the country. They are rightfully worried about this.

Mr. GEORGE MILLER of California. The fact of the matter is, as pointed out in these articles, people no longer having pensions or people being in for a nasty surprise, the fact of the matter is, for 5 years the Bush administration, the Republican Congress, have simply stood back as the American middle class standard of living for retirees is dismantled, it is threatened, is devastated, however Members want to describe it. That is what they have done.

They have suggested this is okay because you can ask Secretary Chao until the cows come home anything about it, she cannot answer a single question, expresses no concern, could provide no information about the pension bill. The Pension Benefit Guaranty Corporation refused to provide us the information before we voted. After we voted, they said, You made the problem worse. And from the Congressional Budget Office, You made the problem worse.

So I guess that the policy of the Republican Congress and the Bush administration is that millions of Americans will lose their hold on the middle class the moment they retire. The moment they retire, they will lose their hold.

We have tried to encourage a younger generation to save, to provide for their retirement. We cannot get a hearing on things that would dramatically change, if not these retirees' livelihoods, it would certainly change the livelihood for younger workers in this country. It is a sad day that we do not do this.

Tragically, there are going to be millions more cover stories like this as millions of Americans lose access to the retirement they were planning for for the care of themselves, their families, and their children.

NATURAL GAS

The SPEAKER pro tempore (Mr. FORTENBERRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 60 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today to talk about what I think is really the issue of the day, and that is energy. Energy runs this country. Energy is what we use to get to work. Energy is what we use to run our homes. Energy is what we use to manufacture and process things.

Yes, it all started 5 miles from where I live many years ago when Drake Well discovered oil. That is about 150 years ago. Energy then became the major component of the industrial revolution in this country and the world, and oil was king. Oil still plays a major role. I am not so sure it is king, but Drake Well was the beginning.

Then we got into the World War I and World War II era, and coal was king. America is probably the Saudi Arabia of coal. We have coal in the West and coal in the East. The eastern part of the country furnished both soft and hard coal that fueled the Industrial Revolution.

In recent years, we have had a shift from coal to natural gas. Now natural gas has always played a role. The major share of American homes are heated with natural gas. The majority of small businesses are heated with natural gas. Natural gas plays a huge role in manufacturing. I think that is the one that is least understood.

This morning we had a hearing held by a group of American employers who employ millions of Americans. It was the American Chemical Association, American Forest and Paper Products Association, the National Association of Manufacturers, and 13 other agencies, Agriculture Energy Alliance, American Plastics Council. It goes on and on, rubber manufacturers, Fertilizer Institute. All of these people today had one message for Congress: Solve the natural gas problem that is forcing us out of business.

The use of natural gas has been skyrocketing. I can show Members a chart that shows it. The red is the growing use of natural gas. We are right about at this point here, and it is only going to get worse because we have expanded the use of natural gas in this country, particularly for the generation of electricity. One-fourth of our natural gas now generates electricity, and that figure continues to grow.

We now have an inadequate supply because as we have simultaneously increased the use of natural gas, we simultaneously locked up the major areas of this country that are rich in natural gas.

We only have about 3 percent of the world's oil at our access, and we import about 60 percent of our oil. That is a path we cannot follow. We need to be veering from the use of oil everywhere we can because it is not that we are buying it from friends at a fair price.

Just a few years ago, natural gas was less than $2 a thousand and oil was $10 a barrel. That went on for decades and that prevented other types of energy from competing because those prices were so cheap that we just became complacent as a country, not realizing that somewhere down the road, the price of these energy fuels could really be harmful to this country. Well, we are there today.

We recently passed an energy bill that does a lot of things for the future. It does a lot of things for wind and solar and biomass and ethanol and the list goes on and on, hydrogen fuel cells, but they are all long term. There are incentives in that bill for promoting it.

□ 1700

But it did little to promote natural gas. There were a couple of incentives for deep drilling, but in my view, natural gas is the crisis of the day.

We have heard an awful lot on television about gasoline prices. Every newscast for weeks talked about the highest gasoline prices in history, and at one point after Katrina we were over $3, $3.25, unheard-of prices, and they have settled down now about a buck now. They are $2-something or $2.30 or $2.25, depending on where one lives, but they had come back down.

At one point gasoline prices had doubled over a 5-year period, and that was all the news. But at the same time natural gas prices had increased 700 percent. That is seven times, and there was just little discussion of that.

There has been little warning for the American public that heating their homes was going to be so expensive this year. There was little warning to our businesses who use natural gas as heat, who use it to melt, smelt, bend products, use it as an ingredient to making products.

I think one of the things that was pointed out today was that 96 percent of things produced in some way use natural gas as an ingredient or as a heat to make them. So it is entwined in our whole manufacturing and production base that it really is the fuel that depends on where America goes. And the tragedy of natural gas prices when they have increased 700 percent is, we are the only country where that has happened.

We are in a competitive world. We compete with the whole world in this global economy. And when we paid $65 and almost $70 for oil, all our competitors, all of the rest of the world, paid that high price. So it was painful, but it was equally painful to our competitors.

Now, in natural gas, that is not the case. In natural gas, while we were paying $14.50, now about $11.50 or $12, but when we were paying $14.50, we were the only country in the world paying that. Canada was less. In Europe it is about half of what we pay for natural gas. And our big competitors like China, Japan, Taiwan, who manufacture a lot of products we buy in our stores, they are buying natural gas for a third of what we do. The rest of the world it is less than $2, and countries like North Africa and Russia are less than $1.

So there is a huge cost differential for manufacturers and processors and people heating their homes in this country than the rest of the world, and that puts us at a huge disadvantage. And currently our schools and our hospitals and our YMCAs and YWCAs and our churches and colleges and universities and small businesses are buying gas at twice the price they paid last year, and most of them are purchasing on contract because they saved money on a contract basis in years in the past, but now it is costing them.

And big producers, industries that are threatened, are the ones that met here today and talked to Congress saying, please do something to open up the supply of natural gas because the only thing that will make a difference on price is supply. So the steel companies and the aluminum countries and the brass makers and the petrochemical and the polymers and the plastics and the fertilizers, they all were pleading with Congress today in their hearing to open up supply, give us the chance to get fair prices for natural gas so we can compete.

Mr. Speaker, this is an issue that we must deal with. If Congress does not step up to the plate and open up supply of natural gas, we will say good-bye to a million or more of the best manufacturing and processing jobs left in America.

We have lost a lot of jobs in America to cheap labor and for lack of modern technology. But this is a crisis caused by government, caused by Congress, caused by the last three administrations who had Presidential moratoriums on natural gas production on the Outer Continental Shelf, and locked up millions of acres in the West also that are rich areas for natural gas and, at the same time, urged those who were producing electricity from coal to switch to natural gas.

Florida is one of the States that have switched, and now 75 to 80 percent of their electricity is produced by natural gas. California is another big coastal State that is a huge consumer of natural gas. And yet both of those States have been fighting tooth and nail that we must not open up the Outer Continental Shelf for production. They claim that it will destroy their beaches, it will destroy their tourism.

Mr. Speaker, there is no evidence to prove that. There just absolutely is no evidence. I have asked at every forum for months, Show me a natural gas production well that has polluted a beach.

Now, I believe that we should do it offshore far enough that it is not visible, so it is not something that people have to look at. And I love to go to the beaches. I love the beaches as much as anybody, and I want them to be clean and pristine and nice and full of fish. And the proof is that in the parts of the ocean where we produce both gas and oil, fishing is very good. It has not been a detriment to aquatic life. In fact, the least imprint by those who know this issue best, and I am not speaking about big companies, I am speaking about scientists who know this issue best, the least imprint for energy production is when they get 20 miles offshore. Nobody sees it. Nobody knows it is there. The distribution lines are all underground.

One might say, how can I prove that? Well, it is interesting. Canada is known as a very green, sensitive country. They produce offshore on both coasts. Great Britain, Denmark, New Zealand, Australia, Norway, Sweden, all environmentally sensitive countries who produce huge amounts of natural gas and oil on their Outer Continental Shelves.

What is the Outer Continental Shelf? The Outer Continental Shelf is the first 200 miles offshore. The first 3 miles are controlled by the States under current law, and the next 197 miles are controlled by the Federal Government.

Some years ago, the Congress, about 25 years ago, started passing language in every Interior bill that said the Department of Interior could not spend dollars to lease land for oil and gas on the Outer Continental Shelf. So that has effectively locked it up. And then we have had three Presidents in a row who have a Presidential moratorium that we could not lease out land for production on the Outer Continental Shelf.

So here where, in the land of plenty with natural gas to spare, we currently produce 84 percent of our natural gas, we import 14 percent from Canada, and we import 2 percent in liquefied natural gas, which can come from anywhere in the world. It is a very difficult process. We have to have the largest ships known to man. We have to have very controversial ports where we bring it and turn it back into gas after we have liquefied it.

And I am not saying that is inappropriate, but it is not the answer to the looming shortage of natural gas that is going to be around for the next 15 to 20 years because every projection I have looked at shows the need for natural gas growing much faster than the ability to produce it.

We are actually drilling twice as many oil wells today as we historically did, and yet we are not producing a lot more natural gas. And the reason for that is, for the bulk of it, we are producing most of those wells in old, tired fields that we have been producing out of for decades and the bloom is off. The flush wells are gone, and the wells we drill do not last as long and have not held up. So as we continue to add and add wells to production, we are just not gaining. We are just not closing the gap. We are increasing the shortfall. And we realize that just in the short span of time we went from gas that was less than $2 to just a couple of weeks ago we had gas at $14.50, prices the industry never dreamed possible.

We had had the highest gas prices this summer. They were running $6.50 and $7 and then $7 and $8 and were edging up towards $9, and everybody was just stunned because last year the average price in the summer was $5.30. The year before that was about $4.50. The year before that they were about 3-something.

This was summer prices when gas was the cheapest, and that is when we normally put about 20 percent of our gas underground in storage caverns so that we have enough supply in the winter when it gets very cold and we use huge amounts of natural gas, one, to run our industries, and, two, to heat our homes and our churches and our businesses.

Well, the summer prices have shown us a tremendous increase, from less than $2 to 3-something, to 4-something to 5-something, and then this year we

were running at $7, $8, and sometimes more than $8 when Katrina hit. And then we went up to $14; we doubled. It shows us the sensitivity.

A lot of people ask, how do we bring prices down? We increase supply. When we increase supply, the market comes down. But we cannot increase supply if we do not open up drilling. And it is interesting that some people just have a real problem with the ''drill'' word, but a gas well is not something to fear. It is a 6-inch hole in the ground with a steel pipe. They cement the bottom. They cement the top, and they let gas out. Gas comes out under its own pressure into a collection system where it is cleaned and impurities are taken out; and then it comes to our homes, and we just turn on our gas burner and cook our meals. We turn on the gas burner and heat our homes. Industry uses it in so many ways.

I vividly remember in the late 1970s and early 1980s, I was a retail supermarket operator, and we had high gas prices then, high oil prices then, and we had three extremely cold winters, the coldest we had had on record for a long time. And during that period of time, in the retail supermarket, it was always difficult to make a profit in January and February and sometimes March. Then when warm weather came and winter costs left, we then came back to where we made a profit.

Well, I remember those years because people spent so much money to travel because of oil prices being high and spent so much to heat their homes because of gas prices that by spring they had backed up and owed their gas company and owed energy bills, and they were clear into April, May, and almost June before they had those paid off to where they were shopping normally.

And 60-some percent of the economy in this country is people shopping. About 60 percent of Americans spend every dollar they make from payday to payday, and when they spend a huge amount more for travel, like they have this year, and this winter they will spend a lot more than usual, in some places double, for heating their homes, there is going to be a lot less spendable income.

The poorest among us, the young couples and the seniors among us who are trying to stay in their homes are going to be the ones who pay the severe price. The upper middle class will feel pain, but they will not be endangered.

I believe, with the energy prices this year, we are going to see seniors who cannot adequately heat their homes. I already hear of churches who are talking of not using the sanctuary, only meeting in the basement. That is not the kind of society I think we want, and it is not one we should have.

The current prices of natural gas are only abnormally high because Congress has failed to act. The Presidents have failed to lift the moratoriums on the Outer Continental Shelf. Eighty-five percent of our coastline, we get 40 percent of our energy in this country from just a small portion of the gulf under the States of Texas, Louisiana, Mississippi, and a little bit of Alabama. That is the only place we produce on the OCS in great quantities. There are a few places on the West Coast, but not many, that we produce a little bit of energy, that were there existing.

But the moratoriums have locked up everything. And like I said earlier, we are the only country who has done that, and it makes no sense.

Natural gas production is not a threat to our coastlines. It is not a threat to tourism. In fact, I think States like Florida and California who receive most of their electricity that has been produced by natural gas, when those long-term contracts end, they are going to have huge increases in electric costs because they make their electricity from natural gas.

And many of those big companies have long-term contracts. The long-term contracts in my district that have been coming due, people are switching from $6 gas to $14 gas. I have had companies that even had to purchase $16 gas. Those are unheard-of prices, unthought-of prices.

Monday I was at a celebration of a new lime kiln plant that is in my district, for a company, Graymont, a good company that spent $60 million to bring in a new kiln to make lime. I said to them right away, ''What energy do you use to make the lime?'' Because they have to heat it to 2,400 degrees. That is hot.

They said, ''We use coal here. We are fortunate.'' But they said, ''We have lime kiln plants that use natural gas.''

I said, ''What are you are doing there?''

They said, ''They are shut down.''

We are going to find that people who make bricks, people who dry products, people who cook products, there are going to be companies that curtail production. Some are going to stop production.

□ 1715

Why? Because they cannot pay the current natural gas prices and sell those products in a marketplace where they are competing with people in other countries where natural gas prices are a fraction of what they are here.

We have to realize we are not an island to ourselves. Unfortunately, there have been a lot of reasons besides cheap labor that companies have chosen to produce overseas in other countries. Some are the legal issues because of the multitude of lawsuits in this country that we have inadequately curtailed, and we are the most lawsuit-happy country in the world, and multi-million-dollar lawsuits that cause companies to lose their profitability and go out of business and leave this country have been one of the reasons we have lost a lot of jobs overseas.

Cheap labor. I have always said companies who use the newest, most modern technology can compete; but, unfortunately, we have a lot of companies who did not modernize their technology and are still very labor intensive, and they got to where they could not compete, and so they went overseas. But there is no reason that this country should lose one job, let alone a million jobs, and we could lose a million jobs, because of energy prices, because we have huge reserves on our Outer Continental Shelf. We have huge reserves in the Midwest; not as easily accessible to our coastlines where our populations are, but the Outer Continental Shelf is very accessible.

I guess the tragedy is there is a piece in the gulf called Tract 181. It was not under moratorium, as the rest of our Outer Continental Shelf was; it just was not leased. It was there, ready to be leased. The Clinton administration had it listed to be leased. It was delisted for some reason. It is not in the current 5-year plan. There is movement to move it into the 5-year plan. I support that, but that is not enough. But that tract alone is the most quickly available to American consumers, because it is right next to where we produce gas and oil today; and the wells, as they would be produced, would be immediately hooked into the system that is there. The timely thing would be the process of leasing, and then all the paperwork and red tape companies have to go through to get those leases enacted and get the permits to drill the wells and located; and that would take maybe a year or a year and a half. But within 18 months, we could be producing out of that portion of the gulf that is called Tract 181, and I have yet to hear that anybody has a good reason why we have not opened up that tract.

We know we have had protests from Florida. It is not their land. They should not have anything to say about it, in my view, except right at the top where it is close to the panhandle. They are currently talking about slicing that corner off and leasing about 70 percent of it, but we have to pass legislation to do that. Congress has to act. We have not acted. But, in my view, that is not enough. We have to open up the Outer Continental Shelf.

Now, I have a bill that is cosponsored with Mr. ABERCROMBIE from Hawaii, and he has helped me champion this bill. It would open up the Outer Continental Shelf all around this country, the 85 percent that is locked up. It would increase the States rights area from 3 miles to 20 miles. Now, that guarantees that no one would ever see a rig, no one would ever see the production platforms because, after 12 miles, even on a clear day, you cannot see them. They are out of sight. They are just not visible.

Also, I am still waiting for someone to show me a natural gas-producing well that has caused pollution. Natural gas is a gas. In fact, the famous triangle down in the gulf had eruptions of natural gas that actually took planes out of the air. It was actually a crack

that opened up a fissure in the ocean floor that allowed huge amounts of natural gas to escape into the atmosphere in a way that anybody who was in that area was endangered, and the ocean would just bubble because natural gas was coming up.

Natural gas is everywhere underground. It is in lakes, in ponds, in our ocean floor. Natural gas normally seeps up and comes up as bubbles in the water, not harmful to our atmosphere, not harmful to our environment. Natural gas is the clean fuel. It is the one with no No_X, no So_X. If you are worried about CO_2, only one-fourth of the CO_2 comes from natural gas of all the other fossil fuels. It is almost the perfect fuel.

I think the thing that many of us do not realize that was stated today in the news conference by all the production companies, and I have a picture here of everything from tires to cars to plastic objects, to paint, to makeup, face creams, skin softeners, shampoos, all are made from products developed out of natural gas. It is just a wonderful product that God has given us to use, and it is readily available.

This country has no shortage of natural gas. We have a shortage because government has chosen not to allow us to harvest the rich bounty that is out there. We should be using natural gas as the bridge to the future. My vision is that if natural gas were more affordable, we could do like a college in my district that is now paying a premium that is using natural gas to power their bus fleet. All the buses there, many buses in cities in California use natural gas. Here in Washington, D.C. some of the buses use natural gas.

Now, today, that is costing them more than if they were burning diesel; but we all know that diesel does not burn clean like natural gas; and for our cities, it would be environmentally advantageous to have all of our buses, all of our school buses, our transit systems, all of our taxi cabs, all of our short-haul vehicles, short delivery trucks, our air-conditioning and all the repair people that are out on the road and go home every night, they could all be powered with natural gas with a very inexpensive changeover.

A gasoline engine can be altered to burn natural gas. The only problem with natural gas is storing enough of it so that you can do long-distance hauls. So all of our short-haul vehicles, all of our construction vehicles, all of our little engines that are running around in our airports, they could all be on natural gas; and we would benefit by clean air, we would save money if the prices were right. We could lessen our need for oil, foreign oil, from unstable parts of the world at prices set by cartels, groups who want to control us.

There is no reason, there is no good argument why natural gas today, the price of it has become a barrier, but it should be the bridge. The first hydrogen vehicles have been run with natural gas as the fuel to make the hydrogen. Later that will change, but that is currently the easiest way to make hydrogen. So natural gas just feeds into our lives in so many ways, and it is so readily available in this country.

The tragedy is that this country could lose a million or two jobs, because if we do not do something soon to open up supply, one fact that I can give you today is that there are 120 chemical plants, and these chemical plants are very capital intensive. That is one of the reasons they have not moved as quickly as they might have, because there are 120 plants at a cost of $1 billion each that are under construction in the world today. Mr. Speaker, 119 of them are in other countries.

That shows us that the chemical plants of the future, and we are the leader today in making chemicals. We will not be the leader down the road. With these natural gas prices, we are forcing chemical plants to leave. We have already lost over 40 percent of our fertilizer industry because nitrogen fertilizer, between 70 and 80 percent of the cost of making it is natural gas, polymers and plastics; and we use plastics and polymers in every part of our lives. We cannot buy anything that does not have plastic on it, in it, or a part of it. Again, they use an ingredient of natural gas and they use natural gas to melt it and bend it and shape it.

The problem is, as I said earlier, the parts of the world that we compete with, such as Europe, half our price. Dow Chemical a few years ago moved 200 jobs to Germany, not a cheap labor market, a very sophisticated workforce there, a very capable country with technology; Japan, Taiwan and China, a third of our price. And then the rest of the world, under $2 in countries like Africa, and Russia, less than $1.

Mr. Speaker, it is imperative that this country step up to the plate. If we do not wait any longer, if we do not wait months and years, if we let the employers of this country, we let the producers of this country, the manufacturers of this country know that this Congress is serious about increasing the supply of natural gas, the price will come down. The capital investment is huge. They do not want to build new plants if they do not have to; they do not want to move if they do not have to.

But if we continue to not open up the Outer Continental Shelf, it is my prediction that we will lose a million or more jobs in just a few years ahead. To prevent that, we have to open up some in the Midwest. We have to open up the Outer Continental Shelf, and we have to follow the lead of environmentally sensitive countries like Canada, the United Kingdom, Belgium, Norway, Sweden, Denmark, New Zealand, Australia who produce out there every, every day.

Now, why have we not done this? Well, there is really a couple of States and a couple of Governors who have been steadfast opponents, California and Florida. They have argued vociferously that we must not do this. For some reason, they have been convinced that their beautiful coastlines will be ruined and that their tourism business, which is huge, will be ruined. Folks, there are no facts to prove that. There is no evidence to prove that. Those are just outrageous, outlandish statements that continue to be made and believed by many, but not true.

I have asked repeatedly, come and debate me on how we will destroy our shorelines, how we will destroy our beaches by the production of natural gas offshore in the Outer Continental Shelf. That first 200 miles, from 20 miles to 200, that is 180 miles of the Outer Continental Shelf that we would open up. The Peterson-Abercrombie plan, as I mentioned earlier, we will remove the moratorium on all of our shorelines for natural gas only, giving the States 20 miles to protect, and then from 20 to 200, we will produce. Then we will allow States to opt out for oil if they choose to, and they would also be rewarded for a portion of the royalty.

This is on behalf of homeowners, businesses, employers, churches, schools that we need to do this. Florida, for one State, utilizes 233 percent more natural gas than they produce, and they are surrounded by the richest natural gas reserves anywhere in America. I think that is unfair. I think as a State, they need to step up on the plate. They need to produce their fair share. Or they need to curtail their use.

I remember just a few years ago when they were producing most of their electricity from coal. They have recently shifted, at the suggestion of the Federal Government, to natural gas production. Now their electricity is produced by natural gas, and I think, if you are going to be the biggest utilizers per capita of natural gas, and you sit in one of the richest areas of the world, you have to come in and help solve this problem.

Because, Mr. Speaker, Florida and California are rich in tourism. Many of us love to go there and enjoy their beautiful beaches and enjoy their warm weather in the wintertime. But most of the people that I meet there are pretty successful. And as we lose the success in the northern parts of this country, as we lose the ability to manufacture and make products, as we lose those wonderful jobs that people can afford, nice homes, educate their children, have a nice vehicle, have a pension, those are the jobs that are produced by all of these industries that are being challenged by natural gas prices.

And as we lose those, the number of customers, the number of people, I was a retailer for 26 years and I always speak of customers, those who will come to warm places like Florida and California to spend their vacation dollars will not have the money to do that. So they will lose in the end, and the cost of electricity there will sky-

rocket when new contracts come in if these gas prices persist. They will pay horrendous prices.

In fact, it is interesting. I have a letter here from the association, though the governments of Florida and California protest vociferously, the Associated Industries of Florida, and some said to minimize that that this was just a small organization. Well, it has 10,000 members of all kinds of businesses and industry, from mom and pops to large companies in Florida.

□ 1730

And it says we appreciate the reviewing of all the current OCS areas, including the areas that have, until now, been off limits due to the moratorium, which included the Atlantic, Pacific and eastern Gulf of Mexico region. 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.

If America does not look to expanding exploration, this is Florida businesses speaking, drilling in those OCS areas, then America will unnecessarily pay a high price 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, by 34 percent. Higher energy prices have exacted a toll on our economy by slowing our growth already. Natural gas costs for the chemical industry in America have increased by $10 billion since 2003.

Of 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 MNS, Mineral Management Agency, that expanded leases and sales are important to our country, to our citizens and to our way of life.

To not utilize 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 brighter future by adopting the OCS leasing program.

Now tomorrow I will be a part of a natural gas hearing that will be held by the Interior Committee and the Energy and Water Committee of Appropriations, and in those hearings we will bring in the users of natural gas and we will hear from them; and here is some testimony that I think will probably be there from the Illinois Farm Bureau.

''Whether it is gasoline, diesel, electricity or natural gas, farmers and ranchers must have access to reliable and affordable energy inputs. Unfortunately, our country's existing energy policies make it increasingly difficult for all of us to produce food and fiber for the United States and the world while providing for our own families. Based on USDA data, the American Farm Bureau estimates that increased energy input prices during the 2003 and 2004 growing season cost U.S. agriculture $6 billion in added expenses.''

That comes right out of the farmers' profits. And we know farmers do not get rich. Farmers work hard to produce the milk and the grain and the food that we feed our families. Based on USDA data, ''the 2005 growing season has been especially dismal from a business cost perspective for agriculture. Higher energy costs, and specifically natural gas costs, have come at a time when commodity prices are extremely depressed.''

So on top of high energy prices they have had low commodity prices, so they have not gotten a good price for their products.

Natural gas is critically important to agriculture, because it is used both directly and indirectly in nearly every aspect of farm operations.''

Here we go, natural gas used again and again.

''Natural gas is used to produce nitrogen fertilizers and farm chemicals as well as electricity for lighting and irrigation. Natural gas and LP gas are also used in agriculture to dry grain as well as heat barns and confined facilities of livestock and poultry operations. Needless to say, it is vitally important that U.S. agriculture and associated industries have access to affordable supplies of natural gas.''

Then they go on to say, ''There are several reasons why the price of natural gas has skyrocketed. First, our national energy policy has discouraged domestic exploration.'' It is actually prohibited, not just discouraged; it is prohibited, recovery of oil and natural gas, which has made us more dependent on foreign energy sources. ''Second, many power plants have been forced to use natural gas for generating electricity in order to comply with environmental regulation, even though we have huge reserves of coal and the technology for its safe, clean use. The Energy Information Administration estimates demand for natural gas will increase 54 percent by 2025, with electric power generation accounting for 33 percent of that consumption.''

In closing, this is what the farm community said:

''The 'perfect storm,' the combination of significantly higher energy and fertilizer cost, coupled with falling grain prices, spells serious trouble for rural America. For this reason, it is our hope Congress will act soon to further address the energy needs of our Nation and find solutions for this natural gas problem we face.''

It was interesting, my staff was contacted by a Florida paper recently that said, Why is your boss so persistent on this issue? Why does he not just say his piece and go away? They said, We checked it out, and he is not highly financially supported by the oil industry or the natural gas industry, and so why is he doing this? And I guess I was a little disappointed in that, that we would only do something because somebody supported us.

And my answer to that newspaper is, I am speaking on behalf of the citizens in my district and all of rural America and all of America for affordable energy prices to heat our homes, for affordable energy prices to conduct our businesses and our churches and our Ys and our hospitals because that is what makes it tick.

And these energy prices are going to put a kink in every budget in America, from homeowners to hospitals to retailers to education; they are all going to pay a significantly higher price. And our service agencies that are out there helping people, volunteering for people, their heating bills are going to be doubling this year, and that is going to take money away from the ability to help people.

An interesting thing, going back to chemicals, which people just do not realize. Chemicals and plastics are used in 96 percent of all U.S. manufactured goods including computers, cars, clothing and more. Since 1998, the chemical industry has warned repeatedly that the U.S. is facing a natural gas crisis. And what have we done about it?

I have been talking to the chemical companies for 5 years. They came to my office. They do not reside near me; they are not in my district. And I said to them, Why did you come to me? This was 3, 4 years ago. And they said, Well, someone said you were interested in the natural gas issue and you were stating that you saw natural gas as a problem.

And I did many years ago. I attended breakfasts put on by the Edison Institute for Electricity. They kept showing this huge amount of natural gas that was going to be consumed for a 12-to-15-year period to make electricity until something else could take its place.

And then I went to a breakfast briefing in the Senate and the speaker was Daniel Yergin, who wrote the book ''The Prize'' on oil, and he stated that this huge use and commitment of natural gas for electric generation, if it was not coupled with the opening up of reserves in this country in places we have not been allowed to drill, it would cause an escalation of prices. It would take a few years. And folks were here.

I did not expect gas to be $14.50 this year. Many of us on the committee were talking that, you know, as it was $7, $8 and bumping around $9, approaching the fall that we would probably see $10 or $11 gas this winter. Well, when Katrina came and shut off some supply, we were clear up to $14.50, an unheard-of price, from $2 to $14.50.

If milk was that kind of an increase, we would have $28-a-gallon milk. Would we not be dealing with that? I think we would.

As I said earlier here, since 1998, the chemical industry has warned repeatedly that the U.S. is facing a natural gas crisis. Now the impact is being felt by all Americans. With winter fast approaching, the government warns that

home owners who rely on natural gas for heat, about 52 percent of the Nation's households can expect at a minimum a 48 percent increase, and in some parts of the country, a 70 to 80 percent increase.

We, in industry, have been feeling the pressure of high-priced natural gas for years and have done everything we could to remain globally competitive. For example, Dow has improved its own energy efficiency by 42 percent in the last 15 years. Since 2002, we have raised product prices more than 50 percent, shut down 23 inefficient plants in North America and shifted some production overseas to regions of the world where energy prices are lower. So there is no doubt that our company and our industry will continue to grow and thrive. It is simply a question of where.

Now, I do not know how clear they have to say it before this Congress decides to do something about it. We have been warned by industry after industry after industry that these current natural gas prices will prohibit them from being profitable and competitive in this country; and if that is not a clear message, I do not know what it is.

I urge my colleagues, I urge this administration, I urge the States of Florida and California to become a part of the solution to get away from the old rhetoric that natural gas is a dirty commodity. Natural gas is the clean fuel. Natural gas is the fuel that can bring us clean air attainment in our cities if we use it in transportation. It is the bridge that will get us to where $60 oil is going to change a lot.

A lot of things are going to be competitive. A lot of things are going to work. You are going to see increases in all kinds of alternatives, but it is going to be slow and gradual. There is no quick fix. There is no silver bullet.

So I am urging the Members of this Congress, I am urging this administration, I am urging the governments of California and Florida prospectively, because they have been the opponents; they are the ones who speak out and say, We must stop this.

A natural gas producing well on our outer continental coast is not an environmental hazard. It is the future of America. It is what will make us competitive. It will make our farmers profitable again. It will make our chemical companies want to stay here and grow here.

They are going to grow. They just stated that. They are going to grow. They are going to prosper somewhere. But will our chemicals in our hardware stores and our supermarkets be American-made? They are today. But will they be in the future?

Will our farmers be using fertilizer from foreign countries? Some of them are today. In a very short period of time, they will all be using fertilizer from foreign countries because the gas prices of today just do not make it affordable to produce fertilizer, chemicals, polymers, plastic, steel, aluminum in this country.

I have been joined by the gentleman from Iowa (Mr. KING) who requested this hour, who had other duties take him away, and I would like to welcome him to join me.

Mr. KING of Iowa. I appreciate the gentleman picking up this responsibility that actually was mine. And as you know, even though the scheduling around this city does not reflect that you cannot be in two places at one time, in fact, we can only be in one place at a time.

One would think that with all the work that you have done on the natural gas situation here, the need all across this country, that sometimes you are in two places at one time with the media that we have today. And it takes that kind of a voice.

I want to lend my voice in support of the work that you have done, and I am glad that you stepped up to take the lead. I know it takes a lot of commitment and it takes a lot of research. It takes a lot of background and it costs a little sleep from time to time and a lot of energy.

So that is what we are after here is energy in this country, and I want to see if I can add a little bit different perspective to this energy issue.

Of course, we talked about fertilizer costs and we talked about the cost for manufacturing, the cost of heating homes and the list goes on and on. But I want to emphasize that Pennsylvania and Iowa run across about the same latitude. You can draw a line of latitude that will intersect both States, and we are tied together for a lot of other reasons. You are kind of the eastern end of the corn belt and we are kind of the heart of the corn belt where I am.

But anybody that raises a crop uses nitrogen fertilizer. And if you are raising corn you are probably going to use more nitrogen fertilizer than any other crop. And 90 percent of the cost of that nitrogen fertilizer is the cost of natural gas. And we have seen in the last few years the price of natural gas go up 400 percent here in the United States. That means the cost of your nitrogen fertilizer goes up 90 percent of 400 percent. And that would be 360 percent increase in nitrogen fertilizer cost, just to do the quick math.

Now it is not just the cost of that. And of course we are seeing our grain prices are not showing an increase. And so the overhead goes up and up, and the margin gets narrower and narrower, and the producers, I will say our corn producers, have to figure out a way to increase their yields to compensate for this.

They do that. Of course, the landlord then sees that and raises the rent. It is a vicious circle that we are all involved in. It is free enterprise, I know. But a nation has to have a solid and sound natural gas and energy policy, and you cannot just wake up some morning and say, Gee, I wish I would have done this different 30 years ago, throw a switch and fix it. This is a long-term, downrange plan that we have to have; and we are paying a price for not acting for years and years. In fact, for a generation we have not been nearly aggressive enough in opening up the energy supplies here in the United States.

And we can go down on this argument, this argument that says, Well, gee, if we would just conserve more energy, if we would drive cars that get 30 miles to the gallon instead of 26 miles to the gallon or even 40 miles to the gallon, if we would use alternative energy sources and renewable energy sources, we can do that and we should do many of those things. I will not subscribe to all of those things. In fact, I will tell you that I support the expanded use of nuclear for electrical power. It is the safest and cleanest and the cheapest that we can produce. And the record in this country establishes that.

But that is one part of it, and we are not likely to be able to build more hydroelectric so that we can generate more electricity with just the gravity of water flowing through there. Because of environmental barriers people want to take out dams rather than let us build them.

And so coal is another difficulty. We had a little problem with air quality. We have done pretty well with that. But you cannot do everything with coal. And by the way, it takes, you have got to haul coal sometimes a long way. And I know that there is coal that is trained from Wyoming on down to my area in western Iowa. That is a long way to haul the coal.

Now, but we need gas for a lot of reasons. We need to heat our houses, we need it for our businesses and we need it for our fertilizer. And by the way, you take a fall. Now this is a good fall, and there was not a lot of grain dried. If you have a wet fall, you will dry a lot of grain. And we will use not really exactly natural gas, but we will use LP. And the difference is this, that the LP comes out sometimes from often the same hole as the natural gas and you use a gas separator in there. The natural gas is the methane, and the LP is mostly propane, but it also can have butane in it, so you use the gas separator.

Seventy-eight percent of the LP that we use to dry our grain comes right out of the natural gas well; 22 percent then is stripped out in the crude oil processing and the refinement process when you are making gas and diesel fuel and oil you get the balance of that LP out of there, merge that together, pipeline that up on LP to the Midwest and we put that in to dry our grain in the fall and to heat our houses outside and out in the countryside where we are we do not have natural gas connected to us.

All those things are tied together. It comes out of the same hole. The cost of LP is linked to the cost of natural gas. Energy is all part of the whole equation, but there is a difference in natural gas energy because it is not a

portable energy that is easy to put on a ship and bring it here, because by the time you compress it and liquify it, bring it here and convert it back to gas it costs money and costs time to do that, and we have got limited capacity.

We are looking to build a couple more liquefied natural gas plants refining plants to convert from liquid into gas again. It takes time to do that. But we have a tremendous supply of natural gas on the Outer Continental Shelf in the United States. And God bless Ronald Reagan for drawing that dotted line out there at 200 miles offshore in the United States. I believe that was in about 1983. When he did that he opened up a tremendous amount for energy resources for the United States, not just natural gas, other minerals out there too that we have not even found yet, plus a lot of crude oil in the same areas where you will find natural gas in many cases. But that 200-mile limit that Reagan defined for us is a limit that lets us have an almost unlimited supply of natural gas.

Now, I will give you some examples here on how that works. The North Slope of Alaska, where we went up there in 1972 to open that area up and drill for oil on the North Slope of Alaska, where we had to build the pipeline from up there down to Valdez in order to put that oil on tankers to get it down here to the lower 48 States so we could market it.

But the provision was not in place at that time to build a natural gas pipeline because why would you pipe natural gas down to Valdez to compress it into liquid, put it on a ship, send it down to California, turn it back into a gas when you had a countryside that had all this natural gas in it, natural gas that was probably less than 2 bucks back there in 1972.

So we did not develop the natural gas, but it is there. The wells are drilled. It is available. There is 38 trillion cubic feet of natural gas on the North Slope of Alaska sitting up there right now. It needs a pipeline down to the Lower 48. It is over 4,700 miles from Prudhoe Bay, mile post zero on the Alaska pipeline on down to Kansas City if you want to pick a place in the middle of the country, over 4,700 miles.

If you go the other way and go south, where is there a lot of gas south? Well, we know offshore in Louisiana, offshore on the entire gulf coast.

Go a little farther. Venezuela, there is gas that we are paying $14.50 for is $1.60 there. You know that is only 2,700 miles from the coast of Venezuela up to Kansas City and it is 4,700 miles from Kansas City to Prudhoe Bay and the North Slope of Alaska.

But it is not just a measure of a pipeline from Alaska to Kansas City which, I do support that because I want more energy into the Lower 48 States for a lot of different ways. But it is not the measure then of 4,700 miles from Alaska to Kansas City versus Kansas City to Venezuela.

It is because there is another measure, and that is the measure of 406 cubic feet of natural gas that is on the Outer Continental Shelf that is right there next to already processing plants, pipelines, drill rigs. We have the network all there. All we need to do is expand that drilling.

This country needs it. And these Americans deserve it. We need to drive this $14.50 price down. We have got to cut it by half at least. We can do it if we can open 406 trillion cubic feet of natural gas.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I guess I want to conclude with the following, that there is no one who has a good argument that we do not need to open a supply of natural gas. There are those who think there are other ways to do it, that LNG is the big answer. I do not think that is the big answer. It can be a help. But we what we really need to do, the natural gas supply that is the most readily available to population centers of this country is the Outer Continental Shelf.

All leading nations produce there, and they have clean beaches. They have great tourism. It does not have to be a detriment. And I urge those from Florida and California who keep decrying that this is going to be the demise of their beaches and their tourism to show me the facts. Do not give me rhetoric. Do not make brash statements. Give me the facts of where a natural gas producing well has polluted a beach.

I am asking Florida and California, who are huge consumers of natural gas, to join with us and be a part of the solution. This is a problem facing America. We cannot afford to have two States holding up the energy policy of this country who are the largest consumers of natural gas in enormous amounts per capita compared to other States, who use most of their electricity that is made with natural gas. And I urge them to come to the table as part of the solution. Show me where natural gas wells have polluted the beach, and I will be there.

I have had no one take me up on that offer. Natural gas wells or natural gas flowing out of steel pipe into a collection system into our homes, into our factories. Natural gas will depend on whether America remains a competitive nation. It is so entwined in our economy and our lives that we cannot continue to have government curtail the production and expand the use.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3146

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3146.

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

There was no objection.

□ 1745

NEWS YOU WILL NOT HEAR ABOUT

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

Mr. PRICE of Georgia. Mr. Speaker, while watching the nightly news last night, I was shocked by the stories being reported or, more accurately, by those stories that were not being reported.

What, you say. Well, during the month of October we added over 50,000 jobs to our economy. Hurricanes Katrina, Rita, and Wilma wreaked havoc in cities across our gulf coast, displacing hundreds of thousands of people from their homes and jobs.

During this time, our economy was still able to continue to grow in the face of these tragic events. Our Republican policies worked to stimulate the economy. Job creation averaged 194,000 per month for the year prior to Hurricane Katrina. Third quarter GDP increased by 3.8 percent, capping 10 quarters of growth in a row. Yet you would not know it unless you searched deep past the front pages of your local papers. There have been increases in new and existing home sales, declines in unemployment, and increases in business investment. All good news.

Mr. Speaker, an examination of the facts makes it quite clear. Republicans have a plan to reform the Federal Government and increase savings for all the American people.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. WESTMORELAND). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House once again, and we would like to thank the Democratic leadership for allowing us to have one more hour on the 30-something Working Group tonight. We have been coming to the floor daily and mainly speaking recently about the budget and what effects it is going to have on the American people throughout this country.

We have asked our colleagues within the working group to come to the floor, share some of their concerns, talk about our Democratic alternative, which failed in committee, not because it was not an alternative of merit and of commitment and making sure that we place ourselves in heading in the direction towards the balanced budget by 2012, but it failed because we were in the minority. One Republican on the opposite side of the aisle did vote against the proposal that will be coming to the floor in the coming days, seeing it in a way that fiscal responsibility is important but making sure that we do not leave Americans behind who sent us up here to represent them.

I am honored tonight to be joined by the gentlewoman from Florida (Ms.

WASSERMAN SCHULTZ) and also my good friend, the gentleman from Alabama (Mr. DAVIS), who has been a part of this in making sure that we put American priorities forward. But I must say that there is a lot of work that needs to be done.

Tonight we are going to make sure that the Members know and also the American people know exactly what they are going to be voting on coming the next couple of days. There will be a bill in the Committee on Rules, and we will have debate here on the floor; but Members need to know exactly what they are voting for because as we, Mr. Speaker, look at this bill as written, veterans are going to have longer lines, they are going to pay higher co-payments, they are going to pay higher premiums. And those individuals that are coming out of theater, some 130,000, now we have 150-something thousand in theater of war, when they come back and they find themselves waiting in longer lines for what we promised them as it relates to health care, as it relates to benefits and not leaving out their families and children, I think it is something we need to pay very close attention to.

Mr. Speaker, I yield to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it is again a pleasure to be here with you to talk about the issues that are important to the American people. I think the gentleman from Alabama (Mr. DAVIS) and the gentleman from Florida (Mr. MEEK) would both agree that this week really everything is going to come to a head. The choices that Members in this Chamber are going to be asked to make, more than any other week that I have been here, I think, are going to be emblematic of where our priorities are.

The choices that we are going to have to make on this budget reconciliation bill, which is Washington-speak for budget cuts, is going to show who is for the American people in making sure that they can sustain a decent quality of life and who is against that concept and is more supportive of making sure that the wealthy can stay wealthy. That is really what it boils down to.

Just to give you, Mr. Speaker, an idea, as well as anyone who can hear our conversation, of exactly what we are going to be asked to choose between this week, the Republican leadership and the Republican Members have been making a lot of hay about the spending cuts that they are going to ask us to vote for, that they are needed reductions because we have to do something about this deficit. And we agree. We agree that there needs to be something done about the deficit.

But the difference between our approach and the Republican approach is that our approach would actually reduce the deficit, and their approach actually adds to it. If you have a little less than $55 billion in budget cuts, yet still have 70-some-odd-billion dollars in tax cuts, the difference between that is $20 billion more added on to the deficit.

Now, I can tell you honestly that I was not very good at math when I was younger and struggled with it a little bit, but that is pretty simple math. That is not complex. It is not calculus. It does not require an advanced degree. Seventy minus 50 is 20. And it is not a negative number. It is a positive number added on to the deficit.

Let us demonstrate that while we are still providing $70 billion to tax cuts for the wealthy we are cutting the following things: for the sake of more tax cuts in this budget reconciliation bill, students can expect to pay as much as $5,800 more for college. For the sake of more tax cuts, 300,000 of America's neediest will be left without food stamps. For the sake of more tax cuts, we will fail in our obligation to bring hurricane victims lasting relief. For the sake of more tax cuts, $10 billion, $10 billion with a B, will be slashed from Medicaid. One in four children in America get their health care from Medicaid.

For the sake of more tax cuts, we will ensure that the deficit remains high and the burden of creating more debt and paying that debt by our selfishness in choosing to help the wealthy at the expense of the people who are the most in need and the people who are just working every day to make ends meet, that is the debt we are passing on to our children and our children's children. And it is just mind-boggling to me. I know I am a freshman. The two gentlemen have been here longer than me. Maybe I am naive. Maybe the gentleman can provide some clarity because to me it is simple math.

Mr. Speaker, I yield to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, I thank the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) for yielding.

I am honored as always to be here with my colleague from Florida and my colleague from Ohio to talk about what is an enormously important vote on the floor of the House this week. I thank the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) at the outset for exposing one of the great myths behind this vote. As you know, there is a requirement that when we introduce bills in the House that we label the legislation, that we give it a title that is supposed to be roughly descriptive of the purpose of the bill. So we are told, well, this is a deficit reduction act, and I thank the gentlewoman for laying bare that myth.

□ 1800

When we finish with the tax cuts that are still being contemplated, dividend tax cuts, for example, in the next several weeks, and we do the simple math, our deficit will be worse than it is today.

This is not a Deficit Reduction Act. Something very different is at stake. This is not about cutting spending, it is not about saving the government money; it is about a different set of values being in the saddle.

All of us who are here have been in the Congress fairly recently. Mr. RYAN, Mr. MEEK and I came here in 2003, and you joined us this year. We all came with this notion that we stood for a particular set of values about government. One of the values that we most deeply believe in is the idea of obligation, of strong people to weak people, of people who are in one place in society, being related and connected to people in a very different place in society.

A lot of us ran on that, a lot of us talked about that. As strongly as we believe in our party, we hope that those just aren't partisan values. We hope that those are values that are shared all across this aisle, in the center, left and the right, the Democratic and the Republican side.

But what is sad about this week is that a very different set of values are now in the saddle. You touched on some of them, but they are very much worth underscoring: 300,000 families in this country who are getting food stamps. If the majority has its way, those 300,000 people will lose their food stamps, not because they have committed fraud, not because their income status has changed in the last several years, not because they have been shown to not need food stamps but simply because a different set of values are in the saddle.

You talked about, or you touched upon the question of child support. If the majority has its way, the Federal Government will walk away from a bipartisan commitment to help States go out and find deadbeat dads and enforce the laws that require people who have children to be responsible for them. We will see a party that styles itself as the party of family values walk away from that commitment. Again, it is not because of saving money, it is because a different set of values are in the saddle.

You talked about Medicaid. For the first time, if the majority has its way, working-class and poor families will have to pay a premium and a copay for their children, who are very poor, to go to the doctor. When we came here, both parties believed that if you are very poor in this society, then your kids are entitled to health care, and, yes, that is a social obligation that we owe to people who are struggling. Now a different set of values are in the saddle, and we are told they have to make a copay.

You touched on another basic matter. People who are legal immigrants, not illegal, not people who violate some immigration law to come here, but all those people who come here, played by the rules and have been naturalized as U.S. citizens, but have not yet shared in the bounty and prosperity of this country. Right now, most of them are allowed to receive food stamps.

If the majority has its way, 20- to 30,000 of those people who are eligible will lose that eligibility, again, not to save money, but because a different set of values are in the saddle.

To make a basic point about the food stamps provision in this reconciliation bill, $800,000, the 300,000 families will be shaved off the food stamp rolls, that adds up to about $844 million. $840 million in a $3.7 trillion discretionary budget is about one-sixteenth of 1 percent. That is worth almost nothing to the U.S. Treasury, but it is the margin of survival that means almost everything to these families.

We could go on, issue after issue. The value of the money that will be saved will be offset by tax cuts or is altogether insignificant. But the impact of those cuts is devastating to people who are watching us right now.

Mr. RYAN of Ohio. Mr. Speaker, this is the moral argument of our generation. I agree with you 100 percent, but I think there is an economic component of this, too. If we are going to be a great nation economically, we need to have healthy children, who are going to be able to go to school and learn so that they can become scientists and engineers, so that we can drive this economy through the 21st century.

As much as it is a moral imperative, it is an economic imperative that will continue to make the United States of America a strong country economically and militarily.

Mr. DAVIS of Alabama. Mr. Speaker, I absolutely concur with that point. There are two points that we will have to make constantly over the next 48 hours. This is not just about altruism. I wish that we could convince our friends and colleagues on the other side of the aisle just by saying it is wrong to single out the children of poor people for sacrifice. I wish we could convince them that this budget just has the wrong set of priorities on moral grounds.

The reality is there is another equally compelling set of arguments we will have to appeal to, and it is the notion of our own economic self-interest. We already are a country where the gap between skilled and unskilled workers is a high one. We are already a country where the gap between children who are successful and children who are underperforming is a high one.

We are already a country that builds all kinds of walls between our own people, and that is not good for our economy. It makes us less productive than we ought to be. It makes us less prosperous than we ought to be as a nation. But we can only close these gaps if we empower more of our people.

That is very much what is at stake as we contemplate this vote in the next several days, two different visions.

Mr. RYAN of Ohio. Mr. Speaker, I wonder, and we have asked this question before here, I wonder where the religious right organizations are that during the election were so engaged and involved in the Christian Coalition and promoting Christian values on a couple of issues. I cannot think of any more pronounced Christian values than taking care of those among you who cannot take care of themselves, for whatever reason.

It is stunning to me, growing up Catholic and spending 12 years in Catholic schools with nuns and priests and brothers, that the issue of poverty that you see more in the Bible than probably any other social issue, that somehow the silence is deafening here on these issues of us trying to help poor people and the majority actually causing harm to them. All these organizations that help put these folks in office are lost and cannot find their way.

I do not want to say that their membership is lost, because the people I go to church with, the people who represent Christian social organizations in my community, are very, very, very concerned about this.

I would hope that in the course of the next 48 hours we are able to bring this to their attention so that maybe we can put a stop to this before it actually harms young children.

Ms. WASSERMAN SCHULTZ. The gentleman's bringing up faith as it relates to this budget document is incredibly important, because our friends on the other side of the aisle throw around family values as a term and as part of their make-up and try to contrast us, as if that is not part of ours.

Let us just look at what the faith community is saying about this budget, and what they have been saying about this budget. This week, this past week, we had a number of members of the organized religious community come to Washington and urge the Republican leadership not to pursue this budget reconciliation document.

You had Reverend Jim Wallis, the founder of Sojourners and Convener of Call to Renewal. You had Rabbi David Saperstein, who is the director of the Religious Action Center for Reform Judaism. You had Reverend Elenora Giddings Ivory, who is the Director of the Washington Office of the Presbyterian Church.

What Reverend Ivory said when she was here, she said, ''I am here today to express concern for the Federal budget reconciliation packages under consideration in the House and the Senate. Our Nation is about to balance its budget on the backs of the poor. Is that a moral thing to do? The Federal budget is a reflection of what we see as important and primary. Does the spending package under consideration reflect a caring and a compassionate society? Does it reflect you as a citizen of faith?''

I think that each of us, if we ask and look inside our own hearts, Republicans and Democrats alike, would have to answer each of those questions, absolutely not.

Mr. DAVIS of Alabama. Mr. Speaker, let me touch on the point the gentlewoman just made about faith. All of us were told different things and were given dictates by our faith. But one very universal view across all denominations that we know is this idea that you do not start sacrifices with the most vulnerable of our people. You do not ask the weakest of our people to be the first to give. You try to bring some moral foundation of equity to all that you do.

Those are notions that ring across every denomination, and indeed nondenominations that still have ethical values in this world. What is striking about this budget reconciliation is that it is the first major government document that I have seen that says, let us ask the first people to sacrifice to be what Matthew would call ''the least of these.'' Let us ask the first people to sacrifice to be the weakest of our people.

This is something that is fundamentally wrong and, again, it is at the heart of this debate. A lot of us in this Chamber would be open to a discussion about fiscal discipline. We would be open to a discussion about budget cuts. We would be open to a discussion about shared responsibility, but only if it ran across all lines. This is as powerful a point as I think we can make in the next several days.

We are not asking our children to sacrifice. We are not asking the children of the people who go to our fundraisers to sacrifice. We are asking the children of the people who cannot get in our fund-raisers because they cannot give $250 or $1,000 a head. We are asking the children of people who will never walk inside this Chamber or be able to spend a million dollars every 2 years to find a way to get here.

We are asking the people who are doing the work in our country, the people who are waiting on the tables, the people who are driving the trucks, the people who are bearing a lot of the labor. We are saying to them, yes, your children may be on Medicaid, but we can save some money if we pare back our responsibility to them. Yes, your kid may need a student loan, but we can pare back some money. We can save some money if we cut and limit our responsibility to them.

I think that this is wrong.

The final point that I will make before I yield is this one. We have an obligation to talk about this debate in terms of right and wrong this week. This is not simply a matter of different political theories. It is not a matter of different economic theories. It is about a different value set. Some of us who have heard the word ''value'' used so freely in this Chamber, some of us who have heard the word ''value'' used so freely to label and to exclude and to stigmatize, well, this is about values. Even Abraham sacrificed his own children, not the children of others. So that is front and center for this vote.

Mr. Speaker, I will certainly yield to the gentleman from Ohio to discuss something that is on our minds this

week. How can we make this case to our colleagues, because I believe, as all of you believe that our colleagues that are in this Chamber are not hard-hearted, mean or evil people who just want to hurt folks? How do we find some way to make the case to them that what we are on the verge of doing violates every value that we have as Americans and violates every sense of connection that we have?

□ 1815

Mr. RYAN of Ohio. I think we are not alone here, and I think there are some conservatives who are out there who agree with what we are saying here. We say it all the time during our Special Orders. This is not a Democrat or Republican thing. This is about putting the interests of the country before your own particular party. That is what we are trying to do here.

This is a quote from Cal Thomas, who is one of the most conservative columnists in the country, who says, ''Here is a suggestion to the Republican majority. Don't start with the poor, start with the rich.'' That is Cal Thomas talking.

And let me just put this up here. This is the tax cut, my friends. This is the tax cut. This is what people who make over $440,000 a year get, and this is what our brothers and sisters get who make $20,000, $35,000, and $40,000. Why can we not ask these people? Why do our leaders not have the courage to ask these people? We know they contribute to their campaigns. We know they get corporate welfare. I bet many of these people are executives in the oil companies who got $16 billion in corporate subsidies. We know that. We are sure that some of these people who make all this money and are getting the big tax cut represent the pharmaceutical industry that are getting $100 million in corporate subsidies. We are confident that the executives of the big agribusinesses are receiving some of this tax cut, and they are also getting corporate subsidies for that.

Why can the Republican leadership in this Chamber, in the Senate, and in the White House not ask these folks to give up just a small little wee bit of this, just a little bit of this so that we can make sure that Medicaid, Medicare, which is on the table in the Senate version, $80 billion over the next 10 years is proposed to be cut out of that. The Republican Study Committee wants to cut even more and push the prescription drug benefit back, not do anything to reduce the cost.

We are making decisions that are hurting these people because we do not have the courage to ask those people who have benefited most from society to give just a little bit back.

Ms. WASSERMAN SCHULTZ. If the gentleman will yield, there is a way we can make changes which take us in a new direction: it is election day. We do not have to continue down this road. We do not have to continue to prop up and add to the bottom line of the wealthy. We can send the Republican leadership home, and we can start today.

What I think we would all like to see happen in the next couple of hours in Virginia, in Ohio, in New Jersey, in New York, in California, and anywhere else there is an election of significance, of course, all elections are significant, but where the more significant offices and contests are being held, we would like to urge all voters to go out to the polls tonight in those communities.

And just to help people know, there is still time left in Virginia. The polls close at 7 p.m. So there is about 45 minutes left. In Ohio, and these are all local times, in Ohio, the polls close at 7:30. In New Jersey, the polls close at 8:00 p.m. In New York, the polls close at 9 p.m. And in California, the polls close at 8 p.m. So we would urge all people who have an opportunity to make change in their State to cast their ballots today on election day. Make sure you get to your polling place and cast your vote to move this country in a new direction so we can continue to fight to make these changes.

Now, Mr. Speaker, just to transition our conversation from the tax cuts to the whole issue of where we are going in terms of the budget cuts, in addition to cuts that affect children, in addition to child support payments, in addition to Medicaid cuts, this budget will do more damage than we have ever done to people who are trying to expand their horizons and get access to higher education. What is unbelievable about these budget cuts is that in terms of higher education, this is the most significant cut in history being made in this budget document to financial aid than we have ever seen before.

Mr. Speaker, we are joined tonight by my good friend and colleague, the gentleman from the great State of Missouri (Mr. CARNAHAN), and he has been a champion on this issue in trying to raise people's awareness of just exactly what this Republican budget document would do to people who are struggling to get access to higher education. I yield to the gentleman from Missouri.

Mr. CARNAHAN. I thank my colleague, Mr. Speaker, for yielding to me. It is great to join the gentlewoman from Florida and the gentleman from Florida and the gentleman from Ohio and this 30-Something Group that has really done a fantastic job to help educate Americans about the many challenges that are being faced here and the things we can do about it, the things my colleagues are taking the lead on in this Congress.

I wish I could join you in age, I am a 40-something, but I am not far away; and like many people, I had an opportunity to really benefit from the student loan program, as did my wife. Even though I worked my way through college and my family was able to help me some, I still could not have done it without the student loan program.

What I am sad to see and really concerned about is these Republican proposals in this budget reconciliation, which is, for those listening, the equivalent of us balancing our checkbook at home to figure out what we can afford and what we cannot. They have proposed the largest cuts to the student loan program in history, in history, of $14 billion. It is a big number. So to really bring it down to the individual student and family, already, even before those cuts, the average student typically has about $17,500 in debt. That is already. Now, on top of that, these proposals would add an additional almost $6,000.

Mr. Speaker, this comes at a time when we really need to be expanding opportunity and at a time when we really need to be opening up access to higher education. We all know in our country that is the road to opportunity.

Mr. RYAN of Ohio. Absolutely. And if we look at the number of engineers and scientists that a lot of these other countries are graduating, last year alone China graduated 600,000 engineers. We graduated 70,000, with most of them foreign born. So to put additional barriers up, an additional burden or two on someone who is trying to construct financially a way to go to school, it makes absolutely zero sense economically for our country.

Look at what the GI Bill did for this country, because we had educated people going out into the work force as doctors and lawyers and scientists and engineers. Look what the space program did. The goal of sending people to the Moon was to motivate and organize a country in math and science and physics and a variety of other areas that led to tremendous developments and discoveries that otherwise would not have been, and that led to great economic growth.

So the gentleman is exactly right.

Mr. CARNAHAN. We even heard in the Committee on Science, on which I serve, many leading CEOs from around the country came to testify before our committee talking about the need for innovation if we are going to be able to compete in this new global economy.

Mr. RYAN of Ohio. There it is. That is not KENDRICK MEEK saying that or Ms. WASSERMAN SCHULTZ. These are CEOs.

Mr. CARNAHAN. Exactly. They are saying we have to really start to win the battle of young minds to get them into science and math education so that we can compete and innovate in this new global economy. This just takes us backwards.

The statistics are alarming. Studies have shown that financial barriers alone prevent 4½ million high school students from attending a 4-year public university.

Ms. WASSERMAN SCHULTZ. We actually have a chart that outlines some of the things my colleague is about to go over so we can make sure that people have it very clearly in front of them

Mr. CARNAHAN. I would really appreciate my colleagues trying to get

that information out. Again, I think it is important as this debate proceeds over the next few days and weeks ahead, some believe a vote could come as early as Thursday, that people back home, families, students, leaders in education, contact their Members to let them know this is not the way to address the financial needs in our country.

Ms. WASSERMAN SCHULTZ. If my colleague wishes to go over the details he was beginning to talk about on the bottom of the chart.

Mr. CARNAHAN. Certainly.

Ms. WASSERMAN SCHULTZ. What we try to do in this 30-something time, we do a lot of talking, but we also want to show people with third-party validators and with the specifics blown up in poster-size form so that they have it both in graphical depiction as well as in description from us individually. So that was just showing my colleague that while he goes through just exactly what these cuts in student aid do, we have that up for the folks at home.

Mr. RYAN of Ohio. We will also post this on our Web site and make it available.

Mr. CARNAHAN. And I have just been handed a copy so I can read along as well.

But as we mentioned, already, even before these cuts, the average student has $17,500 in debt. Over the last 5 years, as if the debt were not bad enough, tuition is up 57 percent at public colleges, up 32 percent at private colleges and universities, and 41 percent of college grads average over $3,000 in credit card debt. So, again, the statistics paint a very clear picture that this is not the way to go.

Mr. RYAN of Ohio. The gentleman is exactly correct. This is great to have the gentleman here because, obviously, he brings in a new perspective from the Science Committee, which reinforces a lot of the things we have been saying. So we appreciate the gentleman being here.

One of the things we have to add onto this, as if this is not enough for a 22-year-old to have to overcome, $17,500 of debt, $3,000 in credit card debt, so you are already over $20,000 in debt before you even get out of school, let alone if you want to get a law degree, a master's or a Ph.D., or whatever it may be, would be an additional burden. In a weak economy that is not growing the kinds of jobs necessary to move our country forward and to maintain our economic superiority, add to that the $27,000 that every single citizen owes to pay the $8 trillion in debt that we have in the United States of America.

Our friends on the other side, the Republican majority, had to raise the debt ceiling to over $8 trillion, and each citizen owes $27,000. So we try to put this in perspective for people who are having babies today, and our generation who have young kids, 2 or 3 years old. Run this number out 20 years. If you have a 2-year-old, run that number out 20 years at a 57 percent increase every 5 years.

What does that number look like 22 years from now and what does the debt look like 22 years from now if we keep running these huge structural deficits, paying interest on the loan?

Pull it out. Get it. Get it right now. Let us get this thing up here.

Mr. MEEK of Florida. Please.

Mr. RYAN of Ohio. Please. Show them. Go ahead. I yield to my friend.

Mr. MEEK of Florida. Well, I want to thank my colleague from Ohio for yielding. The gentleman must have read it on my forehead when he started talking about how this Republican majority has led us into an area we have never been before as a country. And I am not talking about leading in a way that Americans will be proud of the situation we are in now or how other countries are now looking at the opportunity of owning a piece of the United States, which is basically what is happening financially.

Mr. RYAN of Ohio. Let us lay this out real quick before my colleague puts the cherry on top.

So we have $17,500 in student loan debt and $3,000 in credit card debt. Run that out 20-some years. A child born today owes $27,000 to the debt that we have in the United States of America, the $8 trillion. Every citizen owes $27,000.

Mr. MEEK of Florida. And change.

Mr. RYAN of Ohio. And some change. And we are continually running these structural deficits at over $400 billion to $500 billion, with a war and natural disasters. So we are borrowing money to pay for this.

Mr. MEEK of Florida. If the gentleman will yield, this feeds into the incompetence that we talk about. We talk about it, and we do not use the term loosely. We use it because it is well founded.

□ 1830

We take this chart out every night, and every time we get an opportunity to share with not only the Members on what they are doing. Members need to realize what they are voting on. I am not saying that some do not, but they have to realize what they are voting on.

Here is basically what President Bush has done in 4 years that other Presidents have managed not to do in 224 years, as it relates to foreign holdings of U.S. Treasury debt. This statistic is from the United States Department of Treasury, a third-party validator. This is not from me or Mr. RYAN or Ms. WASSERMAN SCHULTZ.

Let me say this, $1 trillion in debt that was accumulated over 224 years, from 1776, borrowing money from foreign governments, President Bush, who did not do it by himself, and I have said this before, and I can guarantee he could not do it by himself, $1.05 trillion in a period of 4 years. In a period of 4 years, he has accomplished something with the Republican majority that has not been accomplished by 42 other Presidents, 224 years in this country of having the Democrats, Republicans, Whig Party; and this President and this administration and this majority have done the job that 42 other Presidents did not do as relates to putting this country in the posture it is in right now.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, all of what we are saying here tonight has caused me to look at the view of our generation and how we feel about the future and the direction that this leadership, this Republican leadership, is taking this country.

We did a little research in my office. President John F. Kennedy once implored Americans to ask not what their country could do for them, but what they could do for their country. Another important question that all of these issues raises is how all of this budget cutting and pulling the rug out from under college students' future leaves them feeling in terms of public service and what their government can do for people and whether they would want to be a part of that.

So we found some research that showed just exactly how our generation feels about this. A 2004 Hart Research Study for the Council of Excellence in Government found that 34 percent of young Americans said the idea of a government service career did not appeal to them.

What does that say about the confidence that this leadership is inspiring in our generation? Mr. Speaker, that is 34 percent. That is a huge number. It means they have no confidence in government's ability to improve people's lives.

After 9/11, we were starting to change those statistics. You saw after 9/11 the incredible response of first responders and of volunteers. All of our hearts in America swelled after the response from 9/11. The polling that was done then showed that young people felt that the response to 9/11 made them more likely to pursue careers in government and the public sector. But recent events, the culture of corruption, cronyism, the lack of competence that has been evident since the inception of this administration has absolutely, in 3 years from 9/11, 2001, to 2004, totally turned that belief in government's ability to improve our lives on its head.

Just by way of example, some things that most likely did cause that, let us go under the category of corruption. When young people see politicians, leaders of our Nation, deliberately deceiving the American people, an example would be the recent indictment of Mr. Libby and the deceptive actions of Mr. Rove. You have people who spend their lives serving their country; and what happens, people in the administration, a person for the first time indicted in 130 years that served in the White House, people in the administration repay them that service by revealing a CIA's agent covert status, jeopardizing the lives of countless numbers

of government employees who are trying to do good work on behalf of the United States of America.

Example number two of corruption: We went to Iraq under questionable circumstances, under false pretenses, no question about it. We send American men and women into the battlefield, and more than 2,000 have given their lives. If you ask the average person, particularly in our generation, if they know for what those lives were given, I do not think that they feel confident that they would give an answer that anyone would be happy about.

Let us look at the cronyism that might have caused this shift in confidence in our generation. This generation of young people is extremely independent. They have a spirit of self-determination. They are less likely to identify with a political party. Most young people today are identifying themselves as Independents. They see political appointments based on friendships. The appointment of Michael Brown, ''Brownie,'' because he was a college roommate with someone in the administration, with a friend of the President, being put in charge of one of the most important agencies in the country in terms of making sure that people's lives are protected as a disaster approaches and we can help them afterwards, we put someone in charge of that agency whose sum total of his experience was he was president of the Arabian Horse Association.

Mr. RYAN of Ohio. Mr. Speaker, that is what our generation is going to change when we take the country in another direction. It is time for us to start saying that we want the best and the brightest to come and work for our government. There used to be a day and age when government service, assisting your country, coming from the private sector for a few years and helping out and giving your time and talents to the government was a respected endeavor.

Ms. WASSERMAN SCHULTZ. The bottom line is we can do better. Together we can lock arms. Our generation can say to the generation in front of us that has been leading this country, give us the baton. It is our turn. We are not going there any more. We want to turn this country around. We want to make sure our children have health care, that mothers and fathers when their kids get sick do not have to wait until their kid is so sick they have to take them to the emergency room for their health care.

We do not want to cut the budget for abused and neglected children. We are going to continue to pursue deadbeat dads. State legislators have fought tooth and nail to ensure that we can continue to go after deadbeat dads; yet in this budget we will consider this week, that opportunity would be lost. We would be preventing that opportunity. The list goes on and on. It adds insult to injury. It cuts the school lunch program, which is a program that makes it so that some kids, the only place they can get a meal, a decent meal, is from that free and reduced lunch, and the Republican leadership would cut that program.

Our generation can take the country in a new direction, and we are ready to.

Mr. RYAN of Ohio. Mr. Speaker, we are ready, and we have a game plan to find the money.

Why can we not go to the oil companies that we just gave $16 billion in corporate welfare to, why can we not have the courage, why can the Republican leadership here not have the courage to ask the oil companies to give back their $16 billion in corporate subsidies to help pay for some of these priorities?

Why can the President of the United States and the Republican leadership in the Senate and the Republican leadership in the House, why can they not go to the pharmaceutical companies and ask for reimportation for the Medicare program to help save our country billions of dollars?

Why can they not allow the Secretary of Health and Human Services to negotiate down drug prices with Merck and Pfizer on behalf of the Medicare recipients who are going to now be eligible for Medicare part B?

The Democratic Party has a plan to get that money back from the corporations instead of giving it to corporate welfare and investing it in the United States of America so we can have more scientists, more engineers, more investment in research and development.

Mr. Speaker, the average taxpayer gives us money and they trust us with it. They work hard. We see the top number at the top of the check and you see the number that you actually get to take home. There is a big difference whether you are on the bottom or top scale. You give us your money; and we need to honor that by making sure that when we spend it, we give that taxpayer the best value they could ever get. We need to assure them we are running an efficient, effective government here, not just wasting money and giving to our political friends, like the oil companies. Can you imagine with gas prices what they are now, we are giving oil companies $16 billion in subsidies.

Mr. CARNAHAN. Mr. Speaker, I have to jump in on that point and talk about the tale of two different numbers here. We mentioned earlier the number of $14 billion that was being cut, proposed to be cut out of the student loan program where over $14 billion has been given away in subsidies in these recent energy bills to the oil companies who have not just made record profits; they have made the largest profits in the history of the world.

To me, that is such a glaring and sad example of the priorities here in Washington. We can do better.

I think the American people are hungry for leaders that can inspire us and not divide us and talk about a future that lifts us all up. The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) talked about the attitudes of young people and how they did not have a good attitude about public service. I hate to see that.

There are also studies out there that for the first time in the history of these studies being done people believe that the generation after them will be worse off than they are now. To me that is just contrary to everything in our American values. We always want our kids and the next generation to be better off. So I think it is a matter of priorities. It is a matter of attitude, inspiration; and I think people are hungry for that. I think what you all are doing here in getting the word out is really important to give people hope that they can make a difference and that there are leaders here in Washington fighting for them.

Mr. MEEK of Florida. Mr. Speaker, it is what we are all doing, making sure that not only the Members know exactly what they are doing when we come in and push the red and green button, and endorsing or not endorsing an idea or a plan. I think it is important for us to not only highlight the $14 billion in cuts which mean higher fees for students because the States have to balance. When we make those cuts, they have to make cuts. This is not the end of the cuts to the average student.

When you look at higher education, college education, preparing the next generation, that is not just on that 20-something or 18-year-old. That is on the parents of that 18- or 19- or 20-year-old. That is another burden on their backs.

I just wanted to mention quickly, I was reading this letter as both of you were sharing good information with the Members and the American people.

Mr. Speaker, I am holding a letter dated November 8. It is from the president of AARP. AARP is the largest retirement organization here in the United States and also on the face of the Earth. This is from the CEO. What he is saying here, basically, is that they oppose the Medicaid cuts that are in the House bill. They are for reform, but they oppose the cuts.

I just want to make sure that the Members, and one Member came from the opposite side, the Republican side, and said I wish my friends on the Democratic side would join me in voting for this budget that we have put forth.

I said first you have to work on some of your own Members who have not come to grips on how they can vote for something that AARP is against.

Basically, this letter says that AARP opposes the 2006 reconciliation bill now awaiting consideration before the House.

□ 1845

''We strongly oppose the changes.'' Not that they oppose the changes. They strongly oppose it because they know what it will do. Basically, it goes on further. For example, they say: ''The House package, in effect, would

prevent a stroke victim from entering a nursing home, even if there were no other alternatives, simply because she has helped a grandson with college tuition costs.'' This is basically where a bean counter would go in and evaluate the financial situation of the person that wants to go into a nursing home under Medicaid. They would go in and say, You wrote a $500 check for your grandson to go to college. You can afford to pay for this nursing home. We will not.

This is not what I am saying. This is what the AARP is saying, which has thousands of members and is the largest retirement organization on the face of the Earth. It goes on to say that a private nursing home could evict a person, force a person out of a nursing home for a period of time, even after the assets were all exhausted, if they contributed to a hurricane recovery victim. Once again, the bean counters would go in under this budget. This is not fiction. This is fact. Under this budget, and then say they are denying them assistance in a nursing home. This is the reality of what is in the House budget right now.

We talk about Veterans Day, and I am going to mention this as many times as I can because I think it is important, many of us, Mr. Speaker, are going to leave here on Thursday and go do the things that we need to do. Some Members have already entered into the CONGRESSIONAL RECORD recognizing Veterans Day observances throughout the country, the past contributions of our veterans. But at the same time, on the Democratic side what we have called for is we provided $1.6 billion more than the Republican budget for veterans programs for 2006 and $17 billion over the next 5 years.

The Democratic budget reverses what the Republican budget has put forth on the $798 million over the next 5 years in Republican cuts that they have asked the Veterans' Affairs Committee to do, not even talking about what they have done as it relates to cutting $14 billion over the next 5 years.

So, Mr. Speaker, what this really means is that when the veterans go to the VA in some rural areas that some of us in this room represent, there are some VA clinics that are only open once a week, not because that is all they can do, but because they have been cut so much, they cannot provide the health care for the veterans, that when they signed up, they held up their end of the deal. We are not holding up our end of the deal.

But meanwhile back at the ranch, we are giving breaks and tax cuts and some may call them incentives for companies that are making record profits in the history of the world. So when we start talking about these cuts, it is a reality. They are a true reality. And I just took the veterans out for a minute because I knew what we were talking about. But it is an irony that Veterans Day is Friday and Members are going to come here and they are going to take their voting card out, and they are going to put it in the machine, and they are going to look up to see how the leadership is voting, nine times out of 10, and they are going to vote the way the Republican leadership has asked them to vote, and that is very unfortunate.

But I want to warn the Members to take this card, and let me tell them, there are some people who woke up one Tuesday morning at 7 a.m. to vote for some representation. The people that gave Members of Congress this card to vote and put into these machines, I mean, it is not like I have a Miss Mobil in my district or I have a Mister Special Interest in my district. They do not cast a vote. The people that I represent cast a vote. So it is important that we keep that in mind, and I want to make sure that the Members understand, because veterans will be prepared and the American people will be prepared. Why do I have to pay more for health care because they want to make room for the billionaires to receive tax cuts?

Mr. RYAN has that chart there that shows individuals that are making over $500,000. Let us talk about these individuals just for a minute. They are Americans. I do not blame them for the tax cut that they are getting. I blame the individuals that are continuing to build on a tax cut that is already there for that group of people and there is very little that is for the individual that is even making $91,000, a household that is making $91,000 to $179,000 a year. It is not fair.

So when we have people fighting in Iraq, we have three natural disasters here that we are trying to manage and trying to help Americans bounce back from, and then at the same time we want to build on even more incompetence and cronyism as it relates to giving to the special interests, it is just unconscionable; and I hope that Members really weigh heavy.

And I am just going to say this: I am from Florida, and what the Republican majority is asking the Florida delegation to do is to vote for oil drilling miles off the coast of Florida. Oil drilling miles off the coast of Florida. Everyone comes to Florida for what? Tourism. What else? They come to the beaches, from all over the world. It helps our Florida economy, and it helps our national economy. But yet Members of the Florida delegation are being asked to vote against one of the very principles where the Florida Everglades is located, where we have hundreds and thousands of miles of coastline so that when people come to Florida now they can step into a patch of oil and they can see a rig off the coast of Florida.

That is a high order to call a Floridian to do. Both of our Senators are against this, I must add. We have some Members in the House that are going to have to go see the wizard, get a little courage and go to the leadership and say it is not going to happen, bottom line.

I will tell my colleagues what I am prepared to do. As long as that language is in there and we are talking about drilling in the ANWR, let us just take our national parks, and let us just start drilling there. Forget about what we already know, that there is very little oil in many of these areas, that the oil companies just want to go out, not at their expense but at taxpayers' expense, and start to drill in those areas.

So, Mr. Speaker, I think it is important that we continue to come to the floor to not only share with the Members but with the American people by letting them know what is going on in this House and what is not going on in this House and that there are alternatives and we are putting forth those alternatives in a fiscally sound way that will place us on the road to balancing the budget but at the same time not hurting the very people that some folks come to the floor saying they want to help.

Mr. CARNAHAN. Mr. Speaker, if the gentleman will continue to yield, the Florida delegation, and the gentleman makes a great point, has an obvious perspective on tourism; and they have got such natural beauty on their coastline that people from around the world come to visit. My family has been down to visit their great State. But the point beyond even that we believe it is the wrong thing to do in these pristine areas, the amount of oil that could potentially be produced is so small, they have to weigh what is the real cost; what are we really losing for generations to come in terms of our environment, and look at what we can do in our immediate future in terms of alternative energy.

Again, I have to mention some of the things we hear before our Science Committee about the innovation and the science that has brought this technology. It is not something that is decades away. It is years away. We have already seen that with the growth of the hybrid vehicles, hydrogen cars, you name it. That technology is here today. Consumers want it, and within the decade we could have the goal to become energy independent, rather than investing in this older technology in pristine areas.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, we have a little administrative transfer to make here.

I yield to Mr. RYAN so he can give the Web site.

Mr. RYAN. Mr. Speaker, it is 30somethingdems@mail.house.gov. People can send us an e-mail.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentleman for giving out that Web site. That has been very useful; and we want to thank Democrats, Republicans, Independents, and even some Members for letting us know some of their thoughts.

With that, Mr. Speaker, we would like the Democratic leadership for allowing us to have this honor.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2862, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. GINGREY (during Special Order of Mr. MEEK of Florida), from the Committee on Rules, submitted a privileged report (Rept. No. 109–277) on the resolution (H. Res. 538) waiving points of order against the conference report to accompany the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, 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. 2419, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006

Mr. GINGREY (during Special Order of Mr. MEEK of Florida), from the Committee on Rules, submitted a privileged report (Rept. No. 109–278) on the resolution (H. Res. 539) waiving points of order against the conference report to accompany the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1751, SECURE ACCESS TO JUSTICE AND COURT PROTECTION ACT OF 2005

Mr. GINGREY (during Special Order of Mr. MEEK of Florida), from the Committee on Rules, submitted a privileged report (Rept. No. 109–279) on the resolution (H. Res. 540) providing for consideration of the bill (H.R. 1751) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE 30-SOMETHING WORKING GROUP: DEMOCRATIC PROPOSALS

The SPEAKER pro tempore (Mr. GOHMERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I yield to the gentleman from Missouri (Mr. CARNAHAN) to continue his coherent and intelligent argument on behalf of research and development for alternative energy sources and alternative technologies to reduce our dependence on oil.

Mr. CARNAHAN. Mr. Speaker, I thank the gentleman for yielding to me.

We have that technology right here in our country. It is here today. So with the effort and the funding that we have put into some of these technologies that are hurting our environment; that have made us dependent and weaker as a country; that we are depending on resources for the Middle East instead of from the Midwest, that is the future. That is the direction. People are hungry to be led, to be able to get into that technology for their families. It is the right thing to do for the environment. It is the right thing to do not just for our economic security but for our national security interests. So that is the direction we have got to get to in this country.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, I think the gentleman makes a tremendous point that we try to present here. The way our friends on the other side run the government is not with an understanding of, really, what day and age it is. It is 2005. We are an information technology age. Government needs to be integrated, and our policy on alternative energy sources will strengthen our position in foreign policy. They are not two separate smokestacks. They are one coherent policy that we are trying to integrate here and say they are all connected.

And I think this brings up a tremendous point about leadership, about the corruption and the cronyism, but directly to the incompetence. Here we have, directly after 9/11, a terrorist attack on the United States of America; and everyone in the country was looking to the President for leadership, and no one really knew what to do. It was this great moment in history, but every American citizen wanted to give something. They wanted to be a part of the solution.

And many people will remember, Mr. Speaker, that the American people were going to blood banks. They wanted to give blood. They wanted to do whatever they needed to do. They were donating money to organizations. And the Red Cross had to say, We have enough blood. Thank you, but we have enough blood for now. But the American people still wanted to give. And there were nonprofits and foundations and all kinds of organizations opening up so that the American people could donate money to help the families and the victims of 9/11 and the policemen and the firemen and the emergency responders.

The American people wanted to give. And the best challenge this administration can come up with, not walk to work or get a bike so we can reduce our dependence on foreign oil so we can reduce the chances of this happening again. Do my colleagues know what this administration asked the American people to do? The great challenge after September 11 from this administration was go shopping. If that is not incompetent executive leadership at its best, I do not know what is.

And I get upset because I think that tragic situations like that, as painful as they are, there is a glimmer of possibility within that. And we could have made it a national commitment to search for and get to a point where we are no longer dependent on foreign oil. The American people could have been rallied to that cause, to conserve. And to have the Vice President say that conservation is just a personal virtue, but has no place in the public discourse is an outrage.

So why not, with all the political capital that this President had, why not say this country is going to have an Apollo project for alternative energy sources, for hybrid engines, for biodiesel, for wind and solar and everything else? We know we cannot do it today, but America is not about what we can do today. America is about what we can do tomorrow and next year and 10 years from now. And we could have laid out a long-term strategy of all the great possibilities that this country is so good at throwing out as a goal and then going after it. And it is a shame. It really is incompetent leadership.

And that is one of the reasons that we come here every night. We could be sitting in our offices. We could be going out to dinner. But we choose to come here because we want to ask, Mr. Speaker, the American people to give us an opportunity to take this country in a new direction, to change what we are doing, to get this Congress and make it independent of all the special interests, and to end this incompetence, this inability to govern.

Mr. MEEK of Florida. Mr. Speaker, if the gentleman will yield, my good friend from Ohio and my good friend from Missouri, the ''Show Me'' State, they say, we are in a situation right now where we should not be acting like what we call here in Congress under regular order as though it is just another day in Congress, another day at the office, no big deal, everything is fine.

Mr. Speaker, I can tell my colleagues that we should be very alarmed. We should be very alarmed at the fiscal situation we are in. The highest deficit of the history of the Republic. We are borrowing more from foreign countries, breaking records. One administration breaks the record of 42 administrations before it. We have CIA agents being outed.

Mr. RYAN of Ohio. We are not setting good records.

Mr. MEEK of Florida. We have CIA agents being pointed out by people in the White House who have the highest national security clearance to know what is going on throughout the world, getting daily briefings. We have a situation where we had Hurricane Katrina, which we have asked for an independent commission, not just for the affected area where Hurricane Katrina and Rita hit, and if we want to add

Wilma, it is not just to deal with that. It is to make sure that we have a 9/11-like commission outside of the partisan commission that we have here in this House to look at the way FEMA and the State and local governments respond to natural disasters, or disasters, period.

Now, we do not even have the ice and water situation down yet when we start talking about FEMA and the response to Americans in need, and I am going to take from Mr. RYAN, taxpayers when they are in need. We do not have that down. Not if, but when a terrorist attack happens in another city here in the United States, what will be the response from the Federal, State, and local governments? I am on the Homeland Security Committee, and I have come to the conclusion that we are not ready, regardless of what the Secretary says, regardless of whatever podium the President wants to get on in the situation room and say that we are ready. We are not ready.

Even if someone had an alcohol problem, the first sign of recovery is saying first we have a problem so that we can work on the problem and start cutting through the egos, cutting through the bureaucracy, because people need help, and we need to be there for them. So we should be alarmed. We should be alarmed about what is going on and what is not going on in this country, and it should be something that Americans should be very concerned about.

The majority side beats their chests. They give floor speeches, tearing up and voice cracking, talking about how they love the troops; but meanwhile here in Congress less than 48 hours from now, many of them are going to put their voting card in the machine that I took out earlier in the last hour and they are going to vote against making sure that veterans are able to get health care in a timely manner, making sure that individuals that are financially challenged in our country have some level of health care, making sure that students pay more and their parents pay more and their grandparents pay more.

So we have a scenario where we have a family that is financially challenged trying to make sure the first person, whether it be black, white, Hispanic, or Asian, is trying to better their bloodline by saying we make sure we send the first member of our family to college.

□ 1900

We want to make sure that my daughter can become an engineer, as we have very few female engineers in this country. I want to help. We are going to ask our family to pool in. If grandma is on Medicaid and she wants to go into a nursing home, the bean counter is going to come and say, well, you wrote a check to Warren County Community College for your grandson, so that means you do have some disposable income. And this is from the AARP letter, this is not the Kendrick Meek report. Then she will be denied the opportunity to go into a nursing home. This is callous, and it is un-American.

So I want to make sure that the Members know exactly on the other side what they are doing, when they are doing it, because I am going to tell you something. It is not going to be a well-kept secret here in Washington, D.C., and it will not go away. We will continue to remind not only them, but the American people, Mr. Speaker, of the fact that they took their card and they voted against those very things, and other things.

They are asking Floridians to vote for drilling off the coast of Florida, I mean, the place where the Everglades is located. People travel across the world to come to Florida, across the world to come to the beaches and to the Everglades. We want to drill there; that is what this budget is saying. So many of the members of the Florida delegation, when I say the majority are Republican, they are going to have to make a real hard decision, and it is something that we must encourage those Members to vote for our alternatives.

So should we be alarmed? We should be alarmed. There should be a line of Democrats and Republicans outside the door of this Chamber. I will tell my colleagues this: there still has not been a mumbling word from the said committees that have oversight and something to say about who has a national security clearance and who does not. I think it is pretty evident from reading the indictment that there are some questionable issues there as it relates to folks in the White House maintaining their national security clearance.

The President's response to it? Do not take it from me; take it from his own lips of what he said in The Washington Post and other publications that are out there. The President has ordered the White House staff to attend a mandatory briefing beginning next week on ethical behavior and the handling of classified material.

Mr. DELAHUNT. I would suggest, I say to the gentleman, that it is a little late.

Mr. MEEK of Florida. Mr. Speaker, the gentleman from Missouri, I yield to him.

Mr. CARNAHAN. In Missouri they have a saying that the cow is already out of the barn, I say to my colleagues, and that certainly applies to this situation here.

Mr. DELAHUNT. Mr. Speaker, again, I am pleased to join the younger Members, both in age, I want to be very clear about that, as well as time and service, if you will, in this House. I was back in my office, and I apologize for being somewhat late, but I had business to attend to.

I heard my colleagues talking and having this conversation relative to Medicaid. But being, if you will, the senior Member, and I would acknowledge honorary member of the 30-something Group, I really felt compelled to leave my office and come here and address the issue of Medicare, since shortly I will be receiving my Medicare card. It is a year or so away, but I am really getting close. I think it is important to remind senior citizens that they are at risk in this budget process. Now, we do not know what is going to happen, but we know that there have been a variety of proposals out there.

Now, it is my understanding that the other branch of Congress has concluded the budget process and has made cuts in regards to Medicare. Can any of my colleagues help me in terms of what the order of magnitude of those cuts are to Medicare and what does it portend, what does it mean in terms of services and health care for senior citizens in this country, if the Senate cuts should prevail?

Mr. MEEK of Florida. Mr. Speaker, I can say that it is within the billions, and some may say it deals with HMO administrative costs, but they will affect the delivery of services, managed care services to many of the people that are in the managed care area.

Mr. DELAHUNT. Maybe the gentleman can help confirm what I just heard when I was in the cloakroom, and that is over 10 years, it is $40 billion that is reduced from Medicare. Obviously, we are not consulted, and it is not something that we would support. But what does it mean in terms of actual delivery of health care services to seniors? What does it mean? Has anyone explained this to older Americans who need Medicare?

Mr. MEEK of Florida. Mr. Speaker, I will tell my colleague right now, higher copayments, higher premiums, and benefits are going to be reduced. That is the bottom line. It does not get better for the seniors; it gets worse. It gets better for those who are on the side of the Republican majority, because I am going to tell you right now, if you are a special interest group, you do not even have to grab the mike and come to committee. Do not worry. The leadership on the opposite side of the aisle, they have your back. Do not worry, do not say anything, oil industry. Billionaires, do not say anything; we have you. We are going to make sure you are okay. Do not worry about it; you do not have to fight.

They were talking about a group within the Republican Conference, or I should say it is the entire Republican Conference, that has come up with a budget that is making cuts across the board for everyday Americans. Not a mumbling word, not a mumbling word about billionaires. The gentleman from Ohio just had a chart up of Americans making over half a million dollars. Not a mumbling word to just say, you know, we need 3 percent of what we have given you to not only balance the budget, but soften the cuts on everyday Americans.

Mr. RYAN of Ohio. The gentleman is talking about the Medicare cuts to our seniors.

Mr. DELAHUNT. Not Medicaid, but Medicare.

Mr. RYAN of Ohio. Medicare, the health care program for our senior citizens, our grandparents, our parents. And the gentleman is talking about the Senate making $40 billion in cuts.

Mr. DELAHUNT. Over 10 years.

Mr. RYAN of Ohio. Over 10 years. This is the same time that the Republican Conference wants to pass $70 billion in tax cuts; and we know when they give tax cuts, who they give them to. But I think it is important, because I forget the number of what the Republican Conference here in the House wants to cut Medicare to, and what that number may be.

Mr. DELAHUNT. I am confused. Again, maybe one of my colleagues or somebody could contact my office or contact the Web site and explain to us what it will mean in terms of the delivery of health care to older Americans if that $40 billion cut is accepted.

Let us remember, by the way, and I think we really should acknowledge our respect for a group of Republicans that comprise the Republican Study Committee, there are in excess, I understand, of 100 Republican Members who belong to this particular group who have the political courage, and I think we should acknowledge that, to stand up and say, if they had their way, they would really cut Medicare.

This is their proposal: they would increase Medicare part B premiums from 25 to 30 percent. What that translates into, my friends, is a cut over 10 years of $85 billion to Medicare, imposing a huge burden on seniors.

But that is not the end of what the Republican Study Committee budget would do. They would restructure Medicare's cost-sharing requirement over a 10-year period; that would be an $87 billion cut. They would go further by imposing a home health care copayment of 10 percent, and that translates into almost a $32 billion cut.

Now, if my math is correct, that amounts to, or that is a cut over 10 years, that this particular group would embrace, in excess of $200 billion to Medicare.

□ 1915

Now, maybe you can help me. I keep hearing how health care costs are continuing to rise and are escalating. And yet, this particular group, the Republican Study Committee budget, if their plan was adopted while health care costs are increasing, they would reduce Medicare funding by $200 billion according to the budget that they announced several months ago in terms of what they were calling Operation Offset.

Now, obviously, we would never, I cannot imagine a single Democrat supporting that particular approach, but I think, Mr. Speaker, we should acknowledge the courage that they have, or not courage, but at least their willingness to be open and transparent and provide us with their blueprint for America, despite the fact that I do not think there is a Democrat, I know there is not a Democrat that would support it. But what do all these cuts mean?

Mr. RYAN of Ohio. I wonder, I wonder why they would cut Medicare to the tune of $200 billion.

Mr. DELAHUNT. Over 10 years

Mr. RYAN of Ohio. Over 10 years. I wonder why they would not go to the oil companies and ask them to give back their billions and billions and billions in subsidies. I wonder why they would not go and ask the pharmaceutical companies.

But what really strikes me as odd as you talked about the premium going up and the copay going up. I wonder if the health care we have given to Iraqis, I wonder if they are asking them for a copay. I wonder if they are asking the Iraqi citizens who are getting free universal health care in Iraq for a copay. Does anyone know? Because I do not know.

Mr. MEEK of Florida. I believe the Iraqis have universal health care. They have universal health care.

Mr. RYAN of Ohio. I do not think there is a copay or anything

Mr. MEEK of Florida. No, it is universal health care. It is something that we talked about here, and it just did not happen

Mr. RYAN of Ohio. So we are cutting health care, we are increasing the copays, increasing the premiums, but yet giving, we have created a welfare state in Iraq, in which we are not even asking the Iraqis to pay a copay or pay their premium.

Mr. DELAHUNT. Well, if I can ask a question, who is paying for the creation or the establishment of all of those primary health care centers in Iraq? Who is paying for that?

Mr. MEEK of Florida. The American taxpayer, Mr. DELAHUNT. The American taxpayer is paying for it.

Mr. DELAHUNT. Well, if I can, when will that money be paid back to the American taxpayer?

Mr. RYAN of Ohio. Yeah, because I thought they said that we could, did they not say something about loaning them? Well, we wanted to loan them the money, right?

Mr. MEEK of Florida. The American people have been told a lot of things as it relates to what is going to happen and what is not going to happen in Iraq. They have been told a lot of things. We have been told that the oil will pay for reconstruction, the oil will pay for military costs; and I can tell you right now what is very unfortunate. We have men and women, I have 21 military installations in my State alone, three combined, three unified commands in my State. We have a number of Guard and Reserve troops. We have 80,000 active duty individuals in my State, servicemen and women, including their families, and a number of them are deployed at this time.

Some of them are engineers that are working in Sadr City and, you know, doing infrastructure work and fresh drinking water and building schools and doing all of that. We had them before the Armed Services Committee the other day. But as it relates to the incompetence and the cronyism of contracting, and the abuse and the awarding of incompetence and cronyism, that is overshadowing the work that these men and women are doing on the ground.

They are saying, No one is paying attention to what we are doing. And I said, Yes, there are some people that are paying attention to what you are doing, and you are doing a fine job.

One thing I can say about the military, they do what they are told. If their country tells them to do something, they do it. It is not, well, you know, I do not know. Maybe I will do it. No, that is not the case. No, they do it. And that is the reason why, regardless of how you may feel, you know, about the reasoning behind why we are in Iraq or not, we have got to respect those individuals. I do not see anyone that does not.

But when you have the incompetence and the cronyism from the top, from the folks that are wearing the suits and ties and being driven around here in motorcades making the decisions, it squashes the goodwill that those men and women are doing. And so it is important for us to really pay attention to these secret areas of torture that our taxpayer dollars are involved in.

Someone may say, well, those are potential terrorists or they are identified terrorists. Why would we care about how they are treated or if they are tortured? This is the reason why you care. And I want to make sure the Members understand this. You care when a U.S. soldier is caught or detained by an insurgent, that they will not be treated in a way that is inhumane, that they will not be tortured and that we do not have to see on the 6 o'clock news a family crying because they fear that they will go through some of the acts that have taken place in secrecy under this administration.

It goes to the incompetence. It goes towards making sure that you carry out your leadership acts. And there have been cries, fortunately, out of this Congress denouncing that kind of activity.

When we talk about what the American people have been told, that is a big part of the problem. The American people are not being leveled with. What we are saying on this end, on this side of the aisle, is that we can do better together and we are stronger together when we work together; and we are willing, and the record has shown, in a bipartisan way.

And we talked about Social Security. We talked about how Tip O'Neill and Ronald Reagan came together to save Social Security in a bipartisan way, not, you know, Tip O'Neill going off in his corner and saying, We will let you in on it when we feel like it, after we have it written, okay? Or President

Reagan at the same time saying, Well, I do not have the authority of the legislative branch but through an executive way I am going to make you do it the way I want you to do it. Conversations went on not just over coffee, but over U.S. policy, and that is not what is happening right now, gentlemen.

When this budget, if it passes this House and they go into what we call a conference committee with the Senate budget and the House budget, I guarantee you, I guarantee you $20, and I am not too much of a betting man, but I am going to tell you this. I guarantee you that the Democratic conferees that are supposed to be at the table will not be invited. It will not be a conference.

You can talk to Mr. RANGEL, the ranking member of Ways and Means. He is walking around here, they are saying they are meeting in conference. What? No one told me about the meeting; I did not get a notice.

We talk about the spirit of the House. We have to make sure that we move in a way that the American people want us to move. This is truth, not fiction.

When the gentleman from Massachusetts talks about what we are being told, there are a lot of things we are being told. It is just not true. We were told that the White House had nothing to do with the outing of the CIA agent. Then later we find out that they had everything to do with outing a CIA agent.

Not one member of the administration subpoenaed, not one person called from The White House to this House of Representatives and the said committees to answer the question, how could this happen? Why has it happened? Not one individual, outside of Mr. Libby, who I would assume that his national security clearance has been taken by now, has been called on the carpet on other information that has leaked out of the White House that has jeopardized national security.

This is serious stuff.

So when we talk about what people are saying, or what we are being told, the real issue and the reason why the American people sees the President at a 37 percent approval rating and this Republican-controlled House is between 35 and 31, that is the reason why, because they don't believe what we tell them, especially on the majority side, because it ends up not being the truth once it is all ironed out.

Mr. DELAHUNT. Well, there are some things that we do know. We know this, that there was a debate on this floor several years ago where billions of dollars were appropriated to rebuild Iraq. And those of us on the Democratic side supported that funding, if, if it were going to be provided in the form of a loan because we were concerned about American taxpayers being repaid their money. But the Republican leadership, at the insistence of the White House, said, No way; we are going to give this money to Iraq.

So what we have done, and I think there is an irony here, we have provided free of charge, no interest, no money to be returned, we have provided good health care for Iraqis. We have built 110 primary health care centers. We have educated 2,000 health care professionals. We have vaccinated 3.2 million children. And I think we all applaud that and support that.

We have rehabilitated 2,700 schools. We have paid the salaries and trained 36,000 teachers in Iraq. We have provided $1 billion for safe drinking water and we have marshland restoration initiatives going on in Iraq.

We have built, or we have completed some 3,100 community action programs. We have provided millions for the construction of housing and public buildings for Iraqi citizens. We have rebuilt railways for Iraqis.

And you know what else we did? We rehabilitated a canal system. We built a dam, a beautiful dam, a dam that will hopefully serve well the Iraqi people. We built this dam in Mosul. At the same time, we are cutting millions from the Army Corps of Engineers, including funding for levee construction in Louisiana, Mr. Speaker, in Louisiana. We did that free of charge.

Now, we support it. But you know what? We would hope, given the abundance of energy reserves that the Iraqis have that they would pay us back once they get on their feet. But, no, you know, here is the President that said he didn't believe in nation building. I did not know he was talking about America. But he must believe it when it comes to Iraq. How about doing it for our fellow citizens in Louisiana and Mississippi and Texas that have been devastated by natural disaster?

□ 1930

Mr. MEEK of Florida. Mr. Speaker, I am just so sorry. I know we have two other colleagues here who are very respectful Members of this body, but I just cannot let this moment pass. The fact that we are forgiving from the beginning, we forgave the money that we gave to Iraq and the money that we continue to spend in Iraq, which we have appropriated the largest U.S. embassy in the world in Iraq; but let me just make this point here.

Katrina, Rita, Wilma. Those Americans that were identified to receive individual assistance when they called that 1–800 number, FEMA, something FEMA, you know what they get back when they say when they filed for FEMA assistance? They do not get a check back immediately. They get an application from the Small Business Administration to fill out for a loan when they are on their knees. You fill out that loan application first. And if, and this is a big if, if you do not qualify for that Small Business Administration loan, then FEMA comes and they actually try to figure out how much money they can grant—you what they call ''mitigation''—to put your house back together.

So for billions of dollars, 87 billion-plus continuing to give and there will be another supplemental soon for not only the troops but also to pay for other operations in Iraq with companies like Halliburton and other companies that are under investigation that are enjoying Katrina contracts right now, we are asking Americans when they are on their knees to fill out a loan application.

Mr. DELAHUNT. It is worse than that. You know what is happening in Louisiana, Mr. Speaker? You know what is happening? They have got a bill for $4 billion. That is the estimate. If they want help from the Federal Government they have got to come up with some $4 billion. I think it was the State treasurer there that requested the estimate, and he said we asked for a grant. We asked for a grant, and they gave us a loan. And yet we are doing the opposite in Iraq.

As a Nation, a government, your primary obligation or responsibility goes to your own people. That is what we should be doing. And the gentleman from Florida (Mr. MEEK) is so right.

Mr. RYAN of Ohio. Mr. Speaker, we do not swear to the Iraqi Constitution. We do not come here to represent the Iraqi people. First and foremost it is the United States. So you are telling me that we are giving money to the Iraqis, grant money; but if we have a natural disaster in the United States, we ask the American citizens to fill out a form so they can maybe get a loan. And if an American citizen wants to go to college, they got to take out a loan.

So we are loaning money to the American people so our kids end up with $17,500 in college debts because we loan them the money; but when it comes to Iraq, we have created a welfare state.

Mr. DELAHUNT. But they want $4 billion from the State of Louisiana, and the State of Louisiana's annual budget is $8 billion. So half of it would go to the Federal Government so that Louisiana can get relief from their Federal Government. That just does not make sense.

Mr. RYAN of Ohio. And at the same time we are giving money away, and I know my good friend from Missouri (Mr. CARNAHAN) wants to make a point. At the same time we are giving this money away to Iraq, it is not like we have it. We are borrowing money from other countries. This President has borrowed more money from other countries in the last 4 years than this country has borrowed from other countries in the last 224 years.

So let us get this straight, the Republican majority in the House, the Republican majority in the Senate, and the Republican President, who have all been in charge the last 4 years, have borrowed more money from foreign countries and then they give it to foreign countries. They give it to Iraq. That is unbelievable to me when at the same time we have American citizens who need a little bit of assistance on college tuition, but they got to go borrow the money.

Mr. CARNAHAN. Mr. Speaker, I have got to jump in here. The point that I think we all saw in the aftermath of the hurricanes was the incredible spirit of the American people rising to the occasion when their government, the people in charge of our government now, frankly, did not live up to the expectation and that spirit of the rest of the country.

And the gentleman from Massachusetts (Mr. DELAHUNT) was talking about rebuilding. What about rebuilding the damaged relations all around the globe that have occurred because of the way we got into Iraq? We are going to be dealing with that for years and years to come. Not only is it hurting us economically but hurting us in terms of our relationships around the world, and that affects us here at home in what we can do.

But it gets back to the issues we have talked about tonight about priorities in leadership, and there is such a disconnect with this leadership. They are so out of touch.

Mr. RYAN of Ohio. This Republican leadership.

Mr. CARNAHAN. Right. This Republican leadership is so out of touch with the American people. When we all go home and talk to our constituents, we get an earful. They want to see people connected with the people back home, and that is our job, especially in this body that is the closest representative body in the Federal Government.

That is our job. We work for the people back home. And if we are not speaking out and speaking up to implement that here in these programs, whether it is Iraq, whether it is rebuilding the gulf, whether it is this budget reconciliation, it is about priorities and expressing those people's beliefs here; but that is not getting through with this leadership.

Mr. RYAN of Ohio. Mr. Speaker, I am almost afraid to have this outfit that we have in charge here, Republican majority and the Republican running the executive branch, I am almost afraid to have them go out into the international community to try to rehab our relationship because their solution is to just throw money at the country and just give them grant money, taxpayer money. That is their only solution. A stronger America begins right here at home. We need to do this together because it is only together that America can do better.

Mr. MEEK of Florida. And that is the reason why we are here on this floor. Many Members have gone home and they are having dinner or watching some sort of program in prime time, but we opt to be here letting not only the Members know, Mr. Speaker, but also the American people know what is happening in this House. We want to bring true meaning to the fact that this is the people's House. We want the American electorate and Members to know that the people of the United States of America elected us to be here to represent them.

We may be from different districts, but we have been federalized by the fact of our elections to represent all Americans. And the question that is before us now is what kind of government do you want? Do you want a government that is going to set the stage, a stage for a grandmother to make the decision if she is going to contribute to her grandson's or granddaughter's college education in jeopardy of losing her Medicaid benefits for nursing home care if she needs it? Are we going to set the stage for a veteran who wants to see an ophthalmologist who has to wait 3 months now, maybe 6 months?

Are we going to ask legislators from environmentally sensitive States to jeopardize the very trademark of their State on behalf of special interests to drill oil just miles off the coast? Is that the kind of leadership that we want? Do we want the kind of leadership that is willing to protect those industries, the industries that make record profits, not we are just making it or we are just barely holding on and we need some assistance or an airline bail-out? It is not that. It is individuals eating lobster and steak and telling the shareholders it has never been better ever in the history of the world.

But better yet, you are going to come to the people's House, or what is supposed to be the people's House, take the taxpayers' dollars, put it in your pocket while you hold on to your profits in this pocket and for you to expand and continue to prosper, that you are going to do it on the backs of everyday Americans that are paying taxes, need it be Democrats or Republicans.

We should be very alarmed. Americans should be very concerned, and we should every day in this 109th Congress rise up every time we have the opportunity to give voice to those individuals that have sent us here or those individuals that wish that their Congressman or Congressperson would stand up on their behalf.

We challenge those individuals in the majority to make the right decision. Make the right decision, because history will reflect on what each and every one of us did in this moment, in this time when you are cutting school free and reduced lunch for poor children. I mean, I am not a preacher or anything, but I am here to tell you for poor children and then walk around chestbeating that we are balancing the budget and just a couple of weeks from now going to try to pass a tax cut on behalf of who? Not the people that you have just taken from, but the people who are receiving benefits on the backs of the people that you just took from.

So it really does not make sense. The only thing that really makes sense here is the fact that those with financial power not only in this country but in this city and the special interests that they are going to get what they want, bottom line. And if you question it, you are in the line of fire. So when you start looking at this very real standpoint of what we may call the ''political two step,'' I may say the political look left, we are going right or look right we are going left. The bumper sticker theme politics that are there, we have to make sure that we break this thing down for people who are not voting politics over principle, but they are voting principle over politics. And that is Democrat, Republican and Independent. These are the things we have to focus on.

Mr. RYAN of Ohio. So let us see if we can tie this all up. Our country gives billions of dollars in corporate welfare to the most profitable industries in the world that are having the most profitable quarters in the history of mankind. They are then giving tax cuts that go primarily to the top 1 percent, who are probably executives of the oil companies and the pharmaceutical companies.

Mr. MEEK of Florida. Half a million dollars.

Mr. RYAN of Ohio. Half a million dollars and up. So you get corporate welfare from the public taxpayer. Then you get tax cuts for people making more than half a million dollars. And then the money that does get sent here, we give it to Iraq and create a welfare state. And then we do not even have the money to give away; we go and borrow it from a foreign country. We have borrowed more money in the last 4 years from a foreign country than we have in the last 224 years.

Mr. MEEK of Florida. China.

Mr. RYAN of Ohio. From China, from Saudi Arabia.

Mr. DELAHUNT. What the gentleman is saying in effect is that we are borrowing money from China so that we can create a welfare state in Iraq. We have become a conduit. That in very simple terms is what is happening because we are borrowing our way into bankruptcy to cut taxes and to support programs, not for American citizens, but for Iraqis who deserve this help but at least should be required to pay it back. That is what it comes down to. Meanwhile, our own citizens in the States, particularly the gulf States, they have to ask the Federal Government for help; and what they hear is, we will give you help, but it will come in the form of a loan. You have got to do matching funds.

I think we have got to be friends to our Republican colleagues too, because there are many Republicans that have spoken out about the incompetence of what has transpired in Iraq, have spoken out about the folly of the approach to the war.

Senator PAT ROBERTS from a neighboring State to Missouri and Kansas, back in May of 2004, that is a year and a half ago, he made this observation, now he is a Republican, a respected Republican: ''We need to restrain our growing U.S. messianic instincts, a sort of global engineering where the United States feels it is both entitled and obligated to promote democracy by force if necessary.''

□ 1945

That comes from a highly respected Republican, and yet what do we hear from the White House? We have to stay the course, but please, please temper can the White House not just stand up and say that we were wrong? We have heard other individuals say that. They would gain respect.

Senator LUGAR, the chairman of the Foreign Relations Committee, a highly well-respected Midwestern Republican senator, this is what he had to say back in September of last year: ''Our committee heard blindly optimistic people from the administration prior to the war and people outside the administration, what I call'' and these are his words, ''the 'dancing in the street crowd' that we just simply will be treated with open arms. The nonsense of all that is apparent. The lack of planning is apparent.''

You know what? Now, we face another scandal. We have heard about scandals in the past 6 months to a year. We talk about special interests on this hill, but there is a scandal brewing out there, and the American people are going to discover it.

It was reported by two very conservative journalists in the conservative paper, the Washington Times. Let me quote for just a minute: ''The Bush administration is facing another scandal that is quietly bubbling away in the background as most press attention is focused on the'' Plame affair.

''Defense officials tell us the scandal involves massive corruption in Iraq related to U.S. and international funds meant for reconstruction efforts and the failure of the administration to control'' and monitor ''those funds.

''The officials say conservative estimates put the amount of stolen money at about $9 billion, and that it could be as high as $15 billion.''

So you know what, many of those projects that we had hoped to do to build a Nation, to build a Nation in Iraq, that money went into somebody's pockets. It was the wild West, and you know what, I, as ranking member, the senior Democrat on the subcommittee in the Committee on International Relations dealing with oversight and investigations, have asked repeatedly, let us investigate, let us conduct oversight hearings into what has happened to that money. And you know what I hear?

Mr. MEEK of Florida. That is what you get. You are hitting it right on the head.

Here is the real issue here. In the Armed Services Committee, you start talking about strategy for success or you start talking about an exit strategy or what is the strategy, what is the coalition strategy, it is why are you asking questions? What you are talking about? Cutting and run? No. We are talking about running responsible government. That is what we are talking about.

Mr. DELAHUNT. Are you a patriot? Are you hearing that?

Mr. MEEK of Florida. Are you a patriot. Are you with them or are you with us. It is to assault individuals from asking the questions constitutionally we are supposed to ask. To say that on the expiration date we have is a carton of milk is really it is not a question of the expiration date. It is a question of since we have a coalition of other countries and single digits, as they may be, of those individuals that have pulled out, since we have those individuals there, what is our strategy of being able to exit? Is it to train Iraqi troops? Okay. We have been doing that now for just under 2 years now. We are still under the numbers and they are not ready yet, and we still have a lot of work to do.

Mr. DELAHUNT. How long does it take to train a Marine?

Mr. MEEK of Florida. It does not take 2 years.

Mr. DELAHUNT. That is right.

Mr. MEEK of Florida. Mr. Speaker, I am going to tell you that it is important that we do start asking some of the tough questions, that we do start pressing the card.

Mr. DELAHUNT. The entire country wants to have those questions posed, and let us be fair. There are Republicans, there are noted conservatives. We all know William F. Buckley, the founder of the Nation, a respected conservative journalist. When he heard what he has heard, he made this statement: If I knew then, meaning around the time of the debate on the war resolution, what I know now about what kind of situation we would be in, I, William F. Buckley, would have opposed the war.

That should resonate among the Republican leadership and particularly the White House, but they do not want to acknowledge that they have made mistake after mistake after mistake and are compounding it, are driving our economy into a structural deficit in an order of magnitude that we have never seen, that we will never get out of, and most importantly, the lives that have been lost and the men and women that are permanently damaged by this war of choice.

Mr. CARNAHAN. Mr. Speaker, if the gentleman would yield, that just reminds me of something that I think really fits right in with this.

One of my favorite figures in history is President Harry Truman who was from the great State of Missouri. I know that does not surprise you that he would be my favorite President, but he is a great figure to learn about responsibility. He had that famous plaque on his desk that said, ''The buck stops here.'' He was not about blaming somebody else or hiding things from the American people. He stood up and told it like it was.

The other thing we learned from Harry Truman was about accountability. He was kind of an obscure Member of Congress that started something called the Truman Commission that began to review how we spent massive amounts of money through the war effort, but to do it in such a way that was pro-military, to be sure our troops got what they needed, to be sure that the taxpayers were getting a fair deal with how we were spending that money and that these moneys were being accounted for.

This administration does not want that kind of scrutiny but we need that. Eventually, we are going to get that, but it has been delayed and put off, but the American people demand that. They deserve that, and I think leaders in the Democratic party are going to be sure we get to that point.

Mr. RYAN of Ohio. Especially when Halliburton stock has doubled. I mean, all this is going on and Halliburton's stock's doubled.

Mr. MEEK of Florida. No-bid contract.

Mr. RYAN of Ohio. No-bid contracts. They just get money thrown at them.

Mr. MEEK of Florida. Taxpayers' money.

Mr. RYAN of Ohio. Mr. Speaker, the end result is not a good one. It is not an effective use of the taxpayers money.

Mr. DELAHUNT. They were going to try to pull the same thing in the gulf States. They were doing the same thing. They were importing the same practices from Iraq that have resulted in this incredible brewing scandal. They were going to do the same thing right here in the gulf States, but you know what, the American people have caught on and they are backing off.

Mr. RYAN of Ohio. That is why we want the independent Katrina commission, so we could make sure we figure out what we are doing, but we fear that when we start pulling off the onion piece by piece by piece, that we are going to end up finding out what is going on in Iraq, and it will be a tremendous waste of the taxpayers' money.

Mr. DELAHUNT. Mr. Speaker, what we need is the Congress to reassert itself, coming together on a bipartisan basis and demanding oversight because, you know what, this administration is the most secretive administration in all of American history.

Let me make one final quote, to take one final quote from another Republican, from the Midwest, from the farm belt, Senator HAGEL from Nebraska. He had this to say back in 2004. This is not a Democrat. This is his language. This administration has seen Congress as an enemy and a constitutional nuisance. The world right now is in trouble, and we need to have a Congress and a President and an executive branch that is working together. Amen.

Mr. RYAN of Ohio. Amen.

Mr. MEEK of Florida. Mr. Speaker, let me just on another note that I know we all share. Our hearts and prayers go out to those tornado victims in the Knight Township in Indiana and other victims of that tornado. Mr. Speaker I know that the whole House, we are in solidarity with hopefully their fast recovery from this natural disaster, and with that, I know

that the gentleman from Ohio (Mr. RYAN) has the honors of the Web site and closing us out.

Mr. RYAN of Ohio. Yes, sir. 30somethingdems@mail.house.gov. Send us your ideas, your comments, your thoughts. We appreciate them. We do read what you send in. We are going to be introducing some new methodology in the next week or so. 30somethingdems@mail.house.gov. We thank our good friend from Missouri for joining us tonight.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today.

Ms. WATERS (at the request of Ms. PELOSI) for today.

Mr. SHERMAN (at the request of Ms. PELOSI) for today.

Mr. YOUNG of Florida (at the request of Mr. BLUNT) from November 7 through November 9 on account of family medical reasons.

Mr. NORWOOD (at the request of Mr. BLUNT) for the weeks of November 1 and November 7 on account of minor surgery.

Mr. RYAN of Wisconsin (at the request of Mr. BLUNT) for today on account of a family medical emergency.

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. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. KENNEDY of Rhode Island, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. NUNES) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, November 14.

Mr. BISHOP of Utah, for 5 minutes, November 9.

Mr. POE, for 5 minutes, November 9.

Mr. GINGREY, for 5 minutes, today.

Mr. KIRK, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. CARSON, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

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

ADJOURNMENT

Mr. DELAHUNT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 9, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

5033. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Provision of Information to Cooperative Agreement Holders [DFARS Case 2004-D025] received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5034. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Payment and Billing Instructions [DFARS Case 2003-D009] received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5035. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Multiyear Contracting [DFARS Case 2004-D024] received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5036. A letter from the Director, Financial Crimes Enforcement Network, Department of Treasury, transmitting the Department's final rule—Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Insurance Companies (RIN: 1056-AA70) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5037. A letter from the Director, Financial Crimes Enforcement Network, Department of Treasury, transmitting the Department's final rule—Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations—Requirement that Insurance Companies Report Suspicious Transactions (RIN: 1506-AA36) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5038. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Extension of Corporate Powers (RIN: 3064-AC94) received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5039. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5040. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5041. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5042. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5043. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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5056. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5057. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5058. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5059. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5060. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5061. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5062. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5063. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5064. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Listing Gila Chub as Endangered with Critical Habitat (RIN: 1018-AG16) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5065. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Allium munzii (Munz's onion) (RIN: 1018-AJ10) received November 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5066. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Southwest Alaska Distinct Population Segment of the Northern Sea Otter (Enhydra lutris kenyoni) (RIN: 1018-AI44) received November 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5067. A letter from the Acting Chief, Publications and Regulations Branch, Department of Treasury, transmitting the Service's final rule—Settlement Initiative [Announcement 2005-80] received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5068. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Taxation of DISC Income to Shareholders (Rev. Rul. 2005-70) received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5069. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Credit (Rev. Rul. 2005-67) received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5070. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2005-71) received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5071. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Balanced System for Measuring Organizational and Employee Performance within the Internal Revenue Service [TD 9227] (RIN: 1545-BE46) received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5072. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Excise Tax Changes Under SAFETEA and the Energy Act; Dye Injection [Notice 2005-80] received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5073. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—South Asia Earthquake Occuring on October 8, 2005, Designated as a Qualified Disaster Under Section 139 of the Internal Revenue Code [Notice 2005-78] received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5074. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Additional Relief for Certain Employee Benefit Plans as a Result of Hurricane Katrina [Notice 2005-84] received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5075. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Treatment of Income in Excess of Daily Accruals on Residual Interests (Rev. Rul. 2005-68) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5076. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous (Rev. Proc. 2005-70) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5077. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Elimination of Filing Requirement for Nonresident Alien Individuals with United States Source Effectively Connected Wages below the Personal Exemption Amount [Notice 2005-77] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5078. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Withholding on Wages of Nonresident Alien Employees Performing Services within the United States [Notice 2005-76] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5079. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Amendment to Sunset Date of Section 1441 Voluntary Compliance Program under Rev. Proc. 2004-59 (Rev. Proc. 2005-71) received November 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5080. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Appeals Settlement Guidelines IRC Section 461(f) Contested Liabilities [UIL No. 9300.30-00] received November 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5081. A letter from the Regulations Coordinator, CMM, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2006 and Certain Provisions Related to the Competitive Acquisition Program of Outpatient Drugs and Biologicals Under Part B [CMS-1502-FC and CMS-325-F] (RIN: 0938-AN84) (RIN: 0938-AN58) received November 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5082. A letter from the Regulations Coordinator, CMM, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Changes to the Hospital Outpatient Prospective Payment System and Calendar Year 2006 Payment Rates [CMS-1501-FC] (RIN: 0938-AN46) received November 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and 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. GINGREY: Committee on Rules. House Resolution 538. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–277). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 539. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–278). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules. House Resolution 540. Resolution providing for consideration of the bill (H.R. 1751) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes (Rept. 109–279). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1630.

A bill to authorize appropriations for the benefit of Amtrak for fiscal years 2006 through 2008, and for other purposes (Rept. 109–280). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. RUSH:

H.R. 4248. A bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to use the proceeds to carry out the Low-Income Home Energy Assistance Act of 1981; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself and Mr. RAMSTAD):

H.R. 4249. A bill to provide for programs within the Department of Health and Human Services and Department of Veterans Affairs for patients with fatal chronic illness, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA (for himself and Mr. MANZULLO):

H.R. 4250. A bill to eliminate fees for assistance provided by the Department of Commerce and agencies thereof under export promotion programs, to authorize appropriations for such purpose, to direct the Secretary of Commerce to take certain steps to expand export promotion activities, and for other purposes; to the Committee on International Relations.

By Mr. POMBO (for himself, Mr. FORD, Mr. KIND, Mr. PETERSON of Pennsylvania, Mr. DUNCAN, Mr. CASE, and Mr. BASS):

H.R. 4251. A bill to help relieve the shortage in the supply of firewood for home heating use by making additional quantities of free firewood available to individuals from National Forest System lands; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas (for himself, Mr. BARTON of Texas, Mr. POE, Mr. CULBERSON, Mr. MCCAUL of Texas, Mr. MARCHANT, Mr. EDWARDS, Mr. DOGGETT, Mr. CUELLAR, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. CONAWAY, Ms. GRANGER, Mr. REYES, Mr. GONZALEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. AL GREEN of Texas, Mr. BRADY of Texas, Mr. HALL, and Mr. ORTIZ):

H.R. 4252. A bill to designate the headquarters building of the Department of Education in Washington, DC, as the Lyndon Baines Johnson Federal Building; to the Committee on Transportation and Infrastructure.

By Ms. GINNY BROWN-WAITE of Florida (for herself and Mr. JONES of North Carolina):

H.R. 4253. A bill to expand the authority of the Secretary of Homeland Security to transport and remove aliens unlawfully present in the United States; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOPER (for himself, Mr. COSTA, Mr. EMANUEL, Mr. FORD, Mr. SCOTT of Georgia, Mr. RYAN of Ohio, Mr. DAVIS of Tennessee, and Ms. WASSERMAN SCHULTZ):

H.R. 4254. A bill to establish a commission on corporate entitlement reform; to the Committee on Government Reform, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself, Ms. BORDALLO, Mr. FORTUÑO, Mrs. CHRISTENSEN, Mr. DOOLITTLE, Mr. ABERCROMBIE, Mr. BURTON of Indiana, and Mr. FALEOMAVAEGA):

H.R. 4255. A bill to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands; to the Committee on Resources.

By Mr. LANGEVIN:

H.R. 4256. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to assure comprehensive, affordable health insurance coverage for all Americans through an American Health Benefits Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself, Mrs. CUBIN, and Ms. HERSETH):

H.R. 4257. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture.

By Mr. SHAYS (for himself and Mr. LANTOS):

H.R. 4258. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that evacuation procedures are included as a part of State and local emergency preparedness operational plans; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of California (for himself, Mr. REHBERG, Mr. FILNER, Mr. PETERSON of Minnesota, Mr. MATHESON, Mr. VAN HOLLEN, Mr. MCDERMOTT, Mr. HOLT, and Mr. STRICKLAND):

H.R. 4259. A bill to establish the Veterans' Right to Know Commission; to the Committee on Armed Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN (for herself, Mr. HONDA, and Ms. BORDALLO):

H. Con. Res. 293. Concurrent resolution supporting the observance of a Campaign to End AIDS Advocacy Day, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BAIRD (for himself, Mr. UDALL of Colorado, Mr. GORDON, Mr. BOEHLERT, Mr. EHLERS, Mr. WU, and Mr. HOLT):

H. Res. 541. A resolution honoring Drs. Roy J. Glauber, John L. Hall, and Theodor W. Hansch for being awarded the Nobel Prize in Physics for 2005, and Drs. Yves Chauvin, Robert H. Grubbs, and Richard R. Schrock for being awarded the Nobel Prize in Chemistry for 2005, and for other purposes; to the Committee on Science.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. DAVIS of Illinois introduced a bill (H.R. 4260) for the relief of Muhammad Amjad Khan, Samina Khan, Madiha Khan, Zainab Khan, and Tayyab Khan; 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. 282: Mr. SWEENEY.
H.R. 303: Mr. KUHL of New York and Ms. HARMAN.
H.R. 389: Mr. FILNER.
H.R. 414: Mr. ENGLISH of Pennsylvania and Mr. BUTTERFIELD.
H.R. 503: Mrs. JO ANN DAVIS of Virginia.
H.R. 521: Mr. OLVER.
H.R. 558: Ms. GRANGER.
H.R. 583: Mrs. DAVIS of California.
H.R. 586: Mr. HASTINGS of Washington, Mr. ADERHOLT, and Mrs. JO ANN DAVIS of Virginia.
H.R. 597: Mr. ISTOOK.
H.R. 670: Mr. RUPPERSBERGER.
H.R. 690: Mr. MORAN of Virginia.
H.R. 913: Mr. CALVERT.
H.R. 927: Mrs. JONES of Ohio.
H.R. 972: Mr. CANNON, Mr. GORDON, and Mr. HONDA.
H.R. 995: Mr. BRADY of Pennsylvania, Mr. FILNER, and Ms. MILLENDER-MCDONALD.
H.R. 999: Mr. LAHOOD.
H.R. 1000: Mr. DOYLE.
H.R. 1120: Mr. FRANK of Massachusetts and Mr. FATTAH.
H.R. 1144: Mr. WAXMAN, Mr. DOGGETT, Mr. MCNULTY, Mr. MCDERMOTT, Mr. BRADY of Pennsylvania, and Mr. EMANUEL.
H.R. 1176: Mr. KENNEDY of Minnesota.
H.R. 1227: Mr. DAVIS of Illinois.
H.R. 1298: Mr. ANDREWS.
H.R. 1348: Mr. LEWIS of Georgia.
H.R. 1357: Mrs. SCHMIDT.
H.R. 1416: Mr. CAPUANO, Mr. LANGEVIN, Ms. WASSERMAN SCHULTZ, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. WU, Ms. HOOLEY, Mr. LARSON of Connecticut, Mr. BISHOP of New York, Mr. DELAHUNT, and Mr. TIERNEY.
H.R. 1449: Mr. ISTOOK.
H.R. 1849: Mr. BRADY of Pennsylvania, Mrs. DAVIS of California, and Mr. FOLEY.
H.R. 2012: Mr. GORDON, Mr. CALVERT, and Mr. CANNON.
H.R. 2047: Mr. STUPAK.
H.R. 2052: Mr. CUMMINGS.
H.R. 2053: Mr. CUMMINGS.
H.R. 2177: Mr. MCCOTTER.
H.R. 2357: Mr. FORTUÑO.
H.R. 2525: Mr. SHIMKUS.
H.R. 2533: Mr. GRAVES, Mr. FITZPATRICK of Pennsylvania, and Mr. LOBIONDO.
H.R. 2658: Mr. REHBERG.
H.R. 2669: Mr. FRELINGHUYSEN and Mr. KIRK.
H.R. 2892: Mr. MARKEY and Mr. GRIJALVA.
H.R. 2989: Mrs. BIGGERT and Mr. LOBIONDO.
H.R. 3049: Ms. SCHAKOWSKY.
H.R. 3082: Mr. MARSHALL.
H.R. 3189: Mr. WEXLER.
H.R. 3284: Mr. FATTAH.

H.R. 3502: Mr. NADLER.
H.R. 3582: Ms. ROS-LEHTINEN.
H.R. 3616: Mr. SIMMONS.
H.R. 3705: Mr. LEACH.
H.R. 3715: Mr. GERLACH.
H.R. 3776: Mr. GOODLATTE.
H.R. 3782: Mr. LEACH.
H.R. 3795: Mr. KIND and Mr. MCNULTY.
H.R. 3868: Mr. CARTER and Mr. CALVERT.
H.R. 3889: Mr. ISTOOK, Mr. FILNER, Mr. SALAZAR, and Mr. SESSIONS.
H.R. 3944: Mr. HIGGINS, Mr. SALAZAR, and Mr. MCINTYRE.
H.R. 3973: Mrs. NAPOLITANO.
H.R. 3986: Mr. MENENDEZ.
H.R. 4029: Mr. CLAY, Mr. BRADY of Pennsylvania, and Ms. LEE.
H.R. 4032: Mr. MARCHANT, Mr. FOLEY, Mr. WELDON of Florida, and Mr. PRICE of Georgia.
H.R. 4050: Mr. SALAZAR.
H.R. 4079: Mr. ISTOOK.
H.R. 4089: Mr. KUHL of New York.
H.R. 4093: Ms. GINNY BROWN-WAITE of Florida and Mr. HASTINGS of Washington.
H.R. 4098: Mr. MARSHALL, Ms. ROS-LEHTINEN, Mr. COLE of Oklahoma, Mr. WYNN, Mr. WAMP, Mr. STRICKLAND, Mr. BROWN of South Carolina, and Mr. CLAY.
H.R. 4126: Mr. CASE.
H.R. 4134: Mr. BRADLEY of New Hampshire.
H.R. 4145: Mr. HOLT, Mr. BONNER, Mr. EVERETT, Mr. ADERHOLT, Mr. CRAMER, Mr. BACHUS, Mr. SCHIFF, and Mr. KNOLLENBERG.
H.R. 4168: Mr. MURPHY, Mr. ALEXANDER, and Mrs. JO ANN DAVIS of Virginia.
H.R. 4194: Mr. LANGEVIN, Ms. WATSON, Mr. INSLEE, Mr. TIERNEY, Ms. DEGETTE, and Mr. UDALL of New Mexico.
H.R. 4200: Mr. GALLEGLY, Mr. MCHUGH, Mr. LUCAS, Mr. MORAN of Kansas, and Mr. MANZULLO.
H.R. 4232: Mr. MCDERMOTT.
H.R. 4238: Mr. SAM JOHNSON of Texas and Ms. HARRIS.
H.R. 4239: Mrs. EMERSON and Mr. EDWARDS.
H. Con. Res. 42: Mr. MATHESON.
H. Con. Res. 52: Mr. ISTOOK.
H. Con. Res. 230: Mr. CAPUANO, Mr. STEARNS, Mr. BASS, Mr. MARKEY, Mr. SHIMKUS, Mr. KELLER, Mr. WESTMORELAND, Mr. INGLIS of South Carolina, Mr. MEEK of Florida, Mr. LEWIS of Kentucky, and Mr. GONZALEZ.
H. Con. Res. 268: Mrs. MUSGRAVE, Mr. BARRETT of South Carolina, Mr. REHBERG, Mr. UPTON, Mr. BEAUPREZ, Mr. PENCE, Mrs. JO ANN DAVIS of Virginia, and Mr. FLAKE.
H. Con. Res. 280: Mr. MCNULTY and Mr. MEEKS of New York.
H. Con. Res. 284: Mr. BLUMENAUER and Mr. MEEKS of New York.
H. Con. Res. 285: Mr. WELDON of Florida and Mr. UPTON.
H. Res. 302: Mr. COSTA and Ms. NORTON.
H. Res. 335: Mr. BAIRD, Mr. EHLERS, and Mr. SHAYS.
H. Res. 458: Mr. CUMMINGS.
H. Res. 466: Mr. FITZPATRICK of Pennsylvania.
H. Res. 479: Mr. FRANK of Massachusetts and Mr. MCDERMOTT.
H. Res. 505: Mr. HOLT, Mr. UDALL of Colorado, Ms. ZOE LOFGREN of California, Mr. CLYBURN, Mr. WAXMAN, Ms. CARSON, Mr. MICHAUD, Mr. WU, Mr. MENENDEZ, Mr. SHERMAN, Ms. DEGETTE, Mr. DOYLE, Ms. BALDWIN, Mr. CLEAVER, Mr. FATTAH, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. COSTELLO, Mr. DICKS, Ms. HOOLEY, Mr. OBERSTAR, Mr. OLVER, Mr. PASTOR, Mr. RUSH, Mr. VISCLOSKY, Ms. LINDA T. SÁNCHEZ of California, Mr. ENGEL, Mrs. MCCARTHY, Mr. EVANS, Mr. WEINER, Mr. LARSON of Connecticut, Mr. RYAN of Ohio, Mr. UDALL of New Mexico, Mr. BAIRD, Ms. BERKLEY, Mr. AL GREEN of Texas, and Ms. WATERS.
H. Res. 507: Mr. MORAN of Virginia.
H. Res. 535: Mr. CONYERS, Mr. MCNULTY, Ms. SCHAKOWSKY, Mr. CROWLEY, Mr. ETHERIDGE, Mrs. MCCARTHY, Mr. NADLER, Mr. GRIJALVA, Mr. HIGGINS, Mr. WEINER, Mrs. MALONEY, Mr. WEXLER, Mr. DOGGETT, Mr. MCDERMOTT, Ms. ZOE LOFGREN of California, Mr. EMANUEL, Mr. MENENDEZ, Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. MCCOTTER, Mrs. CAPPS, Mr. KIRK, and Mr. LEACH.

DELETIONS 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. 2048: Mr. BARTLETT of Maryland.
H.R. 3146: Mr. PRICE of Georgia.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1751

OFFERED BY: MR. FLAKE

AMENDMENT NO. 1: Add at the end the following:

SEC. ___. COLLATERAL REVIEW IN CAPITAL CASES.

(a) REVIEW BY ATTORNEY GENERAL.—

(1) APPLICABILITY.—Section 2261 of title 28, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) COUNSEL.—This chapter is applicable if—

''(1) the Attorney General of the United States certifies that a State has established a mechanism for providing counsel in postconviction proceedings as provided in section 2265; and

''(2) counsel was appointed pursuant to that mechanism, petitioner validly waived counsel, petitioner retained counsel, or petitioner was found not to be indigent.''.

(2) SCOPE OF PRIOR REPRESENTATION.—Section 2261(d) of title 28, United States Code is amended by striking ''or on direct appeal''.

(3) CERTIFICATION AND JUDICIAL REVIEW.—

(A) IN GENERAL.—Chapter 154 of title 28, United States Code, is amended by striking section 2265 and inserting the following:

''§ 2265. Certification and judicial review

''(a) CERTIFICATION.—

''(1) IN GENERAL.—If requested by an appropriate State official, the Attorney General of the United States shall determine—

''(A) whether the State has established a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by indigent prisoners who have been sentenced to death;

''(B) the date on which the mechanism described in subparagraph (A) was established; and

''(C) whether the State provides standards of competency for the appointment of counsel in proceedings described in subparagraph (A).

''(2) EFFECTIVE DATE.—The date the mechanism described in paragraph (1)(A) was established shall be the effective date of the certification under this subsection.

''(3) REQUIREMENTS.—

''(A) IN GENERAL.—To qualify for certification under paragraph (1)—

''(i) any mechanism described in subsection (1)(A) that was created on or after the effective date of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132) shall be created by statute, rule of the court of last resort, or rule of an agency authorized by State law to promulgate statewide rules of court and must meet the requirements of section 2261(c); and

''(ii) for any mechanism described in subsection (1)(A) that was created prior to the effective date of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), all or part of the qualifying mechanism and standards may have been created by published policies, practices, and standards of the court of last resort or of a statewide judicial administrative agency, and the State must have substantially complied with the requirements of this section and section 2261 in providing qualified counsel to indigent prisoners sentenced to death who did not validly waive counsel.

''(B) ONLY EXPRESS REQUIREMENTS.—There are no requirements for certification or for application of this chapter other than those expressly stated in this chapter.

''(b) REGULATIONS.—The Attorney General shall promulgate regulations to implement the certification procedure under subsection (a).

''(c) REVIEW OF CERTIFICATION.—

''(1) IN GENERAL.—The determination by the Attorney General regarding whether to certify a State under this section is subject to review exclusively as provided under chapter 158 of this title.

''(2) VENUE.—The Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over matters under paragraph (1), subject to review by the Supreme Court under section 2350 of this title.

''(3) STANDARD OF REVIEW.—The determination by the Attorney General regarding whether to certify a State under this section shall be conclusive, unless manifestly contrary to the law and an abuse of discretion.''.

(B) CLERICAL AMENDMENT.—The table of sections for chapter 154 of title 28, United States Code, is amended by striking the item related to section 2265 and inserting the following:

''2265. Certification and judicial review.''.

(b) TIME LIMITS.—Section 2266(b)(1)(A) of title 28, United States Code, is amended by striking ''180 days after the date on which the application is filed.'' and inserting ''450 days after the date on which the application is filed, or 60 days after the date on which the case is submitted for decision, whichever is earlier.''.

(c) TOLLING.—Section 2263(b) of title 28, United States Code, is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2) the following:

''(1) if counsel is offered to a State prisoner under section 2261(c)(1), during the period prior to such offer;''.

(d) SCOPE OF REVIEW.—Section 2264 of title 28, United States Code, is amended by redesignating subsection (b) as subsection (d) and inserting after subsection (a) the following:

''(b) VALIDITY OF CONVICTION.—A court, justice, or judge shall not have jurisdiction to consider a claim in an application under this chapter unless the claim concerns the validity of the conviction of the applicant for the underlying offense for which the applicant was sentenced to death. For a claim involving the offense of murder, conviction for the underlying offense means conviction for murder in any degree.

''(c) RELIEF.—For any claim brought under this section, relief shall not be granted, unless the denial of relief—

''(1) is contrary to, or would entail an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

''(2) would entail an unreasonable determination of a factual matter.''.

(e) PRIORITY TO CAPITAL CASES.—Section 2251 of title 28, United States Code, is amended—

(1) in the first undesignated paragraph by striking ''A justice'' and inserting the following:

''(a) IN GENERAL.—

''(1) PENDING MATTERS.—A justice'';

(2) in the second undesignated paragraph, by striking ''After the'' and inserting the following:

''(b) NO FURTHER PROCEEDINGS.—After the'';

(3) in subsection (a), as so designated by paragraph (1), by adding at the end the following:

''(2) MATTER NOT PENDING.—

''(A) IN GENERAL.—A habeas corpus proceeding is not pending, for this purpose, until the application is filed.

''(B) APPLICATION FOR COUNSEL.—If a State prisoner sentenced to death applies for appointment of counsel pursuant to section 408(q)(4)(B) of the Controlled Substances Act (21 U.S.C. 848(q)(4)(B)) in a court that would have jurisdiction to entertain a habeas application regarding that sentence, that court may stay execution of the sentence of death, but such a prefiling stay shall terminate not later than 60 days after counsel is appointed or the application for appointment of counsel is withdrawn or denied.''; and

(4) by adding at the end the following:

''(c) STAY OF MATTERS.—

''(1) SCOPE OF AUTHORITY TO STAY.—This section, section 2262, and section 2101 are the exclusive sources of authority for Federal courts to stay sentences of death entered by State courts.

''(2) PRIORITY OF CASES.—Any case in which a stay of a sentence of death has been entered pursuant to this section shall have priority over all noncapital cases.

''(3) PLAN FOR CASES.—Every Federal court that hears capital habeas corpus cases shall adopt a plan to ensure that such cases are completed in the minimum amount of time that is consistent with due process.

''(4) MENTAL CONDITION.—A Federal court shall not stay a capital habeas proceeding on the basis of the mental condition of the petitioner unless the petitioner is incompetent to be executed.''.

(f) ADDITIONAL PROVISIONS.—

(1) UNIFORM REVIEW STANDARD.—Section 107(c) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 2261 note) is amended by striking ''Chapter 154 of title 28, United States Code (as amended by subsection (a))'' and inserting ''This title and the amendments made by this title''.

(2) FINALITY OF REVIEW.—Section 2244(b)(3)(E) of title 28, United States Code, is amended by striking ''the subject of a petition'' and all that follows through the end of the subparagraph and inserting the following: ''reheard in the court of appeals or reviewed by writ of certiorari.''.

(3) CLEMENCY AND PARDON DECISIONS.—

(A) IN GENERAL.—Chapter 85 of title 28, United States Code, is amended by adding at the end the following:

''§ 1370. State clemency and pardon decisions

''(a) IN GENERAL.—Except as provided under subsection (b), and notwithstanding any other provision of law, no Federal court shall have jurisdiction to hear any cause or claim arising from the exercise of a State's executive clemency or pardon power, or the process or procedures used under such power.

''(b) EXCEPTION.—This section does not affect the jurisdiction of the Supreme Court to review any decision of the highest court of a State that involves a cause or claim arising from the exercise of a State's executive clemency or pardon power, or the process or procedures used under such power.''.

(B) CLERICAL AMENDMENT.—The table of sections for chapter 85 of title 28, United States Code, is amended by adding at the end the following:

''1370. State clemency and pardon decisions.''.

(g) APPLICATION TO PENDING CASES.—

(1) IN GENERAL.—Except as otherwise provided in this section, this section and the amendments made by this section shall apply to cases pending on and after the date of enactment of this Act.

(2) TIME LIMITS.—In a case pending on the date of enactment of this Act, if the amendments made by this section establish a time limit for taking certain action, the period of which began on the date of an event that occurred prior to the date of enactment of this Act, the period of such time limit shall instead begin on the date of enactment of this Act.

H.R. 4241

OFFERED BY: MR. FLAKE

AMENDMENT NO. 1: At the end of title III, add the following new subtitle:

Subtitle E—Medicare

SEC. 3501. DELAY IN IMPLEMENTATION OF MEDICARE PRESCRIPTION DRUG PROGRAM FOR ALL BUT LOWEST-INCOME SUBSIDY ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Section 1860D–1(a) of the Social Security Act (42 U.S.C. 1395w–101(a)) is amended by adding at the end the following new paragraph:

''(4) LIMITATION DURING 2006 AND 2007.—

''(A) IN GENERAL.—With respect to benefits during 2006 and 2007, no individual shall be treated as a part D eligible individual unless the individual is described in section 1860D–14(a)(1).

''(B) TRANSITION.—For individuals who would be part D eligible individuals but for subparagraph (A), the enrollment-related provisions of this part (and related provisions of part C) shall be applied as if any dates otherwise specified had been delayed for 2 years.''.

(b) CONTINUATION OF DRUG DISCOUNT CARD PROGRAM FOR NONQUALIFYING INDIVIDUALS.—Section 1860D–31(a)(2) of such Act (42 U.S.C. 1395w–141(a)(2)) is amended by adding at the end the following new subparagraph:

''(D) CONTINUATION FOR CERTAIN INDIVIDUALS.—Notwithstanding any other provision of this section, this section shall continue to operate during 2006 and 2007 in the same manner it operated during 2005 in the case of discount card eligible individuals who would be part D eligible individuals during such period but for the application of section 1860D–1(a)(4)(A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as if included in the enactment of Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

H.R. 4241

OFFERED BY: MR. FLAKE

AMENDMENT NO. 2: At the end of title III, add the following new subtitle:

Subtitle E—Medicare

SEC. 3501. ONE-YEAR DELAY IN THE IMPLEMENTATION OF THE VOLUNTARY PRESCRIPTION DRUG BENEFIT PROGRAM.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall provide for a one-year delay in the enrollment of individuals in prescription drug plans and MA–PD plans under title XVIII of the Social Security Act. In effecting such delay, the Secretary shall provide for an appropriate delay in contracts with such plans and in open enrollment periods.

SEC. 3502. ONE-YEAR EXTENSION OF THE MEDICARE PRESCRIPTION DRUG DISCOUNT CARD AND TRANSITIONAL ASSISTANCE PROGRAM; CONTINUATION OF MEDICAID PRESCRIPTION DRUG BENEFITS.

(a) CONTINUATION OF DRUG DISCOUNT CARD PROGRAM.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall continue to provide for the medicare prescription drug discount card and transitional assistance program under subpart 4 of part D of title XVIII of the Social Security Act during 2006 under the same terms and conditions that apply during 2005.

(b) CONTINUATION OF MEDICAID COVERAGE OF PRESCRIPTION DRUGS.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall continue to provide for coverage of prescription drugs under the medicaid program during 2006 under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) under the same terms and conditions that apply during 2005.

H.R. 4241

OFFERED BY: MR. FLAKE

AMENDMENT NO. 3: At the end of title III, add the following new subtitle:

Subtitle E—Medicare

SEC. 3501. TWO-YEAR DELAY IN THE IMPLEMENTATION OF THE VOLUNTARY PRESCRIPTION DRUG BENEFIT PROGRAM.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall provide for a two-year delay in the enrollment of individuals in prescription drug plans and MA–PD plans under title XVIII of the Social Security Act. In effecting such delay, the Secretary shall provide for an appropriate delay in contracts with such plans and in open enrollment periods.

SEC. 3502. TWO-YEAR EXTENSION OF THE MEDICARE PRESCRIPTION DRUG DISCOUNT CARD AND TRANSITIONAL ASSISTANCE PROGRAM; CONTINUATION OF MEDICAID PRESCRIPTION DRUG BENEFITS.

(a) CONTINUATION OF DRUG DISCOUNT CARD PROGRAM.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall continue to provide for the medicare prescription drug discount card and transitional assistance program under subpart 4 of part D of title XVIII of the Social Security Act during 2006 and 2007 under the same terms and conditions that apply during 2005.

(b) CONTINUATION OF MEDICAID COVERAGE OF PRESCRIPTION DRUGS.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall continue to provide for coverage of prescription drugs under the medicaid program during 2006 and 2007 under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) under the same terms and conditions that apply during 2005.

H.R. 4241

OFFERED BY: MR. FLAKE

AMENDMENT NO. 4: At the end of title VII of the bill, insert the following:

SEC. 7002. TRANSPORTATION FUNDING FLEXIBILITY.

(a) HIGHWAY BRIDGE PROGRAM.—Section 144(g)(1) of title 23, United States Code, is amended by adding at the end the following:

''(D) FUNDING FLEXIBILITY.—If a State is provided funds under subparagraph (A) for a project described in subparagraph (A), the State may use all or any portion of such funds to carry out such project or any other project eligible for assistance under this section that the State designates.''.

(b) PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE.—Section 1301 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law

109–59) is amended by adding at the end the following:

''(n) FUNDING FLEXIBILITY.—If a State is provided funds under this section for a project described in the table contained in subsection (m), the State may use all or any portion of such funds to carry out such project or any other project eligible for assistance under this section that the State designates.''.

(c) NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAM.—Section 1302 such Act is amended by adding at the end the following:

''(f) FUNDING FLEXIBILITY.—If a State is provided funds under this section for a project described in the table contained in subsection (e), the State may use all or any portion of such funds to carry out such project or any other project eligible for assistance under this section that the State designates.''.

(d) HIGH PRIORITY PROJECTS PROGRAM.—Section 117 of title 23, United States Code, is amended by adding at the end the following:

''(i) FUNDING FLEXIBILITY.—If a State is provided funds under this section for a project described in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59), the State may use all or any portion of such funds to carry out such project or any other project eligible for assistance under the surface transportation program in section 133 that the State designates.''.

(e) TRANSPORTATION IMPROVEMENTS.—Section 1934 of such Act is amended by adding at the end the following:

''(d) FUNDING FLEXIBILITY.—If a State is provided funds under this section for a project described in the table contained in subsection (c), the State may use all or any portion of such funds to carry out such project or any other project eligible for assistance under the surface transportation program in section 133 of title 23, United States Code, that the State designates.''.

(f) PROJECTS FOR BUS AND BUS-RELATED FACILITIES AND CLEAN FUNDS GRANT PROGRAM.—Section 3044 of such Act is amended by adding at the end the following:

''(d) FUNDING FLEXIBILITY.—If a recipient is provided funds under this section or section 5308 of title 49, United States Code, or both, for a project described in the table contained in subsection (a), the recipient may use all or any portion of such funds to carry out such project or any other project eligible for assistance under this section or section 5308 of such title, other than a project to fund any operations of buses or bus-related facilities.''.

SEC. 7003. SENSE OF CONGRESS.

It is the sense of Congress that State departments of transportation should take project descriptions in section 144(g)(1)(A) of title 23, United States Code, and in the tables contained in sections 1301, 1302, 1702, 1934, and 3044 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) into consideration if such projects involve improving transportation safety.

SEC. 7004. ACROSS-THE-BOARD RESCISSIONS.

(a) FISCAL YEAR 2006.—

(1) IN GENERAL.—On September 30, 2006, there is rescinded $4,718,047,269 of the unobligated balances of funds apportioned before such date to the States for the Interstate maintenance, national highway system, bridge, congestion mitigation and air quality improvement, surface transportation (other than the STP set-aside programs), metropolitan planning, minimum guarantee, Appalachian development highway system, recreational trails, safe routes to school, freight intermodal connectors, coordinated border infrastructure, high risk rural road, high priority projects, and transportation improvements programs and each of the STP set-aside programs.

(2) ALLOCATION AMONG STATES.—The Secretary shall determine each State's share of the amount to be rescinded by paragraph (1) by multiplying $4,718,047,269 by the ratio of the aggregate amount apportioned to such State for fiscal year 2006 for all the programs referred to in paragraph (1) to the aggregate amount apportioned to all States for such fiscal year for those programs.

(3) CALCULATIONS.—To determine the allocation of the amount to be rescinded for a State under paragraph (2) among the programs referred to in paragraph (1), the Secretary of Transportation shall make the following calculations:

(A) The Secretary shall multiply such amount to be rescinded by the ratio that the aggregate amount of unobligated funds available to the State on September 30, 2006, for each such program bears to the aggregate amount of unobligated funds available to the State on September 30, 2006, for all such programs.

(B) The Secretary shall multiply such amount to be rescinded by the ratio that the aggregate of the amount apportioned to the State for each such program for fiscal year 2006 bears to the aggregate amount apportioned to the State for all such programs for fiscal year 2006.

(4) ALLOCATION AMONG PROGRAMS.—

(A) IN GENERAL.—The Secretary, in consultation with the State, shall rescind for the State from each program referred to in paragraph (1) the amount determined for the program under paragraph (3)(A).

(B) SPECIAL RULE.—

(i) RESTORATION OF FUNDS FOR COVERED PROGRAMS.—If the rescission calculated under paragraph (3)(A) for a covered program exceeds the amount calculated for the covered program under paragraph (3)(B), the State shall immediately restore to the apportionment account for the covered program from the unobligated balances of programs referred to in paragraph (1) (other than covered programs) the amount of funds required so that the net rescission from the covered program does not exceed the amount calculated for the covered program under paragraph (3)(B).

(ii) TREATMENT OF RESTORED FUNDS.—Any funds restored under clause (i) shall be deemed to be the funds that were rescinded for the purposes of obligation.

(C) COVERED PROGRAM DEFINED.—In subparagraph (B), the term ''covered program'' means a program authorized under sections 130 and 152 of title 23, United States Code, paragraph (2) or (3) of section 133(d) of that title, section 144 of that title, section 149 of that title, or section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59).

(5) LIMITATION ON RECALCULATION OF EQUITY BONUS PROGRAM.—Notwithstanding any other provision of law, the amounts determined, and the amounts allocated, under section 105 of title 23, United States Code, for fiscal year 2006 shall not be recalculated to take into account a rescission made pursuant to this subsection.

(6) STP SET-ASIDE PROGRAM DEFINED.—In this subsection, the term ''STP set-aside program'' means the amount set aside under section 133(d) of title 23, United States Code, for each of transportation enhancement activities and the division between urbanized areas of over 200,000 population and other areas.

(b) FISCAL YEAR 2007, 2008, AND 2009.—

(1) IN GENERAL.—Subject to paragraph (2), there is rescinded 10 percent of each amount authorized to be appropriated for each of fiscal years 2007, 2008, and 2009 by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59), including any amendment made by such Act, and including any amount authorized to be appropriated for the equity bonus program under section 105 of title 23, United States Code, but excluding any amount authorized to be appropriated for the highway safety improvement program.

(2) TIMING.—A rescission made by paragraph (1) of an amount authorized to be appropriated for a fiscal year shall take affect on October 1 of such fiscal year before any apportionment or allocation of such amount and before such amount is subject to any set aside or subtraction.

(3) LIMITATION ON RECALCULATION OF EQUITY BONUS PROGRAM.—Notwithstanding any other provision of law, the amounts determined, and the amounts allocated, under section 105 of title 23, United States Code, for a fiscal year shall not be recalculated to take into account a rescission made by this subsection.

(c) SEPTEMBER 30, 2009.—Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended in subsection (a) by inserting after ''high risk rural road,'' the following: ''high priority projects, transportation improvements,''.

(d) REPORTS.—Not later than the 60th day following the date of each rescission made by subsection (a) or (b), the Secretary of Transportation, in consultation with the Director of the Office of Management and Budget shall submit to the appropriate committees of Congress a report containing the amount rescinded for each program referred to in subsection (a) and the amount rescinded for each program or activity for which there is a rescission made by subsection (b).

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Senate

The Senate met at 9:45 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.

O Lord our Lord, the majesty of Your Name fills the Earth. You know every heart and mind, and You always do what is right. You give us peace even when the storms come. You save us from ourselves. You bring strength to our Nation and help keep it strong. Great and marvelous are Your words.

Today, give the Members of this body the wisdom to trust You. May they seek Your guidance for their decisions and lean upon Your loving favor. As they depend upon Your spirit, help them to possess Your truth in their minds, Your love in their hearts, and Your kindness on their lips. Make certain that each step they take is sure.

We pray in Your sovereign 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 ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, today, we will begin a period for the transaction of morning business for up to 1 hour. At approximately 10:45 a.m., we will resume consideration of the Department of Defense authorization bill. There are a number of pending amendments that were offered either on Friday or yesterday, and we expect to begin to schedule votes in relation to those amendments and any additional amendments that will be offered during today's session. Therefore, we expect rollcall votes throughout the day. We will complete work on the Defense bill either today or tomorrow.

This week, we will also consider any available appropriations conference reports that arrive from the House.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 1 hour, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Democratic leader or his designee.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, is the Senator from Missouri seeking time in morning business?

Mr. BOND. Yes. If my colleague wants to make a brief statement, I will be happy to yield to him.

Mr. DURBIN. I have about a 10-minute statement. I will yield to the Senator from Missouri, if he wishes, and then I will ask to go out of order and have it taken out of the Democratic time.

The PRESIDENT pro tempore. Is the Senator making a request?

Mr. DURBIN. Mr. President, I ask unanimous consent that after Senator BOND has spoken in Republican morning business, that I be recognized for up to 10 minutes and that the time be taken from the Democratic morning business period.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Missouri is recognized.

IRAQ

Mr. BOND. Mr. President, I rise today to address the valiant efforts of our men and women serving overseas in Iraq. Their service for our country is very close to my heart because I, like thousands of other American parents across the United States, have a son who is fighting for the cause of freedom in Iraq.

Like every American, and especially for those of us with loved ones who are fighting overseas, I have carefully considered our actions in Iraq, and I am as committed to staying the course today as I was when I voted to authorize hostile action less than 3 years ago.

Today, we see the wreckage of roadside bombs plastered across our media screens. We are constantly bombarded by a daily media barrage of every hint of bad news in Iraq. The old adage, ''If it bleeds, it leads,'' seems to be in full effect.

What about the good that is happening as a result of our efforts? I can tell you this is the greatest concern our men and women in Iraq have. They are doing good work, they are making progress, but they don't hear any of the good things that are going on. This is disheartening, as are some of the comments made by a few in the United

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

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States who say they are not doing a good job, who denigrate their efforts. We owe them better than that. I could cite for you letters I have seen written to newspapers in my State by men who have served in Iraq saying precisely this.

Has there been any progress made toward democracy this year? The Iraqis themselves answered yes, resoundingly, when last month, on October 15, an overwhelming majority of Iraqis voted peacefully to lay the foundation for their country with a national constitution. Ten days later, on October 25, the Independent Electoral Commission of Iraq announced the approval of a constitution and stated that it had found no evidence of significant voter fraud, as some had alleged.

The United Nations also participated in the referendum process and concurred with the Commission's conclusions. On the day of the vote, Sunni protests were minimal, with no violence reported. Not only did the referendum pass with 15 of 18 provinces providing a majority ''yes'' vote, but all governorates recorded a high voter turnout, the likes of which would put many of our voter districts in America to shame. I can tell you from personal reports that in Sunni areas, Sunnis were going out in record numbers to register. They were registering at registration places protected solely by Iraqi security forces without any violence against them.

When we look at the election results, the Kurds in Dahuk posted an 86-percent turnout, while the Shi'a in Karbala and Najaf posted a 57-percent turnout. But let's consider the Sunni areas where critics say we are making so little progress toward democracy.

Let's compare the percentage of voter turnout from last January's elections to the October referendum last month. In Anbar, voter turnout rose from 2 percent to 40 percent; in Diyala, from 33 percent to 67 percent; in Nayniwah, from 17 percent to 54 percent; and in Salahaldin, from 29 percent to 91 percent.

Only two of those governorates voted overwhelmingly against the referendum, and all of them saw record numbers of citizens exercising their voices at the polls.

This, Mr. President, is progress toward democracy. Have we forgotten that under Saddam, the Iraqi people had no vote, no opportunity to express themselves?

I am not discouraged, as the critics say we should be, that there was not near universal agreement on the referendum in Iraq. We have had a hard enough time in our own country, the world's model for democracy, in achieving overwhelming agreement on anything. And certainly this body with its recent record of activity shows that democracies often generate strong disagreements. The only time a national vote purports to show universal agreement is when the election is held under the tight control and dictation of a dictator such as Saddam Hussein.

So how do the critics explain this massive increase in voter turnout and still maintain that democracy is dead in the water in Iraq, when the people of Iraq for the first time in centuries now have a voice and a common marketplace of ideas in which to express themselves? And why isn't more attention given to the progress in Iraq for which our sons and daughters overseas are fighting?

As for the media, it is my belief that the greatest threat to our efforts in Iraq today is the enemy's ability to manipulate press coverage of the conflict in order to influence U.S. public opinion to force a premature withdrawal of our forces.

Last month, I spoke on the floor of the Senate about the acquisition of a letter written by Osama bin Laden's principal deputy, Ayman al-Zawahiri, to al-Qaida's foremost lieutenant on the ground in Iraq, Abu Mus'ab al-Zarqawi. The letter underscored that al-Qaida will not relent in pursuing its Sunni Islamo-fascist, extremist agenda, and it revealed al-Qaida views its jihad in Iraq as the focal point in its effort to establish a worldwide neofascist global caliphate. Zawahiri's recipe for creating this Sunni extremist state is in this order: evict the Americans from Iraq, create an Islamic extremist state in Iraq, swallow up Iraq's neighbors and then destroy Israel, and from there go on to bigger and better things. And how did Zawahiri advise Zarqawi to achieve these goals? By augmenting his terror campaign with political warfare and by manipulating the media. Zawahiri urged Zarqawi to tone down egregious actions, such as beheadings, because they do not play well on television screens. He approved of the violence but cautioned him to execute Americans with a bullet to the head instead. Isn't that nice of him?

The Zawahiri letter so clearly unveils the insidious nature of this clever enemy we are up against. Therefore, I urge every American with access to the Internet to read the letter. Go to the Web site www.dni.gov, and look under ''News Releases.'' But Americans shouldn't have to go to a Web site to discover its content. It should have been dissected in painstaking detail on the nightly news or at least given a fraction of the time allotted to the critical coverage of the war.

It amazes me how there is such a blinding skepticism about anything that supports our effort in Iraq today. Last week, my staff spoke to a respected scholar in London about what he thought about the Zawahiri letter. He said it must have been a fabrication. When asked what evidence he had for that assertion, he responded: None, but it just makes Bush's case, so the letter can't be genuine.

As a member of the Senate Select Committee on Intelligence, I can tell you that we have absolutely no indication at all this letter was a fabrication. So I ask again, why isn't the media delving into this?

We ought to take a brief look at the nature of the enemy we are fighting in Iraq. I believe President Bush said it well last week during his speech in Norfolk when he called their evil form of Islamic radicalism Islamo-fascism.

We are fighting a radical ideology that has crept up over the past few decades that is taking hold in countries around the world. We see it in Palestine, in Indonesia, the Philippines and, yes, now even in Europe. For the past week, we have seen the signs of it with riots outside Paris. Rioters burned areas of the country for over a week, lashing out against the Western society in which they live. Arab experts explain the violence as an identity problem among young Arabs who see themselves first as Muslims looking for a country of their own, rather than French, English, or American citizens.

Al-Qaida preys on such youth, encourages their unjustified acts of violence, and is now telling them that their new home will be in Iraq. This is why in Iraq today we see so many foreign fighters flocking to a radical cause. An insurgent fights within his country's borders to defend it from occupation or to oust a government with which he does not agree. This is the definition of an insurgent. A terrorist is one who travels outside his country to wage politically motivated violence elsewhere.

While there remain many Sunni Baathist insurgents who would like to bring back Saddam, there is an ever growing and a proportionally lethal number of terrorists flooding into Iraq to fight what they see as the ultimate jihad, identified as their extremist neofascist interpretation of Islam.

These are the terrorists who are fueling simmering insurgencies. These are truly the Islamofascists. Iraq has become the epic battle with the West that al-Qaida has been looking for and we must win it. We cannot afford to lose. This enemy cannot be negotiated with and will never reform its ways or be deterred from its path of violence. The only option we have with such an enemy who wants to slaughter American men, women, and children is to eliminate them.

Last week former President Jimmy Carter appeared on ''Larry King Live'' and criticized President Bush for his policy of preemption in the war on terror. He claimed this policy was a break in U.S. national policy from all previous Presidents and administrations. Therefore, he declared our actions in Iraq radical.

It is radical precisely because we find ourselves in dire circumstances. It is a break from the past because in the past we were not facing organized, ruthless bands of terrorists with declared intentions to annihilate Americans, whose acquisition of weapons of mass destruction was a distinct possibility.

Every student of national security understands that threat equals capability plus intent. The intent of the

terrorists to annihilate us is indisputable, as is their stated intention to acquire weapons of mass destruction to do so. Their power is only limited by their current capability.

As David Kay said, in the Iraqi Survey Report which we discussed in the Intelligence Committee and has now been released, Iraq, despite our inadequate intelligence, was a far more dangerous place even than we knew because radical terrorists were running loose in an unorganized country that had the potential to produce weapons of mass destruction for them.

We must erode the capability of those terrorists for if we sit back and allow it to grow, we will face threats to the future such as we have never seen before. Long-distance runners say there comes a time in the race when their bodies yearn to succumb to the temptation to give up the fight but they must press on. That is when they remind themselves of the reasons for their struggle and when they remind themselves why they run; they find strength to press on. Only those who are resolute and full of conviction win the race. Let us hold to our conviction that democracy is better than tyranny, achieving peace is worth our struggle, and those who are counting on us in Iraq have a reason to hope.

We must maintain the course and be ready to fight neofascists and Islamofascism, wherever it exists. Right now it is Iraq, but there are other theaters as well. Southeast Asia could become one added to the list. Let us press on, for only if we do so will we one day win this long distance race. It is not a short one, but it is one we cannot afford to lose if we want to ensure that we have no more 9/11s or we at least reduce the likelihood we will have such tragedy on our shore.

I yield the floor.

The PRESIDENT pro tempore. Under the previous order, the Senator from Illinois is recognized.

Mr. DURBIN. I ask for the indulgence of the Chair to notify me when I have 3 minutes remaining on my statement.

The PRESIDENT pro tempore. Very well.

MOTION TO CLOSE SENATE SESSION

Mr. DURBIN. Mr. President, it was a week ago today when the Democratic leader in the Senate, HARRY REID, made a motion that the Senate move into closed session under rule XXI. It is a rule that is rarely used, but I was glad it was used that day because the purpose was absolutely essential for America to learn the truth about what happened before the invasion of Iraq.

Senator REID made that motion in order to make certain that the Senate Intelligence Committee keeps its word to the American people. Some 20 months ago, the Senate Intelligence Committee promised they would have a thorough professional investigation of several major elements relative to intelligence. One of the most important is whether any elected official or member of this administration in any way used intelligence or made statements that were not substantiated. In other words, were we misled, purposely or deliberately, by any elected official or member of the administration before the invasion of Iraq. It is an absolutely critical question.

I am glad the Senate Intelligence Committee made a commitment to initiate this investigation. We found, after waiting 20 months, little or nothing was happening. Fifteen months ago, the chairman of the Senate Intelligence Committee, Senator PAT ROBERTS of Kansas, called this phase II investigation a top priority. Yet, on March 11 of this year, speaking to the Woodrow Wilson Center, Senator ROBERTS said this investigation was ''on the back burner.''

Then a few days later on March 31, Senator ROBERTS issued a press release, after we had the report of a commission relative to this intelligence, in which he said all prewar intelligence—it would be a monumental waste of time to replow the ground.

It was very unclear whether the commitment was still there from Senator ROBERTS and the Intelligence Committee to keep their word to the American people to investigate this critical question.

Yesterday, the junior Senator from Texas came to the floor arguing, I believe, that it was unnecessary to go forward with this investigation. I think he is wrong. He argued that if we find any member of the administration misled the American people into believing a war in Iraq and an invasion were necessary, somehow this would discredit the bravery and heroism of America's troops. I cannot follow his logic.

The men and women in uniform are doing their country proud every day. They are risking their lives for America. They stand up for values that are essential, such as family, faith, and truth. Why would this Senate be reluctant to tell the American people the truth?

This is not just a test of the Intelligence Committee; this is a test of the Senate. It is a test of our constitutional responsibility, the responsibility of Congress, to protect the American people from an abuse of power by the executive or any elected official. It is a matter of the gravest importance. If an elected official deliberately or recklessly misled the American people into believing there was cause for the invasion of Iraq, that is a serious abuse of power.

We know Senator ROBERTS promised this investigation almost 2 years ago. Because of our motion to go into closed session, a bipartisan agreement was reached, and under that agreement, in 6 days, Senator ROBERTS and two of his designees will announce with three Democratic designees the schedule for completing this important investigation.

When we closed the Senate, we accomplished more in 2 hours than we had accomplished in 2 years in moving this investigation forward. When the junior Senator from Texas came to the floor and said this investigation was unnecessary because an earlier group had investigated it, he referred specifically to the Silberman-Robb Commission. What he did not put into the record should be included, and I quote from the commission:

> [W]e were not authorized to investigate how policymakers used the intelligence assessments they received from the Intelligence Community. Accordingly, while we interviewed a host of current and former policymakers during the course of our investigation, the purpose of those interviews was to learn about how the Intelligence Community reached and communicated its judgments about Iraq's weapons programs—not to review how policymakers subsequently used that information.

That is the question. That is the issue. For the Senator from Texas to say the Silberman-Robb Commission has dealt with that issue is not factual and it is not accurate, based on the words of that commission.

He went further to say that the phase I investigation of the Intelligence Committee about the failings of the intelligence agencies to understand the threat in Iraq also took care of the question before us. It did not. I served on the Intelligence Committee. We purposely divided this into two investigations: First, any failings or shortcomings of intelligence agencies; second, any misuse of this intelligence information by policymakers and elected officials. That is the responsibility we have to go forward.

It is not clear when the Senate Intelligence Committee would have finished its work had we not filed this motion to have a closed session in the Senate. Now the promise has been made not just to fellow colleagues, not just to the Congress, but to the American people. I think we need to know the truth. If a policymaker in this administration deliberately misled the American people, we should know that. If we find from the evidence it did not occur, we should also know that.

Let us pursue the truth. Let us make sure the Senate Intelligence Committee keeps its promise to the American people.

We know there are many areas of statements made by the President, by the Vice President, the Secretary of State, and the Secretary of Defense that were just plain wrong. There were no weapons of mass destruction. When it came to the aluminum tubes, there was a serious disagreement within the administration, between the CIA and the Department of Energy, as to whether those aluminum tubes were evidence of a buildup of nuclear weapons. We also know that statements by the administration about a connection between Saddam Hussein and 9/11 were false. There was no evidence to back it up. We know now about the notorious statements in the President's State of

the Union Address about whether Iraq obtained yellowcake from Niger to develop nuclear weapons turned out to be totally false and bogus.

The obvious question that has to be asked is whether this administration and its spokespersons knew ahead of time the information they were giving to the American people was not accurate. That is the essential inquiry that must take place.

The PRESIDENT pro tempore. The Senator has 3 minutes remaining.

STATUS OF AHMAD CHALABI INVESTIGATION

Mr. DURBIN. Mr. President, I note that something curious is happening in Washington today. There is a man by the name of Ahmad Chalabi, an Iraqi Deputy Prime Minister, who is visiting Washington. Yesterday in the Wall Street Journal, FBI spokesman John Miller noted that Mr. Chalabi is ''under active investigation.'' For what? He is under investigation for the charge that he leaked intelligence, including the fact that the United States had broken a crucial Iranian code and that Mr. Chalabi turned that information over to the Baghdad station chief of Iran's Ministry of Intelligence and Security.

Of course, if that happened, Mr. Chalabi endangered American troops and American security. As a result of this charge against Mr. Chalabi on May 20 of last year, his residence was searched by the Iraqis, with the cooperation of American forces in Iraq, to see if evidence could be found.

That is a serious charge that we would somehow jeopardize the security of America's troops and our national security and whether this man leaked sensitive information. The fact that he is under active investigation by the FBI is proof positive that we are taking this seriously.

So where can we find Deputy Prime Minister Ahmad Chalabi this week? Well, we will find him in Washington. He has an appointment to sit down and break bread with Treasury Secretary Snow and Secretary of State Condoleezza Rice. Then a little later this week he is going to give a speech to the American Enterprise Institute.

Does this sound like a man under active investigation or a man who is being actively lauded by this administration? I do not understand this.

While the Department of Justice is actively investigating this man for wrongdoing that could have endangered American troops and American lives, the Department of State and the Department of the Treasury are hosting him as though he were some dignitary. So do not be surprised if the Chalabi motorcade speeds up when they pass the Department of Justice. I guess they are concerned whether an FBI agent will come out and pursue this so-called active investigation.

It is very difficult to track how this man, who gave us such misleading information before the invasion of Iraq, now under active investigation for endangering American troops, is now the toast of the town at the Department of Treasury and the Department of State. I do not follow their logic, and I certainly do not follow the pursuit of justice if they do not have an active investigation concluded so that we know whether Mr. Chalabi has endangered American lives.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator's time has expired. Who yields time?

The Senator from Colorado.

A NEW DAY AND TIME IN IRAQ

Mr. ALLARD. Mr. President, we are now less than a month removed from the successful Iraqi referendum that was approved by more than 75 percent of Iraqis. This vote marked a new dawn in the Arab world, a democratically created constitution written by Iraqis and approved by the general electorate made up of Sunnis, Shiites, and Kurds. This is quite a change from the decades in which a militant dictator ruled over Iraq, with the threat of death hanging over the people for any harsh word directed toward their central government. It is truly a new day in Iraq and a new time.

Of course, some would rather ignore the strides that the Iraqi people have taken. They would rather focus on grim milestones that neither reflect the true sacrifice that has been made nor give a clear indication of how far the Iraqis have come to independence. The men and women of our Armed Forces have created an environment in Iraq that has given Iraqis a chance for democracy.

This chance is born from the blood, sweat, and tears of our servicemen and women. They deserve our gratitude and honor.

Friday marks Veterans Day and it is fitting that every year we take time to pause and reflect on those who have served in the military to protect our way of life and advance freedom around the globe. While we celebrate this year, we do so with heavy hearts knowing that there are many future war veterans who are currently serving in the theater abroad. As they have done in the past, our armed forces have taken up the challenge yet again to defend our freedoms from violent extremists to ensure that future generations of Americans can continue to prosper. Many of these war veterans have already served previous tours in Iraq, and my thoughts and prayers go out for another safe return home.

Many thousands of troops who are engaged in Iraq are Coloradoans. For example, the 10th Combat Support Hospital that left Fort Carson for Iraq in October. This medical unit is being deployed not only to treat our injured servicemen and women, but also any civilian that is brought in to their trauma unit regardless of affiliation. I want to take a minute to pause and reflect on that. Our trained medical doctors and technicians will be using their skills to save the lives of not only Coalition Forces, but anyone who is brought in—including insurgents. They might be saving the very lives of those that would do great harm to our soldiers. These are the types of actions that show what kind of men and women serve in the armed forces. These are the types of actions that show what freedom and democracy can bring to a region long devoid of it.

The individuals in our armed forces continue to shine throughout the country with remarkable levels of service. Individuals like Col. James West of Palisade, CO. Colonel West recently received a Bronze Star after distinguishing himself during two consecutive tours of duty in Iraq. He served as a Senior Program Manager in the Project and Contracting Office in Baghdad, Iraq from December 2004 to September of this year. Because of the critical nature of his position and the need to maintain the lines of communication and trust he developed with the Iraqi Oil Ministry and the primary Iraqi owned operating companies, Colonel West volunteered himself for two consecutive tours of duty.

During this time, his leadership in the field provided the foundation necessary to achieve the goal of rebuilding the Iraqi Oil production capacity to pre-war levels. The Department of Defense and the Air Force believe that his professionalism and devotion to duty merit special recognition. I honor him for his service to our country and congratulate him on his well-deserved Bronze Star.

More than just being engaged in fighting the radical insurgents who have polluted the country, our men and women like Colonel West are risking their lives to reach out to the Iraqi people to show them the heart that is behind the uniform. From the Army engineers throughout the country helping to rebuild the infrastructure, to ordinance disposal units helping to cleanse farmland from explosives left from decades of neglect, our troops continue to make a positive difference in the lives of Iraqis.

It is important to put our military's efforts into the proper perspective. The enormous progress that has been made in Iraq is the real story.

It was only 2½ years ago that the Hussein regime was in power terrorizing large portions of the Iraqi population. And now just 9 months after they elected their own leaders for the first time, the Iraqi people have approved a historical referendum by an overwhelming majority. These are the milestones we should be celebrating—the ones that could only be achieved through the sacrifices of our soldiers, sailors, airmen, and marines.

This Friday marks Veterans Day. Let us not forget our future war veterans who are gallantly serving the cause of freedom abroad. And let us remember those who have made the ultimate sacrifice to help bring democracy to Iraq.

I yield the floor.

Mr. ENSIGN. Mr. President, I rise to speak on the progress America is making in the global war on terrorism and in particular on the progress being made in Iraq.

Recently we passed a solemn benchmark. Two thousand of our servicemen and women have paid the ultimate price in defense of freedom. A vocal minority contend that these casualties were in vain. They claim we are in Iraq for all the wrong reasons. Further, they say that since there have been no weapons of mass destruction uncovered in Iraq that the administration obviously lied to get Americans behind the initial war effort. I think it is important that we take a few minutes to recall the world in which we lived prior to taking military action against Saddam Hussein in 2003.

The previous administration was quite clear in their belief that Iraq possessed weapons of mass destruction. Then-President Clinton said:

> Saddam rejects peace and we have to use force, our purpose is clear. We want to seriously diminish the threat posed by Iraq's weapons of mass destruction program.

Clinton's National Security Advisor, Sandy Berger, said of Hussein:

> He will use those weapons of mass destruction again, as he has ten times since 1993.

Even after he left office, Al Gore stated:

> We know that [Hussein] has stored secret supplies of biological and chemical weapons throughout the country.

Madeline Albright said:

> The risks that the leaders of a rogue state will use nuclear, chemical or biological weapons against us or our allies is the greatest security threat we face.

Let us all remember, Iraq had been in blatant violation of 17 separate United Nations resolutions dating back to the first Persian Gulf War—resolutions which required Iraq to reveal prohibited WMD and missile programs to U.N. inspectors. American and British warplanes were continually fired upon while enforcing U.N.-mandated ''no fly zones'' in Iraq.

In 1993, terrorists detonated a bomb in the garage of the World Trade Center in an attempt to topple this symbol of capitalism.

In 1996, the Khobar Towers in Saudi Arabia, housing an Air Force Fighter Wing, were attacked by terrorists. Nineteen U.S. servicemembers lost their lives. Hundreds were wounded.

In 1998, the U.S. Embassies in Tanzania and Kenya were bombed by terrorists. Hundreds lost their lives.

In October of 2000, the USS *Cole* was attacked by terrorists while refueling in Yemen. Seventeen sailors lost their lives. Many more were injured. And, of course, we all remember the day the Pentagon was attacked and the World Trade Center was leveled by terrorists crashing commercial airliners into both structures on 9/11, resulting in more than 3,000 of our fellow citizens being killed and America finally waking up to the reality that is terrorism.

The terrorists had no reason to believe that we would respond to 9/11 because we had not responded in the past. At that time, every country in the free world believed that Iraq possessed weapons of mass destruction. Saddam Hussein did nothing to dispel those beliefs. He had actually used chemical weapons on Iranians and on his own citizens.

President Bush could not risk America's future on the hope that a dictator like Hussein, with a track record that included grotesque human rights abuses, aggression against his neighbors, and the harboring and funding of terrorists, could be reformed or indefinitely contained.

In fact, the Senate chose not to risk America's future either. This body voted 77–23 in favor of the resolution allowing President Bush to use force in Iraq. Those voting in the affirmative included the then-Democratic Leader of the Senate, the ranking member of the Foreign Relations Committee, the ranking member of the Intelligence Committee and the Democratic nominee for President in the 2004 election.

I have a few quotes I would like to read.

Senator JAY ROCKEFELLER, CONGRESSIONAL RECORD, October 2002:

> There is unmistakable evidence that Saddam Hussein is working aggressively to develop nuclear weapons and will likely have nuclear weapons within the next five years . . . We also should remember we have always underestimated the progress Saddam has made in development of weapons of mass destruction.

He obviously had access to the intelligence that the President had.

Senator JOHN KERRY, CONGRESSIONAL RECORD, October 2002:

> When I vote to give the President of the United States the authority to use force, if necessary, to disarm Saddam Hussein [it is] because I believe that a deadly arsenal of weapons of mass destruction in his hands is a real and grave threat to our security. . . .

Senator HILLARY CLINTON, CONGRESSIONAL RECORD, October 2002:

> In the four years since the inspectors left, intelligence reports show that Saddam Hussein has worked to rebuild his chemical and biological weapons stock, his missile delivery capability, and his nuclear program. He has also given aid, comfort, and sanctuary to terrorists, including al-Qaeda members . . . It is clear, however, that if left unchecked, Saddam Hussein will continue to increase his capacity to wage biological and chemical warfare, and will keep trying to develop nuclear weapons.

Senator CARL LEVIN, Senate Armed Services Committee Hearing, September 2002:

> We begin with the common belief that Saddam Hussein is a tyrant and a threat to the peace and stability of the region. He has ignored the mandate of the United Nations and is building weapons of mass destruction and the means of delivering them.

I could go on. We have lots of quotes, but let's stop for now.

On March 19, 2003, 2 days after our President's televised ultimatum, a 35-nation coalition launched operations to disarm Iraq.

In a matter of weeks, Hussein's decades-old regime had been removed, liberating 25 million Iraqis from one of the world's most brutal tyrannies.

That was 2½ years ago. Now, because things aren't quite as antiseptic as some would like, there are calls for American troop withdrawal. Again, I think it is important for us to review just how far we've come over the last 2½ years.

As far as security is concerned, the initial 35-nation coalition that liberated Iraq has increased to include 72 countries.

Iraqi Security Forces are continuing to take a more prominent role in defending their country. One hundred sixteen Iraqi battalions are currently conducting military operations. That's 22 more battalions on line than there were just 3 months ago.

As President Bush has stated numerous times:

> Our task is to make the Iraqi units fully capable and independent. We're building up Iraqi security forces as quickly as possible, so they can assume the lead in defeating the terrorists and insurgents. Our strategy can be summed up this way: As the Iraqis stand up, we will stand down.

Our assistance to the people of Iraq is not limited to the military. There have been infrastructure improvements as well, including almost 3,500 schools.

Also, there were no commercial TV stations in Iraq before the war; today there are 44.

There were no independent newspapers or magazines in Iraq before the war. Today there are more than 100.

In January of this year, 8 million Iraqi citizens, in the face of violent threats, voted to establish a parliament. Last month, the Iraqis again returned to the polls in large numbers, and almost 10 million this time—more than 60 percent of the registered voters—voted to approve their constitution. This coming December, they will return to the polls to elect a fully constitutional government.

Because of America's leadership, compassion, and sacrifice, the world has witnessed the end of Saddam Hussein's regime and the beginnings of an energetic democracy in Iraq. This fledgling democracy has the ability to transform a region that has been a breeding ground for terrorists.

The world is a safer place because Qadhafi saw the fate of Saddam Hussein and decided Libya was better off with its weapons of mass destruction program under lock and key.

We are safer because the AQ Kahn network has been shut down and is no longer supplying materiel support to Iran and North Korea's nuclear efforts.

We are safer because terrorists and the countries that harbor them know if they threaten the United States, they could be the next ones to feel the force of the U.S. military.

Our word means something now because the President laid a marker down in the sand and stood behind that marker when it was time—when Saddam Hussein did not come forward and

agree to the resolutions that the United Nations had passed.

I believe the more than 2,000 members of our military who have died in service for our Nation in Iraq—and others will surely follow them—have made our country safer.

I believe history will show in the fullness of time that America was involved in a noble effort that transformed a region and indeed the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. First of all, I want to associate myself entirely with the remarks of the Senator from Nevada. I wanted to rise for the same purpose—to talk for a minute about our men and women in Iraq, the successes that have taken place there, and how proud I am of it.

But I can't help but, at the outset of my remarks, for a second, respond to the remarks of the Senator from Illinois a few minutes ago. I had a flashback as I listened to that speech—a flashback to my generation's war in the 1960s in Vietnam, a flashback that reminded me of what happened when American politicians began to slowly but surely question America's intentions in a war while our people were deployed, which slowly resulted in the end of withdrawal of a military that never quite had the support anymore that it deserved while in harm's way.

I would like for a moment to talk about what we do know. We have had lots of questions raised about what we don't know, what we should have done, what somebody may or may not have done. Let us talk for a second about what we do know.

Senator ENSIGN has done a great job talking about what we knew leading up to going into Iraq. I would like to remind us of a few other things.

We know that war was declared on America in the 1990s by Osama bin Laden, and we were attacked seven times without responding. It was finally with the attack on the World Trade Center and the Pentagon that this President changed America's policy to one of preemption, committed himself to going after terrorism wherever it existed, and doing everything we could to liberate the world from the tyranny of terrorism.

We must remember that today we are not in a war like past wars. We are in the ultimate war between good and evil. The terrorists don't want to beat us, they want us to lose our resolve so they can rule the world through intimidation. Terrorists don't want what America has. They do not want America to have what it has: the first amendment, freedom of speech, the right to worship as we see fit, the right to bear arms—all the things that stand in the way of the tyranny they would like to employ around the world, and have employed in a couple of places very successfully, in Afghanistan that we liberated and now in the nation of Iraq.

There are those who would have you believe, by their speeches, that we are fighting the Iraqi people. We are fighting terrorism in Iraq. This war is about Iraq, the United States of America, our soldiers, the future of our generation, and our way of life as we have known it.

I commend and respect anyone who would raise a question or a doubt and seek an answer. But we must not forget that the truths that we know are compelling, that we are fighting the right war in the right place at the right time for the right reason.

For those who say we never found a weapon of mass destruction, I would submit to you that Saddam Hussein himself was a weapon of mass destruction. In 1990, when he went into Kuwait and we went in and liberated, it was Saddam Hussein who rained missiles upon Israel that wasn't even in the fight. It is Saddam Hussein who gassed his own Kurds. It is Saddam Hussein who systematically ordered the deaths of tens of thousands of Iraqi people and buried them in mass graves.

It is no coincidence that al-Qaida operates today as the head of the insurgency that fights our troops in Iraq because this is their war—their war against what America stands for, and what the future of the world can be if we are successful. We have some tough days ahead, but we must stay the course.

In one year, we have caused the Iraqi people to have an interim resolution, to draft a constitution, ratified, and to seek a permanent election to elect permanent representatives, something that would have been unthinkable just 2 or 3 years ago.

But we did it because of the resolve of these men—the American soldiers and the Iraqi soldiers fighting shoulder to shoulder with them today in the final stages in Iraq.

Yes, we have battles to fight. Yes, there will be more terrorist attacks. And, yes, there will be tragic losses that all of us grieve. But we cannot, as a nation, lose our resolve, or have politicians quibble on the edges while our men and women are standing in harm's way.

I commend our troops and our soldiers. I commend our country. I commend our citizens to look to the future and appreciate that everything we enjoy and have today is because of those who have sacrificed in the field of battle, those who have led in this Congress and in this Nation's Government in the past to defeat dictators and tyranny wherever it existed.

We are in the ultimate battle between good and evil. Compromise and quitting is unacceptable. Seeing it through to its course is essential for our men and women in harm's way and for the children of the United States of America and the children of the world because, you see, unlike history under Saddam Hussein in Iraq, the children of Iraq now understand that there is a future, that there is the potential for a bright future, and success and good times with no fear. They do so because this brave Nation, when attacked by the tyranny and the evil of terrorism, decided it would follow it wherever it took us and we would preempt it so it could not stand and it could not exist.

On behalf of our men and women in harm's way, the children they protect, the dreams and aspirations of Americans for a bright future, as bright as our past, I commend our men and women in harm's way. I stay the course as a Member of this Senate to support them in the war on terrorism, and I ask all of us to be careful when we raise questions that must be raised to never raise them in such a way that would compromise this effort or compromise the commitment and dedication of these brave men and women.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, what is the pending order?

The PRESIDING OFFICER. The Senate is in a period of morning business. All time held by the majority has expired. The time remaining on the minority side is approximately 9 minutes.

Mr. INHOFE. Mr. President, I ask unanimous consent I be allowed to present a second-degree amendment to the Harkin amendment number 2438 for the purpose of debate only.

The PRESIDING OFFICER (Mr. ENSIGN). Is there objection?

The Senator from Virginia.

Mr. WARNER. Mr. President, this is a little bit of a complex situation. We are anxious to get started on the bill. We want to honor the 9 minutes on the other side of the aisle. I am wondering if the Senator from Oklahoma could proceed as in morning business until such time as there is recognition sought on the other side to utilize the remaining 9 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would be happy to accommodate that. However, our time has expired so it would take unanimous consent. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized as in morning business.

Mr. INHOFE. Thank you, Mr. President.

ARMED FORCES RADIO

Mr. INHOFE. Mr. President, we have heard some discussions, some debate by the Senator from Iowa, Mr. HARKIN, on his amendment No. 2438. I oppose this

amendment, and I have prepared and have filed a second-degree amendment that I will offer after all time by Senator HARKIN has expired.

I guess I would ask the question as to why should the Senate mandate what programming our troops can listen to or deny their opportunity to choose. Currently, under this system, our troops communicate with their local radio stations by offering feedback that shapes the local programming.

Simply put, if the troops do not like what they are hearing, they call the radio station and ask that the programing be changed. It seems to be fair to me. It is called the market. If there is no market for it, why should we be doing it?

Now, as Senator HARKIN himself has stated, fair and balanced programming options are offered to all 33 radio stations worldwide. It is the individual radio stations that establish the programming based on its audience's preferences. The stations decide what programming is in the greatest demand.

Worldwide, the second-largest audience request is to play all 3 hours of Rush Limbaugh. Only 1 hour is currently made available through the AFRTS. However, some stations choose not to carry his program at all, even for the 1 hour of availability. That is their choice to make based on the troop feedback.

You might say at this point, if the troop feedback is that they want all 3 hours, and some stations do not play any, and the most that any stations play is 1 hour, then if any change should be made in terms of complying with the market, it should be that.

Now, Senator HARKIN and his charts would have you believe the only program on the radio is Rush Limbaugh. But what about the 24 hours of National Public Radio or DOD's commitment to begin airing liberal talk shows by Al Franken and Ed Schultz? Furthermore, Rush Limbaugh currently represents only 3 percent of the weekly scheduled programming. That is 3 percent. I don't know why they are so worried about 3 percent.

Now, the liberal talk radio—this is important as to having a benchmark of 1 million listeners. It is important to know there is a reason why they choose programming. One is, they do not choose any at all unless it has 1 million listeners.

Let's put that chart up. It is kind of hard to read, but I will explain it in a minute. Prior to this fall, no liberal talk shows had over 1 million listeners. Rush Limbaugh has approximately 15 million listeners weekly. AFRTS's policy is to ''provide a cross-section of popular programming.'' To this point, there have been no significant audience demands to rationalize adding progressive programming or liberal programming.

For the record, Limbaugh was added to the programming menu after troop listener demand had been heavy and sustained for many years. At the time, Limbaugh's audience had grown so large that failure to include his show would have violated AFRTS's policy of providing a slice of domestic talk radio.

There is no truth to the minority's assertion that liberal talk radio has been kept off of AFRTS for political purposes. That is a pure fabrication. The truth is, as this chart shows, the minimal market demand that exists for liberal talk shows did not meet the listenership requirement for programs to be played on AFRTS.

The AFRTS standard is a ''national syndication and one million listeners per week.'' It has to be a nationally syndicated program, and it has to have a million listeners per week. That goes for all programming, as this chart clearly shows.

Now, two liberal talk shows have achieved 1 million listeners in 2005. If we look at this carefully, we will see that in 2004 there were no liberal talk shows on AFRTS because none of them had an audience of 1 million listeners. There is a change between 2004 and 2005 and that is Ed Schultz and Al Franken both were able to get a million listeners. Therefore, we changed the programming. We are responding to the demand out there. If there are a million people who want to listen to them, we will give our troops a chance to do the same thing.

As it turns out, right now, the AFRTS stations will have access to the two top conservative and the two top liberal shows. The conservative ones are Rush Limbaugh and Sean Hannity. And the liberal ones are Al Franken and Ed Schultz.

Still, Senator HARKIN is not satisfied. Senator HARKIN claims conservatives are propagandizing AFRTS's programming. Well, I only ask, which sounds more like propaganda, programming which is freely chosen by listening troops or programming mandated by the Government? Furthermore, if there are significant numbers of letters from troops decrying the current AFRTS programs, I know my office has not received one.

In my travels visiting troops, I have not heard of one. In fact, I know I have been, by count, to Iraq, into those areas where we have our troops stationed, more times than any other member of the Senate Armed Services Committee. When I am over there, I have yet to have one person come up to me or have one letter in our office saying they are dissatisfied with the programming and that they demand more liberal programs.

All I see here are Senators trying to subsidize liberal talk radio because they do not have anyone to compete with popular conservative radio talk shows.

Now, the amendment also calls for an ombudsman, as if the amendment is not bad enough in trying to dictate what our troops should listen to against their will. The Harkin amendment would establish an ombudsman of the American Forces Network who would be appointed by the Secretary of Defense.

The amendment is based on the premise that the programming decisions of the American Forces Radio and Television Service have improperly excluded liberal political radio programming and would give the ombudsman the duty of identifying circumstances under which the AFN ''has not adhered to the standards and practices of the Network in its programming, including circumstances in which the programming of the Network lacked integrity, fairness, or balance.'' I am quoting now from his legislation. The ombudsman would be required to submit an annual report.

Now, what this ombudsman provision does is it allows Members of Congress the opportunity to obstruct an already fair and functioning process by getting in between the troops and what they choose to listen to. Listed as one of the ombudsman's duties in this amendment is to initiate and conduct, upon the request of Congress, reviews of the programming of the network, AFRTS.

The creation of an ombudsman is another example of wasteful Government redundancy. But, moreover, the creation of this post would empower Members of the Senate to choose what entertainment our troops listen to. This is an attempt by the minority to impose unpopular message-driven content on AFRTS to a captive audience. The requirement for a report, et cetera, is to intimidate the 33 stations that are trying to serve our service men and women into serving special interests in Congress.

We do not need a political officer to make sure our troops get the daily dose of a certain media personality. Today, these decisions are based on the input from the servicemember and their ratings by the American people. Our troops deserve the right to choose what they listen to on the radio. What they do not deserve is their Senators taking away the right. Who are we to do this? How arrogant it is we are putting ourselves in a position where we claim to know more than the troops as to what is in their best interests. I do not believe that should be the case.

Finally, preserving the programming integrity of AFRTS must be paramount. There is another reason totally unrelated to what we talked about so far. AFRTS is a vital link between military command and troops and their families throughout the world. What we are saying is, if we have commanders in the field who are trying to communicate messages to our troops—they currently can do this. And they can do this under the Harkin amendment. However, there would be much fewer people listening in the market by adjusting the market, and these messages would not get out.

Important messages are broadcast on this network, and if the programming becomes a political football and is no longer based on what the troops want

but what Congress wants, then listenership would certainly dwindle. Maintaining popular programming ensures that AFRTS remains a reliable communications link to our troops in the field. We cannot afford to play politics with such an important asset.

Now, I have a second-degree amendment, and I will be offering this at the expiration of the time of the Senator from Iowa. The second-degree amendment to the Harkin amendment describes how programs are selected for the American Forces Network, including reliance on ratings and popularity, as demonstrated by the numbers of listeners, and notes that reliance is placed on 33 local programming managers at military communities around the globe.

It would express the sense of the Senate that:

(1) the men and women of the American Forces Radio and Television Service and the Armed Forces Network should be commended for providing a vital service to the military community worldwide; and

(2) the programming mission, themes, and practices of the Department of Defense with respect to its television and radio programming have fairly and responsively fulfilled their mission of providing ''a touch of home'' to members of the Armed Services and their families around the world and have contributed immeasurably to high morale and quality of life in the Armed Forces.

Finally, the language in my second-degree amendment provides that the Secretary of Defense may—may; it does not say he has to, that he must have an ombudsman but he may appoint an ombudsman at AFRTS to serve as—this is the way we have it in the second-degree amendment—''an intermediary between the staff of the American Forces Network and the Department of Defense, military commanders, and listeners to the programming of the American Forces Network.'' You will find that this conforms to the description used to define the ombudsman at Stars and Stripes, our military print media. It is very similar to Stars and Stripes.

I find, when I am making my trips over there, they will tell me they have two ways of communicating with the outside world other than their communications with their family; one is through Stars and Stripes, and one is through the radio programming on these 33 stations.

Now, I would want to, at the appropriate time, go ahead and offer this amendment. It is my understanding the Senator from Iowa will be returning momentarily. But for a minute, I might say to the distinguished chairman, let me give an observation.

The other day I was in the elevator coming up to the floor to cast a vote. I was with two of our Democratic colleagues whom I respect very much, two very liberal Democratic Senators. They were complaining about the fact that all the talk shows are conservative and they don't have successful liberal talk shows. And they said—these were their words in the elevator—there ought to be a legislative fix to this. I said: What you guys don't understand is, this is market driven, and there is no market for your liberal trite. And for that reason, it is much more of the conservative talk shows. It is called the market, and that is what makes America work.

I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to be supportive of this amendment of my colleague from Oklahoma. But at the same time, I do believe the amendment by Senator HARKIN is deserving of consideration. I say to my colleague, my concern, is—and I wish to have the record reflect this—is it your understanding, having carefully examined how this is done by the Armed Forces Network, that in no way are they directly or indirectly trying to impose any censorship?

Mr. INHOFE. No.

Mr. WARNER. That we simply cannot have.

Mr. INHOFE. No, we cannot have—well, actually, the Harkin amendment would impose a censorship to a degree; that is, it would change the criteria that, No. 1, it has to be a syndicated network, and, No. 2, it has to have 1 million listeners.

We have shown clearly that they have lived up to that. When the two liberal talk shows, Ed Schultz and Al Franken, reached a million, they started including them. They are including them just as they are the conservative talk shows. If you impose upon them that you are going to have somebody out there watching and making sure that Congress tells them what is best for them, yes, that does impose a restriction on what our troops in the field are able to hear.

Mr. WARNER. I say to the distinguished Senator, let me read section 2 of his proposed amendment: The American Forces Radio and Television American Forces Network provide a ''touch of home'' to members of the armed forces, civilian employees of the Department of Defense and their families stationed in bases, embassies, and consulates in more than 179 countries, as well as the Navy, Coast Guard, and Military Sealift Command ships at sea.

So it reaches an entire family, and it is a very important function. This Senator wants to make sure that audience, irrespective of whether they are conservatives or liberals, whatever the case may be—I am not sure that is the right criteria we should be using—does get a touch of home, which is a very wonderful expression that you have included here, by providing the same type—reading on—and quality of radio and television programming, including news, information, sports, and entertainment, that would be available in the continental United States.

To me, if you impose a certain market criteria, even though they may not hit a certain number of listeners, you are not getting the full spectrum that this amendment calls for. In other words, I would prefer to have just this amendment that you have here be the decision by the Senate and then leave it up to the 33 stations to ensure that is done. Maybe we shouldn't condone a marketing policy that just cuts off a whole lot of programs at the bottom because they don't have enough listeners.

Mr. INHOFE. I respond to the distinguished chairman of the committee that I am prepared to have it market driven.

Mr. WARNER. You would prefer what.

Mr. INHOFE. To have it purely market driven so that these kids who are out there, our troops risking their lives, would be able to determine what they wanted to listen to rather than having something imposed upon them. Ideally that is what I would prefer in a second-degree amendment. But in trying to accommodate a system that has worked pretty well, that criteria is acceptable to me. Let's don't talk about liberal and conservative. Let's talk about just programming. Forget about what is liberal and what is conservative. If a concept is popular enough that it has 1 million listeners, then that should qualify for consideration for our troops to listen to. That is my point.

Mr. WARNER. Well, I don't see anything in the language you use here because you are very explicit. By providing the same type and quality of radio and television programming, including news, information, sports, and entertainment, that would be available in the continental United States—that is what we should follow.

Mr. INHOFE. I agree.

Mr. WARNER. I don't know that we condone a marketing tool by which a certain category—and it so happens that category perhaps has the preponderance of things which people would consider liberal. I am not sure we can escape totally the use of that word. It is better that we let the 33 stations themselves decide what it is.

If a program hasn't hit a million, well, there may be some audience within the family of people you discuss here, all of the various listeners and families and embassies and consulates, maybe they would like to hear something even though it hasn't hit the 1 million mark.

Mr. INHOFE. I would respond to the Senator from Virginia that the only reason I used these two charts, the accusation was made that there somehow is a mechanism here that would exclude that more liberal philosophy in terms of programming. This demonstrates clearly that it doesn't because once they have reached that criteria, they are able to be heard.

Mr. WARNER. It is that operative phrase of ''reach that criteria.'' It seems that reaching that criteria has the effect of excluding a lot of programming, albeit they don't have quite the audience that others do, but nevertheless, there may be some individuals

within this family that is set forth in the amendment that would like to hear it.

Mr. INHOFE. I think that is right. I believe that is the case. The 33 stations have program directors. Their goal is to maximize their audience. If they hear that something is in demand that might not be consistent with what is in demand throughout the United States, I can assure you, under the current system, they will have that program.

Mr. WARNER. That assurance to me is important. So what you are saying is it would not be any indirect censorship of any particular philosophical category of programming under your proposal?

Mr. INHOFE. That is exactly right.

Mr. WARNER. So your proposal does not bind them to this market criteria.

Mr. INHOFE. That is correct.

Mr. WARNER. I find that helpful. I think you have dispelled any thought that this amendment would impose any censorship.

Mr. INHOFE. Yes.

Mr. WARNER. And the variety of news services—again, there are obviously certain news services that have a proclivity to go to a more conservative side and some to the liberal side, but again, are news services given an equal opportunity to be heard?

Mr. INHOFE. Yes, they are.

Mr. WARNER. For example, I happen to like NPR, and I like to hear FOX News. I like to have the juxtaposition of the different viewpoints.

Mr. INHOFE. In my statement, I commented that it is a very disordinate amount that has been historically given to NPR in terms of listening audience because they have that on for 24 hours. So certainly that is already there, and that is more than the market would justify if we were going by the justification that the market dictates.

Mr. WARNER. Mr. President, if I might ask the Senator one last question. He makes reference to the ombudsman. How does your coverage of the subject of an ombudsman differ from the amendment offered by the Senator from Iowa?

Mr. INHOFE. It merely makes it optional. If the Secretary of Defense wants to pursue the ombudsman as a practice, then he may do it. It doesn't say he shall. It says he may. It is not mandated. It is just optional at the discretion of the Secretary of Defense.

Mr. WARNER. Fine. So that clarifies the sole technical distinction, which is an important one, between your second degree and the underlying first degree. Therefore, it is up to the Secretary, but once an ombudsman is selected, assuming the Secretary opts to do so, in no way is that individual chartered or directed to do his work or her work different than what the Senator from Iowa desires?

Mr. INHOFE. That is correct. The only difference is, it is optional.

Mr. WARNER. I think that is important. So could that ombudsman be among the existing people in the Department of Defense, have it as an additional duty, or should that person be brought in from the outside and have the sole responsibility of ombudsman work?

Mr. INHOFE. It is my understanding that under the underlying amendment by the Senator from Iowa, it is very prescribed as to how this person is going to be chosen. In my amendment, it leaves it up to the discretion of the Secretary of Defense. It could be someone who is already existing within that Department or another department.

Mr. WARNER. Mr. President, I think that is an important flexibility. I am certain that within the Department, there is an individual or an individual with objectivity and a background that could perform this work.

Mr. INHOFE. That is correct.

Mr. WARNER. I thank the Senator. I yield the floor.

The PRESIDING OFFICER. The minority has 9 minutes remaining in morning business.

The Senator from Rhode Island.

Mr. REED. Mr. President, I would like to be recognized as in morning business.

The PRESIDING OFFICER. The Senate is in morning business, and the minority has 8½ minutes remaining.

OIL COMPANY WINDFALL PROFIT TAX OFFSET

Mr. REED. Mr. President, recently Senator COLLINS and I introduced an amendment to the proposed budget reconciliation bill to fund a $2.9 billion increase in the Low-Income Home Energy Assistance Program by placing a temporary 1-year windfall profit tax on big oil companies. I filed this amendment to the budget reconciliation bill to begin the dialog, and I intend to call for a vote on my amendment when the Senate debates the tax reconciliation bill in the next few days.

Last week, oil companies reported record profits for the third quarter on surging oil prices. Chevron posted profits of $3.6 billion. BP's profits rose to $6.5 billion. Royal Dutch/Shell profits grew to $9 billion. And ExxonMobil profits gushed up 75 percent to nearly $10 billion. According to BusinessWeek, that equals $150 million in profit for every working day in the past 3 months.

This year has been an exceptionally lucrative one for the oil industry and an exceptionally impoverishing one for American families and seniors. Profits going to big oil are money coming out of wallets of working families and seniors and wealth draining out of our communities.

Fully funding LIHEAP is a vital imperative. I believe the big oil companies should help shoulder the cost. Rising energy prices could financially wipe out working-class families and seniors this winter. Americans are experiencing extraordinarily high runups in energy prices that jeopardize the ability of many families to keep their homes warm during this coming winter season. Energy costs to the average family using heating oil are estimated to hit $1,500 this winter, an increase of almost $325 over last winter's heating season. For families using natural gas, prices could hit $1,000, an increase of $300.

For a family using propane, prices are projected to hit $1,300, an increase of $230. For families living in poverty, energy bills are now over 20 percent of their income, compared to 5 percent for other households. People who are living in poverty, many of whom are working, are paying 20 percent of their income for heating bills. That is compared to 5 percent for the rest of America's families.

Let me tell you what this amendment means. If we are successful, it would add $2.9 billion to the LIHEAP program to bring total funding to $5.1 billion this winter. With $5.1 billion, the National Energy Assistance Directors Association estimates that LIHEAP could serve 12 million families this year. This is double the number of families served last year but still only one-third of those eligible. Even with this increased funding, we would not reach all the families who qualify, but we would reach those families who are most in need, particularly in this very difficult winter heating season.

States could also increase the level of benefits to help these rising costs, in addition to enrolling more personnel in the program.

This amendment means that seniors will not have to choose between buying lifesaving medication and paying their natural gas bills. Working families will not have to decide between putting food on the table or putting heating oil in their tanks. And what is the cost of this amendment to big oil? It is about 10 percent of their profits from one quarter of 1 year, or in the case of ExxonMobil my amendment would represent just one-third of their profits for one quarter. This is a small price to pay to keep American families safe and warm this winter.

Two weeks ago, I wrote an open letter to the oil industry asking that they act as good corporate citizens and take this step voluntarily. I was pleased to hear that Senator GRASSLEY, the distinguished chairman of the Finance Committee, reiterated my plea recently, and I hope that we will be able to work together on this effort. I also hope that Senator GREGG, the distinguished chairman of the Budget Committee, will join Senator COLLINS and me in our efforts to increase LIHEAP funding through this temporary windfall profits tax. I also hope the administration will join our bipartisan effort to help American families. Unfortunately, to date, the administration only appears able to say no to American families and seniors and yes to the oil industry.

Last month, Secretary Bodman said no, the administration would not seek

additional funding for LIHEAP this winter. The supplemental appropriations request the administration sent to Congress last week did not include funding.

Recently, Secretary Bodman, answering questions on whether the administration would support oil companies voluntarily donating profits to LIHEAP, said, ''No, sir. I wouldn't support it. It is similar to a tax.''

In 1980, Congress enacted the Crude Oil Windfall Profits Tax Act. This legislation established LIHEAP. Twenty-five years later, with energy prices overwhelming workers' salaries and seniors' Social Security checks, it is time for Congress again to take action and tax windfall profits to aid in energy assistance.

I also want to mention it is my intention that when we consider the tax reconciliation bill this month, I will offer an amendment to provide a tax credit to working American families to help them pay for their energy bills this winter. Our Nation's priorities must be to help these families, and I hope working together with my colleagues we can provide that help and assistance.

Mr. President, I inquire how much time is remaining in morning business on the Democratic side?

The PRESIDING OFFICER. Two minutes.

Mr. REED. I yield the remainder of the time to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, is that the extent of the time?

The PRESIDING OFFICER. That is correct.

Mr. REED. In morning business.

Mr. WARNER. Mr. President, if I may clarify what the situation is, 2 minutes in morning business is left, and that is being allocated to the Senator from Massachusetts, fine, no problem there. But as I understand, the Senator from Massachusetts also wishes to address the Levin amendment; am I correct?

Mr. KENNEDY. That is correct.

Mr. WARNER. At which time is the expiration of the 2 minutes. Then the time is charged to the Levin amendment; is that correct?

The PRESIDING OFFICER. At the conclusion of morning business, the Senate will proceed to consideration of S. 1042, and the Senator then may seek recognition.

Mr. WARNER. I hate to interrupt the Senator from Massachusetts, but if you have to do it, you have to do it.

Mr. KENNEDY. Mr. President, I intend to speak probably 7 minutes. I will use the 2 minutes now and request time on the Levin amendment.

AMENDMENT NO. 2430

Mr. KENNEDY. Mr. President, a year and a half ago, Americans were stunned by the revolting images of men and women wearing the uniform of our Nation torturing and abusing prisoners at Abu Ghraib.

At the time, we had hoped those photos pictured an isolated instance, but we have learned since that our own leaders at the highest levels of our Government, in the White House, in the Pentagon, and in the Central Intelligence Agency, have allowed a wide pattern of abuse to occur. Abu Ghraib, it seems, was only the tip of the iceberg.

American officials abused prisoners in Iraq, Afghanistan, and Guantanamo, and now we learn the CIA maintains secret prisoners in Eastern Europe where Vice President CHENEY arrogantly and unapologetically hopes to permit torture as a permanent part of American policy.

These actions deeply offend American honor and ideals. They invite retribution on our own troops by those who treat them as we treat their prisoners, and they harm America's image around the world and make the war on terror that much harder to win.

These abuses should not be swept under the rug and forgotten. The American people deserve to know what their government is doing. Those who have violated our norms and values under the color of the American flag should be held accountable.

That is why I strongly support the Levin amendment to create a commission with responsibility for learning the truth. Its findings not only would bring much needed accountability of those responsible for these abuses but also would guide our handling of the detention and interrogation of detainees in the future.

From what we have learned to date, it is clear that our political leaders made deliberate decisions to throw out the well-established legal framework that has long made America the gold standard for human rights throughout the world. The Administration left our soldiers, case officers, and intelligence agents in a fog of ambiguity. They were told to ''take the gloves off'' without knowing what the limits were. Top officials in the Administration endorsed and defended practices that we've condemned in other countries. And the consequences were foreseeable.

In rewriting our human rights laws, the Administration consistently overruled the objections of experienced military personnel and those who represent American interests abroad. As Secretary of State Colin Powell warned the White House, ''it will reverse over a century of US policy and practice in supporting the Geneva Conventions and undermine the protections of the law of war for our troops.'' Senior Defense officials were warned that changing the rules would lead to so-called ''force drift,'' and without clearer guidance, the level of force applied to an uncooperative detainee might well result in torture.

But these wise words fell on deaf ears. Officials at the highest levels of the administration somehow viewed the rule as inconvenient and quaint. As Lawrence Wilkerson, former Chief of Staff to Secretary Powell, said:

I don't think in our history we've ever had a presidential involvement, a secretarial involvement, a vice-presidential involvement, an Attorney General involvement in telling our troops essentially carte blanche is the way you should feel.

The PRESIDING OFFICER. The Senator has used 2 minutes.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1042, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1042) to authorize appropriations for calendar 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.

Pending:

Nelson (FL) amendment No. 2424, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

Reed (for Levin/Reed) amendment No. 2427, to make available, with an offset, an additional $50,000,000 for Operation and Maintenance for Cooperative Threat Reduction.

Levin amendment No. 2430, to establish a national commission on policies and practices on the treatment of detainees since September 11, 2001.

Inhofe amendment No. 2432, relating to the partnership security capacity of foreign military and security forces and security and stabilization assistance.

Chambliss amendment No. 2433, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

Snowe amendment No. 2436, to require the Secretary of Defense, subject to a national security exception, to offer to transfer to local redevelopment authorities for no consideration real property and personal property located at military installations that are closed or realigned as part of the 2005 round of defense base closure and realignment.

Harkin/Dorgan amendment No. 2438, relating to the American Forces Network.

Mr. WARNER. Mr. President, I thank the Presiding Officer for advising that the bill is now up and the distinguished Senator from Massachusetts will continue his framework remarks on behalf of Senator LEVIN, whatever time the Senator desires.

Mr. KENNEDY. I thank the chairman of the Armed Services Committee for his typical courtesies and consideration.

AMENDMENT NO. 2430

Mr. President, we have created legal and literal black holes where individuals have been placed without hope of receiving due process or fair and humane treatment, and that is nothing short of a travesty.

The warnings are all there.

The military's judge advocate generals—people who have dedicated their lives to the defense of the country—warned that undoing the rules against abuse would undermine protections for our troops.

The FBI warned the abuses at Guantanamo may violate longstanding American practices and policies.

The International Red Cross warned that our actions violate and undermine international agreements that serve to protect our own troops when they are captured.

But the Bush White House still is doing everything it can to avoid accountability. Only yesterday, President Bush said that the United States does not torture. Yet his own Vice President is lobbying Congress to allow the CIA to use these abusive techniques.

There is little doubt that many of those detained are cold-blooded killers intent on harming Americans. They should be charged for their crimes and locked away. But we do not win the war on terror by stooping to their level. We do not win by desecrating the very ideals that our soldiers are fighting for. We win by setting an example, by doing unto others as we would have them do unto us.

We know now that the prisoner abuse scandal is not merely the responsibility of a few bad apples as the administration initially claimed. We cannot simply blame a few low-ranking soldiers without looking at the role of William Haynes, David Addington, Jay Bybee, John Yoo, Timothy Flanigan, Alberto Gonzalez, and the Vice President in crafting these policies that led to these abuses.

Mr. President, there have been 11 investigations into the treatment of detainees, 11, but not one has fully examined the extent to which officials at the top levels of the administration are responsible for these abuses, and not one has looked beyond the Pentagon to the CIA, the Justice Department, and the White House itself—not the Schlesinger report, not the 10 military investigations that have taken place. We can no longer let the White House off the hook.

By refusing to act like the truth is important, the administration is only making the crisis worse, further embarrassing the Nation in the eyes of the world, and casting greater doubt on its commitment to the rule of law. We will not be able to move past the scandal as a nation until there is a full independent investigation of all that has gone wrong in our detention and interrogation policy and all the persons found responsible for these policies are held accountable. I urge my colleagues to support this amendment.

I thank again the chairman of the committee for his indulgence.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I would like to reply to my distinguished colleague from Massachusetts. It is a very strong belief within the Senate that simply this is not the time nor is there the need to establish another 9/11 type commission. First, it would duplicate the thorough investigation into the matter that has already taken place by a number of committees of the Senate. And as stated by my distinguished ranking member yesterday, he acknowledged that our committee has had a very major role in the matters and has conducted a number of hearings.

The Department of Defense on its own initiative has conducted 12 probes of detainee operations in the last 18 months. I wish to draw the attention of the Senate to one of those probes because it was conducted by individuals who in my judgment—and I say this with no restriction whatsoever—have just about as high a credibility that I know of any public or former public servant; that is, James Schlesinger, former Secretary of Defense; Harold Brown, former Secretary of Defense; General Hoerner, four star general of the U.S. Air Force who conducted the air operations during the first gulf war, a man whom I have known very well; and our distinguished and much beloved late Member of the Congress of the United States, Tillie Fowler. I would like to, for the benefit of my colleagues, quote directly from their report. On page 5, they find as follows:

> There is no evidence of a policy of abuse promulgated by senior officials or military authorities.

On page 66:

> Despite the number of visits and intensity of interest in actionable intelligence, however, the panel found no undue pressure exerted by senior officials.

Mr. President, the McCain amendment, which has been adopted now twice by this body, is the subject of a conference now with the appropriations conferees. It is also on our bill, the first amendment accepted. This was a bipartisan call to the best instincts of our American character. I call on the Senate to use that powerful statement of American values, not another commission, as our instrument of change.

Mr. President, I would like to ask at this time the time remaining on the Levin amendment——

Mr. KENNEDY. Will the Senator respond to a question?

Mr. WARNER. Yes, I would be happy to do so.

Mr. KENNEDY. First of all, I thank the chairman of the Armed Services Committee for pursuing this issue, and I am grateful for his initiatives and those of Senator LEVIN.

We had the opportunity in the Judiciary Committee to also pursue this issue during the nomination hearings of the Attorney General, Mr. Gonzalez, who had been the White House Counsel when the initial torture memorandum was prepared. There was no question that someone in the Central Intelligence Agency spoke to Mr. Gonzalez and he asked the Office of Legal Counsel in the Justice Department for advice about how to define the parameters of torture—of torture. And they received back a very detailed note from the Office of Legal Counsel. In that particular memorandum, known as the Bybee memorandum, was the legal guidance for the DOD. It effectively indicated that using any kinds of techniques on any individuals were permitted, as long as the intention was to get information and not to torture.

Mr. Gonzalez was asked extensively about that memo. We asked about the author of that memo. And we then received—during the hearing—a revision of that torture memo by the Defense Department. For 2 years, the Bybee memo had been out there. That memorandum effectively absolved any members of the armed services that were involved in torture because they were doing the work of the Commander in Chief. Under that particular memorandum, if you were working under the Commander in Chief, you were effectively protected against any kind of prosecution in the future.

That memorandum was withdrawn by the Justice Department and the Department of Defense. But it was in effect for 2 years. We don't know what the background was. We never found out in the Judiciary Committee who in the Central Intelligence Agency asked for that memorandum. We never found out what the contacts were between the agency and the Office of Legal Counsel. We never found that out. We never have found out whether it was repudiated by the Central Intelligence Agency.

Those questions are still unanswered, I say to the Senator from Virginia. This enormous collection of studies that was done primarily for the Armed Services Committee is virtually free of any discussion, knowledge, or accountability of the Bybee memorandum, which is the basis for the policy of torture within the Defense Department. That is just one illustration of what took place. The American people are permitted, I think, to understand who was making judgments and decisions so that this memorandum was put in place, which basically permitted torture to take place. We are talking about waterboarding, and we are talking about being the target of military dogs. That was all out there.

If the Senator can give me the authority for that kind of activity, for that kind of guidance, we would be much more interested in listening to the argument that we have had all of these studies, we know everything that needs to be known, when I don't believe that is the case.

Mr. WARNER. Mr. President, I will answer and charge my time to my side. The time of the Senator from Massachusetts will be charged to the Levin amendment on his side. That is my understanding; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Mr. President, I should like to reply. If I can get clarification, I am not sure I understood one word that I think is important. Did the Senator mean ''absolved'' or ''absorbed''?

Mr. KENNEDY. Absolved. This is the Bybee memorandum that was the basis for much of the torture activity that took place. A substantial part of it was included in the military working document which was released to the members of the military in all parts of the world.

I haven't had a chance to mention this particular item, and there are many different items in the whole torture issue, but if the Senator wanted to respond later on, I would certainly welcome it. One of the most troublesome aspects of the whole issue on torture is that we still have no way of knowing who put this in, who guided this, who got in touch with the Office of Legal Counsel, what were those phone calls, who was asking for this, and why it was put into effect for 2 years.

Mr. WARNER. Mr. President, do I understand this document is in the archives of the Judiciary Committee; is that correct?

Mr. KENNEDY. Yes, it is called the Bybee memorandum.

Mr. WARNER. Is it a matter that is subject to classification?

Mr. KENNEDY. No, it is in the record of the consideration of Mr. Gonzales for Attorney General.

Mr. WARNER. So, Mr. President, the document speaks for itself?

Mr. KENNEDY. Yes.

Mr. WARNER. I simply say, I don't have firsthand knowledge of all of the important oversight that was conducted by the Judiciary Committee. The Senator does raise fundamental questions about this policy, but I will only say, as recently as in the past few days, our President has reassured our Nation that we do not tolerate or permit torture. I would have to believe that is a consistency of the policy of the administration. Not having examined this document, I would hope there would be a continuity of that throughout the administration.

Mr. KENNEDY. Mr. President, I know time is running short, but the point is, during this period of time, those same assurances were given. And what was being done at that particular time was also described as not meeting the criteria of torture. That was the troublesome aspect. Although when asked during the course of the hearing about the waterboarding and assault by dogs and other activities, I think the response of the military officials who were asked about it was that could fall within the definition of torture.

Given the history of how the word ''torture'' has been used and looking at the Bybee memorandum which was the guidance for DOD, I think there are some very legitimate questions which we are very hopeful that an independent commission can resolve.

Mr. WARNER. Mr. President, I hope my colleague will concur that the McCain amendment, which has been adopted by this Chamber on two occasions, would be dispositive of any confliction as to the definitions as to the future; would I not be correct on that assumption?

Mr. KENNEDY. Certainly it would, as far as I am concerned. I think with this commission we are trying to avoid these circumstances in the future, given the facts we have seen in the past.

I thank the Chair.

Mr. WARNER. Mr. President, I say to my colleague and distinguished member of the Armed Services Committee, to avoid it in the future, that is precisely the objective of the McCain amendment, to prevent any recurrence. I am not suggesting I corroborate that there have been deviations; I simply say that is a landmark piece of legislation with regard to the future. And it would be, as I said in my remarks a few minutes ago, the guidepost for the future to resolve this issue.

Our military has had a great history of correcting through its lessons learned the procedures for the future. The Department of Defense has already implemented substantial reforms in response to its interactions with Congress on these investigations. The areas of concern involving the intelligence community, ghost detainees, and renditions are more appropriately addressed, of course, in the Select Committee on Intelligence.

Mr. President, I simply ask that all Senators be informed as to the time remaining on the Levin amendment on both sides.

The PRESIDING OFFICER. There is 10 minutes in opposition and 3 minutes under Senator LEVIN's control.

Mr. WARNER. Mr. President, I indicate to my colleagues that I would be prepared to, at a future time, to yield back our time so we can move to a vote on the Levin amendment as early as possible. So there is 3 minutes remaining, as I understand, under the control of the Senator from Michigan?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. Mr. President, I ask unanimous consent on behalf of Senator INHOFE to modify his proposed second-degree amendment. It is at the desk and being filed in relation to Senator HARKIN's amendment. This is a technical change.

The PRESIDING OFFICER. Consent is not required. The Senator's amendment is not pending.

Mr. WARNER. I realize that, but can we at this time substitute a revised document for the one that is being held at the desk? The Parliamentarian brought it to the attention of Senator INHOFE, and it is my understanding he followed the guidance of the Parliamentarian on this technical modification.

The PRESIDING OFFICER. The changes will be made.

Mr. WARNER. I thank the Presiding Officer and the Parliamentarian and other staff who facilitated this.

Mr. President, we are anxious to continue to work on this bill. I wonder if the distinguished Senator from Rhode Island can indicate what hopefully will occur this afternoon from his side of the aisle? One of his distinguished staff members handed us a sheet.

Mr. REED. Mr. President, the intention this afternoon, awaiting Senator LEVIN's return, is we will discuss further the Dorgan amendment on a Truman Commission approach and then a Byrd amendment with respect to a second Deputy Secretary of Defense for Management, I believe, and then Senator NELSON and others in regard to the SPD offset amendment. So we are prepared to return at 2:15 p.m. and continue to work on the bill.

Mr. WARNER. Mr. President, also, the distinguished Senator from Rhode Island has an amendment with regard to missile defense. Might I inquire as to the remainder of time on each side on that issue?

The PRESIDING OFFICER. The Senator from Rhode Island has 19 minutes. The Senator from Virginia has 13 minutes.

Mr. WARNER. I thank the Presiding Officer. It is our intention that the distinguished Senator from Alaska, Mr. STEVENS, will utilize largely the remainder of the time on this side, and then I hope we can bring that important amendment to a vote.

Mr. REED. Mr. President, I look forward to Senator STEVENS' comments and reserve time for myself and others to make additional comments and then move to a vote.

Mr. WARNER. Mr. President, I hope to be joined by my colleague from Michigan this afternoon. We will do our very best to keep the Senate moving without quorum calls to conclude the amendments, each side having 12, and also the managers approving a number of reconciled amendments on both sides. I anticipate a vigorous procedure this afternoon on behalf of this bill, moving toward third reading at the earliest possible date, which is the decision that the majority and Democratic leaders will eventually make.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to use 6 minutes of the time that is allocated to Senator HARKIN on the amendment that is pending, if in fact the Harkin amendment is now pending. I believe it is.

The PRESIDING OFFICER. The Senator is correct. It is the pending amendment. The Senator is recognized.

AMENDMENT NO. 2438

Mr. DORGAN. Mr. President, the Harkin amendment is a very simple

amendment. Let me describe it. We have something called Armed Forces Radio and Television Service, AFRTS, a worldwide radio and television broadcast. It serves a million American service men and women and their families stationed at bases and American diplomatic posts in 179 countries around the world.

Armed Forces Radio and Television is paid for with taxpayers' dollars. It is a wonderful service to our troops and the families who are stationed overseas and at diplomatic posts. One of the questions that we raised recently was the question of programming on Armed Forces Radio and Television, not that anyone would want to censor any programming, far from it, but the question of whether there is balance and diversity on the programming that is on these stations.

I visited with a woman named Allison Barber, who is apparently in charge of some of this. She actually came to my office and we visited. And we spoke on the phone earlier this year. I have since tried to reach her again, unsuccessfully, with I think three or four telephone calls. First, she was traveling in Europe. She is back but not returning her telephone calls at this point.

I talked to Allison Barber because I felt they were doing the troops a service by providing a certain kind of programming. They have conservative talk shows on Armed Forces Radio and Television, Armed Forces Radio specifically, which is fine. Some of them are enormously successful, entertaining, have a wide listener audience, and that makes a great deal of sense that they would offer that to the troops abroad. The question I asked Allison Barber is, If you are going to offer conservative talk shows, do you not think that you would want to offer a counterbalance so that the troops abroad would have both sides of issues?

The reason I asked that is when I began to look at what the 33 local stations in Armed Forces Radio broadcast, it was this: Of the programming that is essentially political programming or defined as conservative programming, there was 100 percent on the conservative side and nothing on the progressive side.

I said: Well, I would never suggest that conservative programming be taken off. I think it is probably there because it is entertaining, interesting, well done, and the troops want to hear it. Do you not think, since our country is split very close to 50–50 in terms of political preference, the other side might well be represented? In fact, are not your rules such that they say—I am talking about the directives now that the Department of Defense refers to—the political programming shall be characterized by its fairness and balance? How would one characterize this as fairness and balance? One cannot.

The amendment offered by Senator HARKIN does not suggest anybody ever be taken off the air. Continue to air all of these things but provide both sides of political dialogue, which is not the case today. That is what my colleague says should be done. I agree with him.

Our colleague from Oklahoma comes to the Senate floor and talks about a second-degree amendment. He says, I kind of like what is going on now. Boy, I would guess he would. He belongs to a political party that is heavily supported by the programming on Armed Forces Radio. I can well understand why he would enjoy that sort of decision.

I believe Allison Barber, the Department of Defense, and all of those involved in selecting programming should do both things. They ought to provide this kind of programming, conservative talk shows and the rest, to the troops in the field and their families, and they ought to provide what their directive requires, fairness and balance, so that the other side has the same opportunity to be heard by those troops and their families. That is not now the case. That case does not now exist. My colleague from Iowa has offered an amendment that would begin to remedy this.

I know this debate will be characterized by the talk shows on the far right as trying to take them off the air. Nothing could be further from the truth. I do not recommend that for a moment. I simply believe that Allison Barber and the others involved in these decisions have a responsibility. The responsibility is to provide balance in the political programming on the Armed Forces Radio system that is paid for by the American taxpayer, so that all of those who have access to that radio signal have access to balanced programming, both sides being heard.

The other thing is—I assume it is a joke. I assume it is a joke, but I cannot be sure because I have heard it more than once. My colleague from Oklahoma says: Well, Rush Limbaugh is balanced by National Public Radio. How one could actually make that assertion without openly laughing is hard for me to understand. That surely must be a joke. National Public Radio does not counterbalance rightwing talk. National Public Radio, if there is something in this country that is fair and balanced—National Public Radio is not about political programming on the right or the left.

We hear a lot of excuses. The question is, Will the Armed Forces Radio system do what is required of them in their directive? The answer apparently is no. So what my colleague from Iowa would do would be to codify in law what the directive now requires them to do, but what they now fail to do.

So that is the amendment. It is simple and fair. I do not see how anyone could possibly oppose that amendment. I would hope that we will have a successful vote on it.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Virginia.

Mr. WARNER. Will the Senator yield for a question? Could he put the chart back up?

Mr. DORGAN. Yes.

The PRESIDING OFFICER. The Senator from Virginia will suspend. The Senator from North Dakota is out of time. Would the Senator from Virginia like to be recognized on his time?

Mr. WARNER. I will be recognized and would hope that the reply of the Senator could be brief.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Virginia has 23 minutes.

Mr. WARNER. The zero on the chart, I want to make very clear my position. I do not want any censorship imposed by the Department of Defense in utilizing taxpayer dollars to promulgate this programming, which is so important. The Inhofe second-degree amendment sets forth the wide range of recipients. It is uniformed people. It is their families. It is embassy people. It is their families. It is consulates. Quite a spectrum is served by this important outlet.

If the Senator can point to where there is any censorship, I would like to address it. I have engaged my distinguished colleague in this colloquy as well. Does anyone make an assertion that there is censorship taking place?

Mr. DORGAN. Well, if the Senator would allow me to respond, let me propose an idea which I have proposed to Armed Forces Radio. I said, What about putting someone on from this side with a progressive talk show that would counterbalance this? The answer apparently is, no. So would that not suggest that they are censoring this side of the aisle, censoring this side of the political debate? Is that not censorship?

Mr. WARNER. Mr. President, I think the Senator is endeavoring to answer while it may not be direct and overt, indirectly there could be factual situations that would constitute some sort of censorship. For example, I happen to listen to a wide spectrum—I am sure each of us in this body does. I enjoy programs from Rush Limbaugh to NPR, but NPR has always been associated with, should we say, a bit of the left side.

I understand NPR is broadcast on AFR, and yet the zero percent would indicate that program is not considered to be somewhat counterbalancing of the others.

Mr. DORGAN. Mr. President, if I might respond.

Mr. WARNER. Yes.

Mr. DORGAN. That is an unbelievable assertion. I have great respect for the Senator from Virginia, but it is unbelievable. I, too, drive down the road, and on my radio, for example, would listen to Rush Limbaugh, very entertaining, very smart. It is a program a lot of people listen to. What he does is, he relentlessly kicks the living daylights out of the opposite party. Is that found on NPR?

The implication and the suggestion on the Senate floor and elsewhere that

NPR is some sort of leftwing political show is absolute rubbish. I am sorry. It is absolute nonsense. I am so tired of hearing it.

Mr. WARNER. Mr. President, I did not mean to engender the ire of my good friend. I am simply stating factually, to me, NPR is a very balanced—I have often been on it myself and they have this sort of a format, the modulation of the voices is always quite subdued on NPR. Now, Rush Limbaugh, indeed—occasionally, I listen to him and it is certainly not a modulated voice. He is very forceful in getting his points across, but it is not for the Senate to arbitrate the voice intonation between the different programs. I am simply talking about content, putting aside the means by which it is delivered.

It seems to me it is a question of content, and it seems to me NPR is a very—I would use the words ''reasonably balanced'' but a little bit on the left side of the equation more than on the right side of the equation. I find it somewhat misleading that the Senator puts a zero up there, which applies to the NPR.

Mr. DORGAN. Mr. President, I do not know if the Senator is willing to lend me more time, I would just say this to the Senator: There is one person in public service who tried to demonstrate what the Senator just said, and that is that National Public Radio is inherently biased. He just resigned last week. His name is Kenneth Tomlinson. Why did he resign? Because the Inspector General took a look at what he did. He hired some nut case from Indiana to do an evaluation of programming on NPR. The guy was so unprofessional—by the way, he was sending his reports from the fax of a Hallmark shop in Indiana, paid Federal money for it, Federal funds for it, inappropriately, a guy who had no experience and a guy who was a rightwinger who came up with the concoction that somehow NPR was not balanced. It is unbelievable that we keep hearing this nonsense.

Look, Rush Limbaugh has a fine radio program. A lot of people listen to it. I admire his capabilities. I just believe that our troops ought to be able to hear both sides of this debate on radio, and that is not now the case. That is the only point I make. The Senator should not suggest that National Public Radio somehow leans to the left or jumps to the left, or because it has a modulated voice is leftwing. It is not. It is the only fair and balanced radio program out there, in my judgment.

Mr. WARNER. Mr. President, it seems to me that I have engendered a spirited debate that I had no intention of doing. So I would drop the issue. I do not intend to be an expert on the political content. Clearly, Rush Limbaugh does have a strong preference for the more conservative issues, but I cannot believe that there are not some programs that have a strong bent for issues which are other than conservative, call them what one wishes. It seems to me that zero percent is something that is indefensible, and we will leave it at that.

I see the distinguished Senator from Iowa on the floor.

It is his amendment. I yield the floor at this time.

Mr. HARKIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Iowa has 7 minutes 46 seconds remaining.

Mr. HARKIN. I will yield 1 minute 46 seconds more to the Senator from North Dakota.

Mr. DORGAN. Mr. President, let me say to my colleague from Virginia, I do not mean to be irritated about this at all. My only point is this. I believe there are wonderful, talented people on the political right who are on the radio. They are very successful. Good for them. I believe there are talented people on the other side of the political spectrum who are on the radio dial. Good for them. Both ought to have an equal opportunity to be heard with respect to Armed Forces Radio programming. That is the point of it.

They are not now. Those on the progressive side are prevented from getting on that dial. We believe that is wrong with respect to a taxpayer-funded radio network. We believe it is inappropriate for the troops not to have access to both sides. The amendment of Senator HARKIN, the one I cosponsored, is very simple. It says keep all these folks on, the conservative side, good for them; but put on the other side as well, be fair to them, so the troops have a chance to hear both sides. My friend from Virginia is a good friend, and I didn't mean at all to be irritated, but the NPR allegation does sort of spark my interest from time to time. We will talk about that at some point later.

My hope is we can fill in this gap and have our soldiers have a generous discussion on both sides of the political system with radio programming from the right and the left. That does not now happen, and I believe it should on a radio program that is funded by the American taxpayer.

Mr. HARKIN. Mr. President, how much time is remaining on my side?

The PRESIDING OFFICER. The Senator from Iowa has 6 minutes 18 seconds remaining.

Mr. HARKIN. I yield myself a couple of minutes because I want to save some time.

A little history is in order here. In 1993, then-Representative Robert Dornan of California, along with 69 other Republican House Members, sent a letter to Secretary of Defense Les Aspin demanding that Limbaugh's radio show and his television show be broadcast to the military.

The Pentagon at that time pointed to an internal survey they had done of 50,000 military listeners. They found that only 4 percent requested more talk shows. The overwhelming number of respondents requested continuous music, as you might expect from our people in uniform. However, the issue kept getting pressed.

On November 29, 1993, the American Armed Forces Radio issued this statement. This is their statement.

> The Rush Limbaugh show makes no pretense that his show is balanced. If AFRTS scheduled a program of personal commentary without balancing it with another viewpoint, we would be open to broad criticism that we are supporting a particular point of view.

They went ahead and put Rush Limbaugh on the air. But the point is, that is all right, but they have done nothing to balance it in the intervening time.

There is an amendment that I believe is going to be offered by Senator INHOFE—at least he was talking about it earlier. We will talk about more later if, indeed, he does offer it. But getting back to this point on the National Public Radio, I don't think you will ever hear NPR in its commentary say that the Abu Ghraib prison abuse was a fraternity prank or the humiliation of the inmates there '' . . . was a brilliant maneuver, no different than what happens at the Skull and Bones initiation at Yale.'' I don't think you will ever hear NPR in its commentary describe images of torture as ''pictures of homo-eroticism that looks like standard, good old American pornography.'' This is all that Rush Limbaugh said. You won't hear that on NPR.

Last, a group called Fairness and Accuracy In Reporting analyzed the political affiliation of guests appearing last summer on NPR's most popular news shows. Republicans outnumbered Democrats on NPR by 61 percent to 38 percent. So I rest my case that NPR is nothing like the Rush Limbaugh show.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the parliamentary situation is—how much time remains in opposition?

The PRESIDING OFFICER. There is 17 minutes that remain in opposition.

Mr. WARNER. And the Senator from Iowa?

The PRESIDING OFFICER. The Senator from Iowa has 3 minutes 30 seconds.

Mr. WARNER. Senator INHOFE was on the floor earlier today. It was his intention to offer a second-degree amendment. I wonder if I can make a unanimous consent request that I now raise that second-degree amendment, put it on your underlying amendment, and then 30 minutes is now allocated, 15 to the distinguished Senator and 15 more to this side. That would enable you to have more time within which to debate. So you would not lose the minutes that you have.

I now make a unanimous consent request. I offer the Inhofe amendment in the second degree at this time with the understanding the time remaining on both sides would be added to the 30 minutes additional time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. Reserving the right to object, if I could say to my friend from Virginia, for a point of clarification, there was some discussion about this amendment and the fact that, since there are two approaches here, one is a sense of the Senate and one is my approach, perhaps it would be better if we could have side-by-side votes; that Mr. INHOFE would go first and I would go second. Does the chairman envision that?

Mr. WARNER. Mr. President, I want to follow the regular parliamentary procedure. The unanimous consent—we have a perfect right to put the second-degree on, but I am trying to keep the continuity of the debate going rather than you extinguishing your 3 minutes. I prefer we continue with the amendment at this time, being the pending amendment, with the understanding that the 3 minutes remaining on Senator HARKIN's time be added to his 15, giving him 18; our 17 be added to the 15 that we have.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

AMENDMENT NO. 2439 TO AMENDMENT NO. 2438

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. INHOFE, proposes an amendment numbered 2439.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. AMERICAN FORCES NETWORK.

(a) FINDINGS.—The Senate makes the following findings:

(1) The mission of the American Forces Radio and Television Service (AFRTS) and its American Forces Network (AFN), a worldwide radio and television broadcast network, is to deliver command information by providing United States military commanders overseas and at sea with a broadcast media that effectively communicates information to personnel under their commands, including information from the Department of Defense, information from the Armed Forces, and information unique to the theater and localities in which such personnel are stationed or deployed.

(2) The American Forces Radio and Television Service and the American Forces Network provide a ''touch of home'' to members of the Armed Forces, civilian employees of the Department of Defense, and their families stationed at bases and at embassies and consulates in more than 179 countries, as well as Navy, Coast Guard, and Military Sealift Command ships at sea, by providing the same type and quality of radio and television programming (including news, information, sports, and entertainment) that would be available in the continental United States. Additionally, the American Forces Network plays an important role in enabling military commanders to disseminate official information to members of the Armed Forces and their families, thus making popularity and acceptance key factors in ensuring effective communication.

(3) It is American Forces Radio and Television Service and American Forces Network policy that, except for the Pentagon Channel service, programming is acquired from distributors of the most popular television program airing in the continental United States. Much of the programming is provided at no cost to the United States Government. The remainder of the programming is provided at less-than-market rates to cover distributors' costs and obligations. Depending on the audience segment or demographic targeted, programs that perform well are acquired and scheduled to maximize audiences for internal and command information exposure.

(4) American Forces Radio and Television Service and American Forces Network select programming that represents a cross-section of popular American radio and television, tailored toward the worldwide audience of the American Forces Radio and Television Service and the American Forces Network. Schedules emulate programming practices in the United States, and programs are aired in accordance with network broadcast standards. Specifically, policy on programming seeks—

(A) to provide balance and diversity;

(B) to deliver a cross-section of popular programming;

(C) to target appropriate demographics; and

(D) to maintain network broadcast standards.

(5) The ''Voice Channel'', or radio programming, of the American Forces Radio and Television Service and American Forces Network is chosen to address requirements specified by the military broadcasting services and the detachment commanders of their affiliate radio stations. American Forces Network Radio makes a best faith effort to obtain the top-rated program of its sort at the time of selection, at no cost to the United States Government. American Forces Network Radio usually retains a scheduled program until it is no longer produced, too few American Forces Network affiliates choose to schedule the program locally, or a similar program so thoroughly dominates its audience in the United States that the American Forces Radio and Television Service switches to this program to offer the higher rated show to the overseas audience.

(6) American Forces Network Radio personnel review the major trade publications to monitor announcements of new programs, follow the ratings of established programs, and keep aware of programming trends. When a program addressing a need identified by a Military Broadcasting Service or an American Forces Network affiliate becomes available to the American Forces Network, or a program seems especially worthy of consideration, American Forces Network Radio informs the affiliates and supplies samples to gauge affiliate interest. If affiliates commit to broadcasting the new show, American Forces Network Radio seeks to schedule it.

(7) The managers of the American Forces Radio and Television Service continually update their programming options and, in November 2005, decided to include additional programs that meet the criteria that American Forces Radio and Television Service managers apply to such decisions, and that, consistent with American Forces Radio and Television Service and American Forces Network procedures, local programmers at 33 locations around the globe decide which programs actually are broadcast. American Forces Radio and Television Service have consistently sought to provide a broad, high quality range of choices for local station managers.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the men and women of the American Forces Radio and Television Service and the Armed Forces Network should be commended for providing a vital service to the military community worldwide; and

(2) the programming mission, themes, and practices of the Department of Defense with respect to its television and radio programming have fairly and responsively fulfilled their mission of providing a ''touch of home'' to members of the Armed Forces and their families around the world and have contributed immeasurably to high morale and quality of life in the Armed Forces.

(c) AUTHORITY TO APPOINT OMBUDSMAN AS INTERMEDIARY.—The Secretary of Defense may appoint an individual to serve as ombudsman of the American Forces Network. Any ombudsman so appointed shall act as an intermediary between the staff of the American Forces Network and the Department of Defense, military commanders, and listeners to the programming of the American Forces Network.

Mr. WARNER. Mr. President, if I might ask my distinguished colleague, we debated the Inhofe amendment at some length this morning. Could the Senator, for purposes of helping Senators who are following this debate, describe exactly what the difference is? There is one rather significant and technical difference, and that is the sense-of-the-Senate amendment by the Senator from Oklahoma would allow the ombudsman to be at the discretion of the Secretary of Defense, as opposed to your amendment, which would make it mandatory. Am I correct in that?

Mr. HARKIN. That is correct.

Mr. WARNER. Putting aside the procedure on which the ombudsman is put in place, is there any distinction between what the duties of the ombudsman would be under the Inhofe second-degree and the underlying first-degree?

Mr. HARKIN. I think I have a copy of the Inhofe amendment in front of me.

Mr. WARNER. Let's make certain the Senator does have a copy.

Mr. HARKIN. If I have the correct one?

Mr. WARNER. It was simply a technical correction to an earlier amendment, I say to the Senator.

Mr. HARKIN. I would say to my friend—if the chairman will yield so I can respond?

Mr. WARNER. Yes.

Mr. HARKIN. As I read the Inhofe amendment, all it says is that:

The Secretary of Defense may appoint an individual to serve as ombudsman . . . to act as an intermediary between the staff of the American Forces Network and the Department of Defense, military commanders, and listeners to the programming of the American Forces Network.

That is all it says. It doesn't say what his duties are.

My amendment specifically says that the ombudsman will do these things:

Appointed by the Secretary of Defense for a term of 5 years; not engage in any prebroadcast censorship; conduct regular reviews of the integrity, balance and fairness; respond to program issues raised by the audience regarding the network's programming; refer complaints to AFR management; make suggestions regarding ways to correct imbalances; and prepare an annual report both to the SECDEF and Congress.

So my amendment spells out what the ombudsman should do. The Inhofe amendment does not.

Mr. WARNER. Does your amendment permit the Secretary to select the ombudsman within the current personnel structure of the Department of Defense or must he go outside the Department to get that individual?

Mr. HARKIN. The way the amendment is written, the Secretary has full discretion. He can go outside or stay inside.

Mr. WARNER. I thank the Senator. One last question. I am still troubled by the chart you put up showing zero. My understanding is that the Department of Defense has added the following three programs to the body of programs that each of the 33 individual stations can select from. I am not that familiar with the details of each. Perhaps the Senator from Iowa can help me. The ''Ed Shultz Show,'' that is new this month; the ''Al Franken Show,'' which is new this month; and the ''Sean Hannity Show,'' which is new this month, where would they fall in the context of the zero which is on this chart which you have shown to the Senate?

Mr. HARKIN. If the Senator would yield, I will respond. I am familiar with the first two. Who is the third one?

Mr. WARNER. Sean Hannity.

Mr. HARKIN. I am told he's the second most popular conservative talk show. I don't know where that falls in. The first two are Shultz and Franken. They are more on the progressive side, no doubt about that. The third one you mention is on the conservative side, I guess. I don't know that so I cannot speak authoritatively on that. I don't know how that balance works out after that. I don't know.

I know my information—and it is really secondhand; I can't say this firsthand—is that the ''Ed Shultz Show'' was contacted to be on. Then he was recontacted saying that he was not to be on. And it is sort of in kind of a state of limbo now. I don't understand what that is all about.

Mr. WARNER. In the interests of moving forward on the floor, Senator INHOFE will be available following the recess we are going to take for purposes of the respective caucuses. I wonder if we, given that there is significant time remaining now on the Inhofe amendment, might go to another matter in such a way that we could engage Senator INHOFE more directly, on behalf of his amendment, with the distinguished Senator from Iowa?

Mr. HARKIN. I thank the chairman. The chairman is a leader and is very fair himself. I have no objection to moving to something else.

Mr. WARNER. I thank the Senator. I see the distinguished Senator from Alaska at this time.

I yield the floor.

AMENDMENT NO. 2427

Mr. STEVENS. Mr. President, I strongly oppose the Levin amendment, which would eliminate all funding for long-lead items for the ground-based interceptors Nos. 31 through 40, and funding for the silos for those missiles.

Realigning funding from this program would have significant impact, significant consequences for our national missile defense system.

In addition to breaking the production line for these interceptors, it would add an additional $270 million to the cost of the program. Further, it would delay emplacement of the additional interceptors by at least 1 year. I do not believe we can afford that delay in our national missile defense system.

Reducing interceptor quantities places second and third tier industrial-based suppliers at a substantial risk of exiting the manufacturing of components for the interceptors. They are currently manufacturing these. If there is a delay, those small businesses would have to leave that system. It will increase the probability of component quality problems because new suppliers would have to be found. We should not interrupt this system. This amendment would break this production line and affect the subcontractors all along the line. My great concern is that quality and process improvement efforts that were initiated by the Missile Defense Agency would be significantly impacted if this amendment were agreed to.

Replacing and recertifying component suppliers would further increase interceptor costs by millions of dollars and take a minimum of 1 year to accomplish. That would delay the fielding of the additional capabilities for these warfighters.

This amendment realigns funding from missile defense to the Cooperative Threat Reduction Program, which is called CTR. That has been fully funded at the administration's request and at the administration's amount. There remains a large unobligated balance within the CTR account and a very large undisbursed balance. It is almost $1 billion. I cannot justify adding additional funding to the program at the expense of the Missile Defense Program which has essential requirements when there is already a surplus in that account. The threat is real and imminent, as General Cartwright has testified. General Cartwright is the commander of the U.S. Strategic Command. The CIA and the DIA assess that North Korea is ready to flight test an ICBM that could reach the United States. That is of critical importance to those who live in Alaska. We are closer than any other State to that threat. Iran may have such capability by the middle of the next decade, according to DIA.

Despite recent test failures, the technology is mature enough to proceed with fielding even while we continue to test and improve reliability. That is the genius of this system. We have fielded it and, if necessary, we can use it. We are perfecting it as we go. The failures were the result of quality control issues and they do not undermine our confidence that the hit-to-kill technology works. It should be in place.

An independent review team has recently concluded that the ground-based midcourse system's design is sound and is capable of providing a defense against long-range ballistic missiles such as the one I described we think is being tested in North Korea.

In a hearing before our Senate Committee on Appropriations, General Cartwright described the missile defense system as a ''thin line system.'' Additional interceptors will help the warfighters better defend against ballistic missile attack. According to the warfighters, a primary system limitation is there are too few interceptors. This amendment will delay the ones that should be in place during this fiscal year.

I urge the Senate to defeat this amendment. We should not reduce funding for the Missile Defense Program at this critical juncture. We need to test the program, improve it, and continue testing. We should not stop production by realigning funding from the missile defense system, particularly putting it into account when there is almost $1 billion surplus already.

The Missile Defense Program, in my judgment, is vital to the security of this country. We should not cause further delay. I strongly urge the Senate to vote against this amendment and reject this reduction in transfer to an account that does not need the money.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise today in strong support of the 2006 National Defense Authorization Act. Let me begin my comments by paying tribute to the distinguished chairman of the Committee on Armed Services and the able ranking minority Member. They have worked very hard with all who are privileged to serve under their leadership to craft this important bill.

In the interests of time, I will focus my remarks today on three particular provisions. First, those providing $9.1 billion for an essential shipbuilding priorities; second, the provisions offered by Senator MCCAIN, which I am proud to cosponsor, to provide standards for the treatment of detainees; and third, the amendment I am pleased to join my colleague, the senior Senator from Maine, in offering having to deal with conveyances of closed bases.

This bill authorized $9.1 billion for shipbuilding. It also includes a provision to prohibit the use of funds by the Navy to conduct a one-shipyard acquisition strategy to procure the next generation DD(X) destroyers. Not only does this bill fully fund the President's budget request for the DD(X) program, but it also provides, at my request, an additional $50 million for advance procurement of the second ship in the DD(X) class at Bath Iron Works in my home State of Maine. I am understandably very proud of the skilled workers at Bath Iron Works and their contribution to our Nation's defense.

This authorization for DD(X) funding aligns the Senate-passed appropriations bill, and our bill parallels the appropriations bill with this funding.

The high priority placed on shipbuilding in the Senate's version of the Defense authorization legislation stands in stark contrast to the House Defense authorization bill which actually rescinds $84 billion in funds designated for Bath Iron Works, the detailed design work on the DD(X) I secured as part of the Defense legislation signed into law last year. The House version also slashes funding for the DD(X) program contrary to what was proposed in the President's budget.

These misplaced priorities remain even when the former Chief of Naval Operations, Admiral Clark, has testified repeatedly that the Navy's requirements for the next generation destroyer are clear. I look forward to working with the other Members of the Senate Committee on Armed Services to resolve this important issue in our conference.

I now turn to the issue of the treatment of detainees. The vast majority of our troops carry out their dangerous and difficult missions with fairness, compassion, and courage. To them, the actions of those who have been accused of torture against detainees are demoralizing and make the difficult task they have been assigned immeasurably more difficult. Critics of abuse at detention facilities operated by the U.S. military have attributed this abuse not only to the criminal actions of individual military personnel—and, again, that is not the vast majority of our troops—but also to the lack of clear guidance across the U.S. Government for the treatment of detainees. Senator MCCAIN's amendment provides that clear guidance. I am proud to be a cosponsor.

Finally, let me comment very briefly on the amendment offered by my colleague from Maine. It only adds insult to injury to require a community to have to pay for the property involved in a base closure. Surely we can work with our communities in a more cooperative way to enable them to pursue the economic development that is necessary to make a closed military installation a productive part of the community once again. It is the least we owe these communities struggling with base closures throughout the United States. I hope we can work out something on that amendment.

The bill before the Senate is a good one. I salute the chairman and the ranking member for their hard work.

Mr. WARNER. Mr. President, I thank our distinguished colleague and member of the committee, the Senator from Maine. The Senator has fought hard on behalf of her interests in that State. Indeed, the BRAC process, in some respects due to your efforts, was modified in the end to the interests of the State.

While I am not going to be able to support the Snowe-Collins amendment, nevertheless, in other areas the Senator made some progress. I thank the Senator for her work on the committee given her work on the Government Operations Committee. Nevertheless, the Senator finds time to attend our meetings and be an active participant. I thank my colleague.

I ask unanimous consent at the hour of 2:45 the Senate proceed to a vote in relation to the Inhofe amendment No. 2439, followed by a vote in relation to the Harkin amendment numbered 2438. I further ask that the Inhofe amendment be modified so it is a first-degree amendment, and that no second-degree amendments to the amendments be in order prior to the votes; provided further that the time from 2:15 to 2:45 be equally divided between Senators INHOFE and HARKIN. I further ask on an unrelated matter that Senator STEVENS be recognized for up to 10 minutes of morning business following the two votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:41 p.m., recessed until 2:17 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006—Continued

AMENDMENTS NOS. 2438 AND 2439

The PRESIDING OFFICER. There is now 30 minutes of debate equally divided between Senator INHOFE and Senator HARKIN.

The Senator from Virginia.

Mr. WARNER. Mr. President, under the previous order, the time between 2:15 and 2:45 is equally divided between the Senator from Oklahoma and the Senator from Iowa for the purposes of discussing the underlying amendment by the Senator from Iowa and a second degree that I put on on behalf of Senator INHOFE. My understanding is that Senator INHOFE will be here momentarily. But under the order, the Senate is now in session and open to hear comments on this legislation.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, what we have coming up here are two votes, one at 2:45 on the Inhofe sense-of-the-Senate amendment, to be followed by a vote on my amendment.

Now, you might say: What harm is it in voting for the Inhofe sense-of-the-Senate amendment? Well, I thought I might even vote for it myself, until I read it. Because if you look at the sense-of-the-Senate amendment by the Senator from Oklahoma, in its findings—in its findings—it says:

> The American Forces Radio and Television Service and the American Forces Network provide a ''touch of home'' to members of the Armed Forces [et cetera] by providing the same type and quality of radio and television programming . . . that would be available in the continental United States.

Well, when AFRTS provides for 100 percent, under 33 local stations around the world, of Rush Limbaugh and Dr. Laura and James Dobson and zero percent on the progressive side, that is hardly ''the same type and quality'' ''available in the continental United States.'' So right away, that is a wrong finding.

Another finding is that the:

> American Forces Radio and Television Service . . . select programming that represents a cross-section of popular American radio and television.

Well, again, if 100 percent is on one side and zero is on the other, that also cannot be so.

And then in their sense-of-the-Senate amendment it says, it is the sense of the Senate—according to the Senator from Oklahoma—that:

> [T]he programming mission, themes, and practices of the Department of Defense with respect to its television and radio programming have fairly and responsively fulfilled their mission of providing a ''touch of home'' to members of the Armed Forces. . . .

Well, they have fairly and responsively fulfilled their mission when it is 100 percent to nothing? I do not think so.

Lastly, the Inhofe amendment says the Secretary of Defense may appoint an ombudsman—''may''—but it does not say what the ombudsman is supposed to do.

Now, to be clear, again, what our amendment does is it simply takes the DOD directive—which says they shall provide a free flow of political programming, that there should be the same equal opportunity for balance, and that they should provide them with fairness—and codifies it. We take that directive and codify it. That is all. We do not change it, we codify it. Then we set up an ombudsman and spell out what that ombudsman should do. And we spell that out in my amendment. So there is quite a bit of difference.

Again, I remind my fellow Senators that a year and a half ago, I offered a sense-of-the-Senate resolution because I thought if we gently prodded them and showed them what they were doing, they would follow their directive. That was 16 months ago. Now, 16 months later, it is 100 percent to nothing. There is zero programing on the progressive side.

Again, I want to make it clear we are not trying to restrict or in any way say what they have to carry, but as long as they are carrying this talk radio, it ought to at least be balanced. Some people say: Well, Rush Limbaugh has a big audience. He does. I don't deny that. But they are carrying Dr. Laura, they are carrying a Mark Merrill, whom I have never heard of. Why don't they carry Howard Stern? Howard Stern has 8 million listeners. Well, in that case, they said they do not like the content.

So it is not just ratings, it is also content. They are keeping the Armed Forces personnel from listening to Howard Stern. So it is not just ratings. Don't fall for that line. It is not because Limbaugh and these people have high ratings. Howard Stern has high ratings, but they won't let him on.

So I hope Senators will oppose the Inhofe amendment and support our amendment to codify it and to set up an ombudsman who would report to the Secretary of Defense and report to us every year on how they are meeting their requirements of fair and balanced programming.

With that, Mr. President, I yield the floor, suggest the absence of a quorum, and I ask unanimous consent that the time be run on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

Mr. WARNER. Mr. President, in consultation with the ranking member, I say that there are three amendments in which, speaking for the majority, I would yield back time in our possession in the hopes we could move to the amendments for voting purposes.

The first one, of course, would be the amendment, as I just discussed with the distinguished Senator from Michigan, regarding the desire to have a Presidential commission regarding the detainee issues. I ask the Chair to inform the Senate as to the amount of time that is under the control of the majority and minority on that amendment.

The PRESIDING OFFICER. Amendment No. 2427?

Mr. WARNER. A little louder, Mr. President.

The PRESIDING OFFICER. Amendment No. 2427?

Mr. WARNER. Amendment No. 2430.

Mr. LEVIN. Mr. President, how much time is there on each side, if we could inquire of the Chair.

Mr. WARNER. That is the question before the Chair on amendment No. 2430.

The PRESIDING OFFICER. The opposition has 10 minutes. Senator LEVIN has 3 minutes.

Mr. WARNER. Fine. Then we would like to move to the amendment by the Senator from Rhode Island, Mr. REED, regarding missile defense. Again, I would inquire as to how much time is remaining on the amendment, which is amendment No. 2427.

The PRESIDING OFFICER. The opposition has 8 minutes. Senator REED has 19 minutes.

Mr. WARNER. Well, I am prepared to yield back time on that if we can get some indication from Senator REED as to his desire. I am hopeful we will have that vote up.

Then there is an amendment by the distinguished Senator from Maine, Ms. SNOWE, amendment No. 2436. Will the Chair advise the Senate as to the time remaining on that amendment?

The PRESIDING OFFICER. Senator SNOWE has 3 minutes, and the opposition has 13 minutes.

Mr. WARNER. Well, with regard to the time in opposition, I am opposed to the amendment, but I am prepared to yield back the time on that amendment. This, hopefully, alerts Senators that any one and hopefully all three of those amendments could be up for votes very shortly.

Mr. LEVIN. Mr. President, will the Senator yield for a question?

Mr. WARNER. Yes.

Mr. LEVIN. I am wondering if we have the time on the Nelson of Florida amendment. I do not have the number.

Mr. WARNER. Mr. President, 2424 is the number on that amendment.

If the Senator will withhold for a minute.

The inquiry is in to the desk as to the time left on the Nelson amendment.

The PRESIDING OFFICER. Senator NELSON has 16 minutes, and the opposition has 30 minutes.

Mr. WARNER. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I inquire as to the regular order and the time remaining on both sides.

The PRESIDING OFFICER. The Senator from Oklahoma has 10½ minutes.

Mr. INHOFE. On both sides.

The PRESIDING OFFICER. The Senator from Iowa has 9 minutes.

Mr. INHOFE. All right, then. And the second-degree amendment No. 2439 to amendment No. 2438 is the order?

The PRESIDING OFFICER. It is now a first-degree amendment, and it is the pending amendment.

Mr. INHOFE. Amendment No. 2439?

The PRESIDING OFFICER. Yes. That is correct.

Mr. INHOFE. Mr. President, I had an opportunity prior to the break to talk a little bit about my amendment to the Harkin amendment. There is criteria that has been used, and used successfully, for a long period of time. There are two criteria. One is, it must be a syndicated type of a program. The program has to be syndicated. No. 2, it has to have at least a million listeners by the ratings.

Now, there are some other exceptions, when they are extreme things. Obviously, there are some things that anyone making any evaluation would not want to have our people subjected to. But by and large that is the way it has worked.

Now, for a long period of time it just happens that the conservative programs have been asked for by our troops over there, so they have received them. However, if I were to stand here and say I am happy with the programming as it has been, I would not be.

Right now I guess the name you hear more often than anybody else is Rush Limbaugh. His is the second most highly requested program. They want all 3 hours, although only some of the 33 stations give him 1 hour. No one gives him more than 1 hour. So that is not as much as I would like to have them go and as much as I think the market demands.

I think it has worked well. I would think it would be very bad policy for us to believe we should sit here in this august body of the Senate and make the determination as to what we think—what we think—our troops should be watching and listening to.

I believe this is true: I have been to Iraq more than any other Member. I have gone just about every month. I have yet to hear the first complaint over the programming as it has been, nor have I ever received a communication in any of our offices either in Washington or in the State.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I wonder if the Senator from Oklahoma could advise this Senator as to where in the directive—perhaps there is someplace I haven't found—it says that radio programs that are carried by American Forces Radio around the world have to be syndicated and have a million listeners.

Mr. INHOFE. That is the policy they have been using. It is not mandated. It is a policy they have stated has been their policy, and the programming has reflected that that is the case.

Mr. HARKIN. With all due respect, I asked the Senator, can he show me anywhere where that is written down?

Mr. INHOFE. No. This has been the policy. By the way, I remind the Presiding Officer, this is on the time of Senator HARKIN.

Mr. HARKIN. Mr. President, what we have is a policy that is not written down—we can find it nowhere, and today is the first time I ever heard of it—that somehow before American Forces Radio airs a program, No. 1, it has to be syndicated and, No. 2, it has to have a million listeners. I never heard of this before. All of a sudden, it has come up.

Mr. INHOFE. Will the Senator yield?

Mr. HARKIN. Since I am on my time, the Senator can get his own time to respond.

That is why we need to codify it. I think the Senator has put his finger on it. That is why our amendment is necessary. It takes the DOD directive, what is in writing, and codifies it and makes it law. That way there won't be any confusion. That way we will know whether they are living up to their own words. Secondly, putting in an ombudsman—not ''may,'' what the Senator says in his amendment—will do the following: That person will be appointed by the Secretary of Defense; not engage in any censorship; conduct reviews of integrity, balance, and fairness; respond to program issues raised

by the audience; make suggestions regarding ways to correct imbalances; and, most importantly, prepare and present an annual report to the Secretary of Defense and Congress on whether American Forces Radio is satisfying its mandate to provide fair and balanced political programming.

The Senator, by his own words, shows why this is necessary. All of a sudden we hear there is a policy. It is not written down. We have never heard of it before. Yet we know what is happening.

I repeat for emphasis: On the 33 stations around the world, we have 100 percent Rush Limbaugh and Dr. Laura and James Dobson, and zero percent of any kind of progressive radio. I don't care how you cut it, slice it, dice it, or excuse it, this is unfair. This is censorship. This is propagandizing our troops. They deserve better than that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I believe this policy has been adhered to—on his own time, if the Senator from Iowa knows of any time it has not been adhered to, I would be glad to listen—the criteria of having to be syndicated and, No. 2, at least 1 million listeners, which has been the policy all along. If he questions that this should be the policy or believes it should be in the future, I would be glad to change my amendment just to say that it should be based on those two criteria. That is not a problem at all. It is not necessary because it has used that criteria in the past.

To clearly demonstrate that 1 million listeners is one of the criteria, when the time came that Franken and Ed Schultz reached 1 million, all of a sudden they were programmed. It further demonstrates it is something that has worked in the past for liberal or conservative messages.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, this is very interesting, I say to my friend from Oklahoma. The Senator from Virginia got up earlier before our lunch break and said something about Ed Schultz and Al Franken being on American Forces Radio. I just checked with them. I had my office call both of their programmers. Neither Mr. Franken nor Mr. Schultz has been notified, as of 2 hours ago, that they are ever going to be on American Forces Radio. They have never been notified. So now we hear today that somehow all of a sudden they are going to be on. Maybe the Senator has some inside knowledge of how they operate. As of 2 hours ago, neither Mr. Schultz nor Mr. Franken has been notified when they are going to be on, how often, or how long.

The second thing I say to my friend from Oklahoma, he says they have this policy of syndication and 1 million listeners and even though it is not written down anywhere they have followed it. I say to my friend from Oklahoma, if that is the case, then why don't they carry Howard Stern? Howard Stern has over 8 million listeners. He is syndicated. Yet American Forces Radio will not carry Howard Stern. So I say to my friend from Oklahoma, there must be some other criteria other than syndication and a million listeners or else they certainly would have Howard Stern.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, we are trying to find out something specific that Howard Stern has said or promoted on his programs. The problem is, there is nothing I can say on the Senate floor because it is so basically lewd. It is the type of thing that if the Muslim world were to listen to, it would be something very bad. There is not a Senator on this floor who would want that type of language used, profanity. I said this in my opening remarks. There are some cases where programming could be so extreme, whether it is liberal or conservative, it would not be acceptable.

As far as Al Franken and Ed Schultz, the liberal programming, it was published on the Web site of American Forces that states which ones meet the two criteria. It was not on their Web site in 2004. It is on their Web site currently.

I can't spoon-feed them and go up and say: Are you aware? You need to read the Web site. They should have been aware of that.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I have no case to make for Howard Stern. The Senator said it is syndication and numbers in the millions. I pointed out that Howard Stern has 8 million. The Senator responds that Howard Stern is lewd and too much—I didn't hear all the words he used. But there are other criteria that have to do with content.

Whether one agrees with whatever Howard Stern says, I might object strenuously—and I think a lot of Americans would object—to someone who said that what is good for al-Qaida is good for the Democratic Party in this country today. Rush Limbaugh said that. That went to all of our troops in Iraq. I think that is lewd. I think that is obscene. I will bet you there are a lot of people who think that is obscene. I don't mean just Democrats, anybody would think that is obscene. Or saying that what happened at Abu Ghraib was like a fraternity prank, or saying that the pictures of homoeroticism look like standard, good-old American pornography. Rush Limbaugh said that. It was broadcast to our troops in Iraq.

We voted last week 90 to 9 on the McCain amendment to say: No. What happened at Abu Ghraib does not represent good-old American pornography, as Rush Limbaugh says.

If the Senator objects to Howard Stern, fine. I think a lot of people object to the obscenities of Rush Limbaugh, also.

What we are talking about is not taking somebody off the air. We are talking about ideas and discussion and debate. It seems to me that what we want are more ideas and more discussion and more debate. I think our debate is pretty darn good, as a matter of fact. Why don't they have that on American Forces Radio rather than this one-sided type of thing? They need this kind of debate, this kind of discussion. More ideas, more discussion, more debate is much better than less. That is what I believe our amendment would provide.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would like to inquire as to the time remaining.

The PRESIDING OFFICER. The Senator from Oklahoma has 3½ minutes. The Senator from Iowa has 20 seconds.

Mr. INHOFE. Let me say that I think with any program, in the case you mentioned of Rush Limbaugh, you mentioned two things you found to be offensive and you questioned whether they were appropriate. The service people requested all 3 hours every day. They ended up with some stations giving them 1 hour, nobody giving them more than 1 hour. So if you take 1 hour for some of these stations every day and you can find two instances of something that in, your interpretation, is lewd, and you compare that to Howard Stern whose programming is based on this type of thing—the profanity and the things that we find offensive and would not want to be throughout the world, the Arab world, or the rest of the world—then I think that is a real stretch.

The bottom line is, we have an opportunity. Right now it is working well. As I say, I don't know how many times the Senator from Iowa has been to Iraq. In his last 20 seconds, he might mention how many times he has been there. I have been there almost every month. I carry on a dialog with these people. I know they tell me the type of programming they want, the complaints they have. We have yet to receive any complaints saying they think the current system of programming is wrong in any way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the time remaining on behalf of the distinguished Senator from Oklahoma is?

The PRESIDING OFFICER. It is 1 minute 20 seconds, and the time remaining for the Senator from Iowa is 20 seconds.

Mr. WARNER. Mr. President, the Senator from Iowa talked about the two programs which I discussed earlier, Ed Schultz and Al Franken. He mentioned that his check indicated they

haven't been contacted. I immediately went back and checked with the Department of Defense. The Department of Defense, I assure the Senator from Iowa, is taking steps to implement the inclusion of those programs. The Department is dealing with the agents who presumably control the time. Therefore, the proffer that I made earlier about these two programs being included, it may be just a question of the tense of the verb, but I am assured by the Department that they are now taking steps to implement the inclusion or option to include these two programs throughout the American Forces Network.

Mr. HARKIN. Will the Senator yield?

Mr. WARNER. Yes.

Mr. HARKIN. I just respond by saying they said that 16 months ago. They said it 16 months ago, and nothing has happened.

Mr. WARNER. Well, I am not in a position to rebut that.

All I can say is——

The PRESIDING OFFICER. The majority's time has expired.

Mr. WARNER. Within the past 15 minutes, I received the assurance.

Has all time expired, Mr. President?

The PRESIDING OFFICER. The Senator from Iowa has 20 seconds.

Mr. HARKIN. I think again what this boils down to is do you want to have our troops have more debate, more discussion, more ideas, or do you want them to be limited? I say to my friends on the Republican side, maybe you will be inclined to just vote for Limbaugh and Dr. Laura and stuff, but I ask for your thoughts on fairness and equity. Someday the shoe may be on the other foot. I don't want them to hear one side of the story. I want them to hear both sides of the story.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. I beg you, let's have some fairness. That is what this amendment will do, not the sense-of-the-Senate resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. WARNER. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. WARNER. I so make that request for both amendments, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered. The yeas and nays may be requested on both amendments.

Mr. WARNER. And I so make that request, the underlying amendment and the Inhofe amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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 result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—55

Alexander	DeWine	Murkowski
Allard	Dole	Nelson (NE)
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	McConnell	

NAYS—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	

NOT VOTING—2

Corzine	McCain

The amendment (No. 2439) was agreed to.

Mr. WARNER. 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.

VOTE ON AMENDMENT NO. 2438

The PRESIDING OFFICER. The question is on agreeing to the Harkin amendment No. 2438. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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 44, nays 54, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—44

Akaka	Carper	Feinstein
Baucus	Clinton	Harkin
Bayh	Conrad	Inouye
Biden	Dayton	Jeffords
Bingaman	Dodd	Johnson
Boxer	Dorgan	Kennedy
Byrd	Durbin	Kerry
Cantwell	Feingold	Kohl
Landrieu	Murray	Rockefeller
Lautenberg	Nelson (FL)	Salazar
Leahy	Nelson (NE)	Sarbanes
Levin	Obama	Schumer
Lieberman	Pryor	Stabenow
Lincoln	Reed	Wyden
Mikulski	Reid	

NAYS—54

Alexander	DeMint	Martinez
Allard	DeWine	McConnell
Allen	Dole	Murkowski
Bennett	Domenici	Roberts
Bond	Ensign	Santorum
Brownback	Enzi	Sessions
Bunning	Frist	Shelby
Burns	Graham	Smith
Burr	Grassley	Snowe
Chafee	Gregg	Specter
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Talent
Coleman	Inhofe	Thomas
Collins	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner

NOT VOTING—2

Corzine	McCain

The amendment (No. 2438) was rejected.

Mr. WARNER. 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. WARNER. Mr. President, I ask unanimous consent that following the use or the yielding back of the debate time on the Byrd amendment, the Senate proceed to a series of stacked votes in relation to the following amendments: The first is the Byrd amendment; the second is the Nelson amendment, No. 2424; the third is the Snowe amendment, No. 2436; provided that no second degrees be in order to the amendments prior to the votes; finally, that there be 2 minutes equally divided between the votes and that the second and third votes be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, further I hope, working in consultation with the distinguished ranking member, to have more votes. There is an outstanding Reed amendment and there is an outstanding amendment by the Senator from Michigan, Mr. LEVIN. I hope those votes will be addressed by the Senate not too long after the conclusion of this series of votes.

Mr. President, under the order of the Senate that I asked for earlier, the Senator from Alaska is to be recognized.

The PRESIDING OFFICER. The Senator from Alaska.

(The remarks of Mr. STEVENS and Ms. MURKOWSKI are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. What is the business before the Senate?

The PRESIDING OFFICER. The Snowe amendment is pending.

Mr. BYRD. The Snowe amendment to what?

The PRESIDING OFFICER. To the Department of Defense authorization.

Mr. WARNER. Mr. President, if the Senator would yield, we have already scheduled Senator BYRD's amendment at this point in time, so it is quite in order and timely.

AMENDMENT NO. 2442

(Purpose: To establish the position of Deputy Secretary of Defense for Management.)

Mr. BYRD. Mr. President, I thank the distinguished Senator from Virginia, a man for whom I have great respect.

In 1787, during the drafting of the Constitution, the Founding Fathers struggled with the question of how to create a government that would simultaneously govern and yet remain accountable to the people. The Framers developed a number of principles with which every schoolchild should be familiar: Direct and indirect representation, checks and balances, separation of powers.

In addition to these great principles, the Framers were also insightfully pragmatic. For example, in article I, section 9, the Constitution gives the Congress—us, the Senate and the House, the Congress—the power of the purse. As Cicero said, there is no fortress so strong that money cannot buy it. Money cannot take it.

That section also requires accountability for how the people's tax money is to be used. Here is what it says:

. . . a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

The Founding Fathers, among whom were the Framers, the Framers understood the importance of informing the American people about how their taxes are spent. However, this constitutional requirement has frequently clashed with the realities of the modern day bureaucracy. In no other Government agency, is this clash more evident than in the largest department, the Department of Defense, with its budget that is approaching half a trillion every year. How long would it take to count $1 trillion at the rate of one dollar per second? That is pretty fast counting, one dollar per second. How long would it take to count $1 trillion at the rate of one dollar per second? Guess. What is the guess? Thirty-two thousand years. That would be quite a while. I wouldn't be around to hear the counting of $1 trillion at the rate of one dollar per second.

The Department of Defense, with a budget that is approaching half a trillion dollars per year—that takes 16,000 years to count—is unable to adequately account for the funds that are appropriated to it.

What a shame. Are you astounded? It is amazing, isn't it? That is astonishing.

Despite decades of congressional scrutiny, multibillion dollar reform efforts and promises for progress, the Pentagon is unable to pass an audit of its books. How about that? The Pentagon is unable to pass an audit of its books. I have been saying this now for how many years, pretty close to 5 years that I have been saying this. Secretary Rumsfeld admitted it. He said he was going to do something about it.

Dr. David Walker, the Comptroller of the United States and the head of the Government Accountability Office, has stated:

Numerous management problems, inefficiencies, and wasted resources continue to trouble DOD's business operations, resulting in billions of wasted resources annually at a time when our nation is facing an increasing fiscal imbalance.

We ought to listen to that. That ought to get everyone on their feet. Stand up and take notice. He is talking about billions of dollars of the people's money. That is your money; your money; yes, your money; and your money. Turn to the four corners of the Earth, the proverbial four winds. It is your money that goes down the tubes each year, down the tubes.

These billions are not being spent on training our troops. These billions are not being spent on providing health care for the families of our troops. We are talking about billions of dollars in spending that neither improves our national security nor returns value to the taxpayers. It is as if this huge amount of money vanishes into thin air.

In this time of tight budgets, in this time of huge deficits, this is exactly the sort of Government waste the Congress needs to eliminate. The taxpayers cry out, even the rocks cry out.

When Secretary Rumsfeld came before the Committee on Armed Services in January of 2001, I asked Secretary Rumsfeld what he was going to do about this. That was in 2001. What are you going to do about it? So I asked him what he was going to do about this. This what? This $2.3 trillion in unsupported accounting entries that appeared in the Pentagon's ledgers in fiscal year 1999.

Mr. President, $2.3 trillion is a lot of money, isn't it? I believe our national budget exceeded $1 trillion—when was it, may I say to the distinguished Senator from Virginia, when did our Government budget first exceed $1 trillion? I believe that was 1987; am I correct? Now, here we were in 1999, when I noted that there was in the Pentagon's ledgers, this number $2.3 trillion in unsupported accounting. Secretary Rumsfeld said that the accounting mess was, to use his words, ''monumental.'' He used the word ''terrifying.'' And he said it would take ''a period of years,'' it would take ''a period of years to sort it out.'' So I said: Well, let's get started. It is past time.

Since January 2001, the Department of Defense has made progress in some areas. For example, the Pentagon has been successful in reducing the abuse of Government-issued credit cards. But the toughest work remains ahead, and there are serious doubts that the Pentagon is up to the task of tackling these difficult problems.

The previous Defense Department Comptroller, Dov Zakheim, set a goal to have the Pentagon pass its first audit by fiscal year 2007. However, this deadline is increasingly looking like a pipedream. Dr. Walker of the General Accounting Office said, earlier this year, in a hearing before the Armed Services Committee's Readiness Subcommittee:

The goal for 2007 is totally unrealistic. It's not credible on its face.

How about that? That is quite astonishing. In fact, for the first time, the GAO listed the Defense Department's business transformation project on its annual list of ''high risk'' Government programs.

Now, this should lead the Congress to question whether the Defense Department is moving forward in its efforts to straighten out its books or if it is heading into even greater financial chaos.

Mr. President, I cry out for the American people. Oh, how they cry out because of the burden, the never-ending, the increasingly heavy, the increasingly unbearable burden. They simply can no longer afford the billions of wasted dollars through the Pentagon's broken accounting systems. That is why I offer an amendment on behalf of myself and Senator AKAKA and Senator LAUTENBERG, to put the Defense Department on the right track to fix its broken accounting and financial management system. It is broken, so it needs fixing. Yes, it needs fixing. Why? Because it is broken.

This amendment, which is similar to bipartisan legislation introduced earlier this year, would create a Deputy Secretary of Defense for Management to bring order to the Pentagon's bloated bureaucracy—the Pentagon's bloated bureaucracy. The Deputy Secretary for Management would be directly responsible—directly responsible—for overseeing reform in the areas of accounting, human resources, information technology, acquisition, and logistics, among others. These are the key areas identified by the Government Accountability Office as being most in need of stronger oversight. Getting these programs on the right track could save taxpayers billions of dollars per year by eliminating waste, inefficiency, and duplication—duplication, redundancy.

Based upon the recommendations of the GAO, the Byrd-Akaka amendment would create a 7-year term for the Deputy Secretary of Defense for Management. This fixed term of service is required to ensure that the Pentagon lays out a single plan for reform and sticks to it—lays out a single program for reform and sticks to that single program for reform. Above all else, the Defense Department needs this sustained, high-level leadership if it is ever going to fix its accounting problems.

Well, there are some critics who might argue that the Department of Defense already has high-level leadership concerned about financial management and accounting practices. Well, that is probably true. So what. It

is, indeed, true that Secretary Rumsfeld and his Acting Deputy Secretary, Gordon England, both have spoken often about the importance of straightening out the Pentagon's books.

But this amendment is not about the Secretary, not about the Deputy Secretary of Defense. If experience shows us anything, it is that Secretaries and Deputy Secretaries come and go, but the Pentagon's accounting problems remain. The Secretaries and Deputy Secretaries come and go, but the Pentagon's accounting problems do not go away. They do not go away. They remain.

In the 15 years since the Congress passed the Chief Financial Officers Act of 1990, which requires every Government agency to pass a financial audit, the Pentagon has seen five—F-I-V-E—Secretaries of Defense, eight—E-I-G-H-T—Deputy Secretaries of Defense, and five—F-I-V-E—Comptrollers. How about that. How can any major reform plan hope to succeed if the Department's leadership is in such a constant turnover, such a constant state of change?

Plans for accounting reform have been written, written, written, and rewritten more times than anyone can count. Billions of taxpayer dollars have been spent in the vain attempt to implement a never-ending series of reform proposals, each one of which claims to be the plan that will finally straighten out the Pentagon's books. But do you know what. These proposals, plans, and programs just are not getting the job done. They do not amount to a hill of beans. They are not doing the work.

In fact, just a few short weeks ago, the Department of Defense finished creating another revised plan to fix its accounting systems and inaugurated another new agency to implement the new plan. Well, while some may argue that this means the Pentagon is finally getting serious about its efforts to balance its books, I see history repeating itself—yes, more new plans, more new plans, more new plans, but little hope for success.

Mr. President, the time has come and passed for a real shakeup of the Department of Defense. That giant bureaucracy needs to be tamed—needs to be tamed. While the Secretary and Deputy Secretary of Defense have a multitude of competing priorities, including their responsibility to oversee the military operations in Iraq and Afghanistan, the Pentagon needs a single official to focus on the day-to-day management of the Department of Defense. The Byrd-Akaka amendment creates a Deputy Secretary of Defense for Management to do that.

Too much of the American people's hard-earned tax dollars are lost through the waste and inefficiency of the Defense Department's bureaucratic morass. It is time for reform. I urge my colleagues to support the Byrd-Akaka amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, one of the great pleasures of those of us who serve on the Armed Services Committee is to have the opportunity to work with Senator BYRD, an individual for whom I have the greatest respect and whose corporate knowledge of the institutions of Government, most particularly the institution of the U.S. Senate, is second to none.

I have listened carefully to this presentation by our distinguished colleague from West Virginia, and I think he cites, with relative accuracy, points that should be taken into consideration. But I would like to say to my friend, I wonder if you might consider an alternative approach.

We stop to think that the Department of Defense was envisioned by the Key West Conference in 1947, when Harry Truman—I might say one of my favorite Presidents—saw the need to bring together the Departments of the Navy and the Army and the emerging Air Force from the glorious days of the Army Air Corps and put them all together, unify them, and eliminate, thereby, certain frictions, and so forth, that normally exist between the military Departments. The Department of Defense as we know it today was born, and James Forrestal was our first Secretary.

This Department has served this Nation very well in the ensuing years since 1947. And yet, as Mr. BYRD has said very eloquently, he has pointed out problems associated with the enormity of the growth of responsibilities, the enormity of the growth of appearances required by the senior members of the Department before the Congress and the like.

I think he also has in mind the British system, for which all of us who have dealt with that system through the years have a certain degree of admiration. They have a civil service sort of permanent under secretary structure, so as there is turnover in the top positions through the years, there is someone to come in and say: Well, I was here under the previous two secretaries and, indeed, the facts are such and so. It has its virtue. But I think the complexity of the problems you raise requires some careful study.

Now, a subcommittee of the Armed Services Committee, under the distinguished chairmanship of Senator ENSIGN, has looked at this question. He will succeed me here momentarily to give his thoughts.

I come down to this point, I say to my good friend from West Virginia. You start with the proposition there is no other Government agency or Department of our Federal system, other than the FAA—and I did not know that until I was prompted by your amendment to do the research—which has the two Deputy Secretaries or Under Secretaries, as the case may be. That, to me, indicates that throughout the formation of our Government, whether it has been under Democrat control or Republican control, it is a concept that has not been tried. But it merits careful study.

I am wondering if the Senator from West Virginia would think of converting his amendment to provide for a study. Now, I do not mean to kick the can down the road for a year and let it disappear as a concept. Let's have a tight study of 90 or 120 days. Let's have it done by one of the Federal research centers, not the GAO because the GAO, frankly, has an opinion, maybe have it done by two of them, require two of them to do it, and report back to the Congress early next year, say in the February-March timeframe, such that we could hold a hearing in the Armed Services Committee and perhaps the Government Operations Committee, which has sort of plenary jurisdiction over Government agencies and Departments, and take a look at it. It might take root, and as such we would put it in as a part of next year's authorization bill. We could then go to our colleagues in the Senate and our colleagues in the other body and say: Look, we have carefully analyzed and studied, and this is our conclusion. I say to my good friend—not that I could teach him anything—knowing where the votes are, I am inclined to think there is probably a sufficient structure of votes here not to carry your amendment, and I would hate to see it lost, to be honest. And should it pass here, there is nothing in the House. And as you well know from more experience than I, that conference produces unpredictable results.

This is a good idea. This idea merits very careful attention and study. I would be the first to cosponsor with you if you were so desiring of amending your pending amendment to provide for a framework by which this concept is studied step by step before the Congress is called upon to render its judgment.

I say that with the greatest respect.

At this point, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the proposal coming, as it does, from the distinguished chairman of the Armed Services Committee, gives me pause.

First, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. AKAKA, and Mr. LAUTENBERG, proposes an amendment numbered 2442.

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 printed in today's RECORD under ''Text of Amendments.'')

Mr. BYRD. Continuing, the Department of Defense has served our country well. But from time to time Congress

has needed to make changes, such as the Goldwater-Nichols Act, to fix problems that have arisen. We know what the problem is. The Department needs someone to dive in and fix these accounting problems. The GAO has told the Congress what is needed to fix these problems. My amendment does just that. One more year means more money spent. One might ask the rhetorical question, how many more years does Congress need to wait before it acts? I don't slough off the proposal nonchalantly or ''chalantly.'' I would like to think about that. Let me do just that. While the Senator from Nevada, Mr. ENSIGN, speaks, let me converse with the Senator from Virginia.

Mr. WARNER. Mr. President, I thank my dear colleague. I suggest, indeed, as Senator ENSIGN has looked into this, the Senate would benefit from his perspective. I suggest we make this the pending amendment, lay it aside such that the Senate can proceed to the votes on the other two amendments. I don't know that there is any urgency. As long as it is the pending amendment, it can be brought up at any time the Senator from West Virginia so desires, either to be amended or voted in its present framework. I would be happy to yield the floor for the purposes of the distinguished Senator from Nevada addressing the Senate on this important subject and confer with the Senator from West Virginia briefly. I have an appointment with the British Minister of Defense. He is in my office. I would like to keep that for a brief period and then return to the floor.

Mr. BYRD. Fine, if we could set this amendment aside until after the two votes. In the meantime, let the Senator from Nevada, Mr. ENSIGN, speak, and then have the amendment set aside until after the two votes. Meanwhile we can confer.

Mr. WARNER. Mr. President, I ask unanimous consent then that the Senator from Nevada be recognized for such time as he wishes to take on the Byrd amendment in its present configuration at the desk and then, at the conclusion of the remarks of the Senator from Nevada, we proceed to the scheduled votes under a previous order. Then immediately following the last vote, this becomes the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. ENSIGN. Mr. President, Senator BYRD has offered an amendment virtually identical to a piece of legislation that I brought forward because he has the same concerns I have. When I took over the chairmanship of the Readiness Subcommittee, the staff briefed me on various hearings that they do traditionally during the year. One of the hearings, the information that we got at the hearing, this piece of legislation was trying to address. It was the reason I drafted it, because I had literally the identical concerns Senator BYRD has raised today. Nothing he has said have I disagreed with. This happened last year. We used to have one of these hearings a year. I have actually stepped them up to every 6 months. We have a hearing tomorrow in the Readiness Subcommittee on this very issue, as well as others on the business transformation for the military.

The military is a huge bureaucracy that none of us have our arms around. The military doesn't have its arms around its own bureaucracy. There are incredible inefficiencies. The problem is, you get one person in; they are there for a year, maybe two. They say they are going to be making changes. They have been promising to make changes for years. And then nothing happens.

Last year, I was ready to proceed with my legislation. I met with Secretary England, and he asked me for 1 year. He said: Give me a year. I am new in this position. Give me a year. If you are not satisfied at the end of that year, if we haven't made significant progress, then go forward with your legislation.

I reluctantly said: OK. You are new. I liked some of the ideas he was laying out. He was going in the right direction. I said, reluctantly: I will give you the year.

Tomorrow we are having a hearing to see at least what progress they have made in the last 6 to 8 months. Depending on what happens at that hearing—from some of the preliminary results we have received, there is some progress being made—we are going to delve into it much more deeply tomorrow, plus what we see over the next several months. If we are not satisfied, I will be the first person to join the Senator from West Virginia on this legislation next year to create this position.

The reason I thought this was good, that it was a good idea to make this change, was because to have somebody focused on the business goings on at the Department of Defense made good common sense to me. I didn't want to see another layer of bureaucracy created. But with the Deputy Secretary of Defense, I didn't see them focused on the business activities. I saw them focused on warfighting activities—all well and good. We want them focused on that. But these other duties seem to be neglected at the same time.

I commit to the Senator from West Virginia that I am absolutely willing to work with him on this, with the same goals in mind; that is, to reform our Defense Department to make it more efficient, more accountable, more transparent in the way that it actually performs business. It is never going to operate like a business, but we have to get it to operate more like a business than it does today.

I think the spirit of this amendment is absolutely right. I would ask that we would either go the direction of what Senator WARNER has suggested or at least wait until next spring, when we go for reauthorizing the Defense Department again next year, to address this issue, simply because I made that personal commitment to Acting Deputy Secretary Gordon England.

I would be more than happy to yield back or engage in a colloquy or whatever the Senator from West Virginia would like at this point.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, if the Senator will yield, I have great respect for the Senator. I am interested in what he said. Let us confer a little bit and think a little bit about this during the two votes that are about to take place. Perhaps we can find out what the Senator from Nevada and the Senator from Virginia have in mind. Perhaps we can work out something that will be in the best interest of the country. I would like to think about that. I thank the Senator. Let's just hold it in abeyance for a little while until after the votes, and then we will come back to it.

Mr. ENSIGN. I thank the Senator from West Virginia.

Mr. President, parliamentary inquiry: If I yield the floor, we go directly to the votes?

The PRESIDING OFFICER. There is 2 minutes evenly divided preceding the votes.

Mr. ENSIGN. 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. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I defer to my distinguished chairman.

AMENDMENT NO. 2424

Mr. WARNER. Mr. President, may I suggest the Senator go first, and then I would seek the opportunity for recognition to indicate that it is acceptable on this side. But if the Senator from Florida desires, I think there is good reason to have a rollcall vote as opposed to a voice vote.

Mr. NELSON of Florida. Mr. President, this amendment is all about the painful offsets of the Department of Defense survivor benefit plan against the Veterans' Affairs Department's dependency and indemnity compensation. This offset that we have in current law mistreats the survivors of our military who die on active duty and also mistreats our 100-percent disabled military retirees who purchase this benefit at the end of their career. It is wrong, we know it, and we are going to fix it. Taking care of widows and orphans is a cost of war. It is our solemn duty to take care of the widows and orphans.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that

there be printed in the RECORD a number of letters from military and veterans groups around the country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MILITARY OFFICERS ASSOCIATION OF AMERICA,
Alexandria, VA, November 7, 2005.

Hon. BILL NELSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR NELSON: I am writing on behalf of the 368,000 members of the Military Officers Association of America (MOAA) to pledge our support for your amendment, SA 2424, to the FY2006 Defense Authorization Bill. Your amendment would correct two major military Survivor Benefit Plan (SBP) inequities by (1) ending the unfair deduction of VA survivor benefits from military SBP annuities when military service causes an active duty or retired member's death and (2) moving up the effective date of 30-year, paid-up SBP coverage from October 1, 2008 to October 1, 2005.

MOM opposes Sen. John Warner's 2d degree amendment that would simply require a study of the SBP annuity deduction and drops the paid-up SBP initiative entirely.

MOM believes another study is not required to do what's right. We feel strongly that, when military service causes the member's death, the VA's payment of Dependency and Indemnity Compensation (DIC) should be considered just that—an additional indemnity for the service's role in the member's untimely death. It should be added to SBP, not substituted for it. Fewer than 3,500 of the 55,000 widows affected by the DIC offset are eligible for the new lump sum death benefit improvements leaving large numbers of survivors with an annuity of only $993 per month. Only survivors widowed after November 24, 2003 can transfer SBP eligibility to their children—this does nothing to help older survivors or those without children. Further, survivors who are financially compelled to take advantage of this temporary relief will be left at an even greater long-term disadvantage because they must forfeit all SBP eligibility when their children reach age 18. We should not be treating our survivors in this manner.

Similarly, older retirees need and deserve relief from the current 2008 effective date of paid-up SBP. The delayed effective date means that thousands of ''Greatest Generation'' retirees who have been paying into SBP since 1972 will have to pay up to 36 years of premiums, and will end up paying one-third more premiums than members who retired after 1978.

The time for action on your amendment is now. Failure to do so would do a disservice to the thousands of survivors and retirees who have waited years for relief from these two SBP inequities.

MOM is urging your colleagues, via a separate letters, to vote for your SBP amendment and oppose any effort to dilute or defer action on these long-overdue fixes for military widows and ''Greatest Generation'' retirees.

Sincerely,

NORBERT R. RYAN, JR.

THE RETIRED ENLISTED ASSOCIATION,
Alexandria, Virginia, November 7, 2005.

Re: SA 2424 ending the SBP/DIC offset.

Hon. BILL NELSON,
U.S. Senate,
Washington DC.

DEAR SENATOR NELSON: The Retired Enlisted Association (TREA) is writing to strongly support your efforts to include amendment SA 2424 in the NDAA. Your amendment would finally correct the SBP's programs remaining deficiencies. It would end the unfair dollar-for-dollar DBP/DIC Offset and it would move up the paid up provisions of SBP to October 1, 2005. These are improvements that have been long in coming.

TREA is a nationwide VSO whose members served a career in the enlisted ranks and their spouses and survivors. Both provisions of your Amendment would greatly improve the situation of numerous of our members.

TREA knows how hard you and your staff have worked on this issue. And now that success seems close at hand the ''DOD's opposition paper'' is presented to the Senate. It is incorrect. TREA is, of course, well aware of both the mentioned substantial improvements in death benefits and the improvements in the basic SBP plan that were adopted last year. And we were very grateful for both actions. However these improvements do not help the vast majority of military widows who suffer under this offset.

Most of these widows' military spouses were seriously disabled in the service of their country. When they retired they enrolled in SBP (commercial plans not being an option for them due to their disabilities.) They now pay 6½ percent of their retired pay to protect their loved ones from being left penniless if they died of a non service connected disability.

But when they died of their service connected disability their survivors suffer a dollar for dollar offset on their SBP for their DIC. All their planning and financial sacrifice is ineffective due to the offset. The improvements in the SBP payments made last year do not help them. The active duty death improvements do not help them. These ladies are not helped by any of the changes Congress has made in the last few years. They should not be forgotten.

Many of TREA's members' survivors are harmed by this offset. They, like their Service member spouse dedicated their lives to the service of their country. They then dedicated their lives to caring for their disabled spouses. Their service should be acknowledged.

Your Amendment would also move up the paid up provisions to the beginning of this fiscal year. This would help elderly military retirees who have been paying into SBP for at least 30 years and who are at least 70 years old. In 2008 the paid up provisions will kick in but many will be paying 6 more years than intended. They have surely paid in a great deal more into SBP than their spouses will ever receive and your change can allow these dedicated men and women to live with a bit more comfort the next few years.

Again, TREA wishes to thank you and your staff for your dedicated work to support the men and women who dedicated their lives to the service of America's Military. We strongly support your efforts to have SA 2424 included in this year's NDAA.

Sincerely,

DEIRDRE PARKE HOLLEMAN, ESQ.,
National Legislative Director,
The Retired Enlisted Association.

NATIONAL MILITARY FAMILY ASSOCIATION,
Alexandria, VA, November 7, 2005.

Hon. BILL NELSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR NELSON: On behalf of the National Military Family Association (NMFA) and the military families it serves, I thank you for introducing Senate Amendment 2424 to S. 1042, the FY 2006 National Defense Authorization Act. This amendment provides for certain fixes to the Survivor Benefit Plan (SBP). The survivors of servicemembers killed on active duty and those of military retirees, who died of service-connected injuries or illnesses, deserve the financial stability that would be provided through the provision to end the Dependency and Indemnity Compensation (DIC) offset to SBP. In addition elderly retirees, who have paid into SBP for more than thirty years, deserve relief now instead of paying additional premiums until 2008.

As we have stated in Congressional testimony this year, NMFA believes that ending the DIC offset to SBP is essential in protecting both the long and short-term financial security of military survivors, especially those of career servicemembers. Many of these survivors find their monthly family income decreases substantially following the servicemember's death, due in large part to the DIC offset to SBP. Widows of retirees, who die of service-connected illnesses or injuries, also experience a decrease in their benefit income following the retiree's death. In recent years, Congress has ended the VA disability pay offset of military retired pay for retirees with a VA disability rating of 50 percent and higher and provided for the phase-out of the age-62 offset to SBP. Full receipt of both SBP and DIC is just as important to survivors as full concurrent receipt of VA disability pay and military retired pay has been to retired servicemembers. The DIC offset to SBP affects the most vulnerable members of our military community: the surviving spouses of those who have given their lives for our country. While surviving spouses of active duty deaths, who are affected by the offset, have the option of choosing child-only SBP, they do so knowing their DoD SBP benefits will end as soon as their child reaches adulthood. Child-only SBP payments do not compensate for the lost income caused by the DIC offset.

We thank you for your efforts to protect the financial security of military families by sponsoring this legislation to eliminate the DIC offset of SBP. Military families today are called upon to make extraordinary sacrifices. Survivors have made the ultimate sacrifices. Thank you for your work to ensure our Nation provides the full benefits due them in recognition of that sacrifice.

Sincerely,

CANDACE A. WHEELER,
Chairman/Chief Executive Officer.

NATIONAL ASSOCIATION FOR UNIFORMED SERVICES,
Springfield, VA, November 7, 2005.

Hon. BILL NELSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR NELSON: On behalf of the nearly 200,000 members and supporters of the National Association for Unifonned Service (NAUS), I would like to offer our full support for your amendment to S. 1042, the fiscal year 2006 National Defense Authorization Act, that would correct two important inequities faced by our military widows and our military retirees.

Your amendment would 1.) end the unfair dollar-for-dollar deduction of the Defense Department's Survivor Benefit Plan against the Veterans Department's Dependency and Indemnity Compensation; and 2.) accelerate the effective date of paid-up SBP coverage to October 1, 2005 from October 1, 2008.

Many military members and retirees have paid for SBP and have the most obvious of expectations to receive what was paid for. Surprisingly, that's not what happens. Under current law, SBP is reduced one dollar for each dollar received under DIC. In some cases survivors of retirees, upon eligibility for DIC, lose a majority—or all too often—the entire amount of their monthly SBP annuity.

NAUS also strongly opposes any effort to postpone an up-or-down vote on your amendment. In this regard, we oppose Sen. John Warner's 2nd degree amendment that would send the SBP issue to the Veterans Disability Benefits Commission for further study. Frankly, we are deeply disappointed in efforts to postpone doing what is right for military widows and orphans and older veterans who have paid SBP premiums in some cases for well over 30 years.

NAUS believes this matter already has been studied, restudied, examined and re-examined. No further study is required. Now is the time to act. And we urge you and your colleagues to do the right thing.

Sincerely,

RICK JONES,
NAUS Legislative Director.

ASSOCIATION OF THE UNITED STATES ARMY,
Arlington, VA, November 7, 2005.

Hon. BILL NELSON,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR NELSON: On behalf of the more than 100,000 members of the Association of the United States Army (AUSA), I am writing to reinforce our support for your Survivor Benefit Plan (SSP) amendment (SA#762) to the Defense Authorization Bill. AUSA strongly opposes any effort to dilute or delay action on the fixes it proposes to the military SBP.

We understand that Senator Warner plans to introduce a ''second-degree'' amendment on Monday, 7 November, that would nullify your initiative to (1) end the unfair deduction of VA benefits for service-connected deaths from military survivors' SBP annuities and (2) accelerate the 2008 effective date for 30-year paid-up SBP coverage that now makes ''Greatest Generation'' retirees pay one-third more SBP premiums than similar servicemembers who retired since 1978.

The Warner amendment would drop any reference to the paid-up SBP fix and merely call for a study of the survivors' issue. Action on the two inequities in SA#762 is already long overdue, and military retirees and survivors need action to fix them now, rather than more delays, studies, and deferrals.

AUSA stands firm in support of your SBP amendment and opposes any and all efforts to dilute, defer, or nullify it.

Sincerely,

GORDON R. SULLIVAN,
General, USA Retired.

AIR FORCE SERGEANTS ASSOCIATION,
Temple Hills, MD, November 7, 2005.

Hon. BILL NELSON,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR NELSON: On behalf of the 130,000 members of the Air Force Sergeants Association, I thank you for introducing Senate Amendment 2424 to S. 1042, the FY 2006 National Defense Authorization Act.

This amendment would end the Dependency and Indemnity Compensation (DIC) offset to SBP. These spouses of military members also served their nation, facing the rigors of that lifestyle, constantly being aware that their military spouse has agreed to the ultimate sacrifice. It is important to keep our Nation's promises to those who have served and sacrificed for our freedoms. That includes taking care of their survivors.

We are especially pleased that your amendment would accelerate the implementation date of the ''age 70, 30 years paid up'' provision from October 1, 2008, to October 1, 2005. This group of elderly retirees has been paying into SBP for more than thirty years. Without question, they deserve the immediate relief your amendment would provide.

During times of war it is importaut that a nation communicate its sincerity to take care of its service members. AFSA appreciates your leadership on this issue. Please let us know what we can do to help you advance this important legislation.

Sincerely,

JAMES E. LOKOVIC,
Deputy Executive Director and Director of Military & Government Relations.

EANGUS,
Alexandria, VA, November 7, 2005.

Hon. BILL NELSON,
U.S. Senate, Washington, DC.

DEAR SENATOR NELSON: On behalf of the enlisted men and women of the Army and Air National Guard, we thank you for offering an amendment to the FY 2006 National Defense Authorization Act (NDAA) to address current inequities in the military Survivor Benefit Plan (SBP) program.

Your amendment will address the current dollar for dollar deduction of VA benefits for service-connected deaths from the survivors' SBP annuities. In the case of service members killed on active duty, a surviving spouse with children can avoid the dollar-for-dollar offset only by assigning SBP to her children. For retired members, we support your view that if military service causes a retired member's death, the Dependency Indemnity Compensation (DIC) the VA pays the survivor should be added to the SBP benefits the retiree bought and paid for, not substituted for them.

The Enlisted Association of the National Guard of the United States strongly supports your amendment to address these concerns. If I can be of further assistance, please don't hesitate to contact us.

Working for America's Best!

MSG (Ret.) MICHAEL P. CLINE,
Executive Director.

UNIFORMED SERVICES DISABLED RETIREES,
Las Cruces, NM, November 4, 2005.

DEAR SENATORS: No bombastic prose, so let's cut to the chase. Please pardon the lack of formal addressing as this is being faxed to all 100 of you United States Senators.

Today, I learned that Sen. John Warner, Chairman of the Senate Armed Services Committee, will offer an amendment to the FY2006 Defense Authorization Sill that would defer action on two top USDR legislative goals for 2005—fixing two significant inequities concerning the military Survivor Benefit Plan (SBP).

Current law reduces SBP for survivors of members whose death was caused by military service. In those cases, the survivor is entitled to an annuity from the VA (currently $993 a month for a spouse), and the SBP payment is reduced by that amount. In other words, this is a ''widow's tax'' because it wipes out the SBP annuity. USDR believes that, if military service causes the member's death, the VA indemnity payment should be added to SBP, not substituted for it.

The other SBP inequity affects older retirees already enrolled in SBP. Congress passed a law in 1998 authorizing paid-up SBP coverage for retirees who have attained age 70 and paid SBP premiums for 30 years (360 payments). This would allow such retirees to stop paying premiums while retaining coverage for their spouses. But Congress delayed the effective date of that law until October 1, 2008, which thousands of retirees who enrolled in SBP in 1972 will have to pay premiums for 36 years—and end up paying about one-third more SSP premiums than similar members who retired after 1978.

Sen. Warner's amendment would negate an amendment proposed by Sen. Bill Nelson (D–FL) to end these two major SSP inequities as of October 1, 2005. The Warner amendment would cancel Sen. Nelson's proposals entirely and substitute language calling for a study of the VA/SBP issue. Dare say I that this is so much Equine Scatology?

These issues have been studied ad nauseum. There is no further need for more impotent studies. There is need for affirmative action.

Please vote NO on any amendments to study, delay, or cancel Sen. Nelson's proposed amendments to correct this gross inequity heaped upon our widows.

CHARLES D. REVIE,
LTC, USAR, Retired, Legislative Director.

COMMISSIONED OFFICERS ASSOCIATION,
Landover, MD, November 7, 2005.

Hon. BILL NELSON,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR NELSON: I am writing to support your SBP amendment (SA #762) to the 2006 Defense Authorization Bill. The Commissioned Officers Association of the U.S. Public Health Service most strongly opposes any effort to dilute or delay action on the fixes it proposes to the military Survivor Benefit Plan.

This Association is firmly opposed to Senator Warner's plans to introduce a ''second-degree'' amendment on Monday, 7 November, that would nullify your initiative to (1) end the unfair deduction of VA benefits for service-connected deaths from military survivors' SBP annuities and (2) accelerate the 2008 effective date for 30-year paid-up SBP coverage that now makes ''Greatest Generation'' retirees pay one-third more SBP premiums than similar servicemembers who retired since 1978.

Action on these two inequities is already long overdue and uniformed service retirees and survivors need action to fix them now, rather than more delays, studies, and deferrals.

COA and the entire Military Coalition urge you to stand firm with your SBP amendment and oppose any and all efforts to dilute, defer, or nullify it

Sincerely,

GERARD M. FARRELL,
Captain, U.S. Navy (Ret.), Executive Director.

Mr. JEFFORDS. Mr. President, I wish to express my support of Senator BILL NELSON's amendment to improve benefits for the survivors of America's servicemembers. This is a very important amendment that deserves the Senate's support.

Under current law, annuity payments received under the survivor benefit plan are reduced, dollar for dollar, by benefits received from the VA's dependency and indemnity compensation program.

This is not fair. Servicemembers pay into the survivor benefit plan and they expect that their surviving spouse and children will receive these benefits upon their death. But if the servicemember's surviving spouse is also entitled to dependency and indemnity compensation, then the benefits of the survivor benefit plan are significantly reduced.

Families who have lost a servicemember often face a very difficult future. Military death benefits are a significant help but often fall far short of providing for a secure future for a family. To further reduce a family's income by offsetting survivor benefit

plan benefits seems cruel. This amendment would end this offset. It is imperative that we do so now.

Enactment of this amendment would also correct another injustice. Congress has authorized military retirees who reach 70 years of age and who have paid survivor benefit plan premiums for at least 30 years to retain coverage while ceasing any further premium payments. Unfortunately, the effective date of this provision has been pushed out to October 1, 2008. This forces retirees to continue paying these premiums, even though, in some instances, they have been paying premiums for 36 years. This amendment would remove this unfair requirement and allow military retirees who have paid great amounts into their annuity plan to cease their payments after 30 years, just as Congress intended.

Passage of this amendment is urgent. The families of deceased servicemembers are dealing with a great deal of stress. They need the financial benefit provided by this amendment. Military retirees, likewise, deserve the relief now that Congress intended to give them.

It has been suggested that we postpone action on this matter until after the Commission on Veterans' Disability Compensation can study the larger issue of disability compensation. While the work of the Commission is very important, it is clear to me that the benefits provided by this amendment are of paramount importance and should not wait for the conclusion of a more exhaustive study of the disability compensation system. We must stand four-square behind those who have given their life for their country and behind those who have served their country for their entire career.

I urge my colleagues' support for the Nelson amendment.

Mr. LEVIN. Mr. President, I ask unanimous consent that I may proceed for 2 minutes in support of the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair.

I commend the Senator from Florida. He has been a passionate supporter of this cause for so long. He has had some success but not the full success which he deserves and which the widows and orphans in this country deserve and which the survivors and our disabled people in this country deserve, people who have given so much. So I want to add my voice in support. I think a strong vote will make the Senate more able to maintain this position in conference with the House.

I congratulate and thank the Senator from Florida, Mr. NELSON, for his tenacity on this issue.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I again join my colleague from Michigan and our distinguished colleague, a member of the committee. As the Senator says, it is all about veterans, and this is a most deserving class. This is the group that has done a minimum of 20 years, and a loyal spouse that has gone through all of the challenges that face families in career military service.

This is something that has been studied in the Congress for a very long time. It is the subject of a study now. As a matter of fact, it is going to be the centerpiece of a study. As you know, Mr. President, we have the commission on the future of the Guard and Reserve and retirees, and so forth, constituted by the Congress, which has now had its first meeting.

So I urge colleagues on this side of the aisle to follow my lead and support the amendment of the Senator from Florida.

There was a time in which I thought I would try to work on a second-degree amendment. In consultation with a wide range of my colleagues who have expressed strong support, as I have, we decided not to do that. And then there was the thought about, you know, it is a technical thing under the Budget Act. But I don't think it is appropriate to go through that exercise.

So I suggest to all Members of the Senate to give a ringing endorsement to this amendment, and I will be among those to cast the first ''yea'' vote.

Again, I congratulate my colleague.

Mr. NELSON of Florida. I thank the Senator.

Mr. WARNER. Mr. President, under regular order, if the yeas and nays have not been ordered, 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. LEVIN. Mr. President, do we have two votes now scheduled?

Mr. WARNER. We do.

I think perhaps we should ask for the yeas and nays on the Snowe amendment at this time.

Mr. LEVIN. Will that be a 10-minute vote?

Mr. WARNER. That will be a 10-minute vote on that amendment.

The PRESIDING OFFICER. Without objection, it is in order to request the yeas and nays on the amendment at this time.

Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Under the original order, we were to have the Byrd amendment which would experience the full length of time for an amendment. This was subject to 10 minutes. I think we had better reconstitute that UC to say that this amendment will be given the full 15 minutes, the Snowe amendment to have the 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I will not, of course, has the Byrd amendment either been adopted—

Mr. WARNER. It is laid aside temporarily to come up at the conclusion of the Snowe amendment. And then, of course, prior to the Senate addressing a vote on the Snowe amendment, there will be 2 minutes for each side to address that amendment. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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 5, as follows:

[Rollcall Vote No. 307 Leg.]

YEAS—93

Akaka	Domenici	Lugar
Alexander	Dorgan	Martinez
Allen	Durbin	McConnell
Baucus	Ensign	Mikulski
Bayh	Enzi	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Obama
Boxer	Grassley	Pryor
Brownback	Gregg	Reed
Bunning	Hagel	Reid
Burns	Harkin	Roberts
Burr	Hatch	Rockefeller
Byrd	Hutchison	Salazar
Cantwell	Inhofe	Santorum
Carper	Inouye	Sarbanes
Chafee	Isakson	Schumer
Chambliss	Jeffords	Shelby
Clinton	Johnson	Smith
Cochran	Kennedy	Snowe
Coleman	Kerry	Specter
Collins	Kohl	Stabenow
Conrad	Kyl	Stevens
Cornyn	Landrieu	Sununu
Craig	Lautenberg	Talent
Crapo	Leahy	Thomas
Dayton	Levin	Thune
DeWine	Lieberman	Vitter
Dodd	Lincoln	Warner
Dole	Lott	Wyden

NAYS—5

Allard	DeMint	Voinovich
Coburn	Sessions	

NOT VOTING—2

Corzine	McCain

The amendment (No. 2424) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. SCHUMER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2441

Mr. REID. Mr. President, I have an amendment that I send to the desk.

The PRESIDING OFFICER. Is there objection to the consideration of the amendment?

Mr. WARNER. Mr. President, there is no objection. We have examined the amendment. It is a technical amendment that is needed by the Department of Defense to administer this program and the Department of Veterans Affairs.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2441.

Mr. REID. 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 that veterans with service-connected disabilities rated as total by virtue of unemployability shall be covered by the termination of the phase-in of concurrent receipt of retired pay and veterans disability compensation for military retirees)

At the appropriate place in title VI, add the following:

SEC. ___. INCLUSION OF VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY REASON OF UNEMPLOYABILITY UNDER TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.

(a) INCLUSION OF VETERANS.—Section 1414(a)(1) of title 10, United States Code, is amended by inserting ''or a qualified retiree receiving veterans' disability compensation for a disability rated as total (within the meaning of subsection (e)(3)(B))'' after ''rated as 100 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2004.

Mr. REID. Mr. President, I rise today on behalf of our Nation's veterans to once again discuss the unfair, outdated policy of ''concurrent receipt.'' It is an issue I have talked about on this floor many times.

Concurrent receipt is a policy which prevents veterans from receiving the full pay and benefits they have earned. Many Senators have joined me in fighting this policy over the years, and we have made some progress on behalf of our veterans.

In 2003, the Congress passed legislation which allowed disabled retired veterans with at least a 50 percent disability rating to become eligible for full concurrent receipt benefits over a 10-year period. This was a significant victory that put hundreds of thousands of veterans on the road to receiving both their retirement and disability benefits.

Last year, we made a little more progress. I joined with Senator LEVIN and others, and we were able to eliminate the 10-year phase in period for the most severely disabled veterans, those with a 100 percent disability rating.

As we noted at that time, the 10-year waiting period is particularly harsh for these veterans, some of whom would not live to see their full benefits restored over the 10-year period, and others who could not work a second job and were in fact considered ''unemployable.'' So we passed legislation to end the waiting period and provide some relief to these deserving, totally disabled veterans.

Unfortunately, as I noted on this floor a few months ago, the administration has failed to implement our legislation. Instead of eliminating the waiting period for veterans who are 100 percent disabled, they have eliminated it only for some.

They have created two categories of disabled veterans. If you are rated as ''totally disabled,'' you do not have to wait. You get 100 percent of your benefits today. But if you are rated as ''unemployable,'' you still have to wait.

This is not what we intended when we passed legislation last year. And earlier in this session, a number of Senators and I sought to correct this disparity.

We passed a sense of the Senate resolution that clearly expressed our intentions: all completely disabled veterans should have their benefits restored immediately. This was not an attempt to make law, but merely to express what my colleagues on both sides of the isle intended when we passed legislation last year.

Unfortunately, the majority-controlled conference committee removed this resolution. So today, veterans rated as ''unemployable'' continue to face this delay.

This is not a partisan issue. These veterans do not have 10 years to wait for the full phase in of their benefits. It is time for the administration to stop playing games and start honoring these veterans service.

For all other purposes, both the VA and the Defense Department treat ''unemployables'' exactly the same as those with a ''totally disabled'' ratings.

In fact, these unemployables must meet a criterion that not even the 100 percent-rated disability retirees have to meet. They are certified as unable to work because of their service-connected disability. The administration pays equal combat-related special compensation to both categories.

Yet, the administration is discriminating unemployables and 100 percent disabled retirees with non-combat disabilities in flagrant disregard for the letter of the law as interpreted its own legal counsel.

So once again, I rise on these veterans' behalf. Today I introduce amendment No. 2441, legislation which explicitly ends the 10-year waiting period for the most disabled veterans.

The time to act is now.

I hope my Republican colleagues will join me in supporting this bill. These veterans have faced arbitrary discrimination long enough. We must pass this legislation, so that these veterans can get the benefits they deserve.

THE PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment.

The amendment (No. 2441) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2436

Mr. WARNER. Mr. President, we will now return to the vote on the Snowe amendment, am I correct?

The PRESIDING OFFICER. The Senator is correct. There are 2 minutes evenly divided.

Mr. WARNER. Have the yeas and nays been ordered?

The PRESIDING OFFICER. Yes, they have.

The Senator from Maine.

AMENDMENT NO. 2436, AS MODIFIED

Ms. SNOWE. Mr. President, I ask unanimous consent to modify my amendment with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment will be so modified.

The amendment (No. 2436), as modified, is as follows:

On page 5, after line 16, insert the following:

(e) NO EFFECT ON CERTAIN PROPERTY INTERESTS.—Nothing in this section or the amendments made by this section shall be construed to affect any reversionary interest, remainder interest, executory interest, right of entry, or possibility of reverter held in real or personal property at a military installation closed or realigned under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

Mr. SNOWE. Mr. President, the amendment that I and Senator COLLINS have offered, which is cosponsored by Senators WYDEN, CORZINE, and LANDRIEU, would require that, when making determinations concerning the transfer of property at installations to be closed or realigned under the current BRAC round, the Secretary of Defense must first offer that property to the affected communities—and if they accept the offer—transfer it to those communities free of cost.

It is a perverse situation when communities that have already contributed toward the more than $200 billion spent on the war in Iraq—$28.5 billion of which was spent on redevelopment efforts in that country—and now face base realignments or closures—are being told that, if they want property for economic recovery, they will have to buy it at fair market value.

Our communities should be in the driver seat concerning their economic development, but that is not what current statute allows—instead, putting these irrevocable decisions in the hands of the Department of Defense. Our amendment puts the priority where it belongs—with our towns and cities, not a Federal bureaucracy.

Now, some have argued the amendment would change a time-tested framework of laws that dictate how properties should be transferred following a base closure or realignment and that ensure that all base rounds are treated consistently. I say Defense Base Closure and Realignment Act is not sacrosanct—it has changed many times in the past—and will again. In fact, for the first time ever, the Secretary of Defense is mandated to seek fair market value, in the case of an economic development conveyance to a community for redevelopment purpose.

Now that's a change that should engender concern!

Opponents also expressed concerns that the amendment would in some way affect existing reversionary interests in deeds, which provide that upon a closure or realignment, installation property would revert back to a community interest. We have modified it today, clarifying that nothing in the amendment shall be construed to affect any reversionary interest in property at the installation.

As for protecting the pre-existing rights of Native Americans my friend and colleague, Senator WARNER, was correct in noting that my amendment contains a provision explicitly retaining those rights.

Additionally, the amendment would not inhibit various military or Federal agency uses of this property—or impede public benefit transfers for schools or parks. Communities would retain the ability to proceed with such opportunities, if they deem them beneficial. Conversely, if there is a use that a community drastically opposes, like an oil refinery prison—it should have the ability to oppose it . . . which the amendment allows. Still, the amendment does contain an exception providing the Secretary of Defense the authority to make transfers in the national security interest of the United States.

Finally, to suggestions that base property is owned by the entire nation, and that it is not necessarily fair to provide it to affected communities, I could not disagree more.

According to the Government Accountability Office, the DoD has saved as a result of BRAC closures—about $28.9 billion in net savings through fiscal year 2003 from the prior four closure rounds, and is projected to save $7 billion annually thereafter. While the entire Nation can financially benefit from these savings associated with BRAC closures, it is crucial to note that the negative impacts of base closures are disproportionately and unfairly borne by the communities where bases have closed. That is why it is a responsible course of action for the government to provide these communities with the tools and resources, such as required no-cost economic development conveyances, needed to recover from a closure.

The modification to the amendment that I offered yesterday would address the concerns raised about whether my amendment would have changed reversionary interests in deeds, which would provide that upon closure and realignment, installation property would revert back to a community interest. We have modified it today, clarifying that nothing in the amendment shall be construed to affect any reversionary interest in property at the installation, and that was to address some of the concerns raised with respect to my amendment.

To remind Members, the amendment I am offering today, on behalf of myself, Senator COLLINS, Senator LOTT, Senator LANDRIEU, Senator WYDEN, and Senator CORZINE, would allow for the free transfer of closed military bases to communities directly affected rather than allowing the Secretary of Defense to demand fair market value.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator's time has expired.

Who yields time in opposition?

Mr. WARNER. Mr. President, I speak in strong opposition to this amendment. I thank the Senator from Maine for accepting a number of the problems that I described yesterday, but there still exists an enormous number of problems associated with this amendment.

For 16 years and five BRAC rounds, we have tried, in an equitable way, to work with the communities and return these properties. On occasion, they have been sold and funds given to the Department of Defense, put in an escrow account in the Treasury for expenditure of cleanup of other sites and associated costs connected with the transfer of properties and the conclusion and implementation of the BRAC decisions. This would wipe out that whole framework of legislation that has been passed by this body and has effectively worked for the communities for all of these years. We simply cannot, at this point in time, accept this type of change in our statutory framework as a matter of equity.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I too object to the amendment. It is inflexible. It provides no possibility that no matter how valuable——

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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 announcd—yeas 36, nays 62, as follows:

[Rollcall Vote No. 308 Leg.]

YEAS—36

Bayh	Harkin	Obama
Bond	Hutchison	Pryor
Cantwell	Inouye	Roberts
Clinton	Jeffords	Schumer
Coleman	Kerry	Smith
Collins	Kohl	Snowe
Conrad	Landrieu	Stabenow
Dodd	Lautenberg	Sununu
Dorgan	Lincoln	Talent
Durbin	Lott	Thune
Gregg	Mikulski	Vitter
Hagel	Murray	Wyden

NAYS—62

Akaka	Allard	Baucus
Alexander	Allen	Bennett
Biden	Dole	Martinez
Bingaman	Domenici	McConnell
Boxer	Ensign	Murkowski
Brownback	Enzi	Nelson (FL)
Bunning	Feingold	Nelson (NE)
Burns	Feinstein	Reed
Burr	Frist	Reid
Byrd	Graham	Rockefeller
Carper	Grassley	Salazar
Chafee	Hatch	Santorum
Chambliss	Inhofe	Sarbanes
Coburn	Isakson	Sessions
Cochran	Johnson	Shelby
Cornyn	Kennedy	Specter
Craig	Kyl	Stevens
Crapo	Leahy	Thomas
Dayton	Levin	Voinovich
DeMint	Lieberman	Warner
DeWine	Lugar	

NOT VOTING—2

Corzine	McCain

The amendment (No. 2436), as modified, was rejected.

Mr. WARNER. Mr. President, 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.

Mr. WARNER. Mr. President, I understand we will now proceed to a brief colloquy between colleagues on both sides of the aisle with regard to the Levin amendment. That colloquy should, in total, not exceed about 10 or 11 minutes, and then we will proceed to a rollcall vote. At this time, shall we ask for the yeas and nays on the Levin amendment?

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I talked to the manager, the chairman of the committee, about this. I ask unanimous consent there be 6 minutes allotted on our side in support of the amendment and that 3 minutes be allotted to the Senator from Virginia and that we then vote by no later than 25 to 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, may I remind colleagues we will try to maintain this as a 15-minute vote because thereafter we have a vote on the amendment of the Senator from Rhode Island and we want not to inconvenience several Members who have very legitimate reasons to not be present after these two votes.

Mr. BYRD. Mr. President, I was hoping we would have a vote on the amendment which I had offered earlier, or in relation thereto, a rollcall vote.

Mr. WARNER. On our side, we would be happy to accommodate that vote following the vote on the amendment of the Senator from Rhode Island.

Mr. LEVIN. Is it my understanding the Senator from West Virginia would accept a voice vote?

Mr. BYRD. No.

Mr. WARNER. I want to make it known now that the Senator from West Virginia has substantially revised his amendment in accordance with recommendations, if I may say with a

sense of humility, that I made. He fully adopted those. I am going to support the amendment strongly, so it should be a very swift vote. No further debate would be required except for maybe a minute for you and a minute for me.

Mr. BYRD. Will that occur this day?

Mr. WARNER. Mr. President, I ask unanimous consent that following the 10-minute vote on the matter raised by the Senator from Rhode Island that we proceed to a third vote of 10 minutes on the amendment of the distinguished Senator from West Virginia.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I wonder if the Senator from West Virginia would modify that so that the vote on the Byrd amendment would come immediately after the vote on my amendment and then we would proceed to the vote on the Reed-Levin amendment?

Mr. WARNER. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

AMENDMENT NO. 2430

Mr. LEVIN. I ask unanimous consent that Senators LAUTENBERG, FEINSTEIN, BIDEN, and AKAKA be added as cosponsors of amendment No. 2430.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, this is an amendment that would create an independent commission that would look into allegations of detainee abuses. I yield myself 2 minutes and then I will yield 2 minutes to the Senator from Delaware and then 2 minutes to the Senator from Illinois, if he is here.

There are major gaps in the investigation which has taken place so far. We have heard a lot about the number of hearings that have been held. We have heard that 12 major investigations have taken place, 30 open hearings, 40 closed hearings, and so forth. None of the hearings, none of the investigations, have gotten to five areas. These are huge gaps, and we cannot sweep these gaps under the rug.

No. 1, none has looked at the role of the intelligence community, the CIA role, secret prisons, ghost detainees. It is a huge area which needs to be focused on.

No. 2, the Government policy on renditions, there has been no review of this.

No. 3, the role of contractors, there has been no investigation of the role of contractors.

No. 4, the legality of interrogation techniques, there has been no assessment of the legality of interrogation techniques.

There are two memos we have not been able to obtain that an independent commission with subpoena power could obtain, the second so-called Bybee memo and the March 3 memo from Mr. Yoo to the Department of Defense. They set forth what is allowed in terms of interrogation techniques. We cannot get those memos. An independent commission, a bipartisan commission based on the 9/11 model, could get those memos. They are critically important. And there are additional outstanding document requests which have been ignored.

This matter cannot be swept under the rug. No matter how many hearings have been held, there are major gaps that exist in reviewing this matter. We owe it to our troops, the men and women who wear the uniform for the United States, that we get the full picture and get it behind us. That is what is essential to restore the credibility of this Nation as well as to support the men and women who someday may be captured by our enemy, and we sure don't want any enemy of ours to ever cite that we ignored the violations that apparently have existed.

I now yield 2 minutes to the Senator from Illinois and then 2 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I rise in strong support of this amendment, and I am honored to be an original cosponsor.

We owe this to our troops. Anyone who came to the Chamber and heard the speech given by Senator JOHN MCCAIN about an amendment which he offered to the Defense appropriations bill will understand it was a historic statement. Senator MCCAIN, a prisoner of war in Vietnam and a person who was the victim of torture, said it was imperative that we make it clear to our troops what the standard of conduct would be.

What Senator LEVIN has done is to call together an inquiry as to whether we have violated this standard in the past and what the standard will be for the future. When we receive correspondence from our troops, who are risking their lives for America today, begging us to not only stand up for American values but to do it with clarity, we owe them that responsibility.

When the President announces in South America that we are opposed to torture while the Vice President is carving out exceptions for torture in legislation before Congress, there is no clarity.

Senator LEVIN and his leadership will bring us to clarity and to honesty, consistent with the American values which our troops are fighting to defend.

I yield the floor.

Mr. BIDEN. Mr. President, back in January I used a similar amendment for the first bill I introduced this year. There is a simple reason for it: It is more clear it is needed now. We have to take this out of politics. As long as we are involved, we will argue this about Democrat-Republican. It is not about Democrat-Republican. The world has changed. It has changed utterly.

The fact is we need a clear-eyed assessment of where we are in this changed world. This is a lot less about them—that is, the prisoners and the terrorists. It is much more about us and our troops. I wonder what happens the first time an American troop is captured anywhere in this or a future war and turned over to the secret police of that country, taken to a spot that no one knows, one that is clandestine. I wonder what happens then.

It is all about where we stand as a nation, about our values. We are in, as everyone says in this Senate, a battle for the hearts and minds of 1.2 billion people who share a different religion and maybe a different point of view. We are hurting, not helping, our troops. We are hurting, not helping, our cause. We have to have a clear-eyed resolution of it. The clearest way to do this is through a commission.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I stand in opposition to the amendment for many reasons which I have stated on three previous occasions, including early this morning addressing this amendment.

The distinguished Senator from Delaware talked about looking forward to our troops. I draw the attention of colleagues to Defense Department directive No. 3115.09 issued on the 3rd of November of this year in which they set forth the new regulations and rules with regard to treatment of prisoners. The directive provides overarching policy to the Department. It codifies existing departmental studies, including the requirement for humane treatment of captured or detained persons during intelligence interrogation and questioning, assigns responsibilities for interrogation planning and training, and establishes requirements for reporting violations of the policy regarding humane treatment.

Section 3443 is a directive addressing some specific abuse detailed in past investigations. The directive specifically requires the Central Intelligence Agency interrogation must follow Pentagon guidelines when questioning military prisoners and that a DOD representative be present. Further, this release should be followed by the revision of the Department of the Army Field Manual which is the subject of the McCain amendment, which I strongly support, on interrogations which this Senate overwhelmingly directed become the U.S. standard as part of the amendment proposed by Senator MCCAIN.

Our Government collectively is moving in the right direction to correct the problems of the past, clearly, such that the whole world knows how our Nation stands against this type of abuse that occurred in the past. I strongly urge our colleagues not to start up another commission in the middle of our war in Iraq and Afghanistan, and for the next year or 18 months begin to go over the material which this Senate time and time again has addressed in debates, on which our Committees on Foreign Affairs, Intelligence, and Armed Services have reviewed this question with some dozen investigations conducted by our

Government, largely the Department of Defense.

I yield the floor.

ORDER OF PROCEDURE

I have an agreement regarding future votes so Senators can make their plans. I ask consent following debate on the Levin amendment, which is now concluded, Senator REED be recognized to speak for not more than 5 minutes in relation to his amendment; further, that following the statement, the Senate proceed to a series of stacked votes in relation to the following amendments: Levin amendment 2430; Byrd amendment 2442, as modified; and the Reed amendment 2427.

There is no time here for Senator BYRD. I amend this to allow 2 minutes by Senator BYRD and a minute by the Senator from Virginia who intends to support Senator BYRD.

Further, provided that no second degrees be in order to the amendments prior to the votes. Finally, there be 2 minutes equally divided between the votes.

Mr. LEVIN. There is an objection.

We reversed the order, No. 1, and there needs to be time for debate before one of those amendments. I urge there be a unanimous consent agreement entered into now that after this vote we proceed immediately to a vote on the Byrd amendment, and between this vote and the vote on the Byrd amendment, we work out an agreeable unanimous consent.

Mr. WARNER. We will now proceed to the debate on your amendment.

Mr. LEVIN. The vote on my amendment immediately as we agreed upon, and then we go immediately to the Byrd amendment. Between the vote here on my amendment and the Byrd amendment, we work on a unanimous consent relative to the other amendment.

Mr. WARNER. In no event would we lose the opportunity to have the votes.

Mr. LEVIN. I hope not, but we have not agreed with that yet. We have to clear that with our leader.

Mr. REED. There was initially a 5-minute opportunity for me to speak on my amendment. Will that take place immediately or be postponed until after the vote on the Levin amendment?

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I will restate the unanimous consent request in the hopes it can be agreed to.

I ask consent that following debate on the Levin amendment—that debate has taken place—we go to the Byrd amendment. That would require 2 minutes by the Senator from West Virginia, 1 minute by the Senator from Virginia, following the vote on the Levin amendment, and then we proceed to the Reed amendment with 5 minutes on both sides with regard to debate prior to the vote on the Reed of Rhode Island amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the Levin amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 309 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—55

Alexander	DeWine	Murkowski
Allard	Dole	Nelson (NE)
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	McConnell	

NOT VOTING—2

Corzine	McCain

The amendment (2430) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Under the previous order, the Senate turns its attention to the amendment by the Senator from West Virginia, with 2 minutes of debate on either side, a 10-minute vote, to be followed by the Reed amendment, 5 minutes by the Senator from Rhode Island, and 2 or 3 minutes to the Senator from Virginia. Then that is a 10-minute vote.

AMENDMENT NO. 2442, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia has 2 minutes, and the Senator from Virginia has 1 minute.

The Senator from West Virginia.

Mr. BYRD. Mr. President, the Pentagon continues to have massive management problems. The GAO believes that billions of taxpayer dollars could be saved each year, if these problems can be straightened out. This modification to my amendment would require an expedited study on whether there should be a Deputy Secretary of Defense for Management to take charge of fixing the Pentagon's accounting problems. I thank the cosponsors of my modified amendment: Chairman WARNER, Senator ENSIGN, Senator AKAKA, and Senator LAUTENBERG. I am encouraged by Chairman WARNER's intention to hold further hearings in the Armed Services Committee once these reports are submitted to Congress.

Fixing the pervasive—I mean pervasive—accounting problems at the Department of Defense will require more hearings, more oversight, and more accountability. I took note of this some years ago when Secretary Rumsfeld first appeared before the Armed Services Committee. He admitted there was a problem, a very difficult problem. He indicated he was going to do something about it. I think he needs help.

I look forward to working with my colleagues in the coming months to set the Pentagon on an accelerated track for reform.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I strongly urge colleagues to support the Byrd-Warner amendment. I am the principal cosponsor. I commend my distinguished colleague from West Virginia. The Department of Defense was established in 1947, over a half century ago. It has served the Nation well, but there have been many changes. This will give the Armed Services Committee, the Government Operations Committee, perhaps other committees of Congress, a chance to take a good look at that Department and how best, if necessary, to restructure it to meet the future challenges before us.

I thank the Senator from West Virginia. I urge all Senators to vote in favor of the amendment.

Mr. BYRD. I thank the Senator from Virginia.

Mr. LEVIN. I ask unanimous consent that I be added as a cosponsor to the Byrd amendment, and I congratulate him on trying to address a problem which is endemic. It seems perpetual. I believe it is going to take all the energy of this body and the other body to force them to make the kind of changes this could lead to. I congratulate the Senator.

Mr. BYRD. I thank the distinguished senior Senator from Michigan.

The PRESIDING OFFICER. Does the Senator seek to modify the pending amendment?

Mr. BYRD. Yes, the modification is at the desk.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the end of subtitle A of title IX, add the following:

SEC. ____. REPORT ON ESTABLISHMENT OF A DEPUTY SECRETARY OF DEFENSE FOR MANAGEMENT.

(a) Not later than 15 days after the enactment of this Act, the Secretary of Defense

shall select two Federally Funded Research and Development Centers to conduct independent studies of the feasibility and advisability of establishing a Deputy Secretary of Defense for Management. Each study under this section shall be delivered to the Secretary and the congressional defense committees not later than March 15, 2006.

(b) CONTENT OF STUDIES.—Each study required by this section shall address—

(1) the extent to which the establishment of a Deputy Secretary of Defense for Management would:

(A) improve the management of the Department of Defense;

(B) expedite the process of management reform in the Department; and

(C) enhance the implementation of business systems modernization in the Department;

(2) the appropriate relationship of the Deputy Secretary of Defense for Management to other Department of Defense officials;

(3) the appropriate term of service for a Deputy Secretary of Defense for Management; and

(4) the experience of any other federal agencies that have instituted similar management positions.

(c) For the purposes of this section, a Deputy Secretary of Defense for Management is an official who—

(1) serves as the Chief Management Officer of the Department of Defense;

(2) is the principal advisor to the Secretary of Defense on matters relating to the management of the Department of Defense, including defense business activities, to ensure department-wide capability to carry out the strategic plan of the Department of Defense in support of national security objectives; and

(3) takes precedence in the Department of Defense immediately after the Deputy Secretary of Defense.

Mr. WARNER. My understanding is the yeas and nays have been ordered on the amendment, as modified.

The PRESIDING OFFICER. They have not been ordered.

Mr. WARNER. 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. MCCONNELL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 310 Leg.]

YEAS—97

Akaka	Boxer	Clinton
Alexander	Brownback	Coburn
Allard	Bunning	Cochran
Allen	Burns	Coleman
Baucus	Burr	Collins
Bayh	Byrd	Conrad
Bennett	Cantwell	Cornyn
Biden	Carper	Craig
Bingaman	Chafee	Crapo
Bond	Chambliss	Dayton
DeMint	Johnson	Roberts
DeWine	Kennedy	Rockefeller
Dodd	Kerry	Salazar
Dole	Kohl	Santorum
Domenici	Kyl	Sarbanes
Dorgan	Landrieu	Schumer
Durbin	Leahy	Sessions
Ensign	Levin	Shelby
Enzi	Lieberman	Smith
Feingold	Lincoln	Snowe
Feinstein	Lott	Specter
Frist	Lugar	Stabenow
Graham	Martinez	Stevens
Grassley	McConnell	Sununu
Gregg	Mikulski	Talent
Hagel	Murkowski	Thomas
Harkin	Murray	Thune
Hatch	Nelson (FL)	Vitter
Hutchison	Nelson (NE)	Voinovich
Inhofe	Obama	Warner
Inouye	Pryor	Wyden
Isakson	Reed	
Jeffords	Reid	

NOT VOTING—3

Corzine	Lautenberg	McCain

The amendment (No. 2442), as modified, was agreed to.

AMENDMENT NO. 2427

Mr. WARNER. Mr. President, under the regular order, the Senate will now proceed with the Reed of Rhode Island vote, with 5 minutes for the Senator from Rhode Island and 3 to 4 minutes for the Senator from Virginia.

The PRESIDING OFFICER. The Senator is correct. There is 10 minutes equally divided on amendment No. 2427. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, this amendment would transfer $50 million from the Missile Defense Program to the Cooperative Threat Reduction Program which is designed to secure nuclear materials and nuclear weapons in countries around the globe, principally the former Soviet Union.

A few facts I think are in order.

First, with respect to missile defense funding, in the emergency supplemental appropriations bill for the global war on terror, there was an additional $50 million appropriated that was not required or asked for by the Agency. With this money, even with this amendment, the Agency still would have sufficient money to carry out its programmed operations for this year. Again, we are just transferring $50 million from this rather expensive program overall.

Let me briefly recap where we are with respect to the program.

The administration has already requested and Congress has provided funds for 30 interceptors. There are nine already in the ground. There are others being constructed. There are 21 that are in some aspect of construction. Yet in the fiscal year 2006 budget, there is a request for 10 additional operational interceptors, plus 8 test interceptors, for 18 in all. Again, these are in addition to the 30 interceptors that are already planned for.

In addition to that, I must point out that the production rate capacity for these interceptors is 12 per year. So we are asking for more missiles than can be produced in 1 year. So there are ample funds with respect to missile defense. We are asking for more missiles than can be produced in 1 year—many more missiles than can be produced. This is a situation that I believe calls for readjustment of funds, moving it to another compelling need.

One of the compelling needs I urge on my colleagues is to fund the Cooperative Threat Reduction Program. President Bush and President Putin met in Bratislava months ago and created a unique opportunity for additional funding of the Cooperative Threat Reduction Program. This meeting took place after preparation of the budget. So moving $50 million from missile defense to the Cooperative Threat Reduction Program will allow this country to carry out the pledge President Bush made to President Putin to more aggressively secure 15 additional sites.

There is one final point I would like to make. There is often the argument, well, we shouldn't fund the Cooperative Threat Reduction Program because there are so many unobligated funds; they can't use the money. In August of this year, the Missile Defense Program had $844 million in unobligated funds. If the Missile Defense Agency has $844 million in unobligated funds, I don't think anyone would stand up immediately and say they can't use it, don't need it, et cetera. The same goes for the Cooperative Threat Reduction Program. We have needs out there. The greatest threat to face this country, in my view, is the combination of terrorists and nuclear materials. We are going after the terrorists. We have to also aggressively go after nuclear materials. We can do this.

This is a very modest transfer of funds for a program that is vitally important to fulfill the pledge that the President made with President Putin, and it will not in any way impair the funding available for missile defense.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, in opposition to the amendment, I bring to the attention of our colleagues that the CTR Program, of which our distinguished colleague from Indiana, Mr. LUGAR, was the principal author and sponsor, is fully funded at the budget request of $415.5 million. There still remains an unobligated balance of $107 million from the 2005 funds. So this category of our important work is fully funded and moving ahead on its schedule of expenditures.

In contrast, the Missile Defense Program this year took a $1 billion cut as part of the internal DOD budget deliberations, and missile defense is also reduced by $5 billion over the period 2006 to 2011. By adopting the Reed amendment, we would have a fracture in the long-lead funding, resulting in a production break which, on the assumption it would be restarted, would cost the taxpayers another $270 billion.

Mr. President, I say to my colleagues, I have a sheet here that shows how three consecutive times this

Chamber has voted basically on this amendment and defeated it. A $500 million cut by Senator LEVIN was defeated in June of 2004 by 56 votes, followed by a Boxer amendment limiting deployment of ground-based interceptors, defeated by 57 votes, and a Reed amendment again defeated by 53 votes—incidentally, all of those having some measure of bipartisan support. So we are revisiting the same issue.

I strongly recommend to my colleagues that this amendment not be adopted.

Have the yeas and nays been ordered, Mr. President?

The PRESIDING OFFICER. They have not been ordered.

Mr. WARNER. I so request 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 proceeded to call the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 60, as follows:

[Rollcall Vote No. 311 Leg.]

YEAS—37

Biden	Feinstein	Murray
Bingaman	Harkin	Nelson (FL)
Boxer	Jeffords	Obama
Byrd	Johnson	Pryor
Cantwell	Kennedy	Reed
Carper	Kerry	Reid
Chafee	Kohl	Rockefeller
Clinton	Landrieu	Sarbanes
Conrad	Leahy	Schumer
Dodd	Levin	Stabenow
Dorgan	Lincoln	Wyden
Durbin	Lugar	
Feingold	Mikulski	

NAYS—60

Akaka	Dayton	Martinez
Alexander	DeMint	McConnell
Allard	DeWine	Murkowski
Allen	Dole	Nelson (NE)
Baucus	Domenici	Roberts
Bayh	Ensign	Salazar
Bennett	Enzi	Santorum
Bond	Frist	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Smith
Burns	Gregg	Snowe
Burr	Hagel	Specter
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Talent
Coleman	Inouye	Thomas
Collins	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lieberman	Voinovich
Crapo	Lott	Warner

NOT VOTING—3

Corzine	Lautenberg	McCain

The amendment (No. 2427) was rejected.

Mr. WARNER. Mr. President, 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.

Mr. WARNER. Mr. President, in concurrence with the ranking member, the Senator from Oklahoma wishes to lay down an amendment which I am going to recommend be accepted by a voice vote. I believe that is with the concurrence of my ranking member.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2432, AS MODIFIED

Mr. INHOFE. Mr. President, I ask unanimous consent to modify my amendment 2432. I send to the desk the modification and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, it is so ordered.

The amendment is so modified.

The amendment (No. 2432), as modified, is as follows:

At the end of title XII, add the following:

SEC. ___. BUILDING THE PARTNERSHIP SECURITY CAPACITY OF FOREIGN MILITARY AND SECURITY FORCES.

(a) AUTHORITY.—The President may authorize building the capacity of partner nations' military or security forces to disrupt or destroy terrorist networks, close safe havens, or participate in or support United States, coalition, or international military or stability operations.

(b) TYPES OF PARTNERSHIP SECURITY CAPACITY BUILDING.—The partnership security capacity building authorized under subsection (a) may include the provision of equipment, supplies, services, training, and funding.

(c) AVAILABILITY OF FUNDS.—The Secretary of Defense may, at the request of the Secretary of State, support partnership security capacity building as authorized under subsection (a) by transferring funds available to the Department of Defense to the Department of State. Any funds so transferred shall remain available until expended. The amount of such partnership security capacity building support provided by the Department of Defense under this section may not exceed $750,000,000 in any fiscal year.

(d) CONGRESSIONAL NOTIFICATION.—Before building partnership security capacity under this section, the Secretaries of State and Defense shall submit to their congressional oversight committees a notification of the nations designated by the President with which partnership security capacity will be built under this section and the nature and amounts of security capacity building to occur. Any such notification shall be submitted not less than 15 days before the provision of such partnership security capacity building.

(e) COMPLEMENTARY AUTHORITY.—The authority to support partnership security capacity building under this section is in addition to any other authority of the Department of Defense to provide assistance to a foreign country.

(f) APPLICABLE LAW.—The authorities and limitations in the Foreign Assistance Act of 1961 and the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 shall be applicable to assistance provided and funds transferred under the authority of this section.

(g) MILITARY AND SECURITY FORCES DEFINED.—In this section, the term ''military and security forces'' includes armies, guard, border security, civil defense, infrastructure protection, and police forces.

(h) EXPIRATION.—The authority in this section shall expire on September 30, 2007.

SEC. ___. SECURITY AND STABILIZATION ASSISTANCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, upon a request from the Secretary of State, with the agreement of the Secretary of Defense and upon a determination by the President that an unforeseen emergency exists that requires immediate reconstruction, security, or stabilization assistance to a foreign country for the purpose of restoring or maintaining peace and security in that country, and that the provision of such assistance is in the national security interests of the United States, the Secretary of Defense may authorize the use or transfer of defense articles, services, training or other support, including support acquired by contract or otherwise, to provide such assistance.

(b) AVAILABILITY OF FUNDS.—Subject to subsection (a), the Secretary of Defense may transfer funds available to the Department of Defense to the Department of State or to any other Federal agency to carry out the purposes of this section, and funds so transferred shall remain available until expended.

(c) LIMITATION.—The aggregate value of assistance provided or funds transferred under the authority of this section may not exceed $200,000,000.

(d) COMPLEMENTARY AUTHORITY.—The authority to provide assistance under this section is in addition to any other authority of the Department of Defense to provide assistance to a foreign country.

(e) NOTIFICATION REQUIREMENTS.—Before the exercise of the authority in this section, the President shall notify Congress of the exercise of such authority in accordance with the procedures set forth in section 652 of the Foreign Assistance Act of 1961 (22 U.S.C. 2411).

(f) APPLICABLE LAW.—(1) The authorities and limitations in the Foreign Assistance Act of 1961 and the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 shall be applicable to assistance provided and funds transferred under the authority of this section.

(2) Any authority available to the President to waive a provision of law referred to in paragraph (1) may be exercised by the President in a written document executed pursuant to subsection (a).

(g) EXPIRATION.—The authority in this section shall expire on September 30, 2007.

Mr. INHOFE. Mr. President, we have spent quite a bit of time talking about this amendment. This does amend sections 1201 and 1204 of title XII, to provide our Government with new authorities to fight the global war on terror. We have initially had some concerns, both from the other side and from a couple of the other committees. We have worked out the compromise, and that is what this modification is.

In an effort to accommodate my colleagues on the Foreign Relations Committee and my colleagues across the aisle, we have made some modifications to our original amendment. These modifications provide a sunset for this authority on September 30, 2007. They provide for some limitation of DOD authority in section 1201, subject to existing law in the foreign relations and foreign appropriations act.

With these modifications, I think that it is going to be a great help to the administration.

I ask unanimous consent that Senator LUGAR be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I rise to thank Senator INHOFE for the excellent work he has done on this amendment and his generous efforts to accommodate my previous concerns. In my view, his original amendment may have had some unintended foreign policy consequences. In particular, it might have produced some far-reaching changes to the way that our country makes foreign assistance decisions.

The amendment as now written leaves the authority for deciding which countries, and when, how, and why foreign assistance should be provided, in the hands of the Secretary of State. The amendment does not provide statutory authority to the Secretary of Defense to establish a new foreign aid program outside the purview of the Secretary of State. It does authorize the Secretary of Defense to provide funding to the State Department for a new train and equip foreign assistance program, as well as to address overseas emergencies where the two Departments need to join forces to meet the crisis successfully.

I support the $750 million train and equip program and the $200 million emergency funding. Both programs can be successfully carried out under the Secretary of State's existing authorities. The Secretary of State should retain full authority over decisions as to which countries should receive assistance, the timing of its provision, and the way in which it should be provided. The Department of Defense should continue implementing train and equip programs under the purview of the Secretary of State.

I understand that there have been frustrations with the current situation. The Defense Department has apparently found State Department oversight of these kinds of programs cumbersome and slow. These obstacles need to be overcome. State Department procedures should be streamlined and the two Departments should develop plans to push these important programs forward efficiently and quickly.

But all foreign assistance programs need to take place within a foreign policy context, with consideration of the traditional concerns—the recipient country's treatment of its own people, potential reactions from neighboring states in the region, and the overall bilateral relationship with the recipient country, including its assistance in the war against terrorism.

It is the Secretary of State's job to weigh such foreign policy issues and make recommendations to the President that strike the right balance for American interests. The amendment as now written meets the concerns I had and I would request that I be listed as a co-sponsor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I strongly recommend to colleagues the acceptance of this amendment. It has been carefully thought through. It is a policy that has been joined in jointly by the Secretaries of State and Defense. It is the expectation that to the extent we are successful with these programs, it likely will go to the deployment of our troops abroad in various situations we deem necessary to protect our own national interests.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Michigan.

Mr. LEVIN. First, I thank the Senator from Oklahoma for his amendment, for working to modify that amendment. We think it is a prudent and useful amendment and that it addresses a very significant issue which is how do we obtain more support from other countries to be effective in our effort against terrorism. So we want to thank the Senator from Oklahoma.

Mr. INHOFE. I thank the ranking member and the chairman for those comments.

Mr. WARNER. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2432), as modified, was agreed to.

Mr. WARNER. Mr. President, 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.

Mr. WARNER. Subject to the concurrence of the ranking member, I ask the Senate to turn its attention to the Senator from Nevada, who has an amendment which I personally strongly endorse and so recommend to other colleagues. It could well be the subject of a rollcall vote sometime tomorrow. I thank him for his consideration of laying down the amendment tonight such that colleagues have the time within which to study it.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 2443

Mr. ENSIGN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 2443.

Mr. ENSIGN. 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 restate United States policy on the use of riot control agents by members of the Armed Forces, and for other purposes)

On page 286, between lines 7 and 8, insert the following:

SEC. 1073. RIOT CONTROL AGENTS.

(a) RESTATEMENT OF POLICY.—It is the policy of the United States that riot control agents are not chemical weapons and that the president may authorize their use as legitimate, legal, and non-lethal alternatives to the use of force that, as provided in Executive Order 11850 (40 Fed. Reg. 16187) and consistent with the resolution of ratification of the Chemical Weapons convention, may be employed by members of the Armed Forces in war in defensive military modes to save lives, including the illustrative purposes cited in Executive Order 11850.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on the use of riot control agents by members of the Armed Forces.

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a description of all regulations, doctrines, training materials, and any other information related to the use of riot control agents by members of the Armed Forces;

(B) a description of the doctrinal publications, training, and other resources provided or available to members of the Armed Forces on an annual basis with regard to the tactical employment of riot control agents;

(C) a description of how the material described in subparagraphs (A) and (B) is consistent with United States policy on the use of riot control agents;

(D) a description of the availability of riot control agents, and the means to employ them, to members of the Armed Forces deployed in Iraq and Afghanistan;

(E) a description of the frequency of use of riot control agents since January 1, 1992, and a summary of views held by military commanders about the utility of the employing riot control agents by members of the Armed Forces;

(F) a general description of steps taken or to be taken by the Department of Defense to clarify the circumstances under which riot control agents may be used by members of the Armed Forces; and

(G) an assessment of the legality of Executive Order 11850, including an explanation why Executive Order 11850 remains valid under United States law.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITIONS.—In this section:

(1) CHEMICAL WEAPONS CONVENTION.—The term ''Chemical Weapons Convention'' means the Convention on the Prohibitions of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103–21).

(2) RESOLUTION OF RATIFICATION OF THE CHEMICAL WEAPONS CONVENTION.—The term ''resolution of ratification of the Chemical Weapons Convention'' means S. Res. 75, 105th Congress, agreed to April 24, 1997, advising and consenting to the ratification of the Chemical Weapons Convention.

Mr. ENSIGN. Mr. President, before I make my full statement, I want my colleagues to know that the amendment that I have sent to the desk is something that we have been working with the administration on for almost 8 months now. I believe we have come up with a compromise that most people in the administration support. It is a very important amendment as far as the foreign policy and the military policy of our country is concerned.

This amendment will allow our soldiers and marines to more effectively carry out their mission on the ground in Iraq and Afghanistan, while saving both military and civilian lives.

Riot control agents, more commonly referred to as tear gas, can be a more effective alternative to the use of lethal weapons in combat. It is shocking and unacceptable that under current policy our military is banned from using tear gas on the battlefield. Let me restate that. Under current policy, our military is banned from using tear gas on the battlefield.

Police officers in any city in America can use tear gas to avoid the loss of life, but our men and women carrying out the global war on terror cannot. This is not right and it must change.

This restriction on the use of tear gas is the direct result of the bureaucracy's faulty interpretation of the 1997 Chemical Weapons Convention, an interpretation made by arms control advocates in Brussels and The Hague and regrettably at our own State Department. Under this faulty interpretation, tear gas is considered a chemical weapon. In those isolated cases where it can be used, it requires Presidential authorization. This is wrong. The use of riot control agents in combat for defensive purposes to save lives is wholly consistent with the U.S. obligations under the laws of land warfare and of our treaty obligations.

Retaining this capability was so important to our military leaders that the Senate included a condition in the 1997 Chemical Weapons Convention that preserved our right to use tear gas in conflict. Many Members today were in the Senate when this matter was debated. All concurred with the arguments put forward by then-chairman of the Joint Chiefs of Staff, Colin Powell, that giving up this capability is not even worth getting the treaty. Here is what he said:

> Nonlethal riot control agents provide a morally correct option to achieve defensive military objectives without having to resort to the unnecessary loss of innocent lives. Sacrificing such an option would be an unacceptable price to pay for a CW [chemical weapons] treaty.

Senators LUGAR, BIDEN, and others spoke eloquently on this point in a bipartisan manner. Senators knew then, and many do know now, that the use of nonlethal weapons, such as tear gas, is demonstrated routinely to be effective by law enforcement agencies all over the world. It is a moral alternative to the use of lethal force.

In towns and streets throughout Iraq and Afghanistan, marines and soldiers are going house to house in an attempt to flush out hiding terrorists. In carrying out this vital mission, structures are damaged and innocent people are killed. Some of that death and destruction could be avoided if we allowed our military to use tear gas instead of bullets. In other cases, we know of situations where the insurgents have mixed in with innocent civilians, using them as human shields, forcing our fighting men and women to either retreat or fire into a crowd, which is a choice they should not have to make.

I am reminded of a New York Times article, dated June 28 of this year. It chronicled marines clearing a town in Iraq. The article referenced one particular incident where three civilians, a mother and two children, were killed as marines battled an insurgent who had taken the family hostage. Perhaps the use of tear gas would have saved their lives; perhaps not. We will never know that. What we do know is that those marines were not provided every tool with which to carry out this global war on terrorism.

Certainly our image has been tarnished as a nation, and our public diplomacy has suffered every time we use lethal force to clear a room, empty a building or take other actions that wound or kill innocent people. This is unconscionable when nonlethal alternatives are available. Secretary Donald Rumsfeld, in testimony before the House Armed Services Committee, described the restriction on the use of riot control agents as a straitjacket. Here is what he said:

> We are doing our best to live within the straitjacket that has been imposed on us on this subject. We are trying to find ways that non-lethal agents could be used within the law.

He went on to point out that our soldiers and marines are authorized to shoot and to kill people in situations where tear gas is prohibited. This is a lethal lapse in legal judgment. It seems as if some would put the concerns of the global arms control theocracy above the lives of our military personnel. If anybody is watching or listening and they are scratching their head wondering where is the common sense, that is exactly what I thought and what led me to offer this amendment.

In fact, our military has been so spooked about this issue they don't know how to train themselves on Riot Control Agent use on the battlefield. The Tactical Employment of Nonlethal Weapons training manual, dated January 2003, is applicable to all military branches. It specifically reminds all that ". . . using Riot Control Agents in an armed conflict requires Presidential approval."

Additionally, the Department of Defense's Joint Doctrine Encyclopedia, dated July 1997, advises that "Commanders must consider the international ramifications . . . before recommending the use of herbicides or Riot Control Agents."

Now, there are those who erroneously claim my amendment seeks to change long standing policy on the use of riot control agents in combat and runs counter to U.S. treaty commitments.

In fact, my amendment seeks merely to reaffirm the policy of the United States since 1975, and the Senate's view on this issue from 1997, by stating that it is the policy of the United States that Riot Control Agents are not chemical weapons but are legitimate, legal, and non-lethal alternatives to the use of lethal force. It adds that these tools may be employed by members of the Armed Forces in defensive military modes to save lives.

My amendment further requires the President to submit a one-time report to Congress on the availability and use of Riot Control Agents by our fighting men and women. It includes reporting language that prods the State Department to speak about and advocate the U.S. view on this important life-saving tool in multilateral forums. Finally, my amendment presses the Pentagon to develop this capability, which has languished in our training regimens, our doctrine, and our tactics through lack of use.

I urge all of my colleagues to reaffirm this policy, to reaffirm what the Senate said in 1997, and to send a strong message to our men and women in uniform that the Senate puts their welfare above misguided interpretations of arcane international agreements, that the Senate wants to give them a full range of tools to help them accomplish their mission in Iraq and Afghanistan, and that we want to do so in a manner that doesn't jeopardize their lives or those of innocent civilians.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I want very much to support my colleague from Nevada, but I would like to have some clarification. I tried to listen very carefully to what the Senator said. I want to see if my interpretation of the amendment is correct.

I begin by saying the question of whether and how the use of riot control agents would be limited by the Chemical Weapons Convention became a major issue when the treaty was considered by the Senate for ratification in 1997. The resolution of ratification for the CWC contains a condition requiring the President to certify that the United States is not restricted by the CWC in its use of riot control agents in certain specified circumstances. The condition also required the President not to eliminate or alter Executive Order 11850—which I have before me; it was signed by President Ford on April 8, 1975—which prohibits the use of riot control agents in war except in defensive military modes to save lives.

Now, I turn to the Executive Order 11850 and specifically ask the Senator, is his interpretation of his amendment consistent with the objectives as stated in Executive Order 11850, signed by President Ford April 8, 1975?

Mr. ENSIGN. Mr. President, I say to the Senator from Virginia that he has stated it exactly right. We are trying to restate the position that the Senate took in 1997, in the Executive Order 11850. It has been the policy of the United States, based on this Executive order, based on what the Senate did with the Chemical Weapons Treaty in 1997. But the problem is there have been lawyers down at the State Department who have interpreted it differently and therefore have put the military in a very difficult position,

that if they used it consistent with former U.S. policy, they could be accused of violating the Chemical Weapons Treaty and be subject to prosecution as individual soldiers.

Mr. WARNER. I thank my colleague. If I could further propound a clarification, reading from the preamble to 11850, the Executive order, it says:

The United States renounces, as a matter of national policy, first use of herbicides in war except use, under regulations applicable to their domestic use, for control of vegetation within U.S. bases and installations or around their immediate defensive perimeters, and first use of riot control agents in war except in defensive military modes to save lives such as—

and these are the examples—

(a) Use of riot control agents in riot control situations in areas under direct and distinct U.S. military control, to include controlling rioting prisoners of war.

(b) Use of riot control agents in situations in which civilians are used to mask or screen attacks and civilian casualties can be reduced or avoided.

(c) Use of riot control agents in rescue missions in remotely isolated areas, of downed aircrews and passengers, and escaping prisoners.

(d) Use of riot control agents in rear echelon areas outside the zone of immediate combat to protect convoys from civil disturbances, terrorists and paramilitary organizations.

Regarding the ground operations as we are reading about daily in the Anbar Province, in Fallujah—I visited up in Fallujah several weeks ago. How would they, under your amendment, be deployed, assuming this amendment is adopted, in a manner differently than what they are doing today?

Mr. ENSIGN. Mr. President, I would say to the chairman of the Senate Armed Services Committee, frankly, they are not being used today by our military and that is the problem. Therein lies the problem.

We just saw President Bush down in the Summit of the Americas, and they had riots down there and they used these very agents to control the crowds. Even when they had problems at Abu Ghraib prison, these riot control agents were not allowed to be used because people were afraid to use them.

Can you imagine, if you are a first lieutenant or you are a sergeant and you are out there and you know that these things have been allowed in the past, but now the State Department and the military are putting stuff out and there are questions, you are not going to use the thing that may be the most effective at saving lives of the personnel around you, as well as the civilians, because you could be accused potentially of violating the Chemical Weapons Treaty. We are handcuffing the very personnel that this Senate is supposed to be trying to protect.

That is why I believe, as the Senator has correctly pointed out, that this amendment is consistent with the very examples that you pointed out that are in the Executive Order No. 11850 that was signed back in 1975.

Mr. WARNER. I want to make clear I presume the amendment of the Senator clarifies some ambiguity, which ambiguity acts as a deterrent on our forces today from using it. Once the ambiguities are set aside, then we can proceed to utilize these agents, provided it is consistent with the Executive Order 11850? Have I correctly stated that?

Mr. ENSIGN. Mr. President, I think what the Senator has stated is very concise. That is exactly the intent of the amendment.

Mr. WARNER. I thank my distinguished colleague. We will have, perhaps, opportunity in the morning to further debate this amendment. I do want to posture myself so I can support your amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wish to clarify a question the chairman of the committee asked. I think I heard the answer, but I was not 100 percent sure.

Is the amendment intended to state the current policy of the United States? When it says on line 1 of page 1, ''It is the policy of the United States,'' is that intended to reflect the current policy of the United States?

Mr. ENSIGN. Mr. President, I would say to the Senator from Michigan that the current policy is exactly what our amendment is trying to reinforce. It is the interpretation of that current policy that is happening down at the State Department that we are trying to clarify. We think they are misinterpreting the current policy which has existed for some time now in the United States. We now need to clarify it so that our warriors know exactly that they can use riot control agents under specific uses, as the examples that the chairman of the Committee on Armed Services has pointed out.

Mr. LEVIN. Is it the intention of the amendment, then, to state the policy of the United States as reflected in Executive Order 11850?

Mr. ENSIGN. That is correct, Mr. President.

Mr. LEVIN. So there is no effort, no intent in the statement of policy on line 4 on page 1 through line 6 on page 2, to in any way modify the policy set forth in that Executive Order 11850?

Mr. ENSIGN. The Senator is correct.

Mr. LEVIN. So this restatement of policy is not intended to modify this in any way. But as I understand it, what the good Senator from Nevada is saying is that some people in the Government have interpreted Executive Order 11850 differently from the way the policy is stated in section 1073?

Mr. ENSIGN. I think the policy is very clear in this Executive order, as well as what the Senate stated. But it appears that certain people down at the State Department have interpreted it a different way and believe there is a higher threshold that our warriors must come under before they can use these riot control agents out on the battlefield; that they must seek Presidential authority. That is what we are trying to clarify here, is to get back to what this Executive order said, as well as what the Senate stated in 1997.

Mr. LEVIN. I thank my friend from Nevada.

Mr. President, we will reserve the time. We are not necessarily at all in opposition, but we would like to review this overnight. We thank the Senator from Nevada.

Mr. WARNER. Mr. President, subject to the order by the majority and Democratic leader as to the sequence of events tomorrow, the Ensign amendment would remain the pending business at such time as the leadership directs the Senate return to this bill; am I correct in that?

The PRESIDING OFFICER. That is correct, the Ensign amendment is pending.

Mr. WARNER. At this time, I ask unanimous consent the Ensign amendment be laid aside for the purpose of the distinguished Senator from Michigan and I clearing some amendments.

Mr. LEVIN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1334, AS MODIFIED; 1341, AS MODIFIED; 1355, 1356, 1358, AS MODIFIED; 1362, AS MODIFIED; 1367, 1387, 1388, AS MODIFIED; 1404, AS MODIFIED; 1407, 1424, 1428, AS MODIFIED; 1434, 1445, 1448, AS MODIFIED; 1451, AS MODIFIED; 1453, AS MODIFIED; 1463, AS MODIFIED; 1473, 1478, 1481, 1495, 1502, 1514, AS MODIFIED; 1515, AS MODIFIED; 1519, AS MODIFIED; 1526, AS MODIFIED; 1548, AS MODIFIED; 1555, AS MODIFIED; 1563, AS MODIFIED; 1568, 1574, AS MODIFIED; 1578, AS MODIFIED; 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, EN BLOC.

Mr. WARNER. Mr. President, there are four packages of amendments at the desk being held subject to action by the Senate. I ask the Senate consider those amendments en bloc, the amendments be agreed to, the motions to reconsider be laid upon the table, and I ask any statements relating to these individual amendments be printed in the RECORD.

Mr. LEVIN. Is it the intention that the packages be adopted one package at time?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. All four. And the Chair has acted.

Mr. LEVIN. I am sure we can work it out whether the action has been taken. Have not the four packages been acted upon and approved en bloc?

The PRESIDING OFFICER. If the Senator from Michigan is reserving the right to object, he has that ability.

Mr. LEVIN. I am trying to understand what the unanimous consent request was. Was it the amendments be considered en bloc and agreed to en bloc?

The PRESIDING OFFICER. That is the understanding.

Mr. LEVIN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1334, AS MODIFIED

(Purpose: To provide for outreach to members of the Armed Forces and their dependents on the Servicemembers Civil Relief Act)

At the end of subtitle E of title VI, add the following:

SEC. 653. OUTREACH TO MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS ON THE SERVICEMEMBERS CIVIL RELIEF ACT.

(a) OUTREACH TO MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—The Secretary concerned shall provide to each member of the Armed Forces under the jurisdiction of the Secretary pertinent information on the rights and protections available to servicemembers and their dependents under the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.).

(2) TIME OF PROVISION.—Information shall be provided to a member of the Armed Forces under paragraph (1) at times as follows:

(A) During initial orientation training.

(B) In the case of a member of a reserve component of the Armed Forces, during initial orientation training and when the member is mobilized or otherwise individually called or ordered to active duty for a period of more than one year.

(C) At such other times as the Secretary concerned considers appropriate.

(b) OUTREACH TO DEPENDENTS.—The Secretary concerned may provide to the adult dependents of members of the Armed Forces under the jurisdiction of the Secretary pertinent information on the rights and protections available to servicemembers and their dependents under the Servicemembers Civil Relief Act.

(c) DEFINITIONS.—In this section, the terms ''dependent'' and ''Secretary concerned'' have the meanings given such terms in section 101 of the Servicemembers Civil Relief Act (50 U.S.C. App. 511).

AMENDMENT NO. 1341, AS MODIFIED

(Purpose: To require a report on the use of ground source heat pumps at Department of Defense facilities)

On page 371, between lines 8 and 9, insert the following:

SEC. 2887. REPORT ON USE OF GROUND SOURCE HEAT PUMPS AT DEPARTMENT OF DEFENSE FACILITIES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the use of ground source heat pumps at Department of Defense facilities.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a description of the types of Department of Defense facilities that use ground source heat pumps;

(2) an assessment of the applicability and cost-effectiveness of the use of ground source heat pumps at Department of Defense facilities in different geographic regions of the United States;

(3) a description of the relative applicability of ground source heat pumps for purposes of new construction at, and retrofitting of, Department of Defense facilities; and

(4) recommendations for facilitating and encouraging the increased use of ground source heat pumps at Department of Defense facilities.

AMENDMENT NO. 1335

(Purpose: To authorize a land conveyance of Air Force property, La Junta, Colorado)

On page 359, between lines 3 and 4, insert the following:

SEC. 2862. LAND CONVEYANCE, AIR FORCE PROPERTY, LA JUNTA, COLORADO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of La Junta, Colorado (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 8 acres located at the USA Bomb Plot in the La Junta Industrial Park for the purpose of training local law enforcement officers.

(b) PAYMENT OF COSTS OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall require the City to cover costs to be incurred by the Secretary after the date of enactment of the Act, or to reimburse the Secretary for costs incurred by the Secretary after that date, to carry out the conveyance under subsection (a), including any survey costs, costs related to environmental assessments, studies, analyses, or other documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 1356

(Purpose: To authorize the United States Air Force Institute of Technology to receive faculty research grants for scientific, literary, and educational purposes)

At the end of subtitle C of title IX, add the following:

SEC. 924. AUTHORITY FOR UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY TO RECEIVE FACULTY RESEARCH GRANTS FOR CERTAIN PURPOSES.

Section 9314 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) ACCEPTANCE OF RESEARCH GRANTS.—(1) The Secretary of the Air Force may authorize the Commandant of the United States Air Force Institute of Technology to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the Institute for a scientific, literary, or educational purpose.

''(2) For purposes of this subsection, a qualifying research grant is a grant that is awarded on a competitive basis by an entity referred to in paragraph (3) for a research project with a scientific, literary, or educational purpose.

''(3) An entity referred to in this paragraph is a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

''(4) The Secretary shall establish an account for the administration of funds received as qualifying research grants under this subsection. Funds in the account with respect to a grant shall be used in accordance with the terms and condition of the grant and subject to applicable provisions of the regulations prescribed under paragraph (6).

''(5) Subject to such limitations as may be provided in appropriations Acts, appropriations available for the United States Air Force Institute of Technology may be used to pay expenses incurred by the Institute in applying for, and otherwise pursuing, the award of qualifying research grants.

''(6) The Secretary of the Air Force shall prescribe regulations for purposes of the administration of this subsection.''.

AMENDMENT NO. 1358, AS MODIFIED

(Purpose: To require additional recommendations in the report on the delivery of health care benefits through the military health care system)

On page 178, strike lines 20 through 24 and insert the following:

(4) Department of Defense participation in the Medicare Advantage Program, formerly Medicareplus Choice;

(5) the use of flexible spending accounts and health savings accounts for military retirees under the age of 65;

(6) incentives for eligible beneficiaries of the military health care system to retain private employer-provided health care insurance;

(7) means of improving integrated systems of disease management, including chronic illness management;

(8) means of improving the safety and efficiency of pharmacy benefits management;

(9) the management of enrollment options for categories of eligible beneficiaries in the military health care system;

(10) reform of the provider payment system, including the potential for use of a pay-for-performance system in order to reward quality and efficiency in the TRICARE system;

(11) means of improving efficiency in the administration of the TRICARE program, to include the reduction of headquarters and redundant management layers, and maximizing efficiency in the claims processing system;

(12) other improvements in the efficiency of the military health care system; and

(13) any other matters the Secretary considers appropriate to improve the efficiency and quality of military health care benefits.

AMENDMENT NO. 1362, AS MODIFIED

(Purpose: To require a report on the Department of Defense Composite Health Care System II)

At the end of subtitle B of title VII, add the following:

SEC. 718. REPORT ON THE DEPARTMENT OF DEFENSE COMPOSITE HEALTH CARE SYSTEM II.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the Department of Defense Composite Health Care System II (CHCS II).

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) A chronology and description of previous efforts undertaken to develop an electronic medical records system capable of maintaining a two-way exchange of data between the Department of Defense and the Department of Veterans Affairs.

(2) The plans as of the date of the report, including any projected commencement dates, for the implementation of the Composite Health Care System II.

(3) A statement of the amounts obligated and expended as of the date of the report on the development of a system for the two-way exchange of data between the Department of Defense and the Department of Veterans Affairs, including the Composite Health Care System II.

(4) An estimate of the amounts that will be required for the completion of the Composite Health Care System II.

(5) A description of the software and hardware being considered as of the date of the report for use in the Composite Health Care System II.

(6) A description of the management structure used in the development of the Composite Health Care System II.

(7) A description of the accountability measures utilized during the development of the Composite Health Care System II in order to evaluate progress made in the development of that System.

(8) The schedule for the remaining development of the Composite Health Care System II.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services, Appropriations, Veterans' Affairs, and Health, Education, Labor, and Pensions of the Senate; and

(2) the Committees on Armed Services, Appropriations, Veterans' Affairs, and Energy and Commerce of the House of Representatives.

AMENDMENT NO. 1367

(Purpose: To make permanent the authority to provide travel and transportation allowances for dependents to visit hospitalized members injured in combat operation or combat zone with funding provided out of existing funds through a reduction in nonessential civilian travel)

(a) AUTHORITY TO CONTINUE ALLOWANCE.—Effective as of September 30, 2005, section 1026 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), is amended by striking subsections (d) and (e).

(b) CODIFICATION OF REPORTING REQUIREMENT.—Section 411h of title 37, United States Code, is amended by adding at the end the following new subsection:

''(e) If the amount of travel and transportation allowances provided in a fiscal year under clause (ii) of subsection (a)(2)(B) exceeds $20,000,000, the Secretary of Defense shall submit to Congress a report specifying the total amount of travel and transportation allowances provided under such clause in such fiscal year.''.

(c) CONFORMING AMENDMENT.—Subsection (a)(2)(B)(ii) of such section, as added by section 1026 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), is amended by striking ''under section 1967(c)(1)(A) of title 38''.

(d) FUNDING.—Funding shall be provided out of existing funds.

AMENDMENT NO. 1387

(Purpose: To make the Savannah River National Laboratory eligible for laboratory directed research and development funding)

On page 378, between lines 10 and 11, insert the following:

SEC. 31_____. SAVANNAH RIVER NATIONAL LABORATORY.

The Savannah River National Laboratory shall be a participating laboratory in the Department of Energy laboratory directed research and development program.

AMENDMENT NO. 1388, AS MODIFIED

(Purpose: To provide for the establishment of the USS Oklahoma Memorial)

On page 286, between lines 7 and 8, insert the following:

SEC. 10_____. ESTABLISHMENT OF THE USS OKLAHOMA MEMORIAL.

(a) SITE AND FUNDING FOR MEMORIAL.—Not later than 6 months after the date of enactment of this section, the Secretary of the Navy, in consultation with the Secretary of the Interior shall identify an appropriate site on Ford Island for a memorial for the USS Oklahoma consistent with the ''Pearl Harbor Naval Complex Design Guidelines and Evaluation Criteria for Memorials, April 2005''. The USS Oklahoma Foundation shall be solely responsible for raising the funds necessary to design and erect a dignified and suitable memorial to the naval personnel serving aborad the USS Oklahoma when it was attacked on December 7, 1941.

(b) ADMINISTRATION AND MAINTENANCE OF MEMORIAL.—After the site has been selected, the Secretary of the Interior shall administer and maintain the site as part of the USS Arizona Memorial, a unit of the National Park System, in accordance with the laws and regulations applicable to land administered by the National Park Service and any Memorandum of Understanding between the Secretary of the Navy and the Secretary of the Interior. The Secretary of the Navy shall continue to have jurisdiction over the land selected as the site.

(c) FUTURE MEMORIALS.—Any future memorials for U.S. Naval Vessels that were attacked at Pearl Harbor on December 7, 1941, shall be consistent with the ''Pearl Harbor Naval Complex Design Guidelines and Evaluation Criteria for Memorials, April 2005''.

(d) MASTER PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy, in consultation with the Secretary of the Interior, shall submit to the Committee on Armed Services and Committee on Resources of the House of Representatives and the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate a master plan for operation and management of the site presently encompassing the visitors center for the USS Arizona Memorial, the area commonly known as the ''Halawa Landing'', and any adjacent properties.

AMENDMENT NO. 1404, AS MODIFIED

(Purpose: To require a pilot program on enhanced quality of life for members of the Army Reserve and their families)

At the end of subtitle C of title V, add the following:

SEC. 538. PILOT PROGRAM ON ENHANCED QUALITY OF LIFE FOR MEMBERS OF THE ARMY RESERVE AND THEIR FAMILIES.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of the Army shall carry out a pilot program to assess the feasability and advisability of utilizing a coalition of military and civilian community personnel at military installations in order to enhance the quality of life for members of the Army Reserve who serve at such installations and their families.

(2) LOCATIONS.—The Secretary shall carry out the pilot program at a military installation selected by the Secretary for purposes of the pilot program in two States.

(b) PARTICIPATING PERSONNEL.—A coalition of personnel under the pilot program shall consist of—

(1) such command personnel at the installation concerned as the commander of such installation considers appropriate;

(2) such other military personnel at such installation as the commander of such installation considers appropriate; and

(3) appropriate members of the civilian community of installation, such as clinicians and teachers, who volunteer for participation in the coalition.

(c) OBJECTIVES.—

(1) PRINCIPLE OBJECTIVE.—The principle objective of the pilot program shall be to enhance the quality of life for members of the Army Reserve and their families in order to enhance the mission readiness of such members, to facilitate the transition of such members to and from deployment, and to enhance the retention of such members.

(2) OBJECTIVES RELATING TO DEPLOYMENT.—In seeking to achieve the principle objective under paragraph (1) with respect to the deployment of members of the Army Reserve, each coalition under the pilot program shall seek to assist members of the Army Reserve and their families in—

(A) successfully coping with the absence of such members from their families during deployment; and

(B) successfully addressing other difficulties associated with extended deployments, including difficulties of members on deployment and difficulties of family members at home.

(3) METHODS TO ACHIEVE OBJECTIVES.—The methods selected by each coalition under the pilot program to achieve the objectives specified in this subsection shall include methods as follows:

(A) Methods that promote a balance of work and family responsibilities through a principle-centered approach to such matters.

(B) Methods that promote the establishment of appropriate priorities for family matters, such as the allocation of time and attention to finances, within the context of meeting military responsibilities.

(C) Methods that promote the development of meaningful family relationships.

(D) Methods that promote the development of parenting skills intended to raise emotionally healthy and empowered children.

(d) REPORT.—Not later than April 1, 2007, the Secretary shall submit to the congressional defense committees a report on the pilot program carried out under this section. The report shall include—

(1) a description of the pilot program;

(2) an assessment of the benefits of utilizing a coalition of military and civilian community personnel on military installations in order to enhance the quality of life for members of the Army Reserve and their families; and

(3) such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(e) FUNDING.—

(1) IN GENERAL.—The amount authorized to be appropriated by section 301(6) for operation and maintenance for the Army Reserve is hereby increased by $160,000, with the amount of the increase to be available to carry out the pilot program required by this section.

(2) OFFSET.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy and available for Ship Self Defense (Detect and Control) (PE #0604755N) is hereby reduced by $160,000, with the amount of the reduction to be allocated to amounts for Autonomous Unmanned Surface Vessel.

AMENDMENT NO. 1407

(Purpose: To strike the limitation on payment of facilities charges assessed by the Department of State)

Strike section 1008.

AMENDMENT NO. 1424

(Purpose: Relating to the basic allowance for housing for members of the reserves)

At the end of subtitle A of title VI, add the following:

SEC. 605. BASIC ALLOWANCE FOR HOUSING FOR RESERVE MEMBERS.

(a) EQUAL TREATMENT OF RESERVE MEMBERS.—Subsection (g) of section 403 of title 37, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) The rate of basic allowance for housing to be paid to the following members of a reserve component shall be equal to the rate in effect for similarly situated members of a regular component of the uniformed services:

''(A) A member who is called or ordered to active duty for a period of more than 30 days.

''(B) A member who is called or ordered to active duty for a period of 30 days or less in support of a contingency operation.''; and

(3) in paragraph (4), as so redesignated, by striking ''less than 140 days'' and inserting ''30 days or less''.

(b) CONFORMING AMENDMENT REGARDING MEMBERS WITHOUT DEPENDENTS.—Paragraph (1) of such subsection is amended by inserting ''or for a period of more than 30 days'' after ''in support of a contingency operation'' both places it appears.

AMENDMENT NO. 1428, AS MODIFIED

(Purpose: To strengthen civil-military relationships by permitting State and local governments to enter into lease purchase agreements with the United States Armed Forces)

At the end of subtitle B of title XXVIII of division B, add the following:

SEC. 2823. EXPANDED AUTHORITY TO ENTER INTO LEASE-PURCHASE AGREEMENTS.

Section 2812 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking ''a private contractor'' and inserting ''an eligible entity''; and

(B) by striking ''the contractor'' and inserting ''the eligible entity'';

(2) in subsection (c)—

(A) by striking ''(c)(1)'' and inserting ''(c)'';

(B) by striking paragraph (2); and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2); and

(3) by adding at the end the following new subsection:

''(e) In this section, the term 'eligible entity' means any private person, corporation, firm, partnership, company, or State or local government.''.

AMENDMENT NO. 1434, AS MODIFIED

(Purpose: To make available, with an offset, an additional $20,300,000 for aircraft procurement for the Army to increase the number of UH–60 Black Hawk helicopters to be procured in response to attrition from 2 helicopters to 4 helicopters)

At the end of subtitle A of title I, add the following:

SEC. 114. UH–60 BLACK HAWK HELICOPTER PROCUREMENT IN RESPONSE TO ATTRITION.

(a) INCREASE IN AMOUNT.—Of the amount authorized to be appropriated by section 101(1) for aircraft for the Army, the amount available for the procurement UH–60 Black Hawk helicopters in response to attrition is hereby increased to $40,600,000, with the amount to be used to increase the number of UH–60 Black Hawk helicopters to be procured in response to attrition from 2 helicopters to 4 helicopters.

(b) OFFSET.—Of the amount authorized to be appropriated by section 101(1) for aircraft for the Army, the amount available for UH–60 Black Hawk helicopter medevac kits is hereby reduced to $29,700,000, with the amount to be derived in a reduction in the number of such kits from 10 kits to 6 kits.

AMENDMENT NO. 1445

(Purpose: To grant a Federal charter to Korean War Veterans Association, Incorporated)

At the end of subtitle G of title X, add the following:

SEC. 1073. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

''CHAPTER 1201—[RESERVED]'';

and

(2) by inserting after chapter 1103 the following new chapter:

''CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

''Sec.
''120101. Organization.
''120102. Purposes.
''120103. Membership.
''120104. Governing body.
''120105. Powers.
''120106. Restrictions.
''120107. Tax-exempt status required as condition of charter.
''120108. Records and inspection.
''120109. Service of process.
''120110. Liability for acts of officers and agents.
''120111. Annual report.
''120112. Definition.

''§ 120101. Organization

''(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), a nonprofit organization that meets the requirements for a veterans service organization under section 501(c)(19) of the Internal Revenue Code of 1986 and that is organized under the laws of the State of New York, is a federally chartered corporation.

''(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) expires.

''§ 120102. Purposes

''The purposes of the corporation are those provided in its articles of incorporation and shall include the following:

''(1) Organize as a veterans service organization in order to maintain a continuing interest in the welfare of veterans of the Korean War, and rehabilitation of the disabled veterans of the Korean War to include all that served during active hostilities and subsequently in defense of the Republic of Korea, and their families.

''(2) To establish facilities for the assistance of all veterans and to represent them in their claims before the Department of Veterans Affairs and other organizations without charge.

''(3) To perpetuate and preserve the comradeship and friendships born on the field of battle and nurtured by the common experience of service to our nation during the time of war and peace.

''(4) To honor the memory of those men and women who gave their lives that a free America and a free world might live by the creation of living memorial, monuments, and other forms of additional educational, cultural, and recreational facilities.

''(5) To preserve for ourselves and our posterity the great and basic truths and enduring principles upon which this nation was founded.

''§ 120103. Membership

''Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

''§ 120104. Governing body

''(a) BOARD OF DIRECTORS.—The composition of the board of directors of the corporation, and the responsibilities of the board, are as provided in the articles of incorporation of the corporation.

''(b) OFFICERS.—The positions of officers of the corporation, and the election of the officers, are as provided in the articles of incorporation.

''§ 120105. Powers

''The corporation has only those powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

''§ 120106. Restrictions

''(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

''(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

''(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

''(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any of its activities.

''(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

''§ 120107. Tax-exempt status required as condition of charter

''If the corporation fails to maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986, the charter granted under this chapter shall terminate.

''§ 120108. Records and inspection

''(a) RECORDS.—The corporation shall keep—

''(1) correct and complete records of account;

''(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

''(3) at its principal office, a record of the names and addresses of its members entitled to vote on matters relating to the corporation.

''(b) INSPECTION.—A member entitled to vote on matters relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

''§ 120109. Service of process

''The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the Corporation.

''§ 120110. Liability for acts of officers and agents

''The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

''§ 120111. Annual report

''The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101(b) of this title. The report may not be printed as a public document.

"§ 120112. Definition

''For purposes of this chapter, the term 'State' includes the District of Columbia and the territories and possessions of the United States.''.

(b) CLERICAL AMENDMENT.—The item relating to chapter 1201 in the table of chapters at the beginning of subtitle II of title 36, United States Code, is amended to read as follows:

''**1201. Korean War Veterans Association, Incorporated** .....**120101**''.

AMENDMENT NO. 1448, AS MODIFIED

(Purpose: To ensure a response to medical needs arising from mandatory military vaccinations)

At the end of subtitle B of title VII, add the following:

SEC. 718. RESPONSE TO MEDICAL NEEDS ARISING FROM MANDATORY MILITARY VACCINATIONS.

(a) IN GENERAL.—The Secretary of Defense shall maintain a joint military medical center of excellence focusing on the medical needs arising from mandatory military vaccinations.

(b) ELEMENTS.—The joint military medical center of excellence under subsection (a) shall consist of the following:

(1) The Vaccine Health Care Centers of the Department of Defense, which shall be the principle elements of the center.

(2) Any other elements that the Secretary considers appropriate.

(c) AUTHORIZED ACTIVITIES.—In acting as the principle elements of the joint military medical center under subsection (a), the Vaccine Health Care Centers referred to in subsection (b)(1) may carry out the following:

(1) Medical assistance and care to individuals receiving mandatory military vaccines and their dependents, including long-term case management for adverse events where necessary.

(2) Evaluations to identify and treat potential and actual health effects from vaccines before and after their use in the field.

(3) The development and sustainment of a long-term vaccine safety and efficacy registry.

(4) Support for an expert clinical advisory board for case reviews related to disability assessment questions.

(5) Long-term and short-term studies to identify unanticipated benefits and adverse events from vaccines.

(6) Educational outreach for immunization providers and those requiring immunizations.

(7) The development, dissemination, and validation of educational materials for Department of Defense healthcare workers relating to vaccine safety, efficacy, and acceptability.

AMENDMENT NO. 1451, AS MODIFIED

(Purpose: To require screenings of members of the Armed Forces for Post Traumatic Stress Disorder and other mental health conditions)

At the end of subtitle F of title V, add the following:

SEC. 573. MENTAL HEALTH SCREENINGS OF MEMBERS OF THE ARMED FORCES FOR POST TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.

(a) MENTAL HEALTH SCREENINGS.—

(1) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned shall perform mental health screenings of each member of the Armed Forces who is deployed in a combat operation or to a combat zone.

(b) NATURE OF SCREENINGS.—The first mental health screening of a member under this section shall be designed to determine the mental state of such member before deployment. Each other mental health screening of a member under this section shall be designated to detect symptoms or other evidence in such member of Post Traumatic Stress Disorder (PTSD) or other mental health condition relating to combat.

(c) TIME OF SCREENINGS.—A member shall receive a mental health screening under this section at times as follows:

(1) Prior to deployment in a combat operation or to a combat zone.

(2) Not later than 30 days after the date of the member's return from such deployment.

(3) Not later than 120 days after the date of the members return from such deployment.

AMENDMENT NO. 1453, AS MODIFIED

(Purpose: To ensure the protection of military and civilian personnel in the Department of Defense from an influenza pandemic, including an avian influenza pandemic)

In subtitle B of title VII of the bill, add the following at the end:

SEC. 718. PANDEMIC AVIAN FLU PREPAREDNESS.

(a) REPORT.—The Secretary of Defense shall report to the Committees on Armed Services of the Senate and the House of Representatives efforts within the Department of Defense to prepare for pandemic influenza, including pandemic avian influenza. The Secretary shall address the following, with respect to military and civilian personnel—

(1) the procurement of vaccines, antivirals and other medicines, and medical supplies, including personal protective equipment, particularly those that must be imported;

(2) protocols for the allocation and distribution of vaccines and medicines among high priority populations;

(3) public health containment measures that may be implemented on military bases and other facilities, including quarantine, travel restrictions and other isolation precautions;

(4) communication with Department of Defense affiliated health providers about pandemic preparedness and response;

(5) surge capacity for the provision of medical care during pandemics;

(6) the availability and delivery of food and basic supplies and services;

(7) surveillance efforts domestically and internationally, including those utilizing the Global Emerging Infections Systems (GEIS), and how such efforts are integrated with other ongoing surveillance systems;

(8) the integration of pandemic and response planning with those of other Federal departments, including the Department of Health and Human Services, Department of the Veterans Affairs, Department of State, and USAID; and

(9) collaboration (as appropriate) with international entities engaged in pandemic preparedness and response.

(b) SUBMISSION OF REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit the report to the Committees on Armed Services of the Senate and the House of Representatives.

AMENDMENT NO. 1463, AS MODIFIED

(Purpose: To authorize a land conveyance at Iowa Army Ammunition Plant, Middletown, Iowa)

On page 357, between lines 19 and 20, insert the following:

SEC. 2843. LAND CONVEYANCE, IOWA ARMY AMMUNITION PLANT, MIDDLETOWN, IOWA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Middletown (in this section referred to as the ''City'') all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 1.0 acres located at the Iowa Army Ammunition Plant, Middletown, Iowa, for the purpose of economic development.

(b) CONSIDERATION.—As consideration for the conveyance of property under subsection (a), the City shall provide the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market value of the conveyed property, as determined by the Secretary.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary may require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) REIMBURSEMENT.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of each survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 1473

(Purpose: To improve the availability to survivors of military decedents of information on the benefits and assistance available through the Federal Government)

On page 117, line 11, insert ''through a computer accessible Internet website and other means and'' before ''at no cost''.

AMENDMENT NO. 1478

(Purpose: To make oral and maxillofacial surgeons eligible for incentive special pay payable to medical officers of the Armed Forces)

At the end of subtitle B of title VI, add the following:

SEC. 624. ELIGIBILITY OF ORAL AND MAXILLOFACIAL SURGEONS FOR INCENTIVE SPECIAL PAY FOR MEDICAL OFFICERS OF THE ARMED FORCES.

(a) IN GENERAL.—For purposes of eligibility for incentive special pay payable under section 302(b) of title 37, United States Code, oral and maxillofacial surgeons shall be treated as medical officers of the Armed Forces who may be paid variable special pay under section 302(a)(2) of such title.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect on October 1, 2005, and shall apply with respect to incentive special pay payable under section 302(b) of title 37, United States Code, on or after that date.

AMENDMENT NO. 1481

(Purpose: To modify the authority of Army working-capital funded facilities to engage in cooperative activities with non-Army entities)

At the end of subtitle C of title III, add the following:

SEC. 330. MODIFICATION OF AUTHORITY OF ARMY WORKING-CAPITAL FUNDED FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

(a) APPLICABILITY OF SUNSET.—Subsection (j) of section 4544 of title 10, United States Code, is amended by striking ''September 30, 2009,'' and all that follows through the end and inserting September 30, 2009.''.

(b) CREDITING OF PROCEEDS OF SALE OF ARTICLES AND SERVICES.—Such section is further amended—

(1) in subsection (d), by striking ''subsection (e)'' and inserting ''subsection (f)'';

(2) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (f), (g), (h), (i), and (j), respectively;

(3) by inserting after subsection (d) the following new subsection (e):

''(e) PROCEEDS CREDITED TO WORKING CAPITAL FUND.—The proceeds of sale of an article or service pursuant to a contract or other cooperative arrangement under this section shall be credited to the working capital fund that incurs the cost of manufacturing the article or performing the service.''; and

(4) in subsection (g), as redesignated by paragraph (2) of this subsection, by striking ''subsection (e)'' and inserting ''subsection (f)''.

AMENDMENT NO. 1495

(Purpose: To provide that the governments of Indian tribes be treated as State and local governments for purposes of the disposition of real property recommended for closure in the report to the President from the Defense Base Closure and Realignment Commission, July 1993)

On page 371, between lines 8 and 9, insert the following:

SEC. 2887. TREATMENT OF INDIAN TRIBE GOVERNMENTS AS PUBLIC ENTITIES FOR PURPOSES OF DISPOSAL OF REAL PROPERTY RECOMMENDED FOR CLOSURE IN JULY 2003 BRAC COMMISSION REPORT.

Section 8013 of the Department of Defense Appropriations Act, 1994 (Public Law 103–139; 107 Stat. 1440) is amended by striking ''the report to the President from the Defense Base Closure and Realignment Commission, July 1991'' and inserting ''the reports to the President from the Defense Base Closure and Realignment Commission, July 1991 and July 1993''.

AMENDMENT NO. 1502

(Purpose: To make permanent the extension of the period of temporary continuation of basic allowance for housing for dependents of members of the Armed Forces who die on active duty)

At the end of subtitle A of title VI, add the following:

SEC. 605. PERMANENT EXTENSION OF PERIOD OF TEMPORARY CONTINUATION OF BASIC ALLOWANCE FOR HOUSING FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY.

Effective immediately after the termination, pursuant to subsection (b) of section 1022 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 251), of the amendments made by subsection (a) of such section, section 403(l) of title 37, United States Code, is amended by striking ''180 days'' each place it appears and inserting ''365 days''.

AMENDMENT NO. 1514, AS MODIFIED

(Purpose: To authorize a land conveyance at Marine Corps Air Station, Miramar, San Diego, California)

On page 357, strike line 20, and insert the following:

PART II—NAVY CONVEYANCES

SEC. 2851. LAND CONVEYANCE, MARINE CORPS AIR STATION, MIRAMAR, SAN DIEGO, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (c), the Secretary of the Navy may convey to the County of San Diego, California (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 230 acres located on the eastern boundary of Marine Corps Air Station, Miramar, California, for the purpose of removing the property from the boundaries of the installation and permitting the County to preserve the entire property known as the Stowe Trail as a public passive park/recreational area.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the County shall provide the United States an amount with a total value that is not less than the fair market value of the conveyed real property, as determined by the Secretary.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) RELEASE OF REVERSIONARY INTEREST.—The Secretary shall release, without consideration, the reversionary interest retained by the United States under paragraph (1) if—

(A) Marine Corps Air Station, Miramar, is no longer being used for Department of Defense activities;

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a) and implement the receipt of consideration under subsection (b), including appraisal costs, survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of consideration. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this section, the Secretary shall refund the excess amount to the County.

(2) REIMBURSEMENT.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART III—AIR FORCE CONVEYANCES

AMENDMENT NO. 1515, AS MODIFIED

(Purpose: To make available an additional $60,000,000 for operation and maintenance, Defense-wide, for certain child and family assistance benefits for members of the Armed Forces)

At the end of subtitle C of title III, add the following:

SEC. 330. CHILD AND FAMILY ASSISTANCE BENEFITS FOR MEMBERS OF THE ARMED FORCES.

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance, Defense-wide activities, is hereby increased by $60,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance, Defense-wide activities, as increased by subsection (a), $60,000,000 may be available as follows:

(1) $50,000,000 for childcare services for families of members of the Armed Forces.

(2) $10,000,000 for family assistance centers that primarily serve members of the Armed Forces and their families.

(b) OFFSET.—Of the amounts authorized to be appropriated by section 301(i) for operation and maintenance, Army are hereby reduced by $60,000,000.

AMENDMENT NO. 1519, AS MODIFIED

(Purpose: To provide for a Department of Defense task force on mental health)

At the appropriate place, insert the following:

SEC. ___. DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH.

(a) REQUIREMENT TO ESTABLISH.—The Secretary of Defense shall establish within the Department of Defense a task force to examine matters relating to mental health and the Armed Forces.

(b) COMPOSITION.—

(1) MEMBERS.—The task force shall consist of not more than 14 members appointed by the Secretary of Defense from among individuals described in paragraph (2) who have demonstrated expertise in the area of mental health.

(2) RANGE OF MEMBERS.—The individuals appointed to the task force shall include—

(A) at least one member of each of the Army, Navy, Air Force, and Marine Corps; and

(B) a number of persons from outside the Department of Defense equal to the total number of personnel from within the Department of Defense (whether members of the Armed Forces or civilian personnel) who are appointed to the task force.

(3) INDIVIDUALS APPOINTED WITHIN DEPARTMENT OF DEFENSE.—At least one of the individuals appointed to the task force from within the Department of Defense shall be the surgeon general of an Armed Force or a designee of such surgeon general.

(4) INDIVIDUALS APPOINTED OUTSIDE DEPARTMENT OF DEFENSE.—(A) Individuals appointed to the task force from outside the Department of Defense may include officers or employees of other departments or agencies of the Federal Government, officers or employees of State and governments, or individuals from the private sector.

(B) The individuals appointed to the task force from outside the Department of Defense shall include—

(i) an officer or employee of the Department of Veterans Affairs appointed by the Secretary of Defense in consultation with the Secretary of Veterans Affairs;

(ii) an officer or employee of the Substance Abuse and Mental Health Services Administration of the Department of Health and

Human Services appointed by the Secretary of Defense in consultation with the Secretary of Health and Human Services; and

(iii) at least two individuals who are representatives of—

(I) a mental health policy and advocacy organization; and

(II) a national veterans service organization.

(5) DEADLINE FOR APPOINTMENT.—All appointments of individuals to the task force shall be made not later than 120 days after the date of the enactment of this Act.

(6) CO-CHAIRS OF TASK FORCE.—There shall be two co-chairs of the task force. One of the co-chairs shall be designated by the Secretary of the Defense at the time of appointment from among the Department of Defense personnel appointed to the task force. The other co-chair shall be selected from among the members appointed from outside the Department of Defense by members so appointed.

(c) LONG-TERM PLAN ON MENTAL HEALTH SERVICES.—

(1) IN GENERAL.—Not later than 12 months after the date on which all members of the task force have been appointed, the task force shall submit to the Secretary a long-term plan (referred to as a strategic plan) on means by which the Department of Defense shall improve the efficacy of mental health services provided to members of the Armed Forces by the Department of Defense.

(2) UTILIZATION OF OTHER EFFORTS.—In preparing the report, the task force shall take into consideration completed and ongoing efforts by the Department of Defense to improve the efficacy of mental health care provided to members of the Armed Forces by the Department.

(3) ELEMENTS.—The long-term plan shall include an assessment of and recommendations (including recommendations for legislative or administrative action) for measures to improve the following:

(A) The awareness of the prevalence of mental health conditions among members of the Armed Forces.

(B) The efficacy of existing programs to prevent, identify, and treat mental health conditions among members of the Armed Forces, including programs for and with respect to forward-deployed troops.

(C) The reduction or elimination of barriers to care, including the stigma associated with seeking help for mental health related conditions, and the enhancement of confidentiality for members of the Armed Forces seeking care for such conditions.

(D) The adequacy of outreach, education, and support programs on mental health matters for families of members of the Armed Forces.

(E) The efficacy of programs and mechanisms for ensuring a seamless transition from care of members of the Armed Forces on active duty for mental health conditions through the Department of Defense to care for such conditions through the Department of Veterans Affairs after such members are discharged or released from military, naval, or air service.

(F) The availability of long-term follow-up and access to care for mental health conditions for members of the Individual Ready Reserve, and the Selective Reserve and for discharged, separated, or retired members of the Armed Forces.

(G) Collaboration among organizations in the Department of Defense with responsibility for or jurisdiction over the provision of mental health services.

(H) Coordination between the Department of Defense and civilian communities, including local support organizations, with respect to mental health services.

(I) The scope and efficacy of curricula and training on mental health matters for commanders in the Armed Forces.

(J) Such other matters as the task force considers appropriate.

(d) ADMINISTRATIVE MATTERS.—

(1) COMPENSATION.—Each member of the task force who is a member of the Armed Forces or a civilian officer or employee of the United States shall serve without compensation (other than compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the task force shall be treated for purposes of section 3161 of title 5, United States Code, as having been appointed under subsection (b) of such section.

(2) OVERSIGHT.—The Under Secretary of Defense for Personnel and Readiness shall oversee the activities of the task force.

(3) ADMINISTRATIVE SUPPORT.—The Washington Headquarters Services of the Department of Defense shall provide the task force with personnel, facilities, and other administrative support as necessary for the performance of the duties of the task force.

(4) ACCESS TO FACILITIES.—The Under Secretary of Defense for Personnel and Readiness shall, in coordination with the Secretaries of the military departments, ensure appropriate access by the task force to military installations and facilities for purposes of the discharge of the duties of the task force.

(e) REPORT.—

(1) IN GENERAL.—The task force shall submit to the Secretary of Defense a report on its activities under this section. The report shall include—

(A) a description of the activities of the task force;

(B) the plan required by subsection (c); and

(C) such other mattes relating to the activities of the task force that the task force considers appropriate.

(2) TRANSMITTAL TO CONGRESS.—Not later than 90 days after receipt of the report under paragraph (1), the Secretary shall transmit the report to the Committees on Armed Services and Veterans' Affairs of the Senate and the House of Representatives. The Secretary may include in the transmittal such comments on the report as the Secretary considers appropriate.

(f) TERMINATION.—The task force shall terminate 90 days after the date on which the report of the task force is submitted to Congress under subsection (e)(2).

AMENDMENT NO. 1526, AS MODIFIED

(Purpose: To express the sense of the Senate on the need for community impact assistance related to the construction by the Navy of an outlying land field in North Carolina)

On page 371, between lines 8 and 9, insert the following:

SEC. 2887. SENSE OF THE SENATE REGARDING COMMUNITY IMPACT ASSISTANCE RELATED TO CONSTRUCTION OF NAVY LANDING FIELD, NORTH CAROLINA.

It is the sense of the Senate that—

(1) the planned construction of an outlying landing field in North Carolina is vital to the national security interests of the United States; and

(2) the Department of Defense should work with other Federal agencies to provide community impact assistance to those communities directly impacted by the location of the outlying landing field, including—

(A) economic development assistance;

(B) impact aid program assistance if required;

(C) the provision by cooperative agreement with the Navy of fire, rescue, water, and sewer services;

(D) access by leasing arrangement to appropriate land for farming for farmers impacted by the location of the landing field;

(E) direct relocation assistance; and

(F) fair compensation to landowners for property purchased by the Navy.

AMENDMENT NO. 1548, AS MODIFIED

(Purpose: To increase, with an offset, amounts available for the procurement of Predator unmanned aerial vehicles)

On page 305, strike line 2 and all that follows through line 6, and insert the following:

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement accounts for the Air Force in the amounts as follows:

(1) For aircraft, $323,200,000.

(2) For other procurement, $51,900,000.

(b) AVAILABILITY OF CERTAIN AMOUNTS.—Of the amounts authorized to be appropriated by subsection (a)(1), $218,500,000 may be available for purposes as follows:

(1) Procurement of Predator MQ-1 air vehicles, initial spares, and RSP kits.

(2) Procurement of Containerized Dual Control Station Launch and Recovery Elements.

(3) Procurement of a Fixed Ground Control Station.

(4) Procurement of other upgrades to Predator MQ–1 Ground Control Stations, spares, and signals intelligence packages.

SEC. 1405A. REDUCTION IN AUTHORIZATION OF APPROPRIATIONS FOR IRAQ FREEDOM FUND.

The amount authorized to be appropriated for fiscal year 2006 for the Iraq Freedom Fund is the amount specified by section 1409(a) of this Act, reduced by $218,500,000.

AMENDMENT NO. 1555, AS MODIFIED

(Purpose: To regulate management contracts, require an Analysis of Alternatives for major acquisitions of the Department of Defense and impose additional limitations on certain leases and charters)

At the end of subtitle A of title VIII, add the following:

SEC. 807. MODIFICATION OF REQUIREMENTS APPLICABLE TO CONTRACTS AUTHORIZED BY LAW FOR CERTAIN MILITARY MATERIEL.

(a) INCLUSION OF COMBAT VEHICLES UNDER REQUIREMENTS.—Section 2401 of title 10, United States Code, is amended—

(1) by striking ''vessel or aircraft'' each place it appears and inserting ''vessel, aircraft, or combat vehicle'';

(2) in subsection (c), by striking ''aircraft or naval vessel'' each place it appears and inserting ''aircraft, naval vessel, or combat vehicle'';

(3) in subsection (e), by striking ''aircraft or naval vessels'' each place it appears and inserting ''aircraft, naval vessels, or combat vehicle''; and

(4) in subsection (f)—

(A) by striking ''aircraft and naval vessels'' and inserting ''aircraft, naval vessels, and combat vehicle''; and

(B) by striking ''such aircraft and vessels'' and inserting ''such aircraft, vessels, and combat vehicle''.

(b) ADDITIONAL INFORMATION FOR CONGRESS.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(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 Secretary has certified to those committees—

''(i) that entering into the proposed contract as a means of obtaining the vessel, aircraft, or combat vehicle is the most cost-effective means of obtaining such vessel, aircraft, or combat vehicle; and

''(ii) that the Secretary has determined that the lease complies with all applicable laws, Office of Management and Budget circulars, and Department of Defense regulations.''; and

(2) by adding at the end the following new paragraphs:

''(3) Upon receipt of a notice under paragraph (1)(C), a committee identified in paragraph (1)(B) may request the Inspector General of the Department of Defense or the Comptroller General of the United States to conduct a review of the proposed contract to determine whether or not such contract meets the requirements of this section.

''(4) If a review is requested under paragraph (3), the Inspector General of the Department of Defense or the Comptroller General of the United States, as the case may be, shall submit to the Secretary and the congressional defense committees a report on such review before the expiration of the period specified in paragraph (1)(C).''.

(c) APPLICABILITY OF ACQUISITION REGULATIONS.—Such section is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f)(1) If a lease or charter covered by this section is a capital lease or a lease-purchase—

''(A) the lease or charter shall be treated as an acquisition and shall be subject to all applicable statutory and regulatory requirements for the acquisition of aircraft, naval vessels, or combat vehicles; and

''(B) funds appropriated to the Department of Defense for operation and maintenance may not be obligated or expended for the lease or charter.

''(2) In this subsection, the terms 'capital lease' and 'lease-purchase' have the meanings given those terms in Appendix B to Office of Management and Budget Circular A–11, as in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006.''.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) The heading of such section is amended to read as follows:

''§ 2401. Requirement for authorization by law of certain contracts relating to vessels, aircraft, and combat vehicles''.

(2) The table of sections at the beginning of chapter 141 of such title is amended by striking the item relating to section 2401 and inserting the following new item:

''Sec. 2401. Requirement for authorization by law of certain contracts relating to vessels, aircraft, and combat vehicles.''.

SEC. 808. REQUIREMENT FOR ANALYSIS OF ALTERNATIVES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REQUIREMENT.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2431 the following new section:

''§ 2431a. Major defense acquisition programs: requirement for analysis of alternatives

''(a) No major defense acquisition program may be commenced before the completion of an analysis of alternatives with respect to such program.

''(b) For the purposes of this section, a major defense acquisition program is commenced when the milestone decision authority approves entry of the program into the first phase of the acquisition process applicable to the program.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by inserting after the item relating to section 2431 the following new item:

''2431a. Major defense acquisition programs: requirement for analysis of alternatives.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to major defense acquisition programs commenced on or after that date.

SEC. 809. REPORT ON USE OF LEAD SYSTEM INTEGRATORS IN THE ACQUISITION OF MAJOR SYSTEMS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the use of lead system integrators for the acquisition by the Department of Defense of major systems.

(b) CONTENTS.—The report required by subsection (a) shall include a detailed description of the actions taken, or to be taken (including a specific timetable), and the current regulations and guidelines regarding—

(1) the definition of the respective rights of the Department of Defense, lead system integrators, and other contractors that participate in the development or production of any individual element of the major weapon system (including subcontractors under lead system integrators) in intellectual property that is developed by the other participating contractors in a manner that ensures that—

(A) the Department of Defense obtains appropriate rights in technical data developed by the other participating contractors in accordance with the requirements of section 2320 of title 10, United States Code; and

(B) lead system integrators obtain access to technical data developed by the other participating contractors only to the extent necessary to execute their contractual obligations as lead systems integrators;

(2) the prevention or mitigation of organizational conflicts of interest on the part of lead system integrators;

(3) the prevention of the performance by lead system integrators of functions closely associated with inherently governmental functions;

(4) the appropriate use of competitive procedures in the award of subcontracts by lead system integrators with system responsibility;

(5) the prevention of organizational conflicts of interest arising out of any financial interest of lead system integrators without system responsibility in the development or production of individual elements of a major weapon system; and

(6) the prevention of pass-through charges by lead system integrators with system responsibility on systems or subsystems developed or produced under subcontracts where such lead system integrators do not provide significant value added with regard to such systems or subsystems.

(c) DEFINITIONS.—In this section:

(1) The term ''lead system integrator'' includes lead system integrators with system responsibility and lead system integrators without system responsibility.

(2) The term ''lead system integrator with system responsibility'' means a prime contractor for the development or production of a major system if the prime contractor is not expected at the time of award, as determined by the Secretary of Defense for purposes of this section, to perform a substantial portion of the work on the system and the major subsystems.

(3) The term ''lead system integrator without system responsibility'' means a contractor under a contract for the procurement of services whose primary purpose is to perform acquisition functions closely associated with inherently governmental functions with regard to the development or production of a major system.

(4) The term ''major system'' has the meaning given such term in section 2302d of title 10, United States Code.

(5) The term ''pass-through charge'' means a charge for overhead or profit on work performed by a lower-tier contractor (other than charges for the direct costs of managing lower-tier contracts and overhead and profit based on such direct costs) that does not, as determined by the Secretary for purposes of this section, promote significant value added with regard to such work.

(6) The term ''functions closely associated with inherently governmental functions'' has the meaning given such term in section 2383(b)(3) of title 10, United States Code.

AMENDMENT NO. 1563, AS MODIFIED

(Purpose: To authorize the Secretary of the Navy to lease United States Navy Museum facilities at Washington Naval Yard, District of Columbia, to the Naval Historical Foundation)

On page 357, strike line 20 and insert the following:

PART II—NAVY CONVEYANCES

SEC. 2851. LEASE OF UNITED STATES NAVY MUSEUM FACILITIES AT WASHINGTON NAVY YARD, DISTRICT OF COLUMBIA.

(a) LEASE OR LICENSE AUTHORIZED.—

(1) IN GENERAL.—The Secretary of the Navy may lease or license to the Naval Historical Foundation (in this section referred to as the ''Foundation'') facilities located at Washington Navy Yard, Washington, District of Columbia, that house the United States Navy Museum (in this section referred to as the ''Museum'') for the purpose of carrying out the following activities:

(A) Generation of revenue for the Museum through the rental of facilities to the public, commercial and non-profit entities, State and local governments, and other Federal agencies.

(B) Administrative activities in support of the Museum.

(2) LIMITATION.—Any activities carried out at the facilities leased or licensed under paragraph (1) must be consistent with the operations of the Museum.

(b) CONSIDERATION.—The amount of consideration paid in a year by the Foundation to the United States for the lease or license of facilities under subsection (a) may not exceed the actual cost, as determined by the Secretary, of the annual operation and maintenance of the facilities.

(c) USE OF PROCEEDS.—

(1) DEPOSIT OF PROCEEDS.—The Secretary shall deposit any amounts received under subsection (b) for the lease or license of facilities under subsection (a) into the account for appropriations available for the operation and maintenance of the Museum.

(2) AVAILABILITY OF AMOUNTS.—The Secretary may use any amounts deposited under paragraph (1) to cover the costs associated with the operation and maintenance of the Museum and its exhibits.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease or lease of facilities under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART III—AIR FORCE CONVEYANCES

AMENDMENT NO. 1568, AS MODIFIED

(Purpose: To require quarterly reports on audits of task or delivery order contracts and other contracts related to security and reconstruction activities in Iraq and Afghanistan and to address irregularities identified in such reports)

At the end of subtitle C of title VIII, add the following:

SEC. 824. REPORTS ON CERTAIN DEFENSE CONTRACTS IN IRAQ AND AFGHANISTAN.

(a) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report that lists and describes each task or delivery order contract or other contract related to security and reconstruction activities in Iraq and Afghanistan in which an audit conducted by an investigative or audit component of the Department of Defense during the 90-day period ending on the date of such report resulted in a finding described in subsection (b).

(2) COVERAGE OF SUBCONTRACTS.—For purposes of this section, any reference to a contract shall be treated as a reference to such contract and to any subcontracts under such contract.

(b) COVERED FINDING.—A finding described in this subsection with respect to a task or delivery order contract or other contract described in subsection (a) is a finding by an investigative or audit component of the Department of Defense that the contract includes costs that are unsupported, questioned, or both.

(c) REPORT INFORMATION.—Each report under subsection (a) shall include, with respect to each task or delivery order contract or other contract covered by such report—

(1) a description of the costs determined to be unsupported, questioned, or both; and

(2) a statement of the amount of such unsupported or questioned costs and the percentage of the total value of such task or delivery order that such costs represent.

(d) WITHHOLDING OF PAYMENTS.—In the event that any costs under a task or delivery order contract or other contract described in subsection (a) are determined by an investigative or audit component of the Department of Defense to be unsupported, questioned, or both, the appropriate Federal procurement personnel may withhold from amounts otherwise payable to the contractor under such contract a sum of up to 100 percent of the total amount of such costs.

(e) RELEASE OF WITHHELD PAYMENTS.—Upon a subsequent determination by the appropriate Federal procurement personnel, or investigative or audit component of the Department of Defense, that any unsupported or questioned costs for which an amount payable was withheld under subsection (d) has been determined to be allowable, or upon a settlement negotiated by the appropriate Federal procurement personnel, the appropriate Federal procurement personnel may release such amount for payment to the contractor concerned.

(f) INCLUSION OF INFORMATION ON WITHHOLDING AND RELEASE IN QUARTERLY REPORTS.—Each report under subsection (a) after the initial report under that subsection shall include the following:

(1) A description of each action taken under subsection (d) or (e) during the period covered by such report.

(2) A justification of each determination or negotiated settlement under subsection (d) or (e) that appropriately explains the determination of the applicable Federal procurement personnel in terms of reasonableness, allocability, or other factors affecting the acceptability of the costs concerned.

(g) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committees on Appropriations, Armed Services, and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Appropriations, Armed Services, and Government Reform of the House of Representatives.

(2) The term ''investigative or audit component of the Department of Defense'' means any of the following:

(A) The Office of the Inspector General of the Department of Defense.

(B) The Defense Contract Audit Agency.

(C) The Defense Contract Management Agency.

(D) The Army Audit Agency.

(E) The Naval Audit Service.

(F) The Air Force Audit Agency.

(3) The term ''questioned'', with respect to a cost, means an unreasonable, unallocable, or unallowable cost.

AMENDMENT NO. 1574, AS MODIFIED

(Purpose: To require a report on the development of a second domestic source for tire production and supply for the Stryker combat vehicle)

At the end of subtitle B of title I, add the following:

SEC. 114. SECOND SOURCE FOR PRODUCTION AND SUPPLY OF TIRES FOR THE STRYKER COMBAT VEHICLE.

(a) REQUIREMENT.—The Secretary of the Army shall conduct a study of the feasibility and costs and benefits for the participation of a second source for the production and supply of tires for the Stryker combat vehicle, to be procured by the Army with funds authorized to be appropriated in this act.

(c) REPORT.—Not later than 90 days after the date of the enactment of the Act. The Secretary shall submit to the congressional defense committees a report on the results of the study under subsection (a). The report shall include—

(1) an analysis of the capacity of the industrial base in the United States to meet requirements for a second source for the production and supply of tires for the Stryker combat vehicle; and

(2) to the extent that the capacity of the industrial base in the United States is not adequate to meet such requirements, recommendations on means, over the short-term and the long-term, to address that inadequacy.

AMENDMENT NO. 1578, AS MODIFIED

(Purpose: To require reports on significant increases in program acquisition unit costs or procurement unit costs of major defense acquisition programs)

At the end of subtitle A of title VIII, add the following:

SEC. 807. REPORTS ON SIGNIFICANT INCREASES IN PROGRAM ACQUISITION UNIT COSTS OR PROCUREMENT UNIT COSTS OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) INITIAL REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the acquisition status of each major defense acquisition program whose program acquisition unit cost or procurement unit cost, as of the date of the enactment of this Act, has exceeded by more than 50 percent the original baseline projection for such unit cost. The report shall include the information specified in subsection (c).

(c) INFORMATION.—The information specified in this subsection with respect to a major defense acquisition program is the following:

(1) An assessment of the costs to be incurred to complete the program if the program is not modified.

(2) An explanation of why the costs of the program have increased.

(3) A justification for the continuation of the program notwithstanding the increase in costs.

(d) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term ''major defense acquisition program'' has the meaning given that term in section 2430 of title 10, United States Code.

AMENDMENT NO. 2446

(Purpose: To require a report on the Department of Defense response to the findings and recommendations of the Defense Science Board Task Force on High Performance Microchip Supply)

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON DEPARTMENT OF DEFENSE RESPONSE TO FINDINGS AND RECOMMENDATIONS OF DEFENSE SCIENCE BOARD TASK FORCE ON HIGH PERFORMANCE MICROCHIP SUPPLY.

(a) REPORT REQUIRED.—Not later than March 15, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the recommendations of the Defense Science Board Task Force on High Performance Microchip Supply.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of each finding of the Task Force.

(2) A detailed description of the response of the Department of Defense to each recommendation of the Task Force, including—

(A) for each recommendation that is being implemented or that the Secretary plans to implement—

(i) a summary of actions that have been taken to implement the recommendation; and

(ii) a schedule, with specific milestones, for completing the implementation of the recommendation; and

(B) For each recommendation that the Secretary does not plan to implement—

(i) the reasons for the decision not to implement the recommendation; and

(ii) a summary of alternative actions the Secretary plans to take to address the purposes underlying the recommendation.

(3) A summary of any additional actions the Secretary plan to take to address concerns raised by the Task Force.

(c) CONSULTATION.—To the extent practicable, the Secretary may consult with other departments and agencies of the Federal Government, institutions of higher education and other academic organizations, and industry in the development of the report required by subsection (a).

AMENDMENT NO. 2447

(Purpose: To express the sense of the Senate regarding the investment of funds as called for in the Depot Maintenance Strategy and Master Plan of the Air Force)

On page 66, after line 22, insert the following:

SEC. 330. SENSE OF THE SENATE REGARDING DEPOT MAINTENANCE.

(a) FINDINGS.—The Senate finds that—

(1) the Depot Maintenance Strategy and Master Plan of the Air Force reflects the essential requirements for the Air Force to maintain a ready and controlled source of organic technical competence, thereby ensuring an effective and timely response to national defense contingencies and emergency requirements;

(2) since the publication of the Depot Maintenance Strategy and Master Plan of the Air Force in 2002, the service has made great progress toward modernizing all 3 of its Depots, in order to maintain their status as ''world class'' maintenance repair and overhaul operations;

(3) one of the indispensable components of the Depot Maintenance Strategy and Master Plan of the Air Force is the commitment of the Air Force to allocate $150,000,000 a year over 6 years, beginning in fiscal year 2004, for recapitalization and investment, including the procurement of technologically advanced facilities and equipment, of our Nation's 3 Air Force depots; and

(4) the funds expended to date have ensured that transformation projects, such as the initial implementation of ''Lean'' and ''Six Sigma'' production techniques, have achieved great success in reducing the time necessary to perform depot maintenance on aircraft.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Air Force should be commended for the implementation of its Depot Maintenance Strategy and Master Plan and, in particular, meeting its commitment to invest $150,000,000 a year over 6 years, since fiscal year 2004, in the Nation's 3 Air Force Depots; and

(2) the Air Force should continue to fully fund its commitment of $150,000,000 a year through fiscal year 2009 in investments and recapitalization projects pursuant to the Depot Maintenance Strategy and Master Plan.

AMENDMENT NO. 2448

(Purpose: To state the policy of the United States on the intercontinental ballistic missile force)

At the end of subtitle G of title X, add the following:

SEC. 1073. POLICY OF THE UNITED STATES ON THE INTERCONTINENTAL BALLISTIC MISSILE FORCE.

(a) FINDINGS.—Congress makes the following findings:

(1) Consistent with warhead levels agreed to in the Moscow Treaty, the United States is modifying the capacity of the Minuteman III intercontinental ballistic missile (ICBM) from its prior capability to carry up to 3 independent reentry vehicles (RVs) to carry as few as a single reentry vehicle, a process known as downloading.

(2) A series of Department of Defense studies of United States strategic forces, including the 2001 Nuclear Posture Review, has confirmed the continued need for 500 intercontinental ballistic missiles.

(3) In a potential nuclear crisis it is important that the nuclear weapons systems of the United States be configured so as to discourage other nations from making a first strike.

(4) The intercontinental ballistic missile force is currently being considered as part of the deliberations of the Department of Defense for the Quadrennial Defense Review.

(b) STATEMENT OF UNITED STATES POLICY.—It is the policy of the United States to continue to deploy a force of 500 intercontinental ballistic missiles, provided that unanticipated strategic developments may compel the United States to make changes to this force structure in the future.

(c) MOSCOW TREATY DEFINED.—In this section, the term ''Moscow Treaty'' means the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, done at Moscow on May 24, 2002.

AMENDMENT NO. 2449

(Purpose: To require a study on the use of the Space Radar for topographic mapping for scientific and civil purposes)

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON USE OF SPACE RADAR FOR TOPOGRAPHICAL MAPPING FOR SCIENTIFIC AND CIVIL PURPOSES.

(a) IN GENERAL.—Not later than January 15, 2006, the Secretary of Defense shall submit to the congressional defense committees on report on the feasability and advisability of utilizing the Space Radar for purposes of providing coastal zone and other topographical mapping information, and related information, to the scientific community and other elements of the private sector for scientific and civil purposes.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description and evaluation of any uses of the Space Radar for scientific or civil purposes that are identified by the Secretary for purposes of the report.

(2) A description and evaluation of any additions or modifications to the Space Radar identified by the Secretary for purposes of the report that would increase the utility of the Space Radar to the scientific community or other elements of the private sector for scientific or civil purposes, including the utilization of additional frequencies, the development or enhancement of ground systems, and the enhancement of operations.

(3) A description of the costs of any additions or modifications identified pursuant to paragraph (2).

(4) A description and evaluation of processes to be utilized to determine the means of modifying the Space Radar in order to meet the needs of the scientific community or other elements of the private sector with respect to the use of the Space Radar for scientific or civil purposes, and a proposal for meeting the costs of such modifications.

(5) A description and evaluation of the impacts, if any, on the primary missions of the Space Radar, and on the development of the Space Radar, of the use of the Space Radar for scientific or civil purposes.

(6) A description of the process for developing requirements for the Space Radar, including the involvement of the Civil Applications Committee.

AMENDMENT NO. 2450

(Purpose: To amend the assistance to local educational agencies with significant enrollment changes in military dependent students due to force structure changes, troop relocations, creation of new units, and realignment under BRAC)

In the section heading of section 582, insert ''**OR DECREASES**'' after ''**INCREASES**''.

In section 582(a), insert ''or decrease'' after ''overall increase''.

In the matter preceding subparagraph (A) of section 582(b)(2), insert ''or decrease'' after ''overall increase''.

In section 582(b)(2)(B), strike ''; or'' and insert a semicolon.

In section 582(b)(2)(C), strike the period at the end and insert ''; or''.

In section 528(b)(2), add at the end the following:

(D) a change in the number of housing units on a military installation.

In section 582(d)(1), insert ''or decrease'' after ''overall increase''.

AMENDMENT NO. 2451

(Purpose: To authorize pilot projects to encourage pediatric early literacy among children of members of the Armed Forces)

At the end of subtitle G of title V, add the following:

SEC. 585. PILOT PROJECTS ON PEDIATRIC EARLY LITERACY AMONG CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) PILOT PROJECTS AUTHORIZED.—The Secretary of Defense may conduct pilot projects to assess the feasibility, advisability, and utility of encouraging pediatric literacy among the children of members of the Armed Forces utilizing the Reach Out and Read model of pediatric early literacy.

(b) LOCATIONS.—

(1) IN GENERAL.—The pilot projects conducted under subsection (a) shall be conducted at not more than 20 military medical treatment facilities designated by the Secretary for purposes of this section.

(2) CO-LOCATION WITH CERTAIN INSTALLATIONS.—In designating military medical treatment facilities under paragraph (1), the Secretary shall, to the extent practicable, designate facilities that are located on, or co-located with, military installations at which the mobilization or demobilization of members of the Armed Forces occurs.

(c) ACTIVITIES.—Activities under the pilot projects conducted under subsection (a) shall include activities in accordance with the Reach Out and Read model of pediatric early literacy as follows:

(1) The provision of training to health care providers and other appropriate personnel on early literacy promotion.

(2) The purchase and distribution of children's books to members of the Armed Forces, their spouses, and their children.

(3) The modification of treatment facility and clinic waiting rooms to include a full selection of literature for children.

(4) The dissemination to members of the Armed Forces and their spouses of parent education materials on pediatric early literacy.

(5) Such other activities as the Secretary considers appropriate.

(d) CONSULTATION.—The Secretary shall consult with the Reach Out and Read National Center in the development and implementation of the pilot projects conducted under this section, including in the designation of locations of the pilot projects under subsection (b).

(e) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2007, the Secretary shall submit to the congressional defense committees a report on the pilot projects conducted under this section.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) a description of the pilot projects conducted under this section, including the location of each pilot project and the activities conducted under each pilot project; and

(B) an assessment of the feasibility, advisability, and utility of encouraging pediatric early literacy among the children of members of the Armed Forces utilizing the Reach Out and Read model of pediatric early literacy.

(f) FUNDING.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, up to $2,000,000 may be available for the pilot projects authorized by this section.

(2) AVAILABILITY.—The amount available under paragraph (1) shall remain available until expended.

AMENDMENT NO. 2452

(Purpose: To require the Secretary of Defense to establish a uniform policy for the Armed Forces on parental leave and similar leave)

At the end of subtitle F of title V, add the following:

SEC. 573. UNIFORM POLICY ON PARENTAL LEAVE AND SIMILAR LEAVE.

(a) POLICY REQUIRED.—The Secretary of Defense shall prescribe in regulations a uniform policy for the taking by members of the Armed Forces of parental leave to cover leave to be used in connection with births or adoptions, as the Secretary shall designate under the policy.

(b) UNIFORMITY ACROSS ARMED FORCES.—The policy prescribed under subsection (a) shall apply uniformly across the Armed Forces.

AMENDMENT NO. 2453

(Purpose: To make available $80,000,000 for coproduction of the Arrow ballistic missile defense system)

At the end of subtitle C of title II, add the following:

SEC. 224. ARROW BALLISTIC MISSILE DEFENSE SYSTEM.

Of the amount authorized to be appropriated by section 201(5) for research, development, test, and evaluation for Defense-wide activities and available for ballistic missile defense, $80,000,000 may be available for coproduction of the Arrow ballistic missile defense system.

AMENDMENT NO. 2454

(Purpose: Relating to the acquisition strategy of the Department of Defense for commercial satellite communication services)

At the end of subtitle A of title VIII, add the following:

SEC. 807. ACQUISITION STRATEGY FOR COMMERCIAL SATELLITE COMMUNICATION SERVICES.

(a) REQUIREMENT FOR SPEND ANALYSIS.—The Secretary of Defense shall, as a part of the effort of the Department of Defense to develop a revised strategy for acquiring commercial satellite communication services, perform a complete spend analysis of the past and current acquisitions by the Department of commercial satellite communication services.

(b) REPORT ON ACQUISITION STRATEGY.—

(1) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the acquisition strategy of the Department of Defense for commercial satellite communications services.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the spend analysis required by subsection (a), including the results of the analysis.

(B) The proposed strategy of the Department for acquiring commercial satellite communication services, which strategy shall—

(i) be based in appropriate part on the results of the analysis required by subsection (a); and

(ii) take into account various methods of aggregating purchases and leveraging the purchasing power of the Department, including through the use of multiyear contracting for commercial satellite communication services.

(C) A proposal for such legislative action as the Secretary considers necessary to acquire appropriate types and amounts of commercial satellite communications services using methods of aggregating purchases and leveraging the purchasing power of the Department (including the use of multiyear contracting), or if the use of such methods is determined inadvisable, a statement of the rationale for such determination.

(D) A proposal for such other legislative action that the Secretary considers necessary to implement the strategy of the Department for acquiring commercial satellite communication services.

AMENDMENT NO. 2455

(Purpose: To require a report on nonstrategic nuclear weapons)

On page 296, after line 19, add the following:

SEC. 1205. REPORT ON NONSTRATEGIC NUCLEAR WEAPONS.

(a) REVIEW.—No later than six months after date of enactment, the Secretary of Defense shall, in consultation with the Secretary of State, conduct a review of United States and Russian nonstrategic nuclear weapons and determine whether it is in the national security interest of the United States—

(1) to reduce the number of United States and Russian nonstrategic nuclear weapons;

(2) to improve the security of United States and Russian nonstrategic nuclear weapons in storage storage and during transport;

(3) to identify and develop mechanisms and procedures to implement transparent reductions in nonstrategic nuclear weapons; and

(4) to identify and develop mechanisms and procedures to implement the transparent dismantlement of excess nonstrategic nuclear weapons.

(b) REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of State and the Secretary of Energy, submit a joint report ton the results of the review required under subsection (a). The report shall include a plan to implement, not later than October 1, 2006, actions determined to be in the United States national security interest.

(2) FORM.—The report require under paragraph (1) shall be submitted in unclassified form, but may include an unclassified annex.

AMENDMENT NO. 2456

At the end of subtitle B of title VII, add the following:

SEC. 718. MENTAL HEALTH COUNSELORS UNDER TRICARE.

(a) IN GENERAL.—Section 1079(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(17) Services of mental health counselors, except that—

''(A) such services are limited to services provided by counselors who are licensed under applicable State law to provide mental health services;

''(B) such services may be provided independently of medical oversight and supervision only in areas identified by the Secretary as 'medically underserved areas' where the Secretary determines that 25 percent or more of the residents are located in primary shortage areas designated pursuant to section 332 of the Public Health Services Act (42 U.S.C. 254e); and

''(C) the provision of such services shall be consistent with such rules as may be prescribed by the Secretary of Defense, including criteria applicable to credentialing or certification of mental health counselors and a requirement that mental health counselors accept payment under this section as full payment for all services provided pursuant to this paragraph.''.

(b) AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS.—Section 704(c)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2799; 10 U.S.C. 1091 note) is amended by inserting ''mental health counselors,'' after ''psychologists,''.

AMENDMENT NO. 2457

(Purpose: To clarify certain authorities relating the Commission on the National Guard and Reserves)

At the end of subtitle H of title V, add the following:

SEC. ____. CLARIFICATION OF CERTAIN AUTHORITIES RELATING TO THE COMMISSION ON THE NATIONAL GUARD AND RESERVES.

(a) NATURE OF COMMISSION.—Subsection (a) of section 513 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1880) is amended by inserting ''in the legislative branch'' after ''There is established''.

(b) PAY OF MEMBERS.—Subsection (e)(1) of such section is amended striking ''except that'' and all that follows through the end and inserting ''except that—

''(A) in applying the first sentence of subsection (a) of section 957 of such Act to the Commission, 'may' shall be substituted for 'shall'; and

''(B) in applying subsections (a), (c)(2), and (e) of section 957 of such Act to the Commission, 'level IV of the Executive Schedule' shall be substituted for 'level V of the Executive Schedule'.''.

(c) TECHNICAL AMENDMENT.—Subsection (c)(2)(C) of such section is amended by striking ''section 404(a)(4)'' and inserting ''section 416(a)(4)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005.

AMENDMENT NO. 2458

(Purpose: To enhance various authorities to assist the recruitment efforts of the Armed Forces)

On page 144, strike lines 1 through 3 and insert the following:

SEC. 619. RETENTION INCENTIVE AND ASSIGNMENT BONUS FOR MEMBERS OF THE SELECTED RESERVE QUALIFIED IN A CRITICAL MILITARY SKILL OR WHO VOLUNTEER FOR ASSIGNMENT TO A HIGH PRIORITY UNIT.

On page 144, in the amendment made by section 619, strike line 8 and all that follows through page 145, line 12, and insert the following:

''§ 308k. Special pay: retention incentive bonus for members of the Selected Reserve qualified in a critical military skill; assignment bonus for members of the Selected Reserve who volunteer for assignment to a high priority unit

''(a) BONUSES AUTHORIZED.—(1) An eligible officer or enlisted member of the armed forces may be paid a retention bonus as provided in this section if—

''(A) in the case of an officer or warrant officer, the member executes a written agreement to remain in the Selected Reserve for at least 2 years;

''(B) in the case of an enlisted member, the member reenlists or voluntarily extends the member's enlistment in the Selected Reserve for a period of at least 2 years; or

''(C) in the case of an enlisted member serving on an indefinite reenlistment, the member executes a written agreement to remain in the Selected Reserve for at least 2 years.

''(2) An officer or enlisted member of the armed forces may be paid an assignment bonus as provided in this section if the member voluntarily agrees to an assignment to a high priority unit of the Selected Reserve of the Ready Reserve of an armed force for at least 2 years.

''(b) MEMBERS ELIGIBLE FOR RETENTION BONUS.—Subject to subsection (d), an officer or enlisted member is eligible under subsection (a)(1) for a retention bonus under this section if the member—

''(1) is qualified in a military skill or specialty designated as critical for purposes of this section under subsection (c); or

''(2) agrees to train or retrain in a military skill or specialty so designated as critical.

''(c) DESIGNATION OF CRITICAL SKILLS OR SPECIALTIES AND HIGH PRIORITY UNITS.—The Secretary concerned shall—

''(1) designate the military skills and specialties that shall be treated as critical military skills and specialties for purposes of this section; and

''(2) designate the units that shall be treated as high priority units for purposes of this section.

On page 148, strike the matter between lines 6 and 7 and insert the following:

''308k. Special pay: retention incentive bonus for members of the Selected Reserve qualified in a critical military skill; assignment bonus for members of the Selected Reserve who volunteer for assignment to a high priority unit.''.

At the end of division A, add the following:

TITLE XV—RECRUITMENT AND RETENTION

SEC. 1501. SHORT TITLE.

This title may be cited as the ''Military Recruiting Initiatives Act of 2005''.

SEC. 1502. INCREASE IN MAXIMUM ENLISTMENT BONUS.

(a) ENLISTMENT BONUS FOR SELECTED RESERVE MEMBERS.—Section 308c(b) of title 37, United States Code, is amended by striking ''$10,000'' and inserting ''$20,000''.

(b) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(a) of title 37, United States Code, is amended by striking ''$20,000'' and inserting ''$40,000''.

SEC. 1503. TEMPORARY AUTHORITY TO PAY BONUS TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) AUTHORITY TO PAY BONUS.—The Secretary of the Army may pay a bonus under this section to a member of the Army, whether in the regular component of the Army or in the Army National Guard or Army Reserve, who refers to an Army recruiter a person who has not previously served in an Armed Force and who, after such referral, enlists in the regular component of the Army or in the Army National Guard or Army Reserve.

(b) REFERRAL.—For purposes of this section, a referral for which a bonus may be paid under subsection (a) occurs—

(1) when a member of the Army contacts an Army recruiter on behalf of a person interested in enlisting in the Army; or

(2) when a person interested in enlisting in the Army contacts the Army recruiter and informs the recruiter of the role of the member in initially recruiting the person.

(c) CERTAIN REFERRALS INELIGIBLE.—

(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the Army may not be paid a bonus under subsection (a) for the referral of an immediate family member.

(2) MEMBERS IN RECRUITING ROLES.—A member of the Army serving in a recruiting or retention assignment, or assigned to other duties regarding which eligibility for a bonus under subsection (a) could (as determined by the Secretary) be perceived as creating a conflict of interest, may not be paid a bonus under subsection (a).

(d) AMOUNT OF BONUS.—The amount of the bonus paid for a referral under subsection (a) may not exceed $1,000. The bonus shall be paid in a lump sum.

(e) TIME OF PAYMENT.—A bonus may not be paid under subsection (a) with respect to a person who enlists in the Army until the person completes basic training and individual advanced training.

(f) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10, United States Code.

(g) LIMITATION ON INITIAL USE OF AUTHORITY.—During the first year in which bonuses are offered under this section, the Secretary of the Army may not pay more than 1,000 referral bonuses per component of the Army.

(h) DURATION OF AUTHORITY.—A bonus may not be paid under subsection (a) with respect to any referral that occurs after December 31, 2007.

SEC. 1504. INCREASE IN MAXIMUM AGE FOR ENLISTMENT.

Section 505(a) of title 10, United States Code, is amended by striking ''thirty-five years of age'' and inserting ''forty-two years of age''.

SEC. 1505. REPEAL OF PROHIBITION ON PRIOR SERVICE ENLISTMENT BONUS FOR RECEIPT OF OTHER ENLISTMENT OR REENLISTMENT BONUS FOR SERVICE IN THE SELECTED RESERVE.

Section 308i(a)(2) of title 37, United States Code, is amended by striking subparagraph (D).

SEC. 1506. INCREASE AND ENHANCEMENT OF AFFILIATION BONUS FOR OFFICERS OF THE SELECTED RESERVE.

(a) REPEAL OF PROHIBITION ON ELIGIBILITY FOR PRIOR RESERVE SERVICE.—Subsection (a)(2) of section 308j of title 37, United States Code, is amended—

(1) in subparagraph (A), by adding ''and'' at the end;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) INCREASE IN MAXIMUM AMOUNT.—Subsection (d) of such section is amended by striking ''$6,000'' and inserting ''$10,000''.

SEC. 1507. ENHANCEMENT OF EDUCATIONAL LOAN REPAYMENT AUTHORITIES.

(a) ADDITIONAL LOANS ELIGIBLE FOR REPAYMENT.—Paragraph (1) of section 2171(a) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) any loan incurred for educational purposes made by a lender that is—

''(i) an agency or instrumentality of a State;

''(ii) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any State;

''(iii) a pension fund approved by the Secretary for purposes of this section; or

''(iv) a non-profit private entity designated by a State, regulated by such State, and approved by the Secretary for purposes of this section.''.

(b) ELIGIBILITY OF OFFICERS.—Paragraph (2) of such section is amended by striking ''an enlisted member in a military specialty'' and inserting ''a member in an officer program or military specialty''.

SEC. 1508. REPORT ON RESERVE DENTAL INSURANCE PROGRAM.

(a) STUDY.—The Secretary of Defense shall conduct a study of the Reserve Dental Insurance program.

(b) ELEMENTS.—The study required by subsection (a) shall—

(1) identify the most effective mechanism or mechanisms for the payment of premiums under the Reserve Dental Insurance program for members of the reserve components of the Armed Forces and their dependents, including by deduction from reserve pay, by direct collection, or by other means (including appropriate mechanisms from other military benefits programs), to ensure uninterrupted availability of premium payments regardless of whether members are performing active duty with pay or inactive-duty training with pay;

(2) include such matters relating to the Reserve Dental Insurance program as the Secretary considers appropriate; and

(3) assess the effectiveness of mechanisms for informing the members of the reserve components of the Armed Forces of the availability of, and benefits under, the Reserve Dental Insurance program.

(c) REPORT.—Not later than February 1, 2007, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall include the findings of the study and such recommendations for legislative or administrative action regarding the Reserve Dental Insurance program as the Secretary considers appropriate in light of the study.

(d) RESERVE DENTAL INSURANCE PROGRAM DEFINED.—In this section, the term ''Reserve Dental Insurance program'' includes—

(1) the dental insurance plan required under paragraph (1) of section 1076a(a) of title 10, United States Code; and

(2) any dental insurance plan established under paragraph (2) or (4) of section 1076a(a) of title 10, United States Code.

AMENDMENT NO. 2459

(Purpose: To require guidelines on the use of tiered evaluations for offers for contracts and task orders under contracts)

At the end of subtitle A of title VIII, add the following:

SEC. 807. GUIDANCE ON USE OF TIERED EVALUATION OF OFFERS FOR CONTRACTS AND TASK ORDERS UNDER CONTRACTS.

(a) GUIDANCE REQUIRED.—The Secretary of Defense shall prescribe guidance for the military departments and the Defense Agencies on the use of tiered evaluations of offers or proposals of offerors for contracts and for task orders under contracts.

(b) ELEMENTS.—The guidance prescribed under subsection (a) shall include a prohibition on the initiation by a contracting officer of a tiered evaluation of an offer or proposal of an offeror for a contract or for a task or delivery order under a contract unless the contracting officer—

(1) has conducted market research in accordance with part 10 of the Federal Acquisition Regulation in order to determine whether or not a sufficient number of qualified small businesses are available to justify limiting competition for the award of such contract or task or delivery order under applicable law and regulations;

(2) is unable, after conducting market research under paragraph (1), to make the determination described in that paragraph; and

(3) includes in the contract file a written explanation why such contracting officer was unable to make such determination.

AMENDMENT NO. 2460

(Purpose: To provide for consumer education on insurance and other financial services for members of the Armed Forces and their spouses)

At the end of subtitle H of title V, add the following:

SEC. 596. CONSUMER EDUCATION FOR MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES ON INSURANCE AND OTHER FINANCIAL SERVICES.

(a) EDUCATION AND COUNSELING REQUIREMENTS.—

(1) IN GENERAL.—Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 992. Consumer education: financial services

''(a) REQUIREMENT FOR CONSUMER EDUCATION PROGRAM FOR MEMBERS.—(1) The Secretary concerned shall carry out a program

to provide comprehensive education to members of the armed forces under the jurisdiction of the Secretary on—

''(A) financial services that are available under law to members;

''(B) financial services that are routinely offered by private sector sources to members;

''(C) practices relating to the marketing of private sector financial services to members;

''(D) such other matters relating to financial services available to members, and the marketing of financial services to members, as the Secretary considers appropriate; and

''(E) such other financial practices as the Secretary considers appropriate.

''(2) Training under this subsection shall be provided to members as—

''(A) a component of members initial entry orientation training; and

''(B) a component of periodically recurring required training that is provided for the members at military installations.

''(3) The training provided at a military installation under paragraph (2)(B) shall include information on any financial services marketing practices that are particularly prevalent at that military installation and in the vicinity.

''(b) COUNSELING FOR MEMBERS AND SPOUSES.—(1) The Secretary concerned shall, upon request, provide counseling on financial services to each member of the armed forces, and such member's spouse, under the jurisdiction of the Secretary.

''(2)(A) In the case of a military installation at which at least 2,000 members of the armed forces on active duty are assigned, the Secretary concerned—

''(i) shall provide counseling on financial services under this subsection through a full-time financial services counselor at such installation; and

''(ii) may provide such counseling at such installation by any means elected by the Secretary from among the following:

''(I) Through members of the armed forces in grade E–7 or above, or civilians, who provide such counseling as part of their other duties for the armed forces or the Department of Defense.

''(II) By contract, including contract for services by telephone and by the Internet.

''(III) Through qualified representatives of nonprofit organizations and agencies under formal agreements with the Department of Defense to provide such counseling.

''(B) In the case of any military installation not described in subparagraph (A), the Secretary concerned shall provide counseling on financial services under this subsection at such installation by any of the means set forth in subparagraph (A)(ii), as elected by the Secretary concerned.

''(3) Each financial services counselor under paragraph (2)(A)(i), and any other individual providing counseling on financial services under paragraph (2), shall be an individual who, by reason of education, training, or experience, is qualified to provide helpful counseling to members of the armed forces and their spouses on financial services and marketing practices described in subsection (a)(1). Such individual may be a member of the armed forces or an employee of the Federal Government.

''(4) The Secretary concerned shall take such action as is necessary to ensure that each financial services counselor under paragraph (2)(A)(i), and any other individual providing counseling on financial services under paragraphs (2), is free from conflicts of interest relevant to the performance of duty under this section. and, in the performance of that duty, is dedicated to furnishing members of the armed forces and their spouses with helpful information and counseling on financial services and related marketing practices.

''(c) LIFE INSURANCE.—(1) In counseling a member of the armed forces, or spouse of a member of the armed forces, under this section regarding life insurance offered by a private sector source, a financial services counselor under subsection (b)(2)(A)(i), or another individual providing counseling on financial services under subsection (b)(2), shall furnish the member or spouse, as the case may be, with information on the availability of Servicemembers' Group Life Insurance under subchapter III of chapter 19 of title 38, including information on the amounts of coverage available and the procedures for electing coverage and the amount of coverage.

''(2)(A) A covered member of the armed forces may not authorize payment to be made for private sector life insurance by means of an allotment of pay to which the member is entitled under chapter 3 of title 37 unless the authorization of allotment is accompanied by a written certification by a commander of the member, a financial services counselor referred to in subsection (b)(2)(A)(i), or another individual providing counseling on financial services under subsection (b)(2), as applicable, that the member has received counseling under paragraph (1) regarding the purchase of coverage under that private sector life insurance.

''(B) Subject to subparagraph (C), a written certification described in subparagraph (A) may not be made with respect to a member's authorization of allotment as described in subparagraph (A) until seven days after the date of the member's authorization of allotment in order to facilitate the provision of counseling to the member under paragraph (1).

''(C) The commander of a member may waive the applicability of subparagraph (B) to a member for good cause, including the member's imminent change of station.

''(D) In this paragraph, the term 'covered member of the armed forces' means an active duty member of the armed forces in grades E–1 through E–4.

''(d) FINANCIAL SERVICES DEFINED.—In this section, the term 'financial services' includes the following:

''(1) Life insurance, casualty insurance, and other insurance.

''(2) Investments in securities or financial instruments.

''(3) Banking, credit, loans, deferred payment plans, and mortgages.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''992. Consumer education: financial services.''.

(b) CONTINUING EFFECT OF EXISTING ALLOTMENTS FOR LIFE INSURANCE.—Paragraph (c)(2) of section 992 of title 10, United States Code (as added by subsection (a)), shall not affect any allotment of pay authorized by a member of the Armed Forces before the effective date of such section.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

AMENDMENT NO. 2461

(Purpose: To authorize funding for a human resources benefit call center for the Navy)

On page 52, between lines 5 and 6, insert the following:

SEC. 304. NAVY HUMAN RESOURCES BENEFIT CALL CENTER.

Of the amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy, $1,500,000 may be available for civilian manpower and personnel for a human resources benefit call center.

AMENDMENT NO. 2462

(Purpose: To require a report on any proposed change to the acquisition strategy for a defense or joint business information system)

On page 213, between lines 2 and 3, insert the following:

SEC. 807. CONGRESSIONAL NOTIFICATION OF CANCELLATION OF MAJOR AUTOMATED INFORMATION SYSTEMS.

(a) REPORT REQUIRED.—The Secretary of Defense shall notify the congressional defense committees not less than 60 days before cancelling a major automated information system program that has been fielded or approved to be fielded, or making a change that will significantly reduce the scope of such a program, of the proposed cancellation or change.

(c) CONTENT.—Each notification submitted under subsection (a) with respect to the proposed cancellation or change shall include—

(1) the specific justification for the proposed change;

(2) a description of the impact of the proposed change on the Departments ability to achieve the objectives of the program that has been cancelled or changed:

(3) a description of the steps that the Department plans to take to achieve such objectives; and

(4) other information relevant to the change in acquisition strategy.

(e) DEFINITIONS.—In this section:

(1) The term ''major automated information system'' has the meaning given that term in Department of Defense Directive 5000.

(2) The term ''approved to be fielded'' means having received Milestone C approval.

AMENDMENT NO. 2463

(Purpose: To provide that, of the amount authorized to be appropriated to the Department of Army for military construction projects at Fort Gillem, Georgia, $4,550,000 is available for the construction of a military police complex at Fort Gordon, Georgia)

On page 310, in the table following line 16, strike ''$8,450,000'' in the amount column of the item relating to Fort Gillem, Georgia, and insert ''$3,900,000''.

On page 310, in the table following line 16, insert after the item relating to Fort Gillem, Georgia, the following:

	Fort Gordon	$4,550,000

AMENDMENT NO. 2464

(Purpose: To increase by $360,800,000 the amount of supplemental appropriations for Other Procurement, Army, for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan or for other Army priorities, and to provide an offset)

At the end of title XIV of division A, add the following:

SEC. 1411. TACTICAL WHEELED VEHICLES.

(a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, ARMY.—The amount authorized to be appropriated by section 1403(a)(3) for other procurement for the Army is hereby increased by $360,800,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 1403(a)(3) for other procurement for the Army, as increased by subsection (a), $360,800,000 may be made available—

(1) for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan, including the procurement of armored Light Tactical Vehicles (LTVs), armored Medium Tactical Vehicles (MTVs), including Low Signature Armored Cabs for the family of MTVs, and armored Heavy Tactical Vehicles (HTVs); and

(2) to the extent the Secretary of the Army determines that such amount is not needed for the procurement of such armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan, for the procurement of such armored vehicles in accordance with other priorities of the Army.

(c) OFFSET.—The amount authorized to be appropriated by section 1409(a) for the Iraq Freedom Fund is hereby reduced by $360,800,000.

AMENDMENT NO. 2465

(Purpose: To make available, with an offset, $10,000,000 for the pilot projects on early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions)

At the end of section 732, add the following:

(d) FUNDING.—

(1) IN GENERAL.—(A) The amount authorized to be appropriated by section 303(a) for the Defense Health Program is hereby increased by $10,000,000.

(B) Of the amount authorized to be appropriated by section 303(a) for the Defense Health Program, as increased by subparagraph (A), $10,000,000 shall be available for pilot projects under this section.

(C) The amount available under subparagraph (B) shall remain available until expended.

(2) OFFSET.—The amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy is hereby decreased by $10,000,000.

AMENDMENT NO. 2466

(Purpose: To improve recruitment and retention in the Armed Forces)

On page 104, in the amendment made by section 571, strike line 24 and all that follows through page 105, line 3, and insert the following:

310(a) of title 37;

''(ii) is assigned to a deployable ship or mobile unit or to other duty designated for the purpose of this section; or

''(iii) on or after August 29, 2005, performs duty designated by the Secretary of Defense as qualifying duty for purposes of this subsection.''.

At the end of title VI, add the following:

Subtitle F—Enhancement of Authorities for Recruitment and Retention

SEC. 671. INCREASE IN MAXIMUM RATE OF ASSIGNMENT INCENTIVE PAY.

(a) INCREASE IN MAXIMUM RATE.—Section 307a(c) of title 37, United States Code, is amended by striking ''$1,500'' and inserting ''$3,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to months beginning on or after that date.

SEC. 672. TEMPORARY INCREASE IN BASIC ALLOWANCE FOR HOUSING IN AREAS SUBJECT TO DECLARATION OF A MAJOR DISASTER.

(a) TEMPORARY INCREASE AUTHORIZED.—Section 403(b) of title 37, United States Code, is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

''(5)(A) The Secretary of Defense may prescribe a temporary increase in rates of basic allowance for housing in a military housing area located 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).

''(B) The amount of the increase under this paragraph in rates of basic allowance for housing in an area by reason of a disaster shall be based on a determination by the Secretary of the amount by which the costs of adequate housing for civilians have increased in the area by reason of the disaster.

''(C) The amount of any increase under this paragraph in a rate of basic allowance for housing may not exceed the amount equal to 20 percent of such rate of basic allowance for housing.

''(D) A member may be paid a basic allowance for housing at a rate increased under this paragraph by reason of a disaster only if the member certifies to the Secretary concerned that the member has incurred increased housing costs in the area concerned by reason of the disaster.

''(E) An increase in rates of basic allowance for housing in an area under this paragraph shall remain in effect until the effective date of the first adjustment in rates of basic allowance for housing made for the area pursuant to a redetermination of housing costs in the area under paragraph (4) that occurs after the date of the increase under this paragraph.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on September 1, 2005, and shall apply with respect to months beginning on or after that date.

SEC. 673. TEMPORARY AUTHORITY FOR INCENTIVES FOR RECRUITMENT OF MILITARY PERSONNEL.

(a) AUTHORITY TO PROVIDE INCENTIVES.—The Secretary of Defense may, in consultation with the Director of the Office of Management and Budget, develop and provide incentives (in addition to any other incentives authorized by law) for the recruitment of individuals as officers and enlisted members of the Armed Forces.

(b) CONSTRUCTION WITH OTHER PERSONNEL AUTHORITIES.—

(1) IN GENERAL.—Incentives may be provided under subsection (a)—

(A) without regard to the lack of specific authority for such incentives under title 10, United States Code, or title 37, United States Code; and

(B) notwithstanding any provision of title 10, United States Code, or title 37, United States Code, or any rule or regulation prescribed under such provision, relating to methods of—

(i) determining requirements for, and the compensation of, members of the Armed Forces who are assigned duty as military recruiters; or

(ii) providing incentives to individuals to accept commissions or enlist in the Armed Forces, including the provision of group or individual bonuses, pay, or other incentives.

(2) WAIVER OF OTHERWISE APPLICABLE LAWS.—No provision of title 10, United States Code, or title 37, United States Code, may be waived with respect to, or otherwise determined to be inapplicable to, the provision of incentives under subsection (a) except with the approval of the Secretary.

(c) PLANS.—

(1) DEVELOPMENT OF PLANS.—Before providing an incentive under subsection (a), or entering into any agreement or contract with respect to the provision of such incentive, the Secretary shall develop a plan that includes—

(A) a description of such incentive, including the purpose of such project and the members (or potential recruits) of the Armed Forces to be addressed by such incentive;

(B) a statement of the anticipated outcomes of such incentive; and

(C) the method of evaluating the effectiveness of such incentive.

(2) SUBMITTAL OF PLANS.—Not later than 30 days before the provision of an incentive under subsection (a), the Secretary shall submit a copy of the plan developed under paragraph (1) on such incentive—

(A) to the elements of the Department of Defense to be affected by the provision of such incentive; and

(B) to Congress.

(d) LIMITATIONS.—

(1) NUMBER OF INDIVIDUALS.—The number of individuals provided incentives under subsection (a) may not exceed the number of individuals equal to 20 percent of the accession mission of the Armed Force concerned for the fiscal year in which such incentives are first provided.

(2) DURATION OF PROVISION.—The provision of incentives under subsection (a) shall terminate not later than the end of the three-year period beginning on the date on which the provision of such incentives commences (except that such incentives may continue to be provided beyond the date otherwise provided in this paragraph to the extent necessary to evaluate the effectiveness of such incentives).

(e) REPORTS.—

(1) IN GENERAL.—The Secretary shall submit to Congress on an annual basis a report on the incentives provided under subsection (a) during the preceding year.

(2) ELEMENTS.—Each report under this subsection shall include—

(A) a description of the incentives provided under subsection (a) during the fiscal year covered by such report; and

(B) an assessment of the impact of such incentives on the recruitment of individuals as officers or enlisted members of the Armed Forces.

SEC. 674. PAY AND BENEFITS TO FACILITATE VOLUNTARY SEPARATION OF TARGETED MEMBERS OF THE ARMED FORCES.

(a) PAY AND BENEFITS AUTHORIZED.—

(1) IN GENERAL.—Chapter 59 of title 10, United States Code, is amended by inserting after section 1175 the following new section:

''§ 1175a. Voluntary separation pay and benefits

''(a) IN GENERAL.—Under regulations approved by the Secretary of Defense, the Secretary concerned may provide voluntary separation pay and benefits in accordance with this section to eligible members of the armed forces who are voluntarily separated from active duty in the armed forces.

''(b) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member of the armed forces is eligible for voluntary separation pay and benefits under this section if the member—

''(A) has served on active duty for more than 6 years but not more than 20 years;

''(B) has served at least 5 years of continuous active duty immediately preceding the date of the member's separation from active duty;

''(C) has not been approved for payment of a voluntary separation incentive under section 1175 of this title;

''(D) meets such other requirements as the Secretary concerned may prescribe, which may include requirements relating to—

''(i) years of service, skill, rating, military specialty, or competitive category;

''(ii) grade or rank;

''(iii) remaining period of obligated service; or

''(iv) any combination of these factors; and

''(E) requests separation from active duty.

''(2) The following members are not eligible for voluntary separation pay and benefits under this section:

''(A) Members discharged with disability severance pay under section 1212 of this title.

''(B) Members transferred to the temporary disability retired list under section 1202 or 1205 of this title.

''(C) Members being evaluated for disability retirement under chapter 61 of this title.

''(D) Members who have been previously discharged with voluntary separation pay.

''(E) Members who are subject to pending disciplinary action or who are subject to administrative separation or mandatory discharge under any other provision of law or regulations.

''(3) The Secretary concerned shall determine each year the number of members to be separated, and provided separation pay and benefits, under this section during the fiscal year beginning in such year.

''(c) SEPARATION.—Each eligible member of the armed forces whose request for separation from active duty under subsection (b)(1)(E) is approved shall be separated from active duty.

''(d) ADDITIONAL SERVICE IN READY RESERVE.—Of the number of members of the armed forces to be separated from active duty in a fiscal year, as determined under subsection (b)(3), the Secretary concerned shall determine a number of such members, in such skill and grade combinations as the Secretary concerned shall designate, who shall serve in the Ready Reserve, after separation from active duty, for a period of not less than three years, as a condition of the receipt of voluntary separation pay and benefits under this section.

''(e) SEPARATION PAY AND BENEFITS.—(1) A member of the armed forces who is separated from active duty under subsection (c) shall be paid voluntary separation pay in accordance with subsection (g) in an amount determined by the Secretary concerned pursuant to subsection (f).

''(2) A member who is not entitled to retired or retainer pay upon separation shall be entitled to the benefits and services provided under—

''(A) chapter 58 of this title during the 180-day period beginning on the date the member is separated (notwithstanding any termination date for such benefits and services otherwise applicable under the provisions of such chapter); and

''(B) sections 404 and 406 of title 37.

''(f) COMPUTATION OF VOLUNTARY SEPARATION PAY.—The Secretary concerned shall specify the amount of voluntary separation pay that an individual or defined group of members of the armed forces may be paid under subsection (e)(1). No member may receive as voluntary separation pay an amount greater than three times the full amount of separation pay for a member of the same pay grade and years of service who is involuntarily separated under section 1174 of this title.

''(g) PAYMENT OF VOLUNTARY SEPARATION PAY.—(1) Voluntary separation pay under this section may be paid in a single lump sum.

''(2) In the case of a member of the armed forces who, at the time of separation under subsection (c), has completed at least 15 years, but less than 20 years, of active service, voluntary separation pay may be paid, at the election of the Secretary concerned, in—

''(A) a single lump sum;

''(B) installments over a period not to exceed 10 years; or

''(C) a combination of lump sum and such installments.

''(h) COORDINATION WITH RETIRED OR RETAINER PAY AND DISABILITY COMPENSATION.—(1) A member who is paid voluntary separation pay under this section and who later qualities for retired or retainer pay under this title or title 14 shall have deducted from each payment of such retired or retainer pay an amount, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such retired or retainer pay is equal to the total amount of voluntary separation pay so paid.

''(2)(A) Except as provided in subparagraphs (B) and (C), a member who is paid voluntary separation pay under this section shall not be deprived, by reason of the member's receipt of such pay, of any disability compensation to which the member is entitled under the laws administered by the Secretary of Veterans Affairs, but there shall be deducted from such disability compensation an amount, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such disability compensation is equal to the total amount of voluntary separation pay so paid.

''(B) No deduction shall be made from the disability compensation paid to an eligible disabled uniformed services retiree under section 1413, or to an eligible combat-related disabled uniformed services retiree under section 1413a of this title, who is paid voluntary separation pay under this section.

''(C) No deduction may be made from the disability compensation paid to a member for the amount of voluntary separation pay received by the member because of an earlier discharge or release from a period of active duty if the disability which is the basis for that disability compensation was incurred or aggravated during a later period of active duty.

''(3) The requirement under this subsection to repay voluntary separation pay following retirement from the armed forces does not apply to a member who was eligible to retire at the time the member applied and was accepted for voluntary separation pay and benefits under this section.

''(4) The Secretary concerned may waive the requirement to repay voluntary separation pay under paragraphs (1) and (2) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

''(i) RETIREMENT DEFINED.—In this section, the term 'retirement' includes a transfer to the Fleet Reserve or Fleet Marine Corps Reserve.

''(j) REPAYMENT FOR MEMBERS WHO RETURN TO ACTIVE DUTY.—(1) Except as provided in paragraphs (2) and (3), a member of the armed forces who, after having received all or part of voluntary separation pay under this section, returns to active duty shall have deducted from each payment of basic pay, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such basic pay equals the total amount of voluntary separation pay received.

''(2) Members who are involuntarily recalled to active duty or full-time National Guard duty in accordance with section 12301(a), 12301(b), 12301(g), 12302, 12303, or 12304 of this title or section 502(f)(1) of title 32 shall not be subject to this subsection.

''(3) Members who are recalled or perform active duty or full-time National Guard duty in accordance with section 101(d)(1), 101(d)(2), 101(d)(5), 12301(d) (insofar as the period served is less than 180 consecutive days with the consent of the member), 12319, or 12503 of title 10, or section 114, 115, or 502(f)(2) of title 32 (insofar as the period served is less than 180 consecutive days with consent of the member), shall not be subject to this subsection.

''(4) The Secretary of Defense may waive, in whole or in part, repayment required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States. The authority in this paragraph may be delegated only to the Undersecretary of Defense for Personnel and Readiness and the Principal Deputy Undersecretary of Defense for Personnel and Readiness.

''(k) TERMINATION OF AUTHORITY.—(1) The authority to separate a member of the armed forces from active duty under subsection (c) shall terminate on December 31, 2008.

''(2) A member who separates by the date specified in paragraph (1) may continue to be provided voluntary separation pay and benefits under this section until the member has received the entire amount of pay and benefits to which the member is entitled under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 59 of such title is amended by inserting after the item relating to section 1175 the following new item:

''1175a. Voluntary separation pay and benefits.''.

(b) LIMITATION ON APPLICABILITY.—During the period beginning on the date of the enactment of this Act and ending on December 31, 2008, the members of the Armed Forces who are eligible for separation, and for the provision of voluntary separation pay and benefits, under section 1175a of title 10, United States Code (as added by subsection (a)), shall be limited to officers of the Armed Forces who meet the eligibility requirements of section 1175a(b) of title 10, United States Code (as so added), but have not completed more than 12 years of active service as of the date of separation from active duty.

(c) OFFICER SELECTIVE EARLY RETIREMENT.—Section 638a(a) of title 10, United States Code, is amended by adding at the end the following new sentence: ''During the period beginning on October 1, 2005, and ending on December 31, 2011, the Secretary of Defense may also authorize the Secretary of the Navy and the Secretary of the Air Force to take any of the actions set forth in such subsection with respect to officers of the armed forces under the jurisdiction of such Secretary.''.

AMENDMENT NO. 2467

(Purpose: To improve the authority for reimbursement for protective, safety, and health equipment purchased for members of the Armed Forces deployed in Iraq and Central Asia)

At the end of subtitle C of title III, add the following:

SEC. ___. REIMBURSEMENT FOR CERTAIN PROTECTIVE, SAFETY, OR HEALTH EQUIPMENT PURCHASED BY OR FOR MEMBERS OF THE ARMED FORCES FOR DEPLOYMENT IN OPERATIONS IN IRAQ AND CENTRAL ASIA.

(a) REIMBURSEMENT REQUIRED.—

(1) IN GENERAL.—Subject to subsections (d) and (e), the Secretary of Defense shall reimburse a member of the Armed Forces, or a person or entity referred to in paragraph (2), for the cost (including shipping cost) of any protective, safety, or health equipment that was purchased by such member, or such person or entity on behalf of such member, before or during the deployment of such member in Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom for the use of such member in connection with such operation if the unit commander of such member certifies that such equipment was critical to the protection, safety, or health of such member.

(2) COVERED PERSONS AND ENTITIES.—A person or entity referred to in this paragraph is a family member or relative of a member of the Armed Forces, a non-profit organization, or a community group.

(3) REGULATIONS NOT REQUIRED FOR REIMBURSEMENT.—Reimbursements may be made under this subsection in advance of the promulgation by the Secretary of Defense of regulations, if any, relating to the administration of this section.

(b) PROTECTIVE EQUIPMENT REIMBURSEMENT FUND.—

(1) ESTABLISHMENT.—There is hereby established an account to be known as the ''Protective Equipment Reimbursement Fund'' (in this subsection referred to as the ''Fund'').

(2) ELEMENTS.—The Fund shall consist of amounts deposited in the Fund from amounts available for the Fund under subsection (g).

(3) AVAILABILITY.—Amounts in the Fund shall be available directly to the unit commanders of members of the Armed Forces for the making of reimbursements for protective, safety, and health equipment under subsection (a).

(4) DOCUMENTATION.—Each person seeking reimbursement under subsection (a) for protective, safety, or health equipment purchased by or on behalf of a member of the Armed Forces shall submit to the unit commander of such member such documentation as is necessary to establish each of the following:

(A) The nature of such equipment, including whether or not such equipment qualifies as protective, safety, or health equipment under subsection (c).

(B) The cost of such equipment.

(c) COVERED PROTECTIVE, SAFETY, AND HEALTH EQUIPMENT.—Protective, safety, and health equipment for which reimbursement shall be made under subsection (a) shall include personal body armor, collective armor or protective equipment (including armor or protective equipment for high mobility multi-purpose wheeled vehicles), and items provided through the Rapid Fielding Initiative of the Army, or equivalent programs of the other Armed Forces, such as the advanced (on-the-move) hydration system, the advanced combat helmet, the close combat optics system, a Global Positioning System (GPS) receiver, a gun scope, and a soldier intercommunication device.

(d) LIMITATION REGARDING AMOUNT OF REIMBURSEMENT.—The amount of reimbursement provided under subsection (a) per item of protective, safety, and health equipment purchased by or on behalf of any given member of the Armed Forces may not exceed the lesser of—

(1) the cost of such equipment (including shipping cost); or

(2) $1,100.

(e) LIMITATION ON DATE OF PURCHASE.—Reimbursement may be made under subsection (a) only for protective, safety, and health equipment purchased before October 1, 2006.

(f) OWNERSHIP OF EQUIPMENT.—The Secretary shall identify the circumstances, if any, under which the United States shall assume title or ownership of protective, safety, or health equipment for which reimbursement is provided under subsection (a).

(g) FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts for reimbursements under subsection (a) shall be derived from any amounts authorized to be appropriated by this Act.

(2) EXCEPTION.—Amounts authorized to be appropriated by this Act and available for the procurement of equipment for members of the Armed Forces deployed, or to be deployed, to Iraq or Afghanistan may not be utilized for reimbursements under subsection (a).

(h) REPEAL OF SUPERSEDED AUTHORITY.—Section 351 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118. Stat. 1857) is repealed.

AMENDMENT NO. 2468

(Purpose: To require a report on predatory lending directed at members of the Armed Forces and their dependents)

At the end of subtitle H of title V, add the following:

SEC. 596. REPORT ON PREDATORY LENDING PRACTICES DIRECTED AT MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Predatory lending practices harm members of the Armed Forces and are an increasing problem for the Armed Forces.

(2) Predatory lending practices not only hurt the financial security of the members of the Armed Forces but, according to the Under Secretary of Defense for Personnel and Readiness, also threaten the operational readiness of the Armed Forces.

(3) The General Accountability Office found in an April 2005 report that the Department of Defense was not fully utilizing tools available to the Department to curb the predatory lending practices directed at members of the Armed Forces.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Department of Defense should work with financial service regulators to protect the members of the Armed Forces from predatory lending practices; and

(2) the Senate should consider and adopt legislation—

(A) to strengthen disclosure, education, and other protections for members of the Armed Forces regarding predatory lending practices; and

(B) to ensure greater cooperation between financial services regulators and the Department of Defense on the protection of members of the Armed Forces from predatory lending practices.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of the Treasury, the Chairman of the Federal Reserve, the Chairman of the Federal Deposit Insurance Corporation, and representatives of military charity organizations and consumer organizations, submit to the appropriate committees of Congress a report on predatory lending practices directed at members of the Armed Forces and their families.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) a description of the prevalence of predatory lending practices directed at members of the Armed Forces and their families;

(B) an assessment of the effects of predatory lending practices on members of the Armed Forces and their families;

(C) a description of the strategy of the Department of Defense, and of any current or planned programs of the Department, to educate members of the Armed Forces and their families regarding predatory lending practices;

(D) a description of the strategy of the Department of Defense, and of any current or planned programs of the Department, to reduce or eliminate—

(i) the prevalence of predatory lending practices directed at members of the Armed Forces and their families; and

(ii) the negative effect of such practices on members of the Armed Forces and their families; and

(E) recommendations for additional legislative and administrative action to reduce or eliminate predatory lending practices directed at members of the Armed Forces and their families.

(3) DEFINITIONS.—In this subsection:

(A) The term ''appropriate committees of Congress'' means—

(i) the Committees on Armed Services and Banking, Housing, and Urban Affairs of the Senate; and

(ii) the Committees on Armed Services and Financial Services of the House of Representatives.

(B) The term ''predatory lending practice'' means an unfair or abusive loan or credit sale transition or collection practice.

AMENDMENT NO. 2469

(Purpose: To authorize $1,440,000 in planning and design funds for a replacement C-130 aircraft maintenance hangar at Air National Guard New Castle County Airport, and to provide an offset)

On page 337, between lines 4 and 5, insert the following:

SEC. 2602. CONSTRUCTION OF MAINTENANCE HANGAR, NEW CASTLE COUNTY AIRPORT AIR GUARD BASE, DELAWARE.

(a) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(3)(A) for the Department of the Air Force for the Air National Guard of the United States is hereby increased by $1,440,000.

(b) USE OF FUNDS.—Of the amount authorized to be appropriated by section 2601(3)(A) for the Department of the Air Force for the Air National Guard of the United States, as increased by subsection (a), $1,440,000 is available for planning and design for a replacement C-130 aircraft maintenance hangar at Air National Guard New Castle County Airport, Delaware.

(c) OFFSET.—The amount authorized to be appropriated by section 2204(a) for military construction, land acquisition, and military family housing functions of the Department of the Navy and the amount of such funds authorized by paragraph (11) of such subsection for the construction of increment 3 of the general purpose berthing pier at Naval Weapons Station, Earle, New Jersey, are each hereby decreased by $1,440,000.

AMENDMENT NO. 2470

(Purpose: Expressing the sense of the Senate on notice to Congress of the recognition of members of the Armed Forces for extraordinary acts of heroism, bravery, and achievement)

At the end of subtitle F of title V, add the following:

SEC. ___. SENSE OF SENATE ON NOTICE TO CONGRESS OF RECOGNITION OF MEMBERS OF THE ARMED FORCES FOR EXTRAORDINARY ACTS OF BRAVERY, HEROISM, AND ACHIEVEMENT.

It is the sense of the Senate that the Secretary of Defense or the Secretary of the military department concerned should, upon awarding a medal to a member of the Armed Forces or otherwise commending or recognizing a member of the Armed Forces for an act of extraordinary heroism, bravery, achievement, or other distinction, notify the Committees on Armed Services of the Senate and the House of Representatives, the Senators from the State in which such member resides, and the Member of the House of Representatives from the district in which such member resides of such extraordinary award, commendation, or recognition.

AMENDMENT NO. 2471

(Purpose: To improve transitional assistance provided for members of the Armed Forces being discharged, released from active duty, or retired)

At the end of division A, add the following:

TITLE XV—TRANSITION SERVICES

SEC. 1501. SHORT TITLE.

This title may be cited as the ''Veterans' Enhanced Transition Services Act of 2005''.

SEC. 1502. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.

(a) PRESEPARATION COUNSELING.—Section 1142 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4) For members of the reserve components of the armed forces (including members of the National Guard on active duty under title 32) who have been serving on active duty continuously for at least 180 days, the Secretary concerned shall provide preseparation counseling under this section on an individual basis to all such members before such members are separated.''; and

(2) in subsection (b)—

(A) in paragraph (4), by striking ''(4) Information concerning'' and inserting the following:

''(4) Provision of information on civilian occupations and related assistance programs, including information concerning—

''(A) certification and licensure requirements that are applicable to civilian occupations;

''(B) civilian occupations that correspond to military occupational specialties; and

''(C)''; and

(B) by adding at the end the following:

''(11) Information concerning the priority of service for veterans in the receipt of employment, training, and placement services provided under qualified job training programs of the Department of Labor.

''(12) Information concerning veterans small business ownership and entrepreneurship programs of the Small Business Administration and the National Veterans Business Development Corporation.

''(13) Information concerning employment and reemployment rights and obligations under chapter 43 of title 38.

''(14) Information concerning veterans preference in federal employment and federal procurement opportunities.

''(15) Contact information for housing counseling assistance.

''(16) A description, developed in consultation with the Secretary of Veterans Affairs, of health care and other benefits to which the member may be entitled under the laws administered by the Secretary of Veterans Affairs.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 1142. Members separating from active duty: preseparation counseling''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of title 10, United States Code, is amended by striking the item relating to section 1142 and inserting the following:

''1142. Members separating from active duty: preseparation counseling.''.

(c) DEPARTMENT OF LABOR TRANSITIONAL SERVICES PROGRAM.—Section 1144 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ''paragraph (4)(A)'' in the second sentence and inserting ''paragraph (5)(A)''; and

(2) by adding at the end the following new subsection:

''(e) TRAINING SUPPORT MATERIALS.—The Secretary concerned shall, on a continuing basis and in cooperation with the Secretary of Labor, update the content of all materials used by the Department of Labor that provide direct training support to personnel who provide transitional services counseling under this section.''.

SEC. 1503. FOLLOW UP ASSISTANCE FOR MEMBERS OF THE ARMED FORCES AFTER PRESEPARATION PHYSICAL EXAMINATIONS.

Section 1145(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, ensure that appropriate actions are taken to assist a member of the armed forces who, as a result of a medical examination under paragraph (4), receives an indication for a referral for follow up treatment from the health care provider who performs the examination.

''(B) Assistance provided to a member under paragraph (1) shall include the following:

''(i) Information regarding, and any appropriate referral for, the care, treatment, and other services that the Secretary of Defense or the Secretary of Veterans Affairs may provide to such member under any other provision of law, including—

''(I) clinical services, including counseling and treatment for post-traumatic stress disorder and other mental health conditions; and

''(II) any other care, treatment, and services.

''(ii) Information on the private sector sources of treatment that are available to the member in the member's community.

''(iii) Assistance to enroll in the health care system of the Department of Veterans Affairs for health care benefits for which the member is eligible under laws administered by the Secretary of Veterans Affairs.''.

SEC. 1504. REPORT ON TRANSITION ASSISTANCE PROGRAMS.

(a) REPORT REQUIRED.—Not later than May 1, 2006, the Secretary of Defense shall, in consultation with the Secretary of Labor and the Secretary of Veterans Affairs, submit to Congress a report on the actions taken to ensure that the Transition Assistance Programs for members of the Armed Forces separating from the Armed Forces (including members of the regular components of the Armed Forces and members of the reserve components of the Armed Forces) function effectively to provide such members with timely and comprehensive transition assistance when separating from the Armed Forces.

(b) FOCUS ON PARTICULAR MEMBERS.—The report required by subsection (a) shall include particular attention to the actions taken with respect to the Transition Assistance Programs to assist the following members of the Armed Forces:

(1) Members deployed to Operation Iraqi Freedom.

(2) Members deployed to Operation Enduring Freedom.

(3) Members deployed to or in support of other contingency operations.

(4) Members of the National Guard activated under the provisions of title 32, United States Code, in support of relief efforts for Hurricane Katrina and Hurricane Rita.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. I thank my colleague from Michigan for working together with colleagues on both sides of the aisle. We achieved a substantial amount of work. Tomorrow we will return, and my rough calculation with regard to the amendments is of the 12 on the majority side, we have the Chambliss amendment, which might be subject to a second degree; we have the Ensign amendment, which is now the pending amendment; there is an amendment by Senator TALENT, Senator GRAHAM, Senator INHOFE that involves prayer at the service academies; Senator FRIST in recognition of our troops and others participating in the war against terrorism; and consent to Brownback which is an amendment regarding personal notification relating to the men and women of the Armed Forces in cases where he deems parental consent is appropriate. And the Senator from Virginia, Senator WARNER, has an amendment.

I have the list of the Senator from Michigan. Six of the 12 amendments have been acted upon by the Senate. To the extent the Senator can advise the Senate of the remaining amendments, it would be helpful.

Mr. LEVIN. Mr. President, I thank my good friend from Virginia. We have on our side disposed of six amendments. We are trying to boil down the balance of the amendments. We have to boil down to six. We have not yet done that. I don't want to identify which ones other than to say we know there will be a Dorgan amendment on the Truman Commission which we hope will come immediately after lunch tomorrow. There is still a surplus of amendments we have to work out.

Mr. WARNER. I bring to the attention of my good friend and colleague, we have provided the Senator with copies of the amendments by Senator CHAMBLISS, Senator ENSIGN, Senator TALENT. The amendment by Senator GRAHAM is still under work. Senator INHOFE, you have that amendment. Senator FRIST's amendment we have not as yet distributed. The Brownback amendment will be provided to you tonight. And we have not as yet provided you with the one of the Senator from Virginia.

Mr. LEVIN. To be more helpful, the Dorgan amendment has been filed.

There is a likelihood there will be a Durbin amendment on Guard and Reserve which also has been filed. I don't want to lock that in as one because we are still juggling. That has been filed. It is likely that will be one of the six.

Mr. WARNER. That would not be the proposed second degree to the Chambliss amendment? The Chambliss amendment is Guard and Reserve, too.

Mr. LEVIN. I don't think it is, but I am not certain.

Mr. WARNER. This is helpful to colleagues as they are doing their work tonight in support of what we are trying to achieve with final passage tomorrow.

AMENDMENT NO. 2423

Mr. DODD. Mr. President, I would like to briefly discuss an amendment that was offered to the Defense Authorization bill yesterday by the Senators from Colorado. I voted against this measure, and I did so with some reservation.

If approved by this body, this amendment would have provided retirement benefits to government contract workers, who, by no fault of their own, now find themselves denied of pension and lifetime medical benefits that they were expecting to receive. In fact, the tragedy of their situation is that because of these workers' efficiency, they are actually being denied pensions and health insurance—in this case, they are clearly victims of their own success.

As the Senators from Colorado explained, the Federal Government had given employees of Kaiser Hill Company until December 15, 2006 to complete their work decontaminating and demolishing the former nuclear weapons facility at Rocky Flats. However, because Kaiser Hill's workers finished their work a year ahead of schedule, they are being penalized under the terms of their contract.

Like countless other Federal contracts, the arrangement for Rocky Flats workers used a numerical formula for determining who would receive lifetime benefits after the work's completion—if the sum of an employee's age and years of employment at the nuclear weapons plant added up to 70, the worker would be fully eligible for these benefits. But with Kaiser Hill declaring the job complete 14 months before their deadline, over 70 workers who would have qualified for these benefits could not.

I commend the Senators from Colorado for offering their amendment. They have every right to be troubled by the way workers in their State have been affected by this contract. And I share their deep concern that rather than be rewarded for their good work, the workers of Rocky Flats are actually unable to obtain the benefits that they had expected. Under terms of such a contract there is absolutely no incentive for workers to perform as effectively as these fine Kaiser-Hill employees did. I cannot disagree with that notion at all.

Nonetheless, yesterday, I felt compelled to vote against the amendment—not because it was offered without the best of intentions. I believe that the workers of Kaiser-Hill deserve to be commended for their quick and thorough work. However, I am afraid that if we are to single out these workers' contract, Congress would be creating an unfair standard that would help one segment of the Nation's Federal contracting workforce while leaving the rest without any similar support.

If this amendment had been approved, I would be concerned about benefiting some to the exclusion of others who might be deserving of similar consideration. I believe that we ought to revisit the issues facing these workers in the context of other Federal contract employees who might be in a similar situation. I stand ready to work with my colleagues from Colorado as well as others from other States who share my concern about these workers, who have been penalized due to no fault of their own. I believe that the Senators from Colorado have identified a critically important problem with formulas being used to regulate benefit disbursements in Federal contracts. And I hope these issues will be revisited to ensure that we are rewarding good and efficient performance and providing American workers the benefits that they deserve.

VOTE EXPLANATION

Mr. HATCH. Mr. President, I was necessarily absent from the vote on amendment No. 2423, Senator ALLARD's amendment, during consideration of the Fiscal Year 2006 Defense Authorization bill. As my constituents know, with my wife Elaine, I was hosting the 21st Annual Utah Women's Conference. Mr. President, this is an important event, in which the women of the State of Utah can directly inform our State's leaders about the issues that affect them and their families.

Had I been present to vote on Senator ALLARD's amendment, I would have voted against the proposal.

AMENDMENT NO. 1514

Mrs. FEINSTEIN. Mr. President, I rise today in support of the amendment to the FY06 National Defense Authorization Act that authorizes the Navy to convey approximately 230 acres of open space land along the eastern boundary of Marine Corps Air Station Miramar to the County of San Diego in order to provide access to the historic Stowe Trail.

The Stowe Trail at one time functioned as the primary road leading to the historic town of Stowe, and now links the Goodan Ranch and Sycamore Canyon Preserves in the north with the Mission Trails Regional Park and Santee Lakes Regional Recreation Area further south.

According to county records, up until the 1930s when access to this portion became restricted for military use, the Stowe Trail had served for some 80 years as the principle thoroughfare between the towns of Santee and Poway.

The 230 acres of land that would be conveyed by the Navy under this provision include diverse plant and animal life and environmentally-sensitive habitats and would provide a natural wildlife corridor between the two preserves, as well as with the Santee Lakes Recreation Area.

Under the control of the County of San Diego, this land will become part of an extensive open space trail system that will not only increase recreational opportunities in the region, but will also provide buffer zone that will mitigate against potential encroachment that could impact the essential military missions at Marine Corps Air Station Miramar.

It is important to point out that this proposed land conveyance is the fruition of a process set in motion jointly by the San Diego County Board of Supervisors and Marine Corps Air Station Miramar in 2002.

Both sides have worked together closely since that time to ensure that the result will be a win-win situation for both the County and the Marines.

For example, as part of the land conveyance process, the County of San Diego has fully committed to compensate the Navy by paying the full fair market value for this property.

AMENDMENT NO. 2424

Mr. NELSON of Florida. Mr. President, for the last 4 years I have been talking about the unfair and painful offset of the Defense Department's Survivors Benefits Plan against Veteran's Affairs Dependency and Indemnity Compensation, or DIC.

This offset mistreats the survivors of our service members who die on active duty now and our 100 percent disabled military retirees who purchased this benefit at the end of their careers. It is wrong, we know it, and we have got to fix it.

Taking care of widows and orphans is a cost of war.

I have reminded the Senate of the Good Book's words, that in God's eyes the true measure of our faith is how we look after orphans and widows in their distress. And they are in distress. We are in a violent struggle around the world with brutal and vicious enemies. Sadly, American troops are lost every day.

We must never forget that the loved ones left behind by our courageous men and women in uniform bear the greatest pain. Their lives are forever altered; their futures left unclear. They suffer the enduring cost of the ultimate sacrifice, and the Nation that asked for that sacrifice must honor it.

The Department of Defense has provided the Senate several objections to our amendment. For the benefit of my colleagues, I would like to answer each objection.

First, just because the Pentagon objects to the amendment does not mean we should not act. The Pentagon's objections have not stopped Congress from correcting military benefit inequities before. They should not stop us now.

The Pentagon objected to TRICARE For Life. And the Congress supported it anyway.

The Pentagon objected to concurrent receipt for disabled military retirees. And the Congress supported it anyway.

Last year, the Pentagon objected to eliminating the age-62 SBP benefit reduction. And Congress fixed that inequity anyway.

I remind my colleagues that it is Congress' responsibility to ensure our widows and retirees are treated fairly. We are the ones who must recognize that the Nation has an obligation to those who give their lives for our country.

The Defense Department argues that a VA Disability Benefits Commission is studying this, so we should not take any action. There is no indication whatsoever that the commission is actively looking at either of the issues addressed in my amendment. We understand that they are about to ask for a 1 year extension. The fact is that nothing will come out of that commission until at least fiscal year 2009. That is too late to help the World War II and Korean era retirees who should already be ''paid up'' in their SBP. We don't need to study these issues for several more years. The inequities are clear.

The Defense Department argues that SBP and DIC are fully funded and that the offset is consistent with other Government programs. They are not fully funded from the beneficiaries' perspective, because one offsets the other. The fact that other Government programs have offsets is irrelevant when you consider the sacrifices of military members and widows for the rest of the country.

This same argument was used to argue against concurrent receipt of retired pay and disability compensation, but the Congress rejected it 2 years ago. When military duty causes the disability or death of a servicemember, all comparisons with other Government programs seem hollow.

The Defense Department argues that they refund the premiums for the SBP that is not paid to the widows of our 100 percent disable retirees. I know a thing or two about insurance. When someone buys an insurance policy and then dies, no insurance company in America could get away with saying, ''sorry, we're not going to pay; here's a refund of your premiums.''

Not only that, but the Government does not even pay interest on the refunded premiums. However, let a widow get an overpayment from the Government, and the Government insists on collecting interest from her. These widows are rightly saying ''keep your premium refund; give me the benefit we purchased.''

The Department of Defense argues that the law lets widows assign the SBP benefit to their children and, in fact, draw both their VA and SBP benefits. This is not true for the vast majority. It applies only to widows who have children and only to those whose husbands were killed since November 24, 2003. It does absolutely nothing for more than 90 percent of widows affected by this inequity.

Even for those widows with kids, who do have the option, it poses a terrible choice. If they assign the benefit to their children, they lose it completely after their children reach age 18, or 22 if they go to college. One Army Sergeant Major's widow in this situation had two children in college. She made the choice to assign the SBP to them to help them stay in school. But the price of that decision is she will lose her annuity as soon as they graduate, and will have to live on $993 a month. We shouldn't put widows in a position of sacrificing their long-term financial health for the immediate needs of their families.

As usual, the Defense Department says fixing this inequity would cost money. We all acknowledge that this will cost money. Everything we do costs money. But when something is the right thing to do, then we do it. Sometimes we compromise to pay the cost over time. But we find a way to do it. And that is what we should do now.

The Defense Department argues that we shouldn't fix the SBP/DIC offset or the ''Greatest Generation'' SBP tax because we raised the age-62 SBP benefit last year. Not true. For the vast majority of the people affected by my amendment, last year's SBP fix did nothing. Many widows affected by the SBP/DIC offset still have their entire SBP annuity eliminated by the DIC offset. They get zero benefit from last year's change to SBP.

One big reason for that is most servicemembers being killed on active duty today are junior—not 62 years old—and they don't have a very large SBP benefit. Their benefit would be much less than the $993 a month in VA DIC their survivors will receive. But that doesn't mean their loved ones aren't entitled to that small benefit.

Also, last year's law did nothing for the World War II and Korean-era retirees who already have paid almost 20 percent more SBP premiums than later retirees, and who will end up paying one-third more if we don't change the law this year. These benefit changes affect different populations. Just because we brought fairness to one part of the retiree population last year doesn't mean that the others don't deserve fairness too.

The Department of Defense argues that this change isn't needed because we raised the death gratuity to $100,000 and raised Servicemembers' Group Life Insurance, SGLI, to $400,000 earlier this year. It is correct that Congress made those changes, but the idea that fixing the SBP–DIC offset is now unnecessary couldn't be further from the truth.

I am proud to have supported those changes to the death gratuity and SGLI, but they did nothing to help the vast majority of DIC widows and they certainly didn't help our ''Greatest Generation'' retirees. They only help the survivors of those killed in combat since 2001. Thousands of servicemembers gave their lives and their health for their country in hot and cold wars before that date. Their survivors have had no relief and most are living on $993 a month. That is just wrong.

We have gone around and around on this issue over the years. We are in a dangerous and long term war with an evil and intractable enemy. We owe those who go in harm's way the assurance that the loved ones they leave behind will get all the care a grateful Nation can provide. It is the right thing to do, and now is the time to do it.

Mrs. DOLE. Mr. President, these are certainly challenging times for our Nation—particularly as we confront an ever-emboldened terrorist network that seeks to threaten civilized societies and destroy our way of life. The threats are very real and the stakes are very high. Thank God we have men and women who are answering the call of duty by proudly wearing the uniform of the United States and defending our homeland here and abroad. It is imperative that we continually show them and their families just how much we appreciate and honor their service and their sacrifice.

This Defense authorization bill certainly provides for much needed programs that will increase readiness and quality of life for our military personnel, and I applaud our distinguished Armed Services chairman, JOHN WARNER, and Majority Leader FRIST for moving this bill forward. I represent a strong military constituency in North Carolina, and I am delighted that this bill includes several of my proposals addressing critical areas of need. I will briefly highlight a few of them.

One of my amendments makes mental health counseling more accessible for service members and their families. It allows certified and licensed mental health counselors to directly bill TRICARE without a physician's referral, in Under Served Areas—those areas where there is an insufficient availability of mental health care providers.

It is estimated that over half of U.S. counties have no practicing psychiatrists, psychologists, or social workers. Mental health counselors can certainly help fill the void. The Department of Health and Human Services already has in place a loan repayment program to encourage mental health counselors to work in underserved areas. My amendment removes barriers for those counselors to serve our military members—especially the reservists and guardsmen who often live in rural areas.

There is no question that when our military men and women are deployed and separated from their families, the emotional stress and trauma can be unimaginable. It is absolutely imperative that they have access to mental health services not only to mitigate potential long term affects like depression, violence or divorce—but also to ease the

reintegration into their family, and society, following long deployments. Caring for our servicemembers' mental as well as physical health is critical in retaining quality forces for our nation's defense.

In last year's Defense authorization bill, my effort to have marriage and family therapists added to the list of mental health care providers available under TRICARE was successful. But with the ongoing war on terror, the reality is that more needs to be done.

Another area we must all be concerned about is the blatant targeting of servicemembers by predatory lenders. It is an egregious practice that must be stopped. Not only can these practices lead to a cycle of financial and professional suffering for individual servicemembers and their families, but they can also have serious ramifications for our military's operational readiness. Military conduct codes stress financial solvency, and a member with bad credit and mounting debt can face potentially career-ending disciplinary measures.

Many young troops—like many young people across the country—do not have a cushion of savings to use in an emergency, and most are not educated in financial management. In this time of more frequent and extended deployments, servicemembers are faced with extra expenses due to preparing for deployments and family emergencies that can force them or their spouses to look to predatory lenders for short-term relief.

My amendment on predatory lending practices has two components. First, it places the Senate on record acknowledging predatory lending practices. Second, it requires the Defense Department, in consultation with Treasury, the Federal Reserve, the FDIC, and representatives of military charity and consumer organizations, to report to Congress within 90 days on several matters: their current and planned programs to assess the prevalence of predatory lending and to educate servicemembers and their families; and second, their recommendations for specific legislative and administrative actions to prevent or eliminate predatory lending.

The Army has identified personal financial issues as one of the most difficult problems facing military families. I couldn't agree more. This Defense authorization bill will get the ball rolling on some much-needed action, and I am very pleased to have the support of groups such as the Consumer Federation of America, the Center for Responsible Lending, the Military Coalition, and the Fleet Reserve Association.

Finally, another of my amendments directs that acquisition personnel receive training on the requirements and application of the Berry amendment. Implemented in 1941, the Berry amendment requires the Defense Department to give preference in procurement to domestically produced, manufactured, or home grown products. In my view, this is essential to supporting the businesses that supply our troops with the equipment they need to carry out their duties.

I am pleased that each of these amendments has been included in this authorization bill. I believe they reaffirm the commitment of this Congress to our military personnel, to their families, and to our entire Nation.

MORNING BUSINESS

Mr. WARNER. I ask unanimous consent that there be a period of morning business not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECONCILIATION TAX CUT BILL

Mr. VOINOVICH. Mr. President, I rise to comment on the reconciliation tax relief bill that will most likely come before the Senate next week. I felt it necessary to come and speak on this topic because I am thinking of not only our generation but of the generations of our children and grandchildren and the legacy we leave them.

How do the decisions we make in the Senate today affect their lives after we have long left this body? That is a question I will be asking should the Senate, as I expect it will, begin debate on reconciliation for tax cuts.

Last week, Alan Greenspan testified before the Joint Economic Committee and told Congress:

> We should not be cutting taxes by borrowing. We do not have the capability of having both productive tax cuts and large expenditure increases, and presume that the deficit doesn't matter.

I do not know how anyone can say with a straight face that when we voted to cut spending last week to help achieve deficit reductions we can now then turn around 2 weeks later to provide tax cuts that exceed the reductions that we made in spending. It just does not make any sense, and I think it does not make any sense to the American people.

Well, I for one am taking Chairman Greenspan's warning seriously. Last week, I voted to cut spending. And should tax cuts come to the floor next week, I will vote against them. I believe it is the only responsible course of action.

There are three reasons we should oppose tax cuts at this time: No. 1, we cannot afford these tax cuts; No. 2, we do not need these tax cuts; and, No. 3, we should be working on tax reform rather than tax cuts.

In case anyone has forgotten, the deficit for fiscal year 2005 was $317 billion. That was the third largest deficit in our Nation's history. The first and second largest deficits occurred in 2004 and in 2003.

On October 20, the gross Federal debt climbed past $8 trillion. Looking at this chart, you can see what is happening. This is the combined debt, the public and the Government debt. It climbed to over $8 trillion. And according to the Congressional Budget Office, in fiscal year 2005, interest on the public debt grew more rapidly than any other major spending category, rising 14 percent above the fiscal year 2004 level.

So we can see that this debt is escalating rapidly, and it is something about which we should all be very concerned.

Let me put this in perspective. Just the interest payments on the public debt are more than $1,600 for each taxpaying American—more than $1,600 for each tax-paying American. If we could wave a magic wand and stop adding to the deficit today—which we won't—the Federal debt would still be about $28,000 for every person in the United States, and close to $1 million each if it is left to those who are under 20 years of age.

And even if we were to start running surpluses as large as last year's deficit, it would still take us 14 years to pay off just the debt held by the public.

It is time to recognize a simple fact of life. Contrary to what some of my colleagues seem to believe, tax cuts do not pay for themselves.

We have heard about the impact of the previous tax cuts, how in the past few months revenues have exceeded expectations, and how economic growth would pay for all the tax cuts Congress enacted in 2003. But as this chart shows, exceeding expectations does not mean there was no revenue lost as a result of the tax cuts.

As shown on this chart, the red bar indicates what our revenues would have been had we not had the tax cuts. The blue bar shows what the projected revenue was as a result of the tax cuts. The green bar shows what we actually received as a result of the tax cuts. Now, we can see there is a difference between if we had not had the tax cuts and having the tax cuts.

Now, let's go to 2004. Shown in red is what we would have expected in revenues in 2004 had we not had the tax cuts. We had the tax cuts, and shown in blue is what was expected as a result of them. The good news is, we did receive more money than we anticipated from the tax cuts, as shown in the green.

Now, let's go to 2005. Again, the red bar shows what the projection was of what we would have had without the tax cuts. The blue bar shows what the projection was of the revenues we would have because we had the tax cuts. And the green bar shows actually what the revenues were that came in.

The fact is, tax cuts are never free. All during this time, we were adding to the national debt.

Now, I voted for tax cuts in 2001, 2002, and 2003 because the country needed stimulative medicine, and it worked. But like any other medicine, an overdose of tax cuts can, and in my opinion will, do more harm than the original disease.

In 2003, I said that $350 billion in tax cuts would be enough to get the economy moving, and now I am saying that

any more would be an overdose. It is time to put the tax cut medicine back on the shelf, particularly in light of the war in Iraq, our spending on homeland security, and Hurricanes Katrina and Rita.

Just today, the Senate increased mandatory spending over the next 10 years by $9.5 billion.

The second reason to put the tax cut medicine back on the shelf is that most of the provisions included in the reconciliation package do not have to be extended now. In fact, most of the tax cut provisions included in the reconciliation package, including the reduced rates on dividends and capital gains, do not expire until 2008—over 2 years from now.

So here are the provisions of the economic growth plan that we worked on during the last several years. You can see that one of the provisions of the proposal for next week is ''reduced rate on dividends and capital gains.'' This is not going to expire until 2008. Another one is ''section 179 expensing,'' which many of us supported in the bill we passed last year, the JOBS bill. That is not going to expire until 2007.

So the point I am making is, there really is not any need for us to pass these tax cuts next week because most of them are not going to expire until years in the future.

As my colleagues can see, most of the core provisions of the President's tax reform plan, as I mentioned, do not expire until 2010. A handful expire in 2007 or 2008, and only one expires next year.

When Alan Greenspan testified before the Joint Economic Committee last week—I think this is really telling testimony on the part of Chairman Greenspan—a member of the committee asked if he supported extending the 15-percent tax rate for capital gains and dividends. Chairman Greenspan replied that he could only support extending these tax cuts if they were paid for.

According to Chairman Greenspan, large budget deficits will drive up interest rates over time, raising the Government's debt service costs.

I think, as we watch what is happening to interest rates, they are starting to creep up. What we forget is, as they creep up, interest costs are going to take a larger and larger percent of our Federal budget.

I quote Alan Greenspan again:

> Unless the situation is reversed, at some point these budget trends will cause serious economic disruptions.

I will repeat it again. Alan Greenspan:

> Unless the situation is reversed, at some point these budget trends will cause serious economic disruptions.

The fact is, if these tax cuts are so important, we should pay for them, which is why I supported the pay-go amendment to the budget resolution in March, and supported it again last week.

My third reason for opposing piecemeal tax cuts at this time is that the President's Advisory Panel on Tax Reform just released its final report. All of us have heard from families and businesses in our respective States lamenting the complexity and frustration with the current Tax Code.

Well, thanks to our former colleagues, Connie Mack and John Breaux, it seems to me we have a chance to finally do something about it.

Why extend tax deductions piecemeal when we should be considering fundamental tax reform? Our tax structure should be simple, fair, and honest. Our current Tax Code achieves none of these objectives.

I used to prepare my own tax returns and made out tax returns for my clients. I would not touch my tax return today with a 10-foot pole because of the complexities.

I am with the 55 percent of other Americans who have to hire professional help to make out our tax returns. Last year, it is estimated that Americans spent more than 3.5 billion hours doing their taxes, the equivalent of hiring almost 2 million new IRS employees, more than 20 times the agency's current workforce. If the money spent every year on tax preparation and compliance was collected, about $140 billion each year or over $1,000 per family, it could fund a substantial part of the Federal Government, including the Department of Homeland Security, the Department of State, NASA, the Department of Housing and Urban Development, the Environmental Protection Agency, the Department of Transportation, the U.S. Congress, our Federal courts, and all the Federal Government's foreign aid.

Individuals, businesses, and nonprofits must pay these compliance costs, but the Federal Government cannot use them for any useful purpose. Individuals and businesses lose money that they could otherwise save, invest, and spend on their children's education, buy a home, or simply enjoy an extra evening out with the family. But the Federal Government gets nothing. That is the equivalent of stacking money in a pile and lighting a match to it.

We all recognize the need for a simple, fair, and honest Tax Code. This is a win-win goal for everyone. Simply cutting tax compliance costs in half from 20 percent to 10 percent would have the same impact as a major tax cut. Just cutting the compliance costs would be the equivalent of a major tax cut for most Americans, but it would be a tax cut that does not reduce Federal revenues but would guarantee that people are paying their fair share and bring more money into the Federal Treasury.

We all know that fundamental tax reform is critical and that President Bush will be sending us his recommendations in February. I simply cannot understand why some of my colleagues want to make so many provisions of the current Tax Code permanent or add new tax cuts, when next year we very well may be eliminating the same provisions as part of fundamental tax reform. Why do it now when we are expecting the President to come back with a fair and simple, honest tax reform package? Again, this is not the time for piecemeal tinkering. No homeowner would remodel their kitchen and bathroom the year before tearing down the house to build a newer and better one. That is, in effect, what we would be doing next week if we vote for these cuts.

In closing, I reiterate the three reasons we should oppose tax cuts at this time. No. 1, we cannot afford them because of our soaring deficit and national debt. Putting our spending on the credit card of our kids is unconscionable, particularly because they will have to work harder and smarter to compete in the global marketplace to maintain our current standard of living and quality of life.

Two, we do not need these tax cuts at this time. If this body believes we must have them, we should follow Alan Greenspan's advice and pay for them. If these tax cuts are so important to the economy, then let's pay for them.

And third, from a public policy point of view, these tax cuts are premature because in the very near future, we may well change them as part of fundamental tax reform and simplification.

I thank my colleagues for their attention and urge them to vote against the tax cuts proposed next week. I reaffirm a Republican principle we have held dear over the years and one that I adhered to as mayor of the city of Cleveland and Governor of Ohio; that is, balance budgets and reduce deficits.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

50TH ANNIVERSARY OF THE ALASKA CONSTITUTIONAL CONVENTION

Mr. STEVENS. Mr. President, today marks the 50th anniversary of the Alaska Constitutional Convention. I speak to pay tribute to those who contributed to this milestone in our State's history.

When the Constitutional Convention began on November 8, 1955, Alaska was a territory foundering under the weight of discriminatory Federal legislation.

Alaskans were denied control and management of our fisheries. We were denied our share of Federal highway funds. We were denied the ability to expand our economy because of unfair land laws. We were denied the right to vote for our President and Vice President. And we were denied full representation in Congress.

Our economy had been damaged by article 27 of the Jones Act, which Congress passed in 1920. This act specifically excluded Alaska from the United States' ship and rail system. It required all goods and services be diverted through Seattle, which drove up prices and pushed many Alaskans out of business.

As former territorial governor Ernest Gruening told the convention delegates in 1955, Alaska was ''no less a colony than were those thirteen colonies along the Atlantic seaboard in 1775.'' Governor Gruening then quoted the United States Declaration of Independence and told the delegates it was time for Alaska to ''let facts be submitted to a candid world.''

Fifty-five men and women were chosen to serve as convention delegates. The number 55 was selected to reflect the Philadelphia Convention of 1787, which produced the Constitution of the United States.

On November 8, 1955, the delegates met at the University of Alaska in Fairbanks. They worked for 75 days, and their efforts produced a precedent-setting constitution, which formed the basis for Congressional approval of statehood.

Thanks to the dedication of George Lehleitner of Louisiana and C.W. Bill Snedden, publisher of the Fairbanks Daily News-Miner, our constitution included Alaska's version of the ''Tennessee plan,'' which had been used successfully by Tennessee, Michigan, California, Oregon, Kansas, and Iowa to gain admission to this Union. Under this plan, our territory elected a Congressional delegation without waiting for Congressional approval.

When they began their deliberations 50 years ago today, no one could have predicted how successful our convention delegates would be. They considered the needs of Alaskans who lived in the territory and the needs of those who would later live in our State. Their foresight gave us the document that has stood the test of time and been hailed as a model of state constitutions. And their efforts set in motion the series of events that led to statehood.

Before the Constitutional Convention, there were many who questioned whether Alaskans could be entrusted with statehood. They thought we were too far-removed from the lower 48, too different. Those who participated in the drafting of our constitution changed this. Our constitution affirmed our commitment to the democratic ideals upon which this Union was founded.

The 55 convention delegates were devoted public servants who became Alaska's founding mothers and fathers. Today, five of those delegates are meeting in Anchorage. They are:

George Sundborg, Sr., a newspaperman who served as chair of the convention's committee on style and drafting. George later served as Senator Ernest Gruening's top aide in Washington, DC.

Dr. Victor Fischer, who served as chair of the convention's committee on the Executive Branch. Vic was later elected to the territorial House of Representatives and served the State he helped create in the Alaska State Senate.

John ''Jack'' Coghill, who was chair of the convention's committee on administration. Jack was a member of the territorial House of Representatives and later served as mayor of Nenana, State Senator, and Alaska's Lieutenant Governor.

Seaborn Buckalew, a member of the territorial House of Representatives who later served as a State Senator, Assistant Adjutant General of the Alaska National Guard, and U.S. District Attorney and Superior Court Judge for the 3rd Judicial District.

Burke Riley, who served as chair of the convention's committee on rules. Burke was a special assistant to Governor Gruening and the Secretary of Alaska from 1952 through 1953, a position similar to today's lieutenant governor. He also served in the territorial House of Representatives.

Today, these delegates are joined by:

Thomas Stewart, who served in the territorial legislature and chaired its Joint Committee on Statehood and Federal Legislation, which drafted the Convention Enabling Act. Tom served as secretary of the convention and later became an Alaska Superior Court Judge. He played a key role in establishing our State's court system.

Katherine Hurley, who was the longtime executive secretary to territorial Governor Ernest Gruening and secretary of the territorial senate. Ms. Hurley served as chief clerk of the convention.

Doris Ann Bartlett, the daughter of my predecessor, Senator Bob Bartlett. Doris served as librarian of the convention.

Also in Anchorage today are three consultants who advised the convention delegates:

Dr. George Rogers, who served as temporary secretary and economics consultant,

Dr. Vincent Ostrum of the University of Indiana, and

Dr. Earnest Bartley of the University of Florida.

On behalf of all Alaskans, Senator LISA MURKOWSKI and I have come to the floor today to thank these men and women whose hard work laid the foundation for the 49th State.

In his speech closing the proceedings, Bill Egan, the president of the Constitutional Convention who later served three terms as Alaska's Governor, said:

> I say to each and every Alaskan: If it had been your good fortune, as it has been mine, to have witnessed the abilities, the diligence, the devotion to duty, of these delegates . . . you would say of their labors, ''well done!''

Bill Egan's words endure today. Well done, thank you, and God bless each of you!

I yield the remainder of my time to Senator MURKOWSKI.

The PRESIDING OFFICER. The junior Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I thank my colleague and I, too, thank the Senator from Virginia for allowing us to speak today on the 50th anniversary of the convening of the Alaska Constitutional Convention.

Although it has not quite been 50 years since Alaska's statehood, it was half a century ago today that 55 delegates from around the State met to debate what would become the Alaska Constitution.

Prior to the Constitutional Convention, the Convention's secretary, Thomas Stewart, traveled around the country for 6 months looking at other States' constitutions and how their provisions may work in Alaska. Later, 55 delegates were elected from every region in Alaska, and on November 8, 1955, the delegates met in Fairbanks at the University of Alaska. As the country was shrouded in the Cold War, Alaska's Territorial Governor Ernest Gruening stood to address the Constitutional Convention, and said:

> Alaska has a great, great destiny. We are here situated by geography and by history in the farthest north and our farthest west in a unique position to achieve that destiny. We were formerly part of a country which today, under changed government, represents the antithesis of everything that we believe in and of everything we hold dear. We have a geographic juxtaposition to that area. We can see it from our mainland with the naked eye. What a challenge then to create in these far northern latitudes a shining and eternal example of what we want to call the American way of life, to make Alaska not merely a bulwark defense for the whole hemisphere, for the free world, but a spiritual citadel of the American idea. It can only be done by the application to Alaska of basic American principles, the most basic of which is government by consent of the governed. So you have here a thrilling opportunity, and I know you will live up to it.

Those were the words of Governor Gruening.

Alaska did. The Alaska Constitution was the result of the hard work of the pioneers of the last frontier. Five of those delegates to the constitutional convention are still alive today, as Senator STEVENS mentioned. I take a brief moment to recognize the accomplishments of these outstanding Alaskans.

First, Victor Fisher was a member of the Alaska Territorial House of Representatives and the Alaska State Senate. Mr. Fisher was born in Germany, with an American father and Russian mother. Mr. Fisher has also worked at the University of Alaska, primarily as the director of the Institute of Social and Economic Research.

George Sundborg, Sr., began his life as a newspaper journalist, an editor, a publisher, and owner. After the constitutional convention, Mr. Sundborg continued his service to Alaska as a staff member to the territorial Governor.

John B. ''Jack'' Coghill was a representative in the Alaska Territorial House of Representatives. After the convention, Mr. Coghill continued to

serve the State as president of the Alaska School Board Association and then as our State's Lieutenant Governor.

Mr. Burke Riley served as the Territorial Secretary of Alaska and served two terms in the Alaska Territorial Legislature. As a delegate to the Alaska constitutional convention, Mr. Riley served as the Rules Committee chairman. Mr. Riley also served as a chief of staff to Governor Egan and assisted in setting up the government of the State of Alaska during Governor Egan's extended illness.

And Seaborn Buckalew served in the Territorial House. After the convention, Mr. Buckalew was appointed to the superior court where he served many years. He was also an Active National Guard member.

The result of the hard work of these delegates was a constitution that the National Municipal League said was ''one of the best if not the best State constitution ever written.'' The Alaska constitutional convention would not have been a success without the assistance of staff and consultants. I mentioned the contribution of Thomas Stewart. There was also that from Katherine Hurley, Dr. George Rogers, and Doris Ann Bartlett. I also thank the two surviving consultants, Dr. Vincent Ostrum and Dr. Earnest Bartley, for their service to Alaska.

I was not yet born at the time that Alaska's Constitution was created, but that document continues to serve Alaska's leaders as a roadmap to our State's future. Alaska's constitutional convention didn't just set the wheels in motion toward statehood, it has guided my generation and my children's generation and will be a guide to future generations of Alaskans forward.

As Governor Gruening put it, ''a shining and eternal example of what we want to call the American way of life.''

HONORING OUR ARMED FORCES

DEATH OF ARMY SPECIALIST DARREN HOWE

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Darren Howe of Beatrice, NE, a specialist in the U.S. Army. Specialist Howe died of wounds suffered after his Bradley fighting vehicle was struck by a roadside bomb on October 17, near Samarra, Iraq.

Though severely burned, Specialist Howe regained control of the Bradley, and helped evacuate soldiers in the rear of the vehicle. His efforts helped save the lives of his fellow soldiers. He was 21 years old.

Specialist Howe grew up in Beatrice, NE, and graduated from Beatrice high school in 2003. He joined the Army Reserve in High School, and upon graduation enlisted in the Army full time. Specialist Howe was a member of Company A, 1st Battalion, 15th Infantry Regiment, 3rd Infantry Division, Fort Benning, GA. Specialist Howe will be remembered as a loyal soldier who had a strong sense of duty, honor, and love of country. Thousands of brave Americans like Specialist Darren Howe are currently serving in Iraq.

Specialist Howe is survived by his wife Nakia and their two children, Shaye-Maleigh, 3, and Gary-Dean, 1. He is also survived by his mother and stepfather, JoDee and Greg Klaus of Beatrice; father and stepmother, Steve and Beau Howe of Emporia, KS, brother Brandon Howe and step-brother Alex Klaus. Our thoughts and prayers are with them at this difficult time. America is proud of Specialist Howe's heroic service and mourns his loss.

I ask my colleagues to join me and all Americans in honoring Specialist Darren Howe.

TRIBUTE TO PRIVATE FIRST CLASS TYLER MACKENZIE

Mr. ALLARD. Mr. President, today I honor the life of PFC Tyler Ryan MacKenzie who was assigned to the 502nd Infantry Regiment, 2nd Brigade Combat Team, 101st Airborne Division. His service to the U.S. Army led Private MacKenzie of Evans, CO, to Fort Campbell, KY, and eventually Iraq. Last Wednesday his life, along with three of his fellow soldiers, came to an end when his vehicle was struck by a roadside bomb.

Today we have many remarkable men and women serving in our military with a strong sense of dedication to the United States. Tyler himself came from a line of military servicemen in his family and he too felt an obligation to serve in the Armed Forces. Private MacKenzie's family is proud of his service to our country.

The democratic milestones reached in Iraq in the last 2 years would not have been possible without dedication of our brave men and women in uniform and support provided by their loved ones. At this difficult time my heart goes out to Tyler's family and all those who take part in the noble cause of protecting freedoms that we all enjoy. I am thankful for Tyler MacKenzie and those that preceded him in making the ultimate sacrifice. Their lives should be honored by firmly resisting the enemy and completing the mission.

IN HONOR OF ARMY SPECIALIST DARREN HOWE

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Army SPC Darren Howe of Beatrice, NE.

Specialist Howe, 21, began his service in the Army Reserve. He graduated in 2003 from Beatrice High School and decided to join the Army full-time. Specialist Howe was assigned to A Company, 1st Battalion, 15th Infantry Regiment, 3rd Infantry Division, Fort Benning, GA.

On October 17, 2005, SPC Darren Howe was mortally wounded when an improvised explosive detonated close to the Bradley fighting vehicle he was driving near Samarra, Iraq. He was treated in Germany before being taken to Brooke Army Medical Center in Texas, where he died on November 3, 2005.

Specialist Howe is survived by his wife, Nakia, who lives in Plymouth, NE. Darren and Nakia are the parents of a 3-year-old daughter, Shaye-Maleigh, and a 1-year-old son, Gary-Dean. I would like to offer my sincere condolences and prayers to the family and friends of Specialist Howe. His noble service to the United States of America is to be respected and remembered by all. Every American and all Nebraskans should be proud of the service of brave military personnel such as SPC Darren Howe.

IN HONOR OF ARMY CAPTAIN JOEL CAHILL

Mr. President, I rise today to honor Army CPT Joel Cahill of Papillion, NE.

CPT Joel Cahill, 33, was a selfless and honorable man whose commitment and service to his country earned him the Soldier's Medal, which is awarded for selfless action in noncombat situations. He graduated from Papillion-La Vista High School before graduating magna cum laude in 1999 from the University of Nebraska at Omaha. He was serving his fourth tour of combat duty and in the 1st Battalion, 15th Infantry from Fort Benning, GA.

On November 6, 2005, Captain Cahill was patrolling an area in Anbar Province in western Iraq when a roadside bomb detonated, mortally wounding him.

Captain Cahill is survived by his wife, Mary; his parents, Larry and Barbara Cahill; and numerous other family members, friends and fellow soldiers. Joel and Mary are the parents of two children, Faith, 4, and Brenna, 3. I would like to offer my sincere condolences and prayers to the family and friends of Captain Cahill. His noble service to the United States of America is to be respected and remembered by all. Every American and all Nebraskans should be proud of the service of brave military personnel such as CPT Joel Cahill.

IN HONOR OF ARMY STAFF SERGEANT JASON FEGLER

Mr. President, I rise today to honor Army SSG Jason Fegler of Harrisburg, NE.

Staff Sergeant Fegler, 24, graduated from Banner County High School before serving for more than 4 years in the Marine Corps. He then joined the Army where he served in the 101st Airborne. He died November 4, 2005, following a month of service in Iraq.

Staff Sergeant Fegler is survived by his wife, Shianne, who is in the Navy and lives in Virginia Beach, VA. Jason and Shianne are the parents of a 2-year-old son, Aiden. He is also survived by his father, Jim Fegler, and numerous other family members, friends, and fellow soldiers.

I would like to offer my sincere condolences and prayers to the family and friends of Staff Sergeant Fegler. His noble service to the United States of America is to be respected and remembered by all. Every American and all Nebraskans should be proud of the service of brave military personnel such as SSG Jason Fegler.

THE COMBAT METH ACT

Mr. LEAHY. Mr. President, methamphetamine abuse has increased exponentially in recent years, expanding geographically to reach all corners of the United States. In recent years, the problem has made its way to Vermont. I am concerned about escalating methamphetamine abuse and have worked with other interested Senators to find ways to combat this growing problem.

With Senator FEINSTEIN taking the lead, on July 28, 2005, the Senate Judiciary Committee unanimously reported out the Combat Meth Act, S. 103, with a committee amendment. I worked with Senator FEINSTEIN and the other members of the committee to reach this result.

In September, I worked with Chairman SHELBY and Senator MIKULSKI to take the unusual action of including the Combat Meth Act as an amendment to the Commerce Justice Science appropriations bill. I did this to accommodate Senator FEINSTEIN's request and to try to make progress on this measure. By that action the Senate approved the Combat Meth Act, S. 103, as reported by the Judiciary Committee, as an amendment and then in passage of the bill. House conferees would not agree to the Senate bill. Without agreement on such an authorization, it was not retained in the appropriations conference report.

Last Thursday, I honored the request of Senator FEINSTEIN and worked to clear the Combat Meth Act, S. 103, as reported by the Judiciary Committee, for passage by the Senate as a free-standing bill. It is clear on the Democratic side. It has been clear for days. All Senate Democrats are ready to pass that measure. It is being prevented from passage by an anonymous objection from the Republican side of the aisle.

The Senate's bipartisan bill focuses directly on providing law enforcement and prosecutors the tools they told us they needed. These include putting precursor chemicals behind the pharmacy counters, monitoring and regulating the quantities that can be bought in a 30-day period, and making it harder to smuggle such ingredients into the United States. The Senate bill focuses on prevention, regulation, monitoring, and treatment. Our bill would make it harder for people to enter the nightmarish world of methamphetamine use and abuse, harder for other countries and companies to profit from methamphetamine misery, and easier for law enforcement to combat this problem on the ground.

I know that Senator FEINSTEIN has been working tirelessly for years to do something about this important issue. She has been tenacious and dedicated, and I respect her leadership in this area. She and Senator TALENT know that I have tried to accommodate them and to facilitate passage of this legislation.

ABUSE OF FOREIGN DETAINEES

Mr. LEAHY. Mr. President. The Bush administration has steadfastly refused to address the black mark on our Nation caused by its interrogation policies and practices and the resulting abuse of detainees. Some of us in Congress strongly believe that oversight and accountability are paramount to restoring America's reputation as a human rights leader. We have been stymied in our efforts to learn the truth about how this administration's policies trickled down from offices in Washington to cellblocks in Abu Ghraib, Guantanamo, and Afghanistan.

The administration's effort, led by Vice President CHENEY, to block any legislation that would regulate the treatment of detainees is wrong. Also wrong is the Bush administration's refusal to consider an independent commission to investigate the abuses. It would rather rely on internal, piecemeal investigations conducted within the Defense Department, none of which address the significant role of the Central Intelligence Agency in interrogations.

Given the failure of the Republican-controlled Congress to conduct effective oversight, I support the Levin amendment to the Defense authorization bill to establish an independent commission on the treatment of detainees in U.S. custody. I have spoken many times about the need for a comprehensive, independent investigation into the abuse of detainees. Such an investigation may not be without painful, but accountability is a necessary step if we are to recover from all that has transpired during this administration's watch.

I am not alone in calling for an independent commission. Several organizations, including the American Bar Association, Human Rights First, Amnesty International, and Human Rights Watch, have urged the creation of an independent, bipartisan commission to investigate the prisoner abuses. A letter from eight retired generals and admirals to President Bush asked him to appoint a prisoner abuse commission modeled on the 9/11 Commission. In that letter, the flag officers stated, ''internal investigations by their nature suffer from a critical lack of independence. Americans have never thought it wise or fair for one branch of government to police itself.''

The 9/11 Commission provides more than a structural model for a new commission; it also provides a lesson in how perseverance can overcome the Bush administration's inclination to secrecy and to refuse to acknowledge the facts. The Bush administration initially opposed the formation of the 9/11 Commission, just as it now opposes a prisoner abuse commission. The administration used the same argument against both commissions. It asserts that its own internal investigations are sufficient.

Ironically, Dr. James Schlesinger, the head of a panel established by Secretary Rumsfeld to investigate the prisoner abuses, addressed this issue in his testimony to the Senate Government Affairs Committee in February 2002, as it debated the need for the 9/11 Commission. He argued for the creation of the 9/11 Commission because ''to this point many questions have been addressed piecemeal or not at all. The purpose of the National Commission would be systematically and comprehensively to address such questions and to give a complete accounting of the events leading up to 9/11. In my judgment, such a Commission would serve a high, indeed indispensable, national purpose.'' This is exactly the same reason we need an independent commission to investigate the prisoner abuse scandals.

Ignoring the problem will not make it go away. Delaying the accounting will not solve the problems. Each week brings new allegations that reveal how much we still do not know. Human rights groups and journalists are doing what they can to bring the truth to light. It is past time for Congress to hold a thorough, oversight investigation. The least Congress should finally do is establish an independent commission to investigate these matters. Rather than wait to read about the latest discovery of abuse in tomorrow's paper, let us at least do that.

After months of delay from the Republican Senate leadership, the Senate finally had an opportunity last month to vote on clear guidance for treatment of detainees in U.S. custody. When we did, the Senate voted overwhelmingly, 90 to 9, in favor of Senator MCCAIN's amendment to the Defense appropriations bill, which I was glad to cosponsor along with Senator DURBIN and others.

That same amendment was adopted a second time to the Defense Authorization bill and I, again, cosponsored it.

Our credibility and reputation as a world leader in human rights has suffered greatly during the last few years. The scandals have put our own troops at risk and undermined their efforts in Afghanistan and Iraq.

Many of us have been working on these issues for years. I first wrote to Condoleezza Rice in 2003, after reports of deaths of detainees were reported from the Bagram base in Afghanistan in late 2002. Like so much we have learned, those first reports came from the press and human rights groups, not the Bush administration.

The Bush administration has threatened to veto any legislation that would regulate the treatment of detainees. Vice President CHENEY is reported to be personally lobbying on this matter.

A group of 28 senior military officers, including GEN John Shalikashvili, recently wrote to Senator MCCAIN in support of his amendments addressing detainee treatment. That letter states:

The abuse of prisoners hurts America's cause in the war on terror, endangers U.S. service members who might be captured by the enemy, and is anathema to the values

Americans have held dear for generations. . . . Our service members were denied clear guidance, and left to take the blame when things went wrong. They deserve better than that.

I hope the President will consider these words before he vetoes a bill that contains our amendment.

Prisoner abuse by U.S. personnel is deeply troubling. It is one aspect of a broader problem. While we must ensure that prisoners are treated humanely by our own personnel, we must also prohibit the use of so-called extraordinary renditions to send people to other countries where they will be subject to torture.

The Bush administration says that it does not condone torture, but transferring detainees to other countries where they will be tortured does not absolve our Government of responsibility. By outsourcing torture to these countries, we diminish our own values as a nation and lose our credibility as an advocate of human rights around the world.

We have addressed this issue before. Congress implemented article 3 of the Convention Against Torture in the Foreign Affairs Reform and Restructuring Act of 1998, but this administration has exploited loopholes in that law to transfer detainees to countries where they are subjected to torture. Attorney General Gonzales recently said that U.S. policy is not to send detainees ''to countries where we believe or we know that they're going to be tortured,'' but he acknowledged that we ''can't fully control'' what other nations do, and added that he does not know whether countries have always complied with their promises. In fact, they have not.

I introduced legislation in March to close the loophole and to prevent extraordinary renditions. Now that Congress is finally willing to regulate the treatment of detainees—a power that is expressly granted in the Constitution—I hope that the Senate will support my legislation to prohibit renditions.

THE SECOND CHANCE ACT

Mr. OBAMA. Mr. President, I rise today to speak in favor of the Second Chance Act, a bill to strengthen community safety by improving the reintegration of people returning from prison. I am pleased to work with Senators SPECTER, BIDEN, and BROWNBACK and to be an original cosponsor of this bill.

This year, approximately 650,000 prisoners will be released into communities across America communities in which all of us live. They will have paid their debt to society and will now return to their homes and neighborhoods, to their families, and back to their lives. Their communities are our communities; their success is an important part of our success as a larger community and a nation.

The problem is that for most of these men—and more than 9 out of 10 of them are men—their families, neighborhoods, and prior lives often lack what it takes to ensure successful reintegration. If we punish crime, as we should, then we must also recognize that when punishment is concluded, there are lives that must be resumed constructively. We only hurt ourselves and our own communities if we fail.

That is why the Second Chance Act is so important. It is the leading edge of a smart community response to the challenges we all face from this inevitable feature of our justice system.

In the best of cases, incarcerated individuals maintain contact with their families and receive rehabilitation services while in prison; they are released to a network of law-abiding peers and quickly find a rewarding job that provides the skills and career development for long-term opportunity. Released prisoners can help support their families, become active in their churches and other community organizations, stay off drugs, away from trouble, on track, and out of jail.

Unfortunately, that rarely happens. Up to two-thirds of all released prisoners nationwide end up back in prison within just 3 years. That means that of the 1,800 people released from prisons every single day in this country, almost 1,200 fail to make a successful transition into the world of work and responsibility. They do not manage to find and keep effective jobs and to care for themselves and their families. Many become a drain on their families and a drain on the system. They are more likely to resort to criminal activity and to perpetuate poverty and family dysfunction.

And their failure is our failure since we all share the high cost and other burdens of unemployment, crime, community failure, and cycles of recidivism.

The Illinois Department of Corrections released almost 40,000 people in 2004. A recent Chicago study found that only 30 percent of former prisoners were employed when interviewed 4 to 8 months after release, and of those who succeeded in finding at least some form of legal employment, the average cumulative length of employment was 13 weeks. The same study found that 81 percent of former prisoners were uninsured, and only 29 percent of those working full time had health insurance. Of the people released by the Illinois Department of Corrections three years ago, almost 55 percent of adults and 47 percent of juveniles have already returned to custody. This is a revolving door of failure that must stop.

Fortunately, smart people in hundreds of communities and community organizations all across the country have figured out ways to improve this performance and create constructive places for former prisoners in society. It is in the best interest of all of us and the communities we live in to provide the resources to take these effective strategies to scale. That is what the Second Chance Act does.

In Illinois, dozens of organizations are involved in safely reintegrating former prisoners into their communities, and many have been funded by the Illinois Department of Corrections through grants from the U.S. Department of Justice. As one example, the Safer Foundation has managed to cut the State's recidivism rate by almost 50 percent for the people who receive Safer's supportive employment services. And Safer has further demonstrated that ex-prisoners who are still employed after 12 months of supportive services have a recidivism rate of lower than 10 percent. One of Safer's program models, funded by the U.S. Department of Labor, provides participants with job placement and support services, and matches them with mentors from the neighborhoods where the participants reside. Only 2 percent of the participants in this community and faith-based program have recidivated over a 2-year period.

One of the most effective strategies that Safer, the Heartland Alliance for Human Needs and Human Rights, and other nonprofit organizations have devised is transitional jobs, a strategy that worked for welfare to work, and is now working for prison returnees. In a transitional jobs program, former prisoners with employment challenges are hired and paid a wage for legitimate employment in a time-limited, subsidized job. The program not only offers real work, income, skill development, and a letter of reference and experience to add to their resume, it also offers coaching and support services to help participants overcome substantial barriers to employment, such as substance abuse or mental health issues. The program focuses heavily on placement into unsubsidized work at the earliest possible time and job retention services after placement. Studies of successful transitional jobs programs have found that transitional jobs result in a 33 percent increase in employment when compared to other types of employment preparation programs, and that 81 percent to 94 percent of transitional job graduates go on to unsubsidized employment at wages between $7 and $10 per hour.

The participants gain an immediate source of legitimate income upon release. They also gain paid work experience, access to professional counseling and training services, and a clear path to unsubsidized employment in the community. Employers gain access to a pipeline of supported workers who have demonstrated an ability to do the job and remain employable. Most of all, our communities gain by creating a productive place for ex-prisoners, where they contribute positively to family, neighborhood, and the larger environment rather than the opposite.

The ex-prisoner population is a challenging one to serve. It is estimated that 95 percent of unskilled jobs in this country require a high school diploma or some work experience. But 40 percent of released prisoners lack a high school diploma or GED—more than

twice the rate for the general population over 18. And 38 percent of prisoners without high school degrees were unemployed just prior to being incarcerated, compared to 25 percent for those with high school diplomas.

In prison, only about one-third of inmates receive vocational training or work experience designed to improve their ability to obtain legitimate employment once released. And very few former incarcerated individuals receive job counseling and placement services after their release.

Because of the low pay, lack of benefits, and lack of advancement potential of many formal work activities, informal and illegal activities may be tempting. Especially considering that an estimated 70 percent of State prison inmates have a history of regular drug use, and very few receive formal treatment in prison.

Most communities where prisoners go upon release already struggle with high poverty, unemployment, fragile families, and a dearth of jobs. In Illinois, for example, 54 percent of those released from prison return to just seven communities around Chicago. These communities are among the poorest in Chicago and are ill prepared for the additional burden of reintegrating young men with criminal records, spotty employment histories, low skills and education.

Former prisoners also face employer resistance to hiring people with criminal backgrounds. One study found that applicants with criminal records experienced a 50 percent reduction in job offers for entry level jobs, compared to those without records. This was compounded by racial bias as black former inmates experienced at 64 percent reduction in offers.

Other barriers include one documented by a recent study in Illinois in which only 22 percent percent of the prisoners had a photo identification card at the time of release. And most prisoners have financial and other obligations, including child support and the conditions of their release, that require immediate attention.

Notwithstanding the barriers to successful reentry, however, faith based and community based organizations have been achieving positive results with the released prisoner population for years. The Second Chance Act celebrates the potential of nonprofit community organizations working with State and local authorities and corrections departments to promote responsible parenting and sustainable employment, and to reduce recidivism.

This bill will make funding available to the Attorney General to support and evaluate the efforts of innovative communities and local service providers. Grants can be used to expand access to transitional jobs programs and to transitional and permanent housing, to support health services, to support the children of incarcerated parents and the maintenance of healthy parent-child relationships, to address literacy and educational needs, and to ensure that appropriate job training, placement, and retention services are available.

Priority under the Second Chance Act will be given to projects that serve geographic areas with large ex-prisoner populations, to projects that include partnerships with nonprofit organizations, and to projects that provide consultations between victims and ex-prisoners. Priority will also be given to projects that consider appropriate reforms of sanctions for technical post-release violations, and to projects that establish pre-release procedures to connect participants to the State and Federal benefits and referrals to social and health services for which they are eligible.

And by maintaining a strict focus on measurable results and data collection, the Second Chance Act will help us learn what works and what does not work.

Too many people are caught up in the criminal justice system. Especially within the African American community where 32 percent of black males will enter State or Federal prison sometime during their lifetime. Communities are protected and strengthened when people who break the law are punished appropriately. But communities—all communities, including yours and mine are weakened if we neglect the challenges of rehabilitation and reentry.

To improve the integration of former prisoners and to reduce recidivism is in all of our best interests. A well-designed reentry system can enhance public safety, reduce recidivism, reduce costs, and help prisoners achieve long-term integration. Former prisoners who are engaged in lawful work after they have returned to the community are less likely to commit new crimes and are more likely to be involved in their children's lives.

The Second Chance Act is an important effort to strengthen America's communities. The bill is supported by a wide range of organizations, and I urge my colleagues to join us in passing this important legislation.

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 August 08, 2005, in New York, NY, an unidentified gay man was beaten by two men in what police are calling a hate crime. The man was walking with a companion when two others approached screaming anti-gay slurs before attacking the victim; the attacker hit the victim repeatedly. Following the attack, the victim was taken to a near by Manhattan Hospital for head injuries.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

CONGRESSIONAL BUDGET ACT COMPLIANCE

Mr. GREGG. Mr. President, pursuant to section 313(c) of the Congressional Budget Act of 1974, on November 3, 2005, I submitted for 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 last page of the list that was printed in the CONGRESSIONAL RECORD of November 3, 2005, was inadvertantly dropped. Today I resubmit the complete list and asked that it be printed in the CONGRESSIONAL RECORD.

EXTRANEOUS PROVISIONS—SENATE BILL

[Prepared by Senate Budget Committee Majority Staff]

SENATE	
Provision	Violation/Comments
TITLE I—AGRICULTURE, NUTRITION AND FORESTRY	
N/A	N/A
TITLE II—BANKING, HOUSING, AND URBAN AFFAIRS	
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	
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.
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	
N/A	N/A
TITLE V—ENVIRONMENT AND PUBLIC WORKS	
N/A	N/A
TITLE VI—FINANCE	
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)(1)(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.

EXTRANEOUS PROVISIONS—SENATE BILL—Continued

[Prepared by Senate Budget Committee Majority Staff]

SENATE

Provision	Violation/Comments
6110(g)(1)	313(b)(1)(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 & PENSIONS	
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 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—Sec. 7350.	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.

EXTRANEOUS PROVISIONS—SENATE BILL—Continued

[Prepared by Senate Budget Committee Majority Staff]

SENATE

Provision	Violation/Comments
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.
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 Prof Dev 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.
Sec. 7906	313(b)(1)(A)—Reports/does not produce a change in outlays.
Sec. 7907	313(b)(1)(A)—Monitoring Evaluation and Reporting/does not produce a change in outlays.
Sec. 7908	313(b)(1)(A)—Liaison for Educational Programs/does not produce a change in outlays.
Sec. 7909	313(b)(1)(A)—Fed Endowment for Gallaudet/does not produce a change in outlays.
Sec. 7910	313(b)(1)(A)—Oversight and Effect of Agreements/does not produce a change in outlays.
Sec. 7911	313(b)(1)(A)—International Students/does not produce a change in outlays.
Sec. 7912	313(b)(1)(A)—Research Priorities/does not produce a change in outlays.
Sec. 7913	313(b)(1)(A)—Authorization of Appropriations/does not produce a change in outlays.
Sec. 7921	313(b)(1)(A)—US Inst of Peace Act/does not produce a change in outlays.

EXTRANEOUS PROVISIONS—SENATE BILL—Continued

[Prepared by Senate Budget Committee Majority Staff]

SENATE

Provision	Violation/Comments
Sec. 7931	313(b)(1)(A)—Repeals various provisions of PL 105–244/does not produce a change in outlays.
Sec. 7932	313(b)(1)(A)—Grants to States for Incarcerated Youth Offenders/does not produce a change in outlays.
Sec. 7941	313(b)(1)(A)—Reauth. Tribal Colleges/does not produce a change in outlays.
Sec. 7945—Sec. 7946.	313(b)(1)(A)—Reauth. Navajo Nation Community College Act/does not produce a change in outlays.
TITLE VIII—JUDICIARY	
Sec. 8001(c)(1)(a) Adjustment of Status.	313(b)(1)(A)—This section allows an immigrant who has paid the supplemental petition fee to file for adjustment of status whether or not a visa is immediately available. Because the fee will have already been collected, this application adjustment does not affect the score.

ADDITIONAL STATEMENTS

IN MEMORIUM OF CLIFFORD BROWN

• Mr. CARPER. Mr. President, I would like to set aside a moment to reflect on the life of Clifford Brown. He would have celebrated his 75th birthday this past October 30. Clifford was a man who made a remarkable contribution toward the world of music by his soulful playing of the trumpet. He was a truly talented man who dedicated his life to music and his family.

Clifford was born on October 30, 1930, in Wilmington, DE. His father was a self-taught musician who kept several instruments around the house, including a bugle which young Clifford began playing at only 5 years old. He soon discovered the trumpet, which would change his life and the texture of jazz for all of eternity.

At the age of 12, Clifford's father arranged for him to study with esteemed local music teacher Robert Lowery, also from Wilmington. Under Robert's tutelage, Clifford began to display the promise of his ability and develop his own style of playing.

After studying with Mr. Lowery for 3 years, during which Clifford played in his teacher's dance band, Clifford moved his music education to Howard High School where he met Harry Andrews, the school's band and choral director. Mr. Andrews taught Clifford how to blend the free-flowing harmonies of jazz with the classical lines of more traditional music. This experience allowed Clifford to develop his own sound, which would be the starting point for his journey to greatness within the jazz community. His tutelage at Howard High School culminated with Clifford playing ''The Carnival of Venice'' as his graduation solo, which would be remembered by all who attended the ceremony.

After graduation, Clifford obtained a music scholarship to study mathematics at the University of Delaware, which, at the time, did not have a music department. He later attended Maryland State College, where Clifford played and composed music for the college band. It was during this time that Clifford was to meet the other love of his life, LaRue Anderson.

At the time, Ms. Anderson was doing a study on the psychology of music and had caught the eye of two future jazz greats, Charlie Parker and Max Roach, who were also acquaintances of Clifford Brown. Mr. Parker and Mr. Roach decided that Ms. Anderson and Clifford would make excellent companions, so they arranged for the two of them to meet. They met, fell in love, and later married.

After recovering from severe injuries due to a traffic accident, Clifford traveled to Europe in 1953 with Lionel Hampton and his big band. Despite contractual obligations, Clifford used his free time to record various solo and group projects, which would propel him to the next level of musical recognition. In 1954, Clifford teamed up with fellow jazz great Max Roach to form the Clifford Brown—Max Roach Quintet which was quickly recognized as one of the most formidable collections of contemporary jazz talent.

While touring the Nation with his quintet, Clifford Brown, who was only 25 years old at the time, died in a traffic accident on June 26, 1956. While the tragedy of his passing weighs heavy in our hearts, we are truly blessed that Clifford's musical genius survives in the sounds of modern jazz trumpeters everywhere. His widow LaRue Brown Watson passed away October 2, 2005.

It is difficult to refute that Clifford's rare combination of musical intelligence and immense emotional range changed the landscape of modern jazz forever. Fortunately for music lovers everywhere, Clifford's work has been immortalized on numerous recordings, almost any of which can be safely recommended as superior examples of what the jazz trumpet was meant to sound like. I rise today to commemorate Clifford Brown, his life, and his outstanding musical legacy.●

TRIBUTE TO DR. JACK GEIGER

● Mrs. CLINTON. Mr. President, I would like to take this opportunity to recognize an outstanding leader from New York who has spent his entire career championing improved health for minorities. Dr. Jack Geiger has been a pioneer in medical care for underserved populations through his dedicated work as a human rights advocate, scholar, educator, and physician. In commemoration of his 80th birthday this month, I would like to congratulate him on the extraordinary accomplishments he has achieved during his career that have impacted so many people in our Nation and in other countries.

For more than 60 years, Dr. Geiger has promoted human rights in the health field. In fact, he was one of the earliest leaders to advance the idea of health care as a civil right. He helped pioneer the American health centers movement by creating the first health centers in rural Mississippi and inner-city Boston, which then burgeoned into a network of more than 900 urban, rural, and migrant centers serving millions of low-income patients today.

It is difficult to cover all of Dr. Geiger's work in addressing human rights violations in the health sector because his contributions are so numerous. In the 1940s and 1950s, he led campaigns to end racial discrimination in hospitals and medical schools. In the 1960s, he helped provide medical care to civil rights workers. Later, he helped found and head the Physicians for Human Rights, a national organization of health professionals that investigates human rights abuses and war crimes and provides medical aid to victims of oppression. This organization shared in the Nobel Prize for Peace in 1998. In more recent years, he has served as the president of the Committee for Health in Southern Africa and as an NGO delegate to the United Nations Conference on Racism and Discrimination, in addition to leading several human rights missions abroad.

Dr. Geiger also has been a prolific researcher and author of numerous articles, book chapters, reports, and monographs on such topics as community-oriented primary care and community health centers, poverty and health care, the role of physicians in the protection of human rights, and health effects of nuclear war. Most recently, he has contributed to seminal reports on racial and ethnic disparities in clinical diagnosis and treatment.

As an educator and a physician, Dr. Geiger has produced generations of committed health professionals throughout the world and has provided medical care to countless patients and communities of all backgrounds. Before assuming his current position as Arthur C. Logan Professor Emeritus of Community Medicine at City University of New York Medical School and Visiting Professor of Epidemiology at Mailman-Columbia School of Public Health, he served as Chairman of the Department of Community Medicine at Tufts University Medical School, Visiting Professor of Medicine at Harvard Medical School and Chairman of the Department of Community Medicine at State University of New York at Stony Brook School of Medicine. There is no doubt that this extraordinary man embodies the true meaning of ''doctor'' and has positively changed the lives of tens of thousands of people.

For his work on health care, human rights, and poverty, Dr. Gieger has been recognized with scores of illustrious awards; most recently, he was the recipient of the Award for Academic Leadership in Primary Care from Morehouse School of Medicine in 2003 and the Paul Cornely Award from the Physicians Forum in 2004. It is only fitting that we acknowledge this health champion today. I congratulate Dr. Geiger on a lifetime full of remarkable accomplishments and am proud to honor his 80th birthday.●

HELEN BOOSALIS

● Mr. NELSON of Nebraska. Mr. President, I rise today to pay tribute to a person who has been instrumental in making Lincoln, NE, one of the great capital cities in America.

Helen Boosalis served on the city council before unseating an incumbent to be elected mayor of Lincoln, NE, earning her the distinction of being the first woman in America elected to the position of mayor in a city with a population of more than 100,000 residents.

As mayor of Lincoln from 1975 to 1983, Helen Boosalis was a member of the U.S. Conference of Mayors where she became one of the first women to become president of that organization.

Three years after leaving the mayor's office, Helen Boosalis won the Democratic nomination to run for Governor of Nebraska in a race where I had the honor of being her campaign chairman. She faced Kay Orr, who was Nebraska State treasurer at the time in what was the first woman-versus-woman gubernatorial campaign in American history.

She didn't win but she didn't give up her desire for public service and helping people who are in need.

Helen Boosalis went on to serve as president and chairman of the board of directors of the American Association of Retired Persons and, as such, had the opportunity to testify before Congress as she championed the causes of the Nation's senior citizens.

Since leaving that position, Helen Boosalis has tirelessly devoted herself to volunteering her services to help one worthwhile cause after another.

Her generosity even earned her a quote in the 2004 ''Giving is Caring'' inspirational calendar which included quotes from such notables as Albert Einstein, Martin Luther King, Jr., Thomas Jefferson, Ronald Reagan, Eleanor Roosevelt, Confucius, and Aristotle. Her quote goes to the spirit of voluntarism. It read, ''America has had a long and rich tradition of generosity that began with simple acts of neighbor helping neighbor.''

As an octogenarian, Helen Boosalis continues to serve her fellow Nebraskans with so much abundant energy that once caused one of her colleagues to describe her as a ''Whirlwind.''

Her honors are far too numerous to mention from the prestigious Midlander of the Year to Nebraska Woman of Distinction, but the honor she will receive this Sunday in the city she loves may be the best yet even though on the surface it appears to be quite humble.

Lincoln, NE, is a pedestrian friendly city with a beautiful and extensive network of hiking and biking trails that can trace their roots to Helen Boosalis' leadership as mayor.

On Sunday, November 13, 2005, the section of trail along Nebraska Highway Two where the entire system began in the mid 1970s thanks to Helen Boosalis' vision as mayor will be named in her honor.

A tree will also be planted as living testimony for decades of Nebraskans to come that they owe the tremendous system of trails that those in Lincoln continue to enjoy to the leadership of Mayor Helen Boosalis.

In closing, I would like to quote from the invitation for this Sunday's event:

It was once said that Helen Boosalis has governed this city with graciousness, with tenacity, with determination, with understanding, with ability, with hope, with vision, with fairness, and with many other valued attributes. Now it's time to honor her with the naming of Helen Boosalis Trail.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagree to the amendment of the Senate to the bill H.R. 3058 making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House: Mr. KNOLLENBERG, Mr. WOLF, Mr. ROGERS of Kentucky, Mr. TIAHRT, Mrs. NORTHUP, Mr. ADERHOLT, Mr. SWEENEY, Mr. CULBERSON, Mr. REGULA, Mr. LEWIS of California, Mr. OLVER, Mr. HOYER, Mr. PASTOR, Ms. KILPATRICK, Mr. CLYBURN, Mr. ROTHMAN, and Mr. OBEY.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

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

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 260. Concurrent resolution recognizing the 40th anniversary of the Second Vatican Council's promulgation of Nostra Aetate, the declaration on the Relation of the Roman Catholic Church to non-Christian religions, and the historic role of Nostra Aetate in fostering mutual interreligious respect and dialogue.

At 4:21 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagree to the amendment of the Senate to the bill H.R. 3010 making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House: Mr. REGULA, Mr. ISTOOK, Mr. WICKER, Mrs. NORTHUP, Mr. CUNNINGHAM, Ms. GRANGER, Mr. PETERSON of Pennsylvania, Mr. SHERWOOD, Mr. WELDON of Florida, Mr. WALSH, Mr. LEWIS of California, Mr. OBEY, Mr. HOYER, Mrs. LOWEY, Ms. DELAURO, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, and Ms. ROYBAL-ALLARD.

ENROLLED BILL SIGNED

At 4:36 p.m., a message from the House of Representatives delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

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

The bill was signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1969. A bill to express the sense of the Senate regarding Medicaid reconciliation legislation to be reported by a conference committee during the 109th Congress.

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–4582. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Southwest Alaska Distinct Population Segment of the Northern Sea Otter (Enhydra lutris kenyoni)'' (RIN1018–AI44) received on November 2, 2005; to the Committee on Environment and Public Works.

EC–4583. A communication from the Assistant Secretary, Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Allium munzii (Munz's Onion)'' (RIN1018–AJ10) received on November 2, 2005; to the Committee on Environment and Public Works.

EC–4584. A communication from the Assistant Secretary, Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Listing with Designation of Critical Habitat for Gila Chub'' (RIN1018–AG16) received on November 1, 2005; to the Committee on Environment and Public Works.

EC–4585. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Ambient Air Quality Standard for Ozone and Fine Particulate Matter'' (FRL7992–3) received on November 1, 2005; to the Committee on Environment and Public Works.

EC–4586. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Repeal of NOx Budget Program COMAR 26.11.27 and 26.11.28'' (FRL7992–5) received on November 1, 2005; to the Committee on Environment and Public Works.

EC–4587. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Provo Attainment Demonstration of the Carbon Monoxide Standard, Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of Related Revisions'' (FRL7992–6) received on November 1, 2005; to the Committee on Environment and Public Works.

EC–4588. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Update to Materials Incorporated by Reference'' (FRL7985–6) received on November 1, 2005; to the Committee on Environment and Public Works.

EC–4589. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants'' (FRL7992–8) received on November 1, 2005; to the Committee on Environment and Public Works.

EC–4590. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to the Guideline on Air Quality Models (appendix W to 40 CFR Part 51): Adoption of a Preferred General Purpose (Flat and Complex Terrain) Dispersion Model and Other Revisions'' (FRL7990–9) received on November 1, 2005; to the Committee on Environment and Public Works.

EC–4591. A communication from the Assistant Secretary of Defense, Reserve Affairs, transmitting, pursuant to law, a report on the differing Army and Air Force policies for taking adverse administrative actions

against National Guard officers in a state status and a determination by the Secretary of Defense as to whether changes are needed in those policies; to the Committee on Armed Services.

EC–4592. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a list of 24 officers authorized to wear the insignia of the grade of brigadier general; to the Committee on Armed Services.

EC–4593. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of Lieutenant General William T. Hobbins, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–4594. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of Major General Michael W. Peterson, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–4595. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of Major General Michael D. Maples, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–4596. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of Rear Admiral Patrick M. Walsh, United States Navy, to wear the insignia of the grade of vice admiral in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

EC–4597. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to advance billing in the month of September, 2005; to the Committee on Armed Services.

EC–4598. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Addition of San Marino to the List of Countries Eligible to Export Meat Products to the United States'' (RIN0583–AC91) received on November 4, 2005 to the Committee on Agriculture, Nutrition, and Forestry.

EC–4599. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Congressionally Mandated Evaluation of the State Children's Health Insurance Program: Final Report to Congress''; to the Committee on Health, Education, Labor, and Pensions.

EC–4600. A communication from the Regulations Coordinator, Centers for Disease Control, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Possession, Use, and Transfer of Select Agents and Toxins—Reconstructed Replication Competent Forms of the 1918 Pandemic Influenza Virus Containing Any Portion of the Coding Regions of All Eight Gene Segments'' received on November 4, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4601. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled ''Statistical Programs of the United States Government: Fiscal Year 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–4602. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Redefinition of the Central North Carolina Appropriated Fund Wage Area'' (RIN3206–AK83) received on November 4, 2005; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. LUGAR, from the Committee on Foreign Relations: Agreement with Canada on Pacific Hake/Whiting (Treaty Doc. 108–24) (Ex. Rept. 109–5). Text of the resolution of ratification as reported by the Committee on Foreign Relations:

Resolved (two-thirds of the Senators present concurring therein),

That the Senate advises and consents to the ratification of the Agreement between the Government of the United States of America and the Government of Canada on Pacific Hake/Whiting, done at Seattle, November 21, 2003.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. STABENOW:

S. 1973. A bill to provide an immediate Federal income tax rebate to help taxpayers with higher fuel costs, to express the sense of the Senate regarding full funding of LIHEAP, and to provide consumer protections against fuel price gouging, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 1974. A bill to provide States with the resources needed to rid our schools of performance-enhancing drug use; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA:

S. 1975. A bill to prohibit deceptive practices in Federal elections; to the Committee on Rules and Administration.

By Mr. FEINGOLD (for himself and Mr. KYL):

S. 1976. A bill to make amendments to the Iran Nonproliferation Act of 2000; to the Committee on Foreign Relations.

By Mr. STEVENS:

S. 1977. A bill to repeal section 5 of the Marine Mammal Protection Act of 1972; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAFEE (for himself, Ms. STABENOW, Ms. SNOWE, Mrs. BOXER, Mr. CARPER, Mr. NELSON of Florida, Mr. MARTINEZ, Mr. JEFFORDS, Mr. KERRY, Mr. FEINGOLD, Mr. DURBIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mrs. CLINTON, Ms. COLLINS, Ms. CANTWELL, Mr. LIEBERMAN, Mr. DEWINE, Mr. CRAPO, Mr. BOND, Ms. LANDRIEU, and Mr. VITTER):

S. Res. 301. A resolution commemorating the 100th anniversary of the National Audubon Society; to the Committee on Environment and Public Works.

By Mr. MCCONNELL (for himself and Mr. DODD):

S. Con. Res. 62. A concurrent resolution directing the Joint Committee on the Library to procure a statue of Rosa Parks for placement in the Capitol; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 103

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S. 368

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 368, a bill to provide assistance to reduce teen pregnancy, HIV/AIDS, and other sexually transmitted diseases and to support healthy adolescent development.

S. 431

At the request of Mr. DEWINE, the names of the Senator from Oregon (Mr. SMITH), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 431, a bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 709

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 709, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 1014

At the request of Ms. SNOWE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1014, a bill to provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes.

S. 1082

At the request of Mrs. HUTCHISON, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 1082, a bill to restore Second Amendment rights in the District of Columbia.

S. 1110

At the request of Mr. ALLEN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor

of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1351

At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1351, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era.

S. 1394

At the request of Mr. SMITH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1394, a bill to reform the United Nations, and for other purposes.

S. 1399

At the request of Mr. THOMAS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1399, a bill to improve the results the executive branch achieves on behalf of the American people.

S. 1418

At the request of Mr. ENZI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1418, a bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States.

S. 1424

At the request of Mr. ENSIGN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1424, a bill to remove the restrictions on commercial air service at Love Field, Texas.

S. 1449

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1449, a bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage bond financing, and for other purposes.

S. 1512

At the request of Mr. SARBANES, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1512, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 1631

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1631, a bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to rebate the tax collected back to the American consumer, and for other purposes.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1780

At the request of Mr. SANTORUM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1780, a bill to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low-income Americans to gain financial security by building assets, and for other purposes.

S. 1791

At the request of Mr. SMITH, the name of the Senator from Louisiana (Mr. VITTER) 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. 1800

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1800, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit.

S. 1807

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1807, a bill to provide assistance for small businesses damaged by Hurricane Katrina or Hurricane Rita, and for other purposes.

S. 1959

At the request of Mr. REID, his name was added as a cosponsor of 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.

At the request of Mr. KERRY, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Florida (Mr. NELSON) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1959, supra.

S. 1960

At the request of Mr. BUNNING, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of 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.

S. 1961

At the request of Mr. BIDEN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1961, a bill to extend and expand the Child Safety Pilot Program.

S. CON. RES. 48

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. Con. Res. 48, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued to promote public awareness of Down syndrome.

S. RES. 155

At the request of Mr. BIDEN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 155, a resolution designating the week of November 6 through November 12, 2005, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 219

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) 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.

S. RES. 261

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Res. 261, a resolution expressing the sense of the Senate that the crisis of Hurricane Katrina should not be used to weaken, waive, or roll back Federal public health, environmental, and environmental justice laws and regulations, and for other purposes.

S. RES. 273

At the request of Mr. COLEMAN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. Res. 273, a resolution expressing the sense of the Senate that the United Nations and other international organizations shall not be allowed to exercise control over the Internet.

AMENDMENT NO. 2424

At the request of Mr. NELSON of Florida, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 2424 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.

At the request of Mr. BAUCUS, his name was added as a cosponsor of amendment No. 2424 proposed to S. 1042, supra.

AMENDMENT NO. 2430

At the request of Mr. LEVIN, the names of the Senator from New Jersey

(Mr. LAUTENBERG), the Senator from California (Mrs. FEINSTEIN), the Senator from Delaware (Mr. BIDEN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of amendment No. 2430 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. 2431

At the request of Mr. MARTINEZ, the names of the Senator from Florida (Mr. NELSON), the Senator from Arizona (Mr. KYL), the Senator from Missouri (Mr. TALENT) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of amendment No. 2431 intended to be 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. 2432

At the request of Mr. INHOFE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of amendment No. 2432 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. 2433

At the request of Mr. CHAMBLISS, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Vermont (Mr. LEAHY) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of amendment No. 2433 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. 2436

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 2436 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. 2438

At the request of Mr. HARKIN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Colorado (Mr. SALAZAR) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of amendment No. 2438 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. STABENOW:

S. 1973. A bill to provide an immediate Federal income tax rebate to help taxpayers with higher fuel costs, to express the sense of the Senate regarding full funding of LIHEAP, and to provide consumer protections against fuel price gouging, and for other purposes; to the Committee on Finance.

Ms. STABENOW. Mr. President, I rise today to introduce the Energy Tax Rebate Act of 2005 and I ask unanimous consent that the text of the bill be printed in the RECORD.

Michigan families and families across America are being delivered a one-two punch when it comes to energy prices. First, they continue to be hit hard by high gasoline prices. Now they are facing home heating costs this winter that are expected to rise dramatically compared to last year.

We can do better than this for our families. So today I am introducing a bill that will provide families with an immediate $500 tax rebate to help them pay for rising energy costs. My legislation also includes important consumer protections to make sure Americans are not the victims of unfair market practices and consumer price gouging. Finally, my bill includes a Sense of the Senate that the Low-Income Home Energy Assistance Program, known as LIHEAP, should be fully funded to its authorized level of $5.1 billion. LIHEAP is a successful program that makes sure our most vulnerable families, those living on low incomes or fixed-incomes, are able to heat their homes during the cold winter months.

Filling our cars with gasoline to take our children to school and heating our homes in the winter are not luxuries. They are necessities. Energy is a necessity. Together we can do better and together we will do better.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1973

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Energy Tax Rebate Act of 2005''.

TITLE I—ENERGY TAX REBATE

SEC. 101. ENERGY TAX REBATE.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

''SEC. 6430. ENERGY TAX REBATE.

''(a) GENERAL RULE.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2005 in an amount equal to the lesser of—

''(1) the amount of the taxpayer's liability for tax for such taxpayer's preceding taxable year, or

''(2) $500.

''(b) LIABILITY FOR TAX.—For purposes of this section, the liability for tax for any taxable year shall be the excess (if any) of—

''(1) the sum of—

''(A) the taxpayer's regular tax liability (within the meaning of section 26(b)) for the taxable year,

''(B) the tax imposed by section 55(a) with respect to such taxpayer for the taxable year, and

''(C) the taxpayer's social security taxes (within the meaning of section 24(d)(2)) for the taxable year, over

''(2) the sum of the credits allowable under part IV of subchapter A of chapter 1 (other than the credits allowable under subpart C thereof, relating to refundable credits) for the taxable year.

''(c) TAXABLE INCOME LIMITATION.—

''(1) IN GENERAL.—If the taxable income of the taxpayer for the preceding taxable year exceeds the maximum taxable income in the table under subsection (a), (b), (c), or (d) of section 1, whichever is applicable, to which the 25 percent rate applies, the dollar amount otherwise determined under subsection (a) for such taxpayer shall be reduced (but not below zero) by the amount of the excess.

''(2) CHANGE IN RETURN STATUS.—In the case of married individuals filing a joint return for the taxable year who did not file such a joint return for the preceding taxable year, paragraph (1) shall be applied by reference to the taxable income of both such individuals for the preceding taxable year.

''(d) DATE PAYMENT DEEMED MADE.—

''(1) IN GENERAL.—The payment provided by this section shall be deemed made on the date of the enactment of the Energy Tax Rebate Act of 2005.

''(2) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in paragraph (1) not later than the date which is 30 days after the date specified in paragraph (1).

''(e) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

''(1) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins,

''(2) any estate or trust, or

''(3) any nonresident alien individual.''.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period '', or enacted by the Energy Tax Rebate Act of 2005''.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 6430. Energy tax rebate.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE II—LOW-INCOME HOME ENERGY ASSISTANCE

SEC. 201. SENSE OF THE SENATE REGARDING FULL FUNDING FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

It is the sense of the Senate that Congress should appropriate $5,100,000,000 for fiscal year 2006 and each subsequent fiscal year for the Low-Income Home Energy Assistance Program, under section 2602(b) of the Low-Income Home Energy Assistance Act of 1981.

TITLE III—CONSUMER PROTECTIONS

SEC. 301. UNFAIR OR DECEPTIVE ACTS OR PRACTICE IN COMMERCE RELATED TO PRICING OF PETROLEUM PRODUCTS.

(a) SALES TO CONSUMERS AT UNCONSCIONABLE PRICE.—

(1) IN GENERAL.—It is unlawful for any person to sell crude oil, gasoline, or petroleum distillates at a price that—

(A) is unconscionably excessive; or

(B) indicates the seller is taking unfair advantage of circumstances to increase prices unreasonably.

(2) FACTORS CONSIDERED.—In determining whether a violation of paragraph (1) has occurred, there shall be taken into account, among other factors, whether—

(A) the amount charge represents a gross disparity between the price of the crude oil, gasoline, or petroleum distillate sold and the price at which it was offered for sale in the usual course of the seller's business immediately prior to the energy emergency; or

(B) the amount charged grossly exceeds the price at which the same or similar crude oil, gasoline, or petroleum distillate was readily obtainable by other purchasers in the area to which the declaration applies.

(3) MITIGATING FACTORS.—In determining whether a violation of paragraph (1) has occurred, there also shall be taken into account, among other factors, the price that would reasonably equate supply and demand in a competitive and freely functioning market and whether the price at which the crude oil, gasoline, or petroleum distillate was sold reasonably reflects additional costs, not within the control fo the seller, that were paid or incurred by the seller.

(b) PROHIBITION AGAINST GEOGRAPHIC PRICE-SETTING AND TERRITORIAL RESTRICTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), it is unlawful for any person to—

(A) set different prices for gasoline or petroleum distillates for different geographic locations; or

(B) implement a territorial restriction with respect to gasoline or petroleum distillates.

(2) EXCEPTIONS.—A person may set different prices for gasoline or petroleum distillates for different geographic locations or implement territorial restrictions with respect to gasoline or petroleum distillates only if the price differences or restrictions are sufficiently justified by—

(A) differences in the cost of retail space where the gasoline or petroleum distillate is sold;

(B) differences in the cost of transportation of gasoline or petroleum distillates from the refinery to the retail location;

(C) differences in the cost of storage of gasoline or petroleum distillates at the retail location; or

(D) differences in the formulation of the gasoline or petroleum distillates sold.

(c) FALSE PRICING INFORMATION.—It is unlawful for any person to report information related to the wholesale price of crude oil, gasoline, or petroleum distillates to the Federal Trade Commission if—

(1) that person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by that department or agency for statistical or analytical purpose with respect to the market for crude oil, gasoline, or petroleum distillates.

SEC. 302. ENFORCEMENT UNDER FEDERAL TRADE COMMISSION ACT.

(a) ENFORCEMENT BY COMMISSION.—This title shall be enforced by the Federal Trade Commission. In enforcing section 301(a) of this title, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of $500,000,000 per year but shall not exclude enforcement actions against companies with total United States wholesale sales of $500,000,000 or less per year.

(b) VIOLATION IS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this title shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

SEC. 303. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 301(a), or to impose the civil penalties authorized by section 304 for violations of section 301(a), whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened by such violation.

(b) NOTICE.—The State shall serve written notice to the Commission of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the defendant operates;

(B) the defendant was authorized to do business; or

(C) where the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action or an administrative action for violation of this title, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complain of the Commission or the other agency for any violation of this title alleged in the complaint.

(g) ENFORCEMENT OF STATE LAW.—Nothing contained in this section shall prohibit an authorized State official from proceeding in state court to enforce a civil or criminal statute of such State.

SEC. 304. PENALTIES.

(a) CIVIL PENALTY.—

(1) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act—

(A) any person who violates section 301(c) of this title is punishable by a civil penalty of not more than $1,000,000; and

(B) any person who violates section 301(a) or 301(b) of this title is punishable by a civil penalty of not more than $3,000,000.

(2) METHOD OF ASSESSMENT.—The penalties provided by paragraph (1) shall be assessed in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the Commission shall take into consideration the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(b) CRIMINAL PENALTY.—Violation of section 301(a) of this title is punishable by a fine of not more than $1,000,000, imprisonment for not more than 5 years, or both.

SEC. 305. EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF COMMISSION.—Nothing in this title shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) STATE LAW.—Nothing in this title preempts any State law.

SEC. 306. MARKET TRANSPARENCY FOR CRUDE OIL, GASOLINE, AND PETROLEUM DISTILLATES.

(a) IN GENERAL.—The Federal Trade Commission shall facilitate price transparency in markets for the sale of crude oil and essential petroleum products at wholesale, having due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers.

(b) MARKETPLACE TRANSPARENCY.—

(1) DISSEMINATION OF INFORMATION.—In carrying out this section, the Commission shall provide by rule for the dissemination, on a timely basis, of information about the availability and prices of wholesale crude oil, gasoline, and petroleum distillates to the Commission, States, wholesale buyers and sellers, and the public.

(2) PROTECTION OF PUBLIC FROM ANTICOMPETITIVE ACTIVITY.—In determining the information to be made available under this section and time to make the information available, the Commission shall seek to ensure that consumers and competitive markets are protected from the adverse effects of potential collusion or other anticompetitive behaviors that can be facilitated by untimely public disclosure of transaction-specific information.

(3) PROTECTION OF MARKET MECHANISMS.—The Commission shall withhold from public disclosure under this section any information the Commission determines would, if disclosed, be detrimental to the operation of an effective market or jeopardize security.

(c) INFORMATION SOURCES.—

(1) IN GENERAL.—In carrying out subsection (b), the Commission may—

(A) obtain information from any market participant; and

(B) rely on entities other than the Commission to receive and make public the information, subject to the disclosure rules in subsection (b)(3).

(2) PUBLISHED DATA.—In carrying out this section, the Commission shall—

(A) consider the degree of price transparency provided by existing price publishers and providers of trade processing services; and

(B) rely on such publishers and services to the maximum extent practicable.

(3) ELECTRONIC INFORMATION SYSTEMS.—

(A) IN GENERAL.—The Commission may establish an electronic information system if the Commission determines that existing price publications are not adequately providing price discovery or market transparency.

(B) ELECTRONIC INFORMATION FILING REQUIREMENTS.—Nothing in this section affects any electronic information filing requirements in effect under this title as of the date of enactment of this Act.

(4) DE MINIMUS EXCEPTION.—The Commission may not require entities who have a de minimus market presence to comply with the reporting requirements of this section.

(d) COOPERATION WITH OTHER FEDERAL AGENCIES.—

(1) MEMORANDUM OF UNDERSTANDING.—Not later 180 days after the date of enactment of this Act, the Commission shall conclude a memorandum of understanding with the Commodity Futures Trading Commission and other appropriate agencies (if applicable) relating to information sharing, which shall include provisions—

(A) ensuring that information requests to markets within the respective jurisdiction of each agency are properly coordinated to minimize duplicative information requests; and

(B) regarding the treatment of proprietary trading information.

(2) CFTC JURISDICTION.—Nothing in this section limits or affects the exclusive jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.).

(e) RULEMAKING.—Not later than 180 days after the date of enactment of this Act, the Commission shall initiate a rulemaking proceeding to establish such rules as the Commission determines to be necessary and appropriate to carry out this section.

By Mr. NELSON of Florida:

S. 1974. A bill to provide States with the resources needed to rid our schools of performance-enhancing drug use; to the Committee on Health, Education, Labor, and Pensions.

Mr. NELSON of Florida. Mr. President, I rise to introduce the Drug Free Varsity Sports Act of 2005. This bill would provide States with the resources they need to rid our schools of steroids and other performance-enhancing drugs.

I believe steroid use doesn't begin at the professional level. I am very concerned about performance-enhancing drug use among young athletes—specifically, high school athletes. Steroid use among high school students is on the rise. It more than doubled among high school students from 1991 to 2003, according to the Centers for Disease Control and Prevention. Furthermore, a study by the University of Michigan shows that the percentage of 12th graders who said they had used steroids some time in their lives rose from 1.9 percent in 1996 to 3.4 percent in 2004. This is unacceptable and a health risk to our children.

Last year, the Polk County School District became the first in Florida to establish random testing for high school athletes, and the Florida House passed a bill that would have made Florida the first State to require steroid testing for high school athletes. That bill stalled in the Senate, but now Florida and other States are considering a similar law. Currently, less than 4 percent of U.S. high schools test athletes for steroids, and no state requires high schools to test athletes. Schools and States say that cost is usually the reason they don't test.

In response, I am introducing this legislation to help States with the resources they need to curb the use of steroids and other performance-enhancing drugs. My legislation would provide Federal grants directly to States so that they can develop and implement performance-enhancing drug testing programs.

The Drug Free Varsity Sports Act of 2005 would authorize $20 million in grants to States to create statewide pilot drug testing programs for performance-enhancing drugs. States that receive the grants would be required to incorporate recovery, counseling, and treatment programs for those students who test positive for performance-enhancing drugs.

Stopping the use of performance-enhancing drugs goes beyond testing. That is why my legislation also would require States that receive grants to allocate no less than 10 percent of the funding to establish statewide policies to discourage steroid use, through educational or other related means.

In addition, at a recent Senate Commerce Committee hearing on this issue, I called on all of the heads of the major professional sports leagues and their unions to begin a major, multisport, national advertising campaign. This campaign should be paid for by the leagues and their players, and directed at young people. It should focus on discouraging the use of performance-enhancing drugs. We must get the message out about the dangers of these drugs, and who better to send that message to young people than the leagues they watch and the players they idolize?

There is no simple solution to the issue of steroids in sports. Congress can do its part by enacting the Drug Free Varsity Sports Act of 2005. But the sports leagues, their players, coaches, and parents all must play an active role.

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. 1974

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Drug Free Varsity Sports Act of 2005''.

SEC. 2. PILOT DRUG-TESTING PROGRAMS FOR PERFORMANCE-ENHANCING DRUGS.

(a) PURPOSE.—The purpose of this section is to supplement the other student drug-testing programs assisted by the Office of Safe and Drug-Free Schools of the Department of Education by establishing, through the Office, a grant program that will allow State educational agencies to test secondary school students for performance-enhancing drug use.

(b) PROGRAM AUTHORIZED.—The Secretary of Education, acting through the Assistant Deputy Secretary of the Office of Safe and Drug-Free Schools, shall award, on a competitive basis, grants to State educational agencies to enable the State educational agencies to develop and carry out statewide pilot programs that test secondary school students for performance-enhancing drug use.

(c) APPLICATION.—A State educational agency that desires to receive a grant under this section shall submit an application to the Secretary of Education at such time, in such manner, and containing such information as the Secretary may require.

(d) PRIORITY.—In awarding grants under this section, the Secretary of Education shall give priority to State educational agencies that incorporate community organizations in carrying out the recovery, counseling, and treatment programs described in subsection (e)(1)(B).

(e) USE OF FUNDS.—

(1) DRUG-TESTING PROGRAM FOR PERFORMANCE-ENHANCING DRUGS.—A State educational agency that receives a grant under this section shall use not more than 90 percent of the grant funds to carry out the following:

(A) Implement a drug-testing program for performance-enhancing drugs that is limited to testing secondary school students who meet 1 or more of the following criteria:

(i) The student participates in the school's athletic program.

(ii) The student is engaged in a competitive, extracurricular, school-sponsored activity.

(iii) The student and the student's parent or guardian provides written consent for the student to participate in a voluntary random drug-testing program for performance-enhancing drugs.

(B) Provide recovery, counseling, and treatment programs for secondary school students tested in the program who test positive for performance-enhancing drugs.

(2) PREVENTION.—A State educational agency that receives a grant under this section shall use not less than 10 percent of the grant funds to establish statewide policies that discourage the use of performance-enhancing drugs, through educational or other related means.

(f) REPORT.—For each year of the grant period, a State educational agency that receives a grant under this section shall prepare and submit an annual report to the Assistant Deputy Secretary of the Office of Safe and Drug-Free Schools on the impact of the pilot program, which report shall include—

(1) the number and percentage of students who test positive for performance-enhancing drugs;

(2) the cost of the pilot program; and

(3) a description of any barriers to the pilot program, as well as aspects of the pilot program that were successful.

(g) DEFINITIONS.—In this section, the terms ''State educational agency'' and ''secondary school'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2006.

(2) SEPARATION OF FUNDS.—The Secretary of Education shall keep any funds authorized for this section under paragraph (1) separate from any funds available to the Secretary for other student drug-testing programs.

By Mr. OBAMA:

S. 1975. A bill to prohibit deceptive practices in Federal elections; to the Committee on Rules and Administration.

Mr. OBAMA. Mr. President, today millions of Americans will exercise their most fundamental right under the Constitution the right to vote. As in every election, I hope all eligible Americans go to the polls to exercise this right. Voter participation is fundamental to our democracy, and we must do all we can to encourage those who can to vote.

After seeing what happened over the last two presidential elections, I have some other hopes for this Election Day. I hope all voters who go to the polls find voting machines that work, nonpartisan poll workers who understand the law and enforce it without bias, lines that move smoothly, and ballots that make sense and are easy to understand. I also hope voters go to the polls today with accurate information about what is on the ballot, where they are supposed to vote, and what our Nation's voting laws are.

It might surprise some of you to know, but even in this awesome age of technological advancement and easy access to information, there are folks who will stop at nothing to try to deceive people and keep them away from the polls. These deceptive practices all too often target and exploit vulnerable populations, like minorities, the disabled, or the poor.

Think about the story of the 2004 presidential election when voters in Milwaukee received fliers from the non-existent ''Milwaukee Black Voters League,'' warning that voters risk imprisonment for voting if they were ever found guilty of any offense—even a traffic violation. In that same election, in a county in Ohio, some voters received mailings misinforming voters that anyone registered to vote by the Kerry Campaign or the NAACP would be barred from voting.

Deceptive practices often rely on a few tried and true tricks. Voters are often warned that an unpaid parking ticket will lead to their arrest or that folks with family members who have been convicted of a crime are ineligible to vote. Of course, these warnings have no basis in fact, and they are made with one goal and one goal only to keep Americans away from the polls.

I hope voters who go to the polls today are not victims of such malicious campaigns, but I know hoping is not enough. That is why I am introducing the Deceptive Election Practices and Voter Intimidation Prevention Act of 2005 to provide voters with real protection from deceptive practices that aim to keep them away from the polls on Election Day.

The bill I am introducing today provides the clear statutory language and authority needed to get allegations of deceptive practices investigated. It establishes harsh penalties for those found to have perpetrated them. And the bill seeks to address the real harm of these crimes—voters who are discouraged from voting by misinformation—by establishing a process for reaching out to these misinformed and intimidated voters with accurate and full information so they can cast their votes in time. Perhaps just as important, this bill creates strong penalties for deceptive election acts, so people who commit these crimes suffer more than just a slap on the hand.

This legislation has the support of groups like the NAACP, the Lawyers Committee for Civil Rights Under Law, Common Cause, the Arc of the United States, United Cerebral Palsy, People for the American Way and the National Disability Rights Network.

Deceptive practices and voter intimidation are real problems and demand real solutions like those offered in my bill.

I hope my colleagues will join me and support this bill and work to ensure that all eligible voters have the opportunity to have their votes count.

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. 1975

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 ''Deceptive Practices and Voter Intimidation Prevention Act of 2005''.

SEC. 2. DECEPTIVE PRACTICES IN ELECTIONS.

(a) CIVIL ACTION.—

(1) IN GENERAL.—Subsection (b) of section 2004 of the Revised Statutes (42 U.S.C. 1971(b)) is amended—

(A) by striking ''No person'' and inserting the following:

''(1) No person''; and

(B) by inserting at the end the following new paragraph:

''(2) No person, whether acting under color of law or otherwise, shall knowingly deceive any other person regarding—

''(A) the time, place, or manner of conducting a general, primary, run-off, or special election for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Commissioner from a territory or possession; or

''(B) the qualifications for or restrictions on voter eligibility for any election described in subparagraph (A).''.

(2) PRIVATE RIGHT OF ACTION.—

(A) IN GENERAL.—Subsection (c) of section 2004 of the Revised Statutes (42 U.S.C. 1971(c)) is amended—

(i) by striking ''Whenever any person'' and inserting the following:

''(1) Whenever any person''; and

(ii) by adding at the end the following new paragraph:

''(2) Any person aggrieved by a violation of subsection (b)(2) may institute a civil action or other proper proceeding for preventive relief, including an application in a United States district court for a permanent or temporary injunction, restraining order, or other order.''.

(B) CONFORMING AMENDMENTS.—

(i) Subsection (e) of section 2004 of the Revised Statutes (42 U.S.C. 1971(e)) is amended by striking ''subsection (c)'' and inserting ''subsection (c)(1)''.

(ii) Subsection (g) of section 2004 of the Revised Statutes (42 U.S.C. 1971(g)) is amended by striking ''subsection (c)'' and inserting ''subsection (c)(1)''.

(b) CRIMINAL PENALTY.—Section 594 of title 18, United States Code, is amended—

(1) by striking ''Whoever'' and inserting the following:

''(a) INTIMIDATION.—Whoever''; and

(2) by adding at the end the following:

''(b) DECEPTIVE ACTS.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—It shall be unlawful for any person to knowingly deceive another person regarding the time, place, or manner of an election described in subparagraph (B), or the qualifications for or restrictions on voter eligibility for any such election, with the intent to prevent such person from exercising the right to vote in such election.

''(B) ELECTION.—An election described in this subparagraph is any general, primary, run-off, or special election for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, Delegate of the District of Columbia, or Resident Commissioner.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined not more than $100,000, imprisoned not more than 1 year, or both.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. REPORTING FALSE ELECTION INFORMATION.

(a) IN GENERAL.—Any person may report to the Assistant Attorney General of the Civil Rights Division of the Department of Justice, or the designee of such Assistant Attorney General, any act of deception regarding—

(1) the time, place, or manner of conducting a general, primary, run-off, or special election for Federal office; or

(2) the qualifications for or restrictions on voter eligibility for any general, primary, run-off, or special election for Federal office.

(b) CORRECTIVE ACTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 48 hours after receiving a report under subsection (a), the Assistant Attorney General shall investigate such report and, if the Assistant Attorney General determines that an act of deception described in subsection (a) occurred, shall—

(A) undertake all effective measures necessary to provide correct information to voters affected by the deception, and

(B) refer the matter to the appropriate Federal and State authorities for criminal prosecution.

(2) REPORTS WITHIN 72 HOURS OF AN ELECTION.—If a report under subsection (a) is received within 72 hours before the election described in such subsection, the Assistant Attorney General shall immediately investigate such report and, if the Assistant Attorney General determines that an act of deception described in subsection (a) occurred, shall immediately undertake all effective measures necessary to provide correct information to voters affected by the deception.

(3) REGULATIONS.—

(A) IN GENERAL.—The Attorney General shall promulgate regulations regarding the methods and means of corrective actions to be taken under paragraphs (1) and (2). Such regulations shall be developed in consultation with the Election Assistance Commission, civil rights organizations, voting rights groups, State election officials, voter protection groups, and other interested community organizations.

(B) STUDY.—

(i) IN GENERAL.—The Attorney General, in consultation with the Federal Communications Commission and the Election Assistance Commission, shall conduct a study on the feasibility of providing the corrective information under paragraphs (1) and (2) through public service announcements, the emergency alert system, or other forms of public broadcast.

(ii) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to Congress a report detailing the results of the study conducted under clause (i).

(c) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 90 days after any primary, general, or run-off election for Federal office, the Attorney General shall submit to the appropriate committees of Congress a report compiling and detailing any allegations of deceptive practices submitted pursuant to subsection (a) and relating to such election.

(2) CONTENTS.—

(A) IN GENERAL.—Each report submitted under paragraph (1) shall include—

(i) detailed information on specific allegations of deceptive tactics;

(ii) any corrective actions taken in response to such allegations;

(iii) the effectiveness of any such corrective actions;

(iv) any suit instituted under section 2004(b)(2) of the Revised Statutes (42 U.S.C. 1971(b)(2)) in connection with such allegations;

(v) statistical compilations of how many allegations were made and of what type;

(vi) the geographic locations of and the populations affected by the alleged deceptive information; and

(vii) the status of the investigations of such allegations.

(B) EXCEPTION.—The Attorney General may withhold any information that the Attorney General determines would unduly interfere with an on-going investigation.

(3) REPORT MADE PUBLIC.—The Attorney General shall make the report required under paragraph (1) publicly available through the Internet and other appropriate means.

(d) FEDERAL OFFICE.—For purposes of this section, the term ''Federal office'' means the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Commissioner from a territory or possession of the United States.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out this section.

By Mr. FEINGOLD (for himself and Mr. KYL):

S. 1976. A bill to make amendments to the Iran Nonproliferation Act of 2000; to the Committee on Foreign Relations.

Mr. FEINGOLD. Mr. President, I rise today to express my deep concern about the almost daily series of alarming developments in Iran and Syria. Both are state sponsors of terrorism. Both have worked to undermine our rebuilding efforts in Iraq. Tehran and Damascus both have a history of refusing to comply with global nonproliferation standards, and experts routinely cite disturbing trends that suggest these governments are aggressively pursuing programs to develop weapons of mass destruction. Iran clearly has the intention to develop nuclear weapons and is well on its way to doing so. It has been belligerent and dishonest in its dealings with the International Atomic Energy Agency and our European partners who are negotiating with Tehran. This led to the historic vote on September 24 of this year, when the IAEA Board of Governors found that Iran had breached its obligations under the Nuclear Non-Proliferation Treaty and noted Iran's policy of concealing its nuclear work and facilities. What was Tehran's response to the international community? More defiance and the outrageous comments by Iranian President Mahmoud Ahmadinejad calling for Israel to be ''wiped off the map.''

Since coming into office, this administration has mostly allowed these problems with Iran and Syria to fester while its focus was elsewhere. It has paid only intermittent attention when crises flare up and has not formulated a long-term and comprehensive strategy for dealing with the proliferation threat presented by these regimes. The situation has deteriorated to such an extent—with the rapid nuclear developments in Iran, the increasing proliferation risk that it and Syria pose, the undermining of our work in Iraq, and the extreme statements and actions recently taken by both Tehran and Damascus—that we must take immediate action.

Congress took action to augment the U.S. nonproliferation regime in 2000 when it overwhelmingly passed the Iran Nonproliferation Act, INA, in response to repeated transfers of ballistic missile technology and know-how from Russia and other countries to Iran. Known and suspected assistance from Russia, China, and Pakistan has also helped Iran make progress in its nuclear program. I believe that the 2000 legislation has winnowed the pool of transgressors by highlighting the most egregious among them; however, determined governments, industries, and individuals continue to find it a worthwhile risk to trade in goods and technology that can contribute to an Iranian WMD program. Clearly, it is time to strengthen the INA to prevent these transactions. A more robust INA can also serve as a model for curbing proliferation involving other countries—starting with Syria, whose policies may still be influenced by such determined and effective measures.

Congress is on the cusp of adopting some important changes to the INA with S. 1713. If enacted, the reporting and sanctions provisions of the statute would also apply to transactions involving Syria. In addition, the law would also target exports of WMD and missile technology from these two countries. The revamped Iran and Syria Nonproliferation Act, ISNA, would be a positive step. However, we must do more.

Today, I along with my colleague from Arizona, Mr. KYL, introduce the Iran Nonproliferation Enhancement Act of 2005. This bill would intensify and broaden the sanctions provisions in the INA. First, it requires mandatory sanctions for violators, an approach that Congress favored overwhelmingly when it passed the Iran Missile Proliferation Sanctions Act of 1997. Second, it requires a more detailed justification from the President if he chooses to exercise a national security waiver. Third, it introduces requirements that make parent companies subject to INA sanctions, in addition to their proliferator subsidiaries. And fourth, it expands the list of sanctions to include prohibitions on U.S. investment, financing, and financial assistance for proliferators, in addition to the current arms and dual use export prohibitions.

The current sanctions mechanism is too weak. Under the INA, sanctions are authorized rather than required. Since 2000, the administration has chosen to impose INA sanctions on foreign companies or individuals on 65 occasions, with some entities having been sanctioned several times. The State Department has not revealed in unclassified form how many entities were reported but not sanctioned and why they were not sanctioned.

If we accept that a successful Iranian or Syrian WMD program poses a major threat, then we must get serious about our sanctions and make them mandatory. Our bill does just that. Making sanctions mandatory has precedents. As I previously noted, Congress overwhelmingly approved mandatory sanctions against foreign persons and entities engaged in missile proliferation to Iran as part of the Iran Missile Proliferation Sanctions Act of 1997. President Clinton vetoed the bill, however, largely because at that time his administration was engaged in negotiations with Russia over export controls. The sense was that the newly formed government needed time to develop its controls over Russian business. In the end, the administration exercised its Executive order authority to impose broad sanctions on several Russian companies. However, we must let the international community know that the threat from proliferation is great and that export controls must be in place and enforced. Making sanctions mandatory sends that message.

Furthermore, nonproliferation legislation should ensure that national security waivers are issued only under the most compelling of circumstances. The current national security waiver is too broad, and the administration can simply classify the reason for the waiver in order to remove almost all scrutiny. The message sent to those assisting Iran and Syria with WMD development is that, even if the United States catches them, there is only a small chance that we will actually do anything about it. There are legitimate reasons for classifying parts of these responses and that is why our bill allows the administration to submit part of the waiver explanation in a classified annex. However, our bill requires the Administration to provide more detailed explanations for such waivers and an explanation of why a justification is classified.

Currently, the INA sanctions restrict only U.S. arms and dual-use exports to violators, and an Executive order authorizes some additional restrictions. Our bill will ensure that all the significant tools in our sanctions arsenal are brought to bear on proliferators. It broadens INA sanctions to also include prohibitions on U.S. investment, financing, and financial assistance for violators, and if S. 1713 is enacted, also ban their imports into the United States. In an example identified by the Wisconsin Project on Nuclear Arms Control, China National Aero-Technology Import Export Corporation, CATIC, which was sanctioned under the INA in 2002 and 2004, has subsidiaries that export to the U.S. Under our bill, the investment sanction would prevent U.S. companies from making new capital investments in CATIC factories. It would also forbid the purchase by U.S. persons of shares of CATIC Shenzhen Holdings and CATIC International Holdings, two CATIC-controlled companies that are listed on the Hong Kong Stock Exchange. The new import ban would block the sale of CATIC products in the United States, cutting off an important source of revenue. Put simply, this bill would make it clear for companies like CATIC that they must make a choice—profit from their dealings with the vast U.S. market or continue to assist Iran or Syria with their WMD and missile programs. It is long past due that companies make such a choice.

Under the INA, parent companies can continue to do business with the U.S. and profit from our economy, even if their subsidiaries openly assist Iran with missile and WMD-related activities. Our bill attempts to end this aberration by expanding the scope of the sanctions to include the parent companies. The Wisconsin Project has identified serial proliferators who have flouted U.S. law because they know they cannot be touched by the current INA. China Aerospace Science and Technology Corporation, CASC, for example, has had three subsidiaries sanctioned—two of them repeatedly—for missile technology transfers to Iran. Meanwhile, CASC is marketing its commercial satellite launch program in our country. This amendment would force CASC to choose between selling missile technology to Iran and the business potential in future U.S. satellite launches. The bill's ban on investment would also affect the subsidiaries CASC has listed on the Hong Kong Stock Exchange. Similarly, the Chinese oil giant Sinopec has been selling glass-lined vessels useful for making poison gas to Iran through its subsidiaries. While INA sanctions were imposed on one of its subsidiaries, however, Sinopec remained free to raise billions of dollars on the New York Stock Exchange and even receive U.S. technology and U.S. foreign aid. This is absurd, and will no longer be possible if our bill becomes law.

In conclusion, I want to emphasize the urgency of this matter. The intelligence community expects that Iran will be able to produce a nuclear weapon within a decade, and the CIA has highlighted concern about Iran's robust missile program. Iran has pursued various methods for enriching uranium and experimented with separating plutonium. Iran's WMD program is making news headlines again, and the IAEA Board of Governors found Iran in noncompliance with the NPT. The Congressional Research Service reported in its review of the INA that Iran's efforts to acquire foreign WMD technology seem to have continued unabated. Similarly, Syria continues to rely on technology and assistance from abroad to develop its ballistic missile program. According to recent unclassified CIA reports, Syria's chemical weapon program also depends on equipment and precursor chemicals it receives from foreign sources.

We need to make a serious effort to inhibit WMD development by Iran and Syria. Strengthening the INA is one concrete way to do that for Iran, and when S. 1713 is enacted, also for Syria. We must make clear to the world that assisting Tehran and Damascus in developing the most dangerous weapons cannot and will not be tolerated. For example, China is a country with which we continue to build closer ties. However, a recent Rand study concluded that although China has improved its export control system on paper, it does not consistently and effectively implement these controls. Russia is also an important partner, but it has continued to provide Iran with nuclear technology. India is another nation with which the United States continues to grow closer, and the President has even committed to helping it with nuclear energy technology. Yet India also has very close ties to Iran. We must make clear to these nations and to the entire world that it is in the best interest of the international community that Iran and Syria do not expand their WMD capabilities. We must also make it crystal clear that if you assist these nations with their quest for weapons, there will be serious consequences for you in your relationship and dealings with the United States. Strengthening the INA as we suggest will make that message clear and further our national security goals.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1976

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Iran Nonproliferation Enforcement Act of 2005''.

SEC. 2. SANCTIONS APPLICABLE UNDER THE IRAN NONPROLIFERATION ACT OF 2000.

(a) APPLICATION OF CERTAIN MEASURES.—Section 3 of the Iran Nonproliferation Act of 2000 (50 U.S.C. 1701 note) is amended—

(1) by amending subsection (a) to read as follows:

''(a) APPLICATION OF MEASURES.—Subject to sections 4 and 5, the President shall apply, for a period of not less than 2 years, the measures described in subsection (b) with respect to—

''(1) each foreign person identified in a report submitted pursuant to section 2(a);

''(2) all successors, subunits, and subsidiaries of each such foreign person; and

''(3) any entity (if operating as a business enterprise) that owns more than 50 percent of, or controls in fact, any such foreign person and any successors, subunits, and subsidiaries of such entity.'';

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

''(1) EXECUTIVE ORDER NO. 12938 PROHIBITIONS.—The measures set forth in subsections (b), (c), and (d) of section 4 of Executive Order 12938.'';

(B) in paragraph (2)—

(i) by striking ''to that foreign person''; and

(ii) by striking ''to that person'';

(C) in paragraph (3), by striking ''to that person''; and

(D) by adding at the end the following new paragraphs:

''(4) INVESTMENT PROHIBITION.—Prohibition of any new investment by a United States person in property, including entities, owned or controlled by—

''(A) that foreign person;

''(B) any entity (if operating as a business enterprise) that owns more than 50 percent of, or controls in fact, such foreign person; or

''(C) any successor, subunit, or subsidiary of such entity.

''(5) FINANCING PROHIBITION.—Prohibition of any approval, financing, or guarantee by a United States person, wherever located, of a transaction by—

''(A) that foreign person;

''(B) any entity (if operating as a business enterprise) that owns more than 50 percent of, or controls in fact, such foreign person; or

''(C) any successor, subunit, or subsidiary of such entity.

''(6) FINANCIAL ASSISTANCE PROHIBITION.—Denial by the United States Government of any credit, credit guarantees, grants, or other financial assistance by any department, agency, or instrumentality of the United States Government to—

''(A) that foreign person;

''(B) any entity (if operating as a business enterprise) that owns more than 50 percent

of, or controls in fact, such foreign person; and

''(C) any successor, subunit, or subsidiary of such entity.''; and

(3) by amending subsection (d) to read as follows:

''(d) PUBLICATION IN FEDERAL REGISTER.—

''(1) IN GENERAL.—The application of measures pursuant to subsection (a) shall be announced by notice published in the Federal Register.

''(2) CONTENT.—Each notice published pursuant to paragraph (1) shall include the name and address (where known) of each person or entity to whom measures have been applied pursuant to subsection (a).''.

(b) NATIONAL SECURITY WAIVER.—Section 4 of such Act is amended to read as follows:

''SEC. 4. WAIVER ON BASIS OF NATIONAL SECURITY.

''(a) IN GENERAL.—The President may waive the imposition of any sanction that would otherwise be required under section 3 on any person or entity 15 days after the President determines and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that such waiver is essential to the national security of the United States.

''(b) WRITTEN JUSTIFICATION.—The determination and report of the President under subsection (a) shall include a written justification—

''(1) describing in detail the circumstances and rationale supporting the President's conclusion that the waiver is essential to the national security of the United States; and

''(2) identifying—

''(A) the name and address (where known) of the person or entity to whom the waiver is applied pursuant to subsection (a);

''(B) the specific goods, services, or technologies, the transfer of which would have required the imposition of measures pursuant to section 3 if the President had not invoked the waiver authority under subsection (a); and

''(C) the name and address (where known) of the recipient of such transfer.

''(c) FORM.—The written justification shall be submitted in unclassified form, but may contain a classified annex.''.

By Mr. STEVENS:

S. 1977. A bill to repeal section 5 of the Marine Mammal Protection Act of 1972; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, I come to the floor to introduce this bill, which repeals a provision in the 1977 reauthorization of the Marine Mammal Protection Act of 1972—a provision which unduly restricts our ability to get States on the west coast the petroleum supplies they need.

In the last several weeks, some of our colleagues have participated in press conferences, sent out news releases, and come to the floor to talk about the impact of high energy prices. They have expressed concern about the effect these prices are having on our economy, our consumers, our businesses, and our national security.

I share their concerns. In fact, for over 3 years, I have been urging the Senate to deal with this situation.

It took one of the worst natural disasters in the history of our Nation for many to evaluate our energy policy. While the circumstances are tragic, I am glad our colleagues are taking a closer look at this.

The plan our colleagues now support aims to achieve the right goal, but it offers the wrong solution. Their plan calls for energy independence—a goal which I support. But they tout conservation as the only way to reach this goal. This approach would put us on the wrong course and fail to solve the larger problem.

Our country is in the midst of an energy crisis, and we cannot conserve our way out. To suggest otherwise does a great disservice to all Americans. We don't need a hollow plan, we need results.

We cannot get out of this crisis by blaming Americans—who are just trying to live their lives, run their businesses, and get to and from work—for the situation we are in. This is not solely a consumption problem; much of this crisis stems from misguided policies which have locked up our lands and prevented us from building new refineries.

The only way to become energy independent is through a combination of initiatives. Conservation is one part of the broader solution.

But we also need to develop renewable and alternative sources of energy and invest in nuclear power and we must develop our domestic oil and gas resources which exist on Federal lands.

The end to this crisis lies in the balance between conservation and development. Yes, I believe that Americans need to conserve our energy resources, but this alone won't solve our energy crisis. To suggest it will is to greatly mislead the American public.

We need to get serious about our energy policy.

My good friend and colleague, Senator DOMENICI, has told us we must expand on the Energy bill.

I agree with Senator DOMENICI, and I look forward to working with him on an energy policy for this country that makes sense.

Hurricanes Katrina and Rita exposed a weakness in our domestic production and refining capability, weakness some of us have been warning about for years. All Americans have been hit with higher energy prices in the aftermath of Hurricanes Katrina and Rita.

Some colleagues have expressed concern that this situation was compounded by price gouging. Senator INOUYE and I, along with our colleagues on the Commerce Committee, are evaluating several bills pertaining to that issue. In the coming days, we will be moving forward to address some of those concerns.

In the process of reviewing these concerns, the claims by those on the west coast were of particular interest to me. Due to current restrictions in the MMPA, it is almost impossible for companies to expand their refineries to increase supply. The provision repealed by my bill is currently impacting the largest refinery on the west coast, affecting more than 300,000 gallons of fuel per day.

I introduce this bill to enable us to get petroleum resources to west coast States quickly and urge my colleagues to support this initiative.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 301—COMMEMORATING THE 100TH ANNIVERSARY OF THE NATIONAL AUDUBON SOCIETY

Mr. CHAFEE (for himself, Ms. STABENOW, Ms. SNOWE, Mrs. BOXER, Mr. CARPER, Mr. NELSON of Florida, Mr. MARTINEZ, Mr. JEFFORDS, Mr. KERRY, Mr. FEINGOLD, Mr. DURBIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mrs. CLINTON, Ms. COLLINS, Ms. CANTWELL, Mr. LIEBERMAN, Mr. DEWINE, Mr. CRAPO, Mr. BOND, Ms. LANDRIEU, and Mr. VITTER) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 301

Whereas the welfare of the citizens of the United States is greatly enriched by the purposeful endeavors of individuals and organizations committed to the preservation and protection of our environment, and the enhancement of, and appreciation for, our natural surroundings;

Whereas the National Audubon Society, the Nation's largest bird conservation organization, is celebrating its Centennial year in 2005, having been incorporated on January 5, 1905, by dedicated women and men eager to save from extinction the Great Egret and other bird species killed for their feathers to support the fashion industry;

Whereas it is the intent of the Senate to recognize and pay tribute to the National Audubon Society upon the occasion of its 100th anniversary;

Whereas the founders of the National Audubon Society withstood violence and opposition to organize one of the longest-lived and most successful conservation groups in the United States, dedicated to the protection of birds, other wildlife, and their habitats through advocacy of environmental policy and education based on sound science;

Whereas the dedicated efforts of Audubon volunteers, members, and staff in support of landmark bird protection legislation have aided in the rescue efforts of the following species from the threat of extinction: Bald Eagles, Egrets, Ibis, Herons, Flamingos, Whooping Cranes, Peregrine Falcons, Brown Pelicans, Roseate Spoonbills, Atlantic Puffins, and Condors;

Whereas the National Audubon Society lent critical support to the protection of wildlife habitats through the passage of legislation, such as the Alaska National Interest Lands Conservation Act and the Act popularly known as the Everglades Restoration Act, the identification of 1,800 habitats critical to the survival of bird species through Audubon's Important Bird Areas Program, and the establishment of private bird sanctuaries;

Whereas the National Audubon Society played a critical role in the establishment of the Nation's first wildlife refuge, Florida's Pelican Island, in 1903, and the subsequent protection of Pelican Island and other refuge areas in the National Wildlife Refuge system;

Whereas birds are excellent indicators of environmental health, as impacted by such factors as pollution, climate change, toxins, and habitat loss, as well as our own long-term well being, and it is in our best interest

to heed such indicators, which may ultimately affect human populations; and

Whereas recognizing that the national network of community-based nature centers and chapters, scientific and educational programs, and advocacy of the National Audubon Society, engages millions of people of all ages and backgrounds in positive conservation experiences, and are integral to maintaining the health and beauty of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 100th anniversary of the National Audubon Society;

(2) congratulates the National Audubon Society on this milestone; and

(3) encourages the National Audubon Society to continue its important work to ensure that the next 100 years of conservation are a success.

Mr. CHAFEE. Mr. President, I am pleased to submit a resolution with Senator STABENOW to commemorate the National Audubon Society's Centennial Anniversary. Senators SNOWE, BOXER, CARPER, NELSON (FL), MARTINEZ, JEFFORDS, KERRY, FEINGOLD, DURBIN, FEINSTEIN, SCHUMER, CLINTON, COLLINS, CANTWELL, LIEBERMAN, DEWINE, CRAPO, BOND, LANDRIEU and VITTER have joined us as original cosponsors.

The National Audubon Society was first incorporated in 1905 by a dedicated group of conservationists with the goal of protecting birds such as the Great Egret from the plumage trade. Feathered hats were at the height of fashion in those days, and plume-traders would hunt egrets and other birds as part of a highly profitable business. By raising the awareness of the problem, the men and women who founded the National Audubon Society saved egrets and many other bird species from extinction.

Since that time, Audubon has worked to preserve and protect species and the habitat upon which they depend throughout the United States. The organization has been instrumental in setting aside natural areas as wildlife sanctuaries, and supporting major habitat restoration efforts including ongoing conservation work in the Florida Everglades, San Francisco Bay, and along the Mississippi River. As the U.S. partner in BirdLife International's Important Bird Areas (IBA) Program, Audubon has fostered the stewardship and protection of essential wildlife habitat from coast to coast. Through a science-based process of site identification, monitoring, education and outreach, Audubon's IBA program has laid the groundwork for community-based conservation with over 1,600 sites recognized as ecologically important for bird species. In recent months, Audubon has worked with partners to raise awareness of the plight of the Red Knot, a long-distance migratory bird species in steep decline as the result of the overharvesting of its food source, habitat destruction and invasive species concerns.

The Senate Resolution we are submitting today recognizes the National Audubon Society's dedication and commitment to protecting wildlife and the Nation's ecological heritage. We commemorate the National Audubon Society on it's 100th anniversary, and wish the organization many more years of success.

SENATE CONCURRENT RESOLUTION 62—DIRECTING THE JOINT COMMITTEE ON THE LIBRARY TO PROCURE A STATUE OF ROSA PARKS FOR PLACEMENT IN THE CAPITOL

Mr. MCCONNELL (for himself and Mr. DODD) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 62

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. PROCUREMENT OF A STATUE OF ROSA PARKS.

The Joint Committee on the Library shall procure a statue of Rosa Parks and cause such statue to be placed in a suitable location in the Capitol, as determined by the Joint Committee on the Library.

SEC. 2. PAYMENT OF EXPENSES.

The expenses incurred by the Joint Committee on the Library in carrying out this concurrent resolution shall be paid out of the miscellaneous items account within the contingency fund of the Senate on vouchers approved by the Joint Committee on the Library and signed by the chairman and vice-chairman of the Joint Committee.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2439. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill 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, and for other purposes.

SA 2440. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2441. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1042, supra.

SA 2442. Mr. BYRD (for himself, Mr. WARNER, Mr. ENSIGN, Mr. AKAKA, Mr. LAUTENBERG, and Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 2443. Mr. ENSIGN proposed an amendment to the bill S. 1042, supra.

SA 2444. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2445. Mr. BROWNBACK (for himself, Mr. INHOFE, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2446. Mr. WARNER (for Mr. LIEBERMAN (for himself and Mr. CORNYN)) proposed an amendment to the bill S. 1042 supra.

SA 2447. Mr. WARNER (for Mr. HATCH (for himself, Mr. INHOFE, Mr. BENNETT, and Mr. CHAMBLISS)) proposed an amendment to the bill S. 1042, supra.

SA 2448. Mr. WARNER (for Mr. CONRAD (for himself, Mr. BAUCUS, and Mr. SALAZAR)) proposed an amendment to the bill S. 1042, supra.

SA 2449. Mr. WARNER (for Mr. THUNE) proposed an amendment to the bill S. 1042, supra.

SA 2450. Mr. WARNER (for Mrs. MURRAY) proposed an amendment to the bill S. 1042, supra.

SA 2451. Mr. WARNER (for Mr. CHAMBLISS) proposed an amendment to the bill S. 1042, supra.

SA 2452. Mr. WARNER (for Mr. NELSON of Nebraska) proposed an amendment to the bill S. 1042, supra.

SA 2453. Mr. WARNER (for Mr. LOTT (for himself, Mr. COCHRAN, and Mr. NELSON of Florida)) proposed an amendment to the bill S. 1042, supra.

SA 2454. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 1042, supra.

SA 2455. Mr. WARNER (for Mr. REED (for himself and Mr. ROCKEFELLER)) proposed an amendment to the bill S. 1042, supra.

SA 2456. Mr. WARNER (for Mrs. DOLE) proposed an amendment to the bill S. 1042, supra.

SA 2457. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2458. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 1042, supra.

SA 2459. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2460. Mr. WARNER (for Mrs. CLINTON (for herself and Ms. COLLINS)) proposed an amendment to the bill S. 1042, supra.

SA 2461. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, supra.

SA 2462. Mr. WARNER (for Mr. VITTER) proposed an amendment to the bill S. 1042, supra.

SA 2463. Mr. WARNER (for Mr. CHAMBLISS) proposed an amendment to the bill S. 1042, supra.

SA 2464. Mr. WARNER (for Mr. BAYH) proposed an amendment to the bill S. 1042, supra.

SA 2465. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2466. Mr. WARNER (for Mr. GRAHAM (for himself and Mr. NELSON of Nebraska)) proposed an amendment to the bill S. 1042, supra.

SA 2467. Mr. WARNER (for Mr. DODD) proposed an amendment to the bill S. 1042, supra.

SA 2468. Mr. WARNER (for Mrs. DOLE) proposed an amendment to the bill S. 1042, supra.

SA 2469. Mr. WARNER (for Mr. CARPER) proposed an amendment to the bill S. 1042, supra.

SA 2470. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1042, supra.

SA 2471. Mr. WARNER (for Mr. FEINGOLD) proposed an amendment to the bill S. 1042, supra.

SA 2472. Mr. VOINOVICH (for Mr. ENZI) proposed an amendment to the bill H.R. 797, to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians.

SA 2473. Mr. DURBIN (for himself, Mr. CORZINE, and Ms LANDRIEU) submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2439. Mr. INHOFE submitted an amendment intended to be proposed by

him to the bill 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, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. AMERICAN FORCES NETWORK.

(a) FINDINGS.—The Senate makes the following findings:

(1) The mission of the American Forces Radio and Television Service (AFRTS) and its American Forces Network (AFN), a worldwide radio and television broadcast network, is to deliver command information by providing United States military commanders overseas and at sea with a broadcast media that effectively communicates information to personnel under their commands, including information from the Department of Defense, information from the Armed Forces, and information unique to the theater and localities in which such personnel are stationed or deployed.

(2) The American Forces Radio and Television Service and the American Forces Network provide a ''touch of home'' to members of the Armed Forces, civilian employees of the Department of Defense, and their families stationed at bases and at embassies and consulates in more than 179 countries, as well as Navy, Coast Guard, and Military Sealift Command ships at sea, by providing the same type and quality of radio and television programming (including news, information, sports, and entertainment) that would be available in the continental United States. Additionally, the American Forces Network plays an important role in enabling military commanders to disseminate official information to members of the Armed Forces and their families, thus making popularity and acceptance key factors in ensuring effective communication.

(3) It is American Forces Radio and Television Service and American Forces Network policy that, except for the Pentagon Channel service, programming is acquired from distributors of the most popular television program airing in the continental United States. Much of the programming is provided at no cost to the United States Government. The remainder of the programming is provided at less-than-market rates to cover distributors' costs and obligations. Depending on the audience segment or demographic targeted, programs that perform well are acquired and scheduled to maximize audiences for internal and command information exposure.

(4) American Forces Radio and Television Service and American Forces Network select programming that represents a cross-section of popular American radio and television, tailored toward the worldwide audience of the American Forces Radio and Television Service and the American Forces Network. Schedules emulate programming practices in the United States, and programs are aired in accordance with network broadcast standards. Specifically, policy on programming seeks—

(A) to provide balance and diversity;

(B) to deliver a cross-section of popular programming;

(C) to target appropriate demographics; and

(D) to maintain network broadcast standards.

(5) The ''Voice Channel'', or radio programming, of the American Forces Radio and Television Service and American Forces Network is chosen to address requirements specified by the military broadcasting services and the detachment commanders of their affiliate radio stations. American Forces Network Radio makes a best faith effort to obtain the top-rated program of its sort at the time of selection, at no cost to the United States Government. American Forces Network Radio usually retains a scheduled program until it is no longer produced, too few American Forces Network affiliates choose to schedule the program locally, or a similar program so thoroughly dominates its audience in the United States that the American Forces Radio and Television Service switches to this program to offer the higher rated show to the overseas audience.

(6) American Forces Network Radio personnel review the major trade publications to monitor announcements of new programs, follow the ratings of established programs, and keep aware of programming trends. When a program addressing a need identified by a Military Broadcasting Service or an American Forces Network affiliate becomes available to the American Forces Network, or a program seems especially worthy of consideration, American Forces Network Radio informs the affiliates and supplies samples to gauge affiliate interest. If affiliates commit to broadcasting the new show, American Forces Network Radio seeks to schedule it.

(7) The managers of the American Forces Radio and Television Service continually update their programming options and, in November 2005, decided to include additional programs that meet the criteria that American Forces Radio and Television Service managers apply to such decisions, and that, consistent with American Forces Radio and Television Service and American Forces Network procedures, local programmers at 33 locations around the globe decide which programs actually are broadcast. American Forces Radio and Television Service have consistently sought to provide a broad, high quality range of choices for local station managers.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the men and women of the American Forces Radio and Television Service and the Armed Forces Network should be commended for providing a vital service to the military community worldwide; and

(2) the programming mission, themes, and practices of the Department of Defense with respect to its television and radio programming have fairly and responsively fulfilled their mission of providing a ''touch of home'' to members of the Armed Forces and their families around the world and have contributed immeasurably to high morale and quality of life in the Armed Forces.

(c) AUTHORITY TO APPOINT OMBUDSMAN AS INTERMEDIARY.—The Secretary of Defense may appoint an individual to serve as ombudsman of the American Forces Network. Any ombudsman so appointed shall act as an intermediary between the staff of the American Forces Network and the Department of Defense, military commanders, and listeners to the programming of the American Forces Network.

SA 2440. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; as follows:

At the end of subtitle G of title X of division A, add the following:

SEC. 1073. PRAYER AT MILITARY SERVICE ACADEMY ACTIVITIES.

(a) IN GENERAL.—The superintendent of a service academy may have in effect such policy as the superintendent considers appropriate with respect to the offering of a voluntary, nondenominational prayer at an otherwise authorized activity of the academy, subject to such limitations as the Secretary of Defense may prescribe.

(b) SERVICE ACADEMIES.—For purposes of this section, the term ''service academy'' means any of the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

SA 2441. Mr. REID submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; as follows:

At the appropriate place in title VI, add the following:

SEC. ___. INCLUSION OF VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY REASON OF UNEMPLOYABILITY UNDER TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.

(a) INCLUSION OF VETERANS.—Section 1414(a)(1) of title 10, United States Code, is amended by inserting ''or a qualified retiree receiving veterans' disability compensation for a disability rated as total (within the meaning of subsection (e)(3)(B))'' after ''rated as 100 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2004.

SA 2442. Mr. BYRD (for himself, Mr. WARNER, Mr. ENSIGN, Mr. AKAKA, Mr. LAUTENBERG, and Mr. LEVIN) proposed an amendment intended to the bill 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, and for other purposes; as follows:

At the end of subtitle A of title IX, add the following:

SEC. ___. DEPUTY SECRETARY OF DEFENSE FOR MANAGEMENT.

(a) ESTABLISHMENT.—

(1) POSITION AND DUTIES.—

(A) Chapter 4 of title 10, United States Code, is amended—

(i) in section 131(b), by striking paragraph (1) and inserting the following new paragraph:

''(1) Two Deputy Secretaries of Defense, as follows:

''(A) The Deputy Secretary of Defense.

''(B) The Deputy Secretary of Defense for Management.''; and

(ii) by inserting after section 132 the following new section 132a:

''§ 132a. Deputy Secretary of Defense for Management

''(a) ESTABLISHMENT.—(1) There is a Deputy Secretary of Defense for Management, appointed from civilian life by the President,

by and with the advice and consent of the Senate, from among persons who have—

''(A) extensive executive level experience in leadership and management in the public or private sector;

''(B) substantial experience in the reform of accounting or financial management systems in large organizations;

''(C) a demonstrated ability to manage large and complex organizations; and

''(D) a record of achieving positive operational results.

''(2) A person may not be appointed as Deputy Secretary of Defense for Management within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force.

''(3) The Deputy Secretary of Defense for Management shall serve for a term of seven years.

''(b) GENERAL AUTHORITY.—(1) The Deputy Secretary of Defense for Management—

''(A) serves as the Chief Management Officer of the Department of Defense;

''(B) is the principal adviser to the Secretary of Defense on matters relating to the management of the Department of Defense, including defense business activities, to ensure departmentwide capability to carry out the strategic plan of the Department of Defense in support of national security objectives; and

''(C) performs such additional duties and exercises such other powers as the Secretary may prescribe.

''(2) The Deputy Secretary of Defense for Management takes precedence in the Department of Defense immediately after the Deputy Secretary of Defense.

''(3)(A) The Deputy Secretary of Defense for Management shall act for, and exercise the powers of, the Secretary of Defense when—

''(i) the Secretary is disabled or there is no Secretary of Defense; and

''(ii) the Deputy Secretary of Defense is disabled or there is no Deputy Secretary of Defense.

''(B) The Deputy Secretary of Defense for Management shall act for, and exercise the powers of, the Deputy Secretary of Defense when the Deputy Secretary is disabled or there is no Deputy Secretary of Defense.

''(c) MANAGEMENT DUTIES.—To support the economical, efficient, and effective execution of the national defense objectives, policies, and plans of the Department of Defense, the Deputy Secretary of Defense for Management shall be responsible to the Secretary of Defense for the development, approval, implementation, integration, and oversight of policies, procedures, processes, and systems for the management of the Department of Defense that relate to performance of the following functions:

''(1) Planning and budgeting, including performance measurement.

''(2) Acquisition.

''(3) Logistics.

''(4) Facilities, installations, and environment.

''(5) Financial management.

''(6) Human resources and personnel.

''(7) Management of information resources, including information technology, networks, and telecommunications functions.

''(d) DEFENSE BUSINESS REFORM.—For the functions specified in subsection (c), the Deputy Secretary of Defense for Management shall—

''(1) develop and maintain a departmentwide management strategic plan for business reform, and identify key initiatives to be undertaken by the Department and its components, together with related resource needs;

''(2) establish performance goals and measures for improving and evaluating overall economy, efficiency, and effectiveness;

''(3) monitor and measure the progress of the Department of Defense and its components in meeting established performance goals for improving economy, efficiency, and effectiveness; and

''(4) review and approve plans and budgets for business reform, including any proposed changes to policies, procedures, processes, and systems, to ensure the compatibility of those plans and budgets with—

''(A) the overall strategic plan and budget of the Department of Defense;

''(B) the strategic plan for business reform of the Department of Defense; and

''(C) achievement of the integration of business activities throughout the Department of Defense.

''(e) DEFENSE BUSINESS SYSTEMS.—(1) In carrying out the duties of the position under this section, the Deputy Secretary of Defense for Management shall oversee the implementation of a defense business systems modernization program including the execution of any funds appropriated for maintaining legacy systems and for modernizing defense business systems.

''(2) The Deputy Secretary of Defense for Management shall—

''(A) oversee the development of, and shall review and approve, all budget requests for defense business systems, including the information to be submitted to Congress under section 2222(h) of this title; and

''(B) subject to the authority, direction, and control of the Secretary of Defense, perform the responsibilities of the Secretary under section 2222 of this title.

''(3) In this subsection, the terms 'defense business system' and 'defense business system modernization' have the meanings given to those terms in section 2222(j) of this title.

''(f) RELATIONSHIP TO OTHER DEFENSE OFFICIALS.—(1) The Deputy Secretary of Defense for Management exercises the authority of the Secretary of Defense in the performance of the duties of the Deputy Secretary under this section, subject to the authority, direction, and control of the Secretary.

''(2) The Secretaries of the military departments and the heads of the other elements of the Department of Defense are subject to the authority, direction, and control of the Deputy Secretary in the performance of their duties with respect to matters within the authority of the Deputy Secretary, and the exercise of that authority by the Deputy Secretary is binding on the military departments and such other elements.

''(g) CONSULTATION WITH OTHER OFFICIALS.—In carrying out the duties of the position under this section, the Deputy Secretary of Defense for Management shall consult on a continuing basis with the Deputy Secretary of Defense, the Secretaries of the military departments, and the Chairman of the Joint Chiefs of Staff—

''(1) to support economical, efficient, and effective performance of the missions of the Department of Defense; and

''(2) to support each of those officials—

''(A) in the implementation of the national defense strategy and the strategic plan of the Department of Defense; and

''(B) in the administration of related programs, plans, operations, and activities.

''(h) PERFORMANCE AND EVALUATION.—(1) The Deputy Secretary of Defense for Management shall enter into an annual performance agreement with the Secretary of Defense each year. The agreement shall set forth measurable individual and organizational goals that are consistent with the goals and measures established under subsection (d) of this section. The agreement shall be available for public disclosure.

''(2) The Secretary of Defense shall evaluate the performance of the Deputy Secretary of Defense for Management each year and shall determine as part of each such evaluation whether the Deputy Secretary has made satisfactory progress toward achieving the goals set out in the performance agreement for that year under paragraph (1).''.

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 132 the following new item:

''132a. Deputy Secretary of Defense for Management.''.

(2) EXECUTIVE LEVEL II.—Section 5313 of title 5, United States Code, is amended by inserting after ''Deputy Secretary of Defense'' the following:

''Deputy Secretary of Defense for Management.''.

(b) MEMBERSHIP OF CERTAIN DEPARTMENT OF DEFENSE MANAGEMENT COMMITTEES.—

(1) FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE.—Section 185(a) of title 10, United States Code, is amended—

(A) in paragraph (2)—

(i) by redesignating subparagraphs (A), (B), (C), (D), and (E) as subparagraphs (B), (C), (D), (E), and (F), respectively;

(ii) by inserting after ''composed of the following:'' the following new subparagraph (A):

''(A) The Deputy Secretary of Defense for Management, who shall be the chairman of the committee.''; and

(iii) in subparagraph (B), as redesignated by clause (i), by striking '', who shall be the chairman of the committee''; and

(B) in paragraph (3), by inserting ''the Deputy Secretary of Defense for Management,'' after ''the Deputy Secretary of Defense,''.

(2) DEFENSE BUSINESS SYSTEM MANAGEMENT COMMITTEE.—Section 186 of such title is amended by striking ''Deputy Secretary of Defense'' each place it appears in subsections (a)(1) and (b) and inserting ''Deputy Secretary of Defense for Management''.

(c) ADJUSTMENTS TO DUTIES AND PRECEDENCE OF OTHER OFFICIALS.—

(1) UNDER SECRETARY OF DEFENSE FOR POLICY.—Section 134 of title 10, United States Code, is amended—

(A) in subsection (b)(2), by striking ''Secretary of Defense—'' and inserting ''Secretary of Defense and the Deputy Secretary of Defense—''; and

(B) in subsection (c), by inserting ''the Deputy Secretary of Defense for Management,'' after ''the Deputy Secretary of Defense,''.

(2) UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Section 133(e) of such title is amended—

(A) in paragraph (1), by striking ''and the Deputy Secretary of Defense'' and inserting '', the Deputy Secretary of Defense, and the Deputy Secretary of Defense for Management''; and

(B) in paragraph (2), by inserting ''the Deputy Secretary of Defense for Management,'' after ''the Deputy Secretary of Defense,''.

(3) DEPUTY UNDER SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIEL READINESS.—Section 133b(c)(2) of such title is amended by inserting ''the Deputy Secretary of Defense for Management,'' after ''the Deputy Secretary of Defense,''.

(4) DIRECTOR OF OPERATIONAL TEST AND EVALUATION.—Section 139 of such title is amended—

(A) in subsection (b)—

(i) in paragraph (2), by striking ''and the Under Secretary of Defense for Acquisition, Technology, and Logistics'' and inserting '', the Deputy Secretary of Defense, the Deputy Secretary of Defense for Management, the Under Secretary of Defense for Acquisition, Technology, and Logistics,''; and

(ii) in paragraph (5), by inserting '', the Deputy Secretary of Defense, and the Deputy Secretary of Defense for Management'' after ''the Secretary of Defense''; and

(B) in subsection (c), by striking ''and the Deputy Secretary of Defense'' in the first sentence and inserting '', the Deputy Secretary of Defense, and the Deputy Secretary of Defense for Management''.

SA 2443. Mr. ENSIGN proposed an amendment to the bill 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, and for other purposes; as follows:

On page 286, between lines 7 and 8, insert the following:

SEC. 1073. RIOT CONTROL AGENTS.

(a) RESTATEMENT OF POLICY.—It is the policy of the United States that riot control agents are not chemical weapons and that the president may authorize their use as legitimate, legal, and non-lethal alternatives to the use of force that, as provided in Executive Order 11850 (40 Fed. Reg. 16187) and consistent with the resolution of ratification of the Chemical Weapons convention, may be employed by members of the Armed Forces in war in defensive military modes to save lives, including the illustrative purposes cited in Executive Order 11850.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on the use of riot control agents by members of the Armed Forces.

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a description of all regulations, doctrines, training materials, and any other information related to the use of riot control agents by members of the Armed Forces;

(B) a description of the doctrinal publications, training, and other resources provided or available to members of the Armed Forces on an annual basis with regard to the tactical employment of riot control agents;

(C) a description of how the material described in subparagraphs (A) and (B) is consistent with United States policy on the use of riot control agents;

(D) a description of the availability of riot control agents, and the means to employ them, to members of the Armed Forces deployed in Iraq and Afghanistan;

(E) a description of the frequency of use of riot control agents since January 1, 1992, and a summary of views held by military commanders about the utility of the employing riot control agents by members of the Armed Forces;

(F) a general description of steps taken or to be taken by the Department of Defense to clarify the circumstances under which riot control agents may be used by members of the Armed Forces; and

(G) an assessment of the legality of Executive Order 11850, including an explanation why Executive Order 11850 remains valid under United States law.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITIONS.—In this section:

(1) CHEMICAL WEAPONS CONVENTION.—The term ''Chemical Weapons Convention'' means the Convention on the Prohibitions of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103–21).

(2) RESOLUTION OF RATIFICATION OF THE CHEMICAL WEAPONS CONVENTION.—The term ''resolution of ratification of the Chemical Weapons Convention'' means S. Res. 75, 105th Congress, agreed to April 24, 1997, advising and consenting to the ratification of the Chemical Weapons Convention.

SA 2444. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X of division A, add the following:

SEC. 1073. SENSE OF THE SENATE ON THE EFFECT OF OIL AND GAS EXPLORATION ON MILITARY OPERATIONS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Continued encroachment, land use restrictions, and environmental protections have significantly limited military access to and use of Department of Defense training ranges, operating ranges, and controlled areas and hampered land, air, and sea testing.

(2) While simulators and non-live fire exercises are an important part of military training, there is no adequate substitute for live-fire training using the full range of ordnance available to the Armed Forces.

(3) Approved and controlled areas for realistic and safe live-fire testing and training operations are increasingly limited.

(4) The Department of Defense terminated Navy and Marine Corps live-fire training operations at Vieques Island, Puerto Rico.

(5) The air and sea space within and around the Eastern Gulf of Mexico is a unique and irreplaceable national security asset that provides critical live-fire testing and training opportunities.

(6) Increased oil and gas exploration operations in the waters or beneath the airspace controlled by the Department of Defense could restrict critical live-fire testing and training.

(7) Future weapons systems and advanced technologies with longer ranges at supersonic speeds will require more restricted air, land, and water range space.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) oil and gas exploration operations should not interfere with the testing and training missions of the Department of Defense; and

(2) any determination of range requirements and safety buffers should realistically account for future weapons systems and technologies, including longer range standoff drone technologies.

SA 2445. Mr. BROWNBACK (for himself, Mr. INHOFE, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROTECTION OF CHILDREN AND PARENTAL INVOLVEMENT IN THE PERFORMANCE OF ABORTIONS FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.

Section 1093 of title 10, United States Code, is amended by adding at the end the following new subsections:

''(c) PARENTAL NOTICE.—(1) A physician may not use facilities of the Department of Defense to perform an abortion on a pregnant unemancipated minor who is a child of a member of the armed forces unless—

''(A) the physician gives at least 48 hours actual notice, in person or by telephone, of the physician's intent to perform the abortion to—

''(i) the member of the armed forces, or another parent of the minor, if the minor has no managing conservator or guardian; or

''(ii) a court-appointed managing conservator or guardian;

''(B) the judge of an appropriate district court of the United States issues an order authorizing the minor to consent to the abortion as provided by subsection (d) or (e);

''(C) the appropriate district court of the United States by its inaction constructively authorizes the minor to consent to the abortion as provided by subsection (d) or (e); or

''(D) the physician performing the abortion—

''(i) concludes that on the basis of the physician's good faith clinical judgment, a condition exists that complicates the medical condition of the minor and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial and irreversible impairment of a major bodily function; and

''(ii) certifies in writing to the appropriate medical official of the Department of Defense, and in the patient's medical record, the medical indications supporting the physician's judgment that the circumstances described by clause (i) exist.

''(2) If a person to whom notice may be given under paragraph (1)(A) cannot be notified after a reasonable effort, a physician may perform an abortion if the physician gives 48 hours constructive notice, by certified mail, restricted delivery, sent to the last known address, to the person to whom notice may be given under that paragraph. The period under this paragraph begins when the notice is mailed. If the person required to be notified is not notified within the 48-hour period, the abortion may proceed even if the notice by mail is not received.

''(3) The requirement that 48 hours actual notice be provided under this subsection may be waived by an affidavit of—

''(A) the member of the armed forces concerned, or another parent of the minor, if the minor has no managing conservator or guardian; or

''(B) a court-appointed managing conservator or guardian.

''(4) A physician may execute for inclusion in the minor's medical record an affidavit stating that, according to the best information and belief of the physician, notice or constructive notice has been provided as required by this subsection. Execution of an affidavit under this paragraph creates a presumption that the requirements of this subsection have been satisfied.

''(5) A certification required by paragraph (1)(D) is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. Personal or identifying information about the minor, including her name, address, or social security number, may not be included in a certification under paragraph (1)(D). The physician must keep the medical records on the minor

in compliance with regulations prescribed by the Secretary of Defense.

''(6) A physician who intentionally performs an abortion on a pregnant unemancipated minor in violation of this subsection commits an offense punishable by a fine not to exceed $10,000.

''(7) It is a defense to prosecution under this subsection that the minor falsely represented her age or identity to the physician to be at least 18 years of age by displaying an apparently valid governmental record of identification such that a reasonable person under similar circumstances would have relied on the representation. The defense does not apply if the physician is shown to have had independent knowledge of the minor's actual age or identity or failed to use due diligence in determining the minor's age or identity.

''(d) JUDICIAL APPROVAL.—(1) A pregnant unemancipated minor who is a child of a member of the armed forces and who wishes to have an abortion using facilities of the Department of Defense without notification to the member of the armed forces, another parent, her managing conservator, or her guardian may file an application for a court order authorizing the minor to consent to the performance of an abortion without notification to either of her parents or a managing conservator or guardian.

''(2) Any application under this subsection may be filed in any appropriate district court of the United States. In the case of a minor who elects not to travel to the United States in pursuit of an order authorizing the abortion, the court may conduct the proceedings in the case of such application by telephone.

''(3) An application under this subsection shall be made under oath and include—

''(A) a statement that the minor is pregnant;

''(B) a statement that the minor is unmarried, is under 18 years of age, and has not had her disabilities removed;

''(C) a statement that the minor wishes to have an abortion without the notification of either of her parents or a managing conservator or guardian; and

''(D) a statement as to whether the minor has retained an attorney and, if she has retained an attorney, the name, address, and telephone number of her attorney.

''(4) The court shall appoint a guardian ad litem for the minor. If the minor has not retained an attorney, the court shall appoint an attorney to represent the minor. If the guardian ad litem is an attorney, the court may appoint the guardian ad litem to serve as the minor's attorney.

''(5) The court may appoint to serve as guardian ad litem for a minor—

''(A) a psychiatrist or an individual licensed or certified as a psychologist;

''(B) a member of the clergy;

''(C) a grandparent or an adult brother, sister, aunt, or uncle of the minor; or

''(D) another appropriate person selected by the court.

''(6) The court shall determine within 48 hours after the application is filed whether the minor is mature and sufficiently well-informed to make the decision to have an abortion performed without notification to either of her parents or a managing conservator or guardian, whether notification would not be in the best interest of the minor, or whether notification may lead to physical, sexual, or emotional abuse of the minor. If the court finds that the minor is mature and sufficiently well informed, that notification would not be in the minor's best interest, or that notification may lead to physical, sexual, or emotional abuse of the minor, the court shall enter an order authorizing the minor to consent to the performance of the abortion without notification to either of her parents or a managing conservator or guardian and shall execute the required forms.

''(7) If the court fails to rule on the application within the period specified in paragraph (6), the application shall be deemed to be granted and the physician may perform the abortion as if the court had issued an order authorizing the minor to consent to the performance of the abortion without notification under subsection (c).

''(8) If the court finds that the minor does not meet the requirements of paragraph (6), the court may not authorize the minor to consent to an abortion without the notification authorized under subsection (c)(1).

''(9) The court may not notify a parent, managing conservator, or guardian that the minor is pregnant or that the minor wants to have an abortion. The court proceedings shall be conducted in a manner that protects the anonymity of the minor. The application and all other court documents pertaining to the proceedings are confidential and privileged and are not subject to disclosure, discovery, subpoena, or other legal process. The minor may file the application using a pseudonym or using only her initials.

''(10) An order of the court issued under this subsection is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. The order may not be released to any person but the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's attorney, another person designated to receive the order by the minor, or a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor.

''(11) A filing fee is not required of and court costs may not be assessed against a minor filing an application under this subsection.

''(e) APPEAL.—(1) A minor whose application under subsection (d) is denied may appeal to the court of appeals of the United States having jurisdiction of the district court of the United States that denied the application. If the court of appeals fails to rule on the appeal within 48 hours after the appeal is filed, the appeal shall be deemed to be granted and the physician may perform the abortion using facilities of the Department of Defense as if the court had issued an order authorizing the minor to consent to the performance of the abortion using facilities of the Department of Defense without notification under subsection (c). Proceedings under this subsection shall be given precedence over other pending matters to the extent necessary to assure that the court reaches a decision promptly.

''(2) A ruling of the court of appeals under this subsection is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. The ruling may not be released to any person but the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's attorney, another person designated to receive the ruling by the minor, or a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor.

''(3) A filing fee is not required of and court costs may not be assessed against a minor filing an appeal under this subsection.

''(f) DEFINITIONS.—In this section:

''(1) The term 'abortion' means the use of any means at a medical facility of the Department of Defense to terminate the pregnancy of a female known by an attending physician to be pregnant, with the intention that the termination of the pregnancy by those means will with reasonable likelihood cause the death of the fetus. The term applies only to an unemancipated minor known by an attending physician to be pregnant and may not be construed to limit a minor's access to contraceptives.

''(2) The term 'appropriate district court of the United States' means—

''(A) with respect to a proposed abortion at a particular Department of Defense medical facility in the United States or its territories, the district court of the United States having proper venue in relation to that facility; or

''(B) if the minor is seeking an abortion at a particular Department of Defense facility outside the United States or its territories—

''(i) if the minor elects to travel to the United States in pursuit of an order authorizing the abortion, the district court of the United States having proper venue in the district in which the minor first arrives from outside the United States; or

''(ii) if the minor elects not to travel to the United States in pursuit of an order authorizing the abortion, the district court of the United States for the district in which the minor last resided.

''(3) The term 'fetus' means an individual human organism from fertilization until birth.

''(4) The term 'guardian' means a court-appointed guardian of the person of the minor.

''(5) The term 'physician' means an individual licensed to practice medicine.

''(6) The term 'unemancipated minor' includes a minor who is not a member of the armed forces and who—

''(A) is unmarried; and

''(B) has not had any disabilities of minority removed.''.

SA 2446. Mr. WARNER (for Mr. LIEBERMAN (for himself and Mr. CORNYN)) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON DEPARTMENT OF DEFENSE RESPONSE TO FINDINGS AND RECOMMENDATIONS OF DEFENSE SCIENCE BOARD TASK FORCE ON HIGH PERFORMANCE MICROCHIP SUPPLY.

(a) REPORT REQUIRED.—Not later than March 15, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the recommendations of the Defense Science Board Task Force on High Performance Microchip Supply.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of each finding of the Task Force.

(2) A detailed description of the response of the Department of Defense to each recommendation of the Task Force, including—

(A) for each recommendation that is being implemented or that the Secretary plans to implement—

(i) a summary of actions that have been taken to implement the recommendation; and

(ii) a schedule, with specific milestones, for completing the implementation of the recommendation; and

(B) For each recommendation that the Secretary does not plan to implement—

(i) the reasons for the decision not to implement the recommendation; and

(ii) a summary of alternative actions the Secretary plans to take to address the purposes underlying the recommendation.

(3) A summary of any additional actions the Secretary plan to take to address concerns raised by the Task Force.

(c) CONSULTATION.—To the extent practicable, the Secretary may consult with other departments and agencies of the Federal Government, institutions of higher education and other academic organizations, and industry in the development of the report required by subsection (a).

SA 2447. Mr. WARNER (for Mr. HATCH (for himself, Mr. INHOFE, Mr. BENNETT, and Mr. CHAMBLISS)) proposed an amendment to the bill 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, and for other purposes; as follows:

On page 66, after line 22, insert the following:

SEC. 330. SENSE OF THE SENATE REGARDING DEPOT MAINTENANCE.

(a) FINDINGS.—The Senate finds that—

(1) the Depot Maintenance Strategy and Master Plan of the Air Force reflects the essential requirements for the Air Force to maintain a ready and controlled source of organic technical competence, thereby ensuring an effective and timely response to national defense contingencies and emergency requirements;

(2) since the publication of the Depot Maintenance Strategy and Master Plan of the Air Force in 2002, the service has made great progress toward modernizing all 3 of its Depots, in order to maintain their status as ''world class'' maintenance repair and overhaul operations;

(3) One of the indispensable components of the Depot Maintenance Strategy and Master Plan of the Air Force is the commitment of the Air Force to allocate $150,000,000 a year over 6 years, beginning in fiscal year 2004, for recapitalization and investment, including the procurement of technologically advanced facilities and equipment, of our Nation's 3 Air Force depots; and

(4) the funds expended to date have ensured that transformation projects, such as the initial implementation of ''Lean'' and ''Six Sigma'' production techniques, have achieved great success in reducing the time necessary to perform depot maintenance on aircraft.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Air Force should be commended for the implementation of its Depot Maintenance Strategy and Master Plan and, in particular, meeting its commitment to invest $150,000,000 a year over 6 years, since fiscal year 2004, in the Nation's 3 Air Force Depots; and

(2) the Air Force should continue to fully fund its commitment of $150,000,000 a year through fiscal year 2009 in investments and recapitalization projects pursuant to the Depot Maintenance Strategy and Master Plan.

SA 2448. Mr. WARNER (for Mr. CONRAD (for himself, Mr. BAUCUS, and Mr. SALAZAR)) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. POLICY OF THE UNITED STATES ON THE INTERCONTINENTAL BALLISTIC MISSILE FORCE.

(a) FINDINGS.—Congress makes the following findings:

(1) Consistent with warhead levels agreed to in the Moscow Treaty, the United States is modifying the capacity of the Minuteman III intercontinental ballistic missile (ICBM) from its prior capability to carry up to 3 independent reentry vehicles (RVs) to carry as few as a single reentry vehicle, a process known as downloading.

(2) A series of Department of Defense studies of United States strategic forces, including the 2001 Nuclear Posture Review, has confirmed the continued need for 500 intercontinental ballistic missiles.

(3) In a potential nuclear crisis it is important that the nuclear weapons systems of the United States be configured so as to discourage other nations from making a first strike.

(4) The intercontinental ballistic missile force is currently being considered as part of the deliberations of the Department of Defense for the Quadrennial Defense Review.

(b) STATEMENT OF UNITED STATES POLICY.—It is the policy of the United States to continue to deploy a force of 500 intercontinental ballistic missiles, provided that unanticipated strategic developments may compel the United States to make changes to this force structure in the future.

(c) MOSCOW TREATY DEFINED.—In this section, the term ''Moscow Treaty'' means the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, done at Moscow on May 24, 2002.

SA 2449. Mr. WARNER (for Mr. THUNE) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON USE OF SPACE RADAR FOR TOPOGRAPHICAL MAPPING FOR SCIENTIFIC AND CIVIL PURPOSES.

(a) IN GENERAL.—Not later than January 15, 2006, the Secretary of Defense shall submit to the congressional defense committees on report on the feasability and advisability of utilizing the Space Radar for purposes of providing coastal zone and other topographical mapping information, and related information, to the scientific community and other elements of the private sector for scientific and civil purposes.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description and evaluation of any uses of the Space Radar for scientific or civil purposes that are identified by the Secretary for purposes of the report.

(2) A description and evaluation of any additions or modifications to the Space Radar identified by the Secretary for purposes of the report that would increase the utility of the Space Radar to the scientific community or other elements of the private sector for scientific or civil purposes, including the utilization of additional frequencies, the development or enhancement of ground systems, and the enhancement of operations.

(3) A description of the costs of any additions or modifications identified pursuant to paragraph (2).

(4) A description and evaluation of processes to be utilized to determine the means of modifying the Space Radar in order to meet the needs of the scientific community or other elements of the private sector with respect to the use of the Space Radar for scientific or civil purposes, and a proposal for meeting the costs of such modifications.

(5) A description and evaluation of the impacts, if any, on the primary missions of the Space Radar, and on the development of the Space Radar, of the use of the Space Radar for scientific or civil purposes.

(6) A description of the process for developing requirements for the Space Radar, including the involvement of the Civil Applications Committee.

SA 2450. Mr. WARNER (for Mrs. MURRAY) proposed an amendment to the bill 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, and for other purposes; as follows:

In the section heading of section 582, insert ''**OR DECREASES**'' after ''**INCREASES**''.

In section 582(a), insert ''or decrease'' after ''overall increase''.

In the matter preceding subparagraph (A) of section 582(b)(2), insert ''or decrease'' after ''overall increase''.

In section 582(b)(2)(B), strike ''; or'' and insert a semicolon.

In section 582(b)(2)(C), strike the period at the end and insert ''; or''.

In section 528(b)(2), add at the end the following:

(D) a change in the number of housing units on a military installation,

In section 582(d)(1), insert ''or decrease'' after ''overall increase''.

SA 2451. Mr. WARNER (for Mr. CHAMBLISS) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle G of title V, add the following:

SEC. 585. PILOT PROJECTS ON PEDIATRIC EARLY LITERACY AMONG CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) PILOT PROJECTS AUTHORIZED.—The Secretary of Defense may conduct pilot projects to assess the feasibility, advisability, and utility of encouraging pediatric literacy among the children of members of the Armed Forces utilizing the Reach Out and Read model of pediatric early literacy.

(b) LOCATIONS.—

(1) IN GENERAL.—The pilot projects conducted under subsection (a) shall be conducted at not more than 20 military medical treatment facilities designated by the Secretary for purposes of this section.

(2) CO-LOCATION WITH CERTAIN INSTALLATIONS.—In designating military medical treatment facilities under paragraph (1), the Secretary shall, to the extent practicable, designate facilities that are located on, or co-located with, military installations at which the mobilization or demobilization of members of the Armed Forces occurs.

(c) ACTIVITIES.—Activities under the pilot projects conducted under subsection (a) shall include activities in accordance with the Reach Out and Read model of pediatric early literacy as follows:

(1) The provision of training to health care providers and other appropriate personnel on early literacy promotion.

(2) The purchase and distribution of children's books to members of the Armed Forces, their spouses, and their children.

(3) The modification of treatment facility and clinic waiting rooms to include a full selection of literature for children.

(4) The dissemination to members of the Armed Forces and their spouses of parent education materials on pediatric early literacy.

(5) Such other activities as the Secretary considers appropriate.

(d) CONSULTATION.—The Secretary shall consult with the Reach Out and Read National Center in the development and implementation of the pilot projects conducted under this section, including in the designation of locations of the pilot projects under subsection (b).

(e) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2007, the Secretary shall submit to the congressional defense committees a report on the pilot projects conducted under this section.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) a description of the pilot projects conducted under this section, including the location of each pilot project and the activities conducted under each pilot project; and

(B) an assessment of the feasibility, advisability, and utility of encouraging pediatric early literacy among the children of members of the Armed Forces utilizing the Reach Out and Read model of pediatric early literacy.

(f) FUNDING.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, up to $2,000,000 may be available for the pilot projects authorized by this section.

(2) AVAILABILITY.—The amount available under paragraph (1) shall remain available until expended.

SA 2452. Mr. WARNER (for Mr. NELSON of Nebraska) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle F of title V, add the following:

SEC. 573. UNIFORM POLICY ON PARENTAL LEAVE AND SIMILAR LEAVE.

(a) POLICY REQUIRED.—The Secretary of Defense shall prescribe in regulations a uniform policy for the taking by members of the Armed Forces of parental leave to cover leave to be used in connection with births or adoptions, as the Secretary shall designate under the policy.

(b) UNIFORMITY ACROSS ARMED FORCES.—The policy prescribed under subsection (a) shall apply uniformly across the Armed Forces.

SA 2453. Mr. WARNER (for Mr. LOTT (for himself, Mr. COCHRAN, and Mr. NELSON of Florida)) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle C of title II, add the following:

SEC. 224. ARROW BALLISTIC MISSILE DEFENSE SYSTEM.

Of the amount authorized to be appropriated by section 201(5) for research, development, test, and evaluation for Defense-wide activities and available for ballistic missile defense, $80,000,000 may be available for coproduction of the Arrow ballistic missile defense system.

SA 2454. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. 807. ACQUISITION STRATEGY FOR COMMERCIAL SATELLITE COMMUNICATION SERVICES.

(a) REQUIREMENT FOR SPEND ANALYSIS.—The Secretary of Defense shall, as a part of the effort of the Department of Defense to develop a revised strategy for acquiring commercial satellite communication services, perform a complete spend analysis of the past and current acquisitions by the Department of commercial satellite communication services.

(b) REPORT ON ACQUISITION STRATEGY.—

(1) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the acquisition strategy of the Department of Defense for commercial satellite communications services.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the spend analysis required by subsection (a), including the results of the analysis.

(B) The proposed strategy of the Department for acquiring commercial satellite communication services, which strategy shall—

(i) be based in appropriate part on the results of the analysis required by subsection (a); and

(ii) take into account various methods of aggregating purchases and leveraging the purchasing power of the Department, including through the use of multiyear contracting for commercial satellite communication services.

(C) A proposal for such legislative action as the Secretary considers necessary to acquire appropriate types and amounts of commercial satellite communications services using methods of aggregating purchases and leveraging the purchasing power of the Department (including the use of multiyear contracting), or if the use of such methods is determined inadvisable, a statement of the rationale for such determination.

(D) A proposal for such other legislative action that the Secretary considers necessary to implement the strategy of the Department for acquiring commercial satellite communication services.

SA 2455. Mr. WARNER (for Mr. REED (for himself and Mr. ROCKEFELLER)) proposed an amendment to the bill 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, and for other purposes; as follows:

On page 296, after line 19, add the following:

SEC. 1205. REPORT ON NONSTRATEGIC NUCLEAR WEAPONS.

(a) REVIEW.—Not later than six months after date of enactment, the Secretary of Defense shall, in consultation with the Secretary of State, conduct a review of United States and Russian nonstrategic nuclear weapons and determine whether it is in the national security interest of the United States—

(1) to reduce the number of United States and Russian nonstrategic nuclear weapons;

(2) to improve the security of United States and Russian nonstrategic nuclear weapons in storage and during transport;

(3) to identify and develop mechanisms and procedures to implement transparent reductions in nonstrategic nuclear weapons; and

(4) to identify and develop mechanisms and procedures to implement the transparent dismantlement of excess nonstrategic nuclear weapons.

(b) REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of State and the Secretary of Energy, submit a joint report on the results of the review required under subsection (a). The report shall include a plan to implement, not later than October 1, 2006, actions determined to be in the United States national security interest.

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include an unclassified annex.

SA 2456. Mr. WARNER (for Mrs. DOLE) proposed an amendment to the bill 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, and for other purposes; as follows:

SEC. 718. MENTAL HEALTH COUNSELORS UNDER TRICARE.

(a) IN GENERAL.—Section 1079(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(17) Services of mental health counselors, except that—

''(A) such services are limited to services provided by counselors who are licensed under applicable State law to provide mental health services;

''(B) such services may be provided independently of medical oversight and supervision only in areas identified by the Secretary as 'medically underserved areas' where the Secretary determines that 25 percent or more of the residents are located in primary shortage areas designated pursuant

to section 332 of the Public Health Services Act (42 U.S.C. 254e); and

''(C) the provision of such services shall be consistent with such rules as may be prescribed by the Secretary of Defense, including criteria applicable to credentialing or certification of mental health counselors and a requirement that mental health counselors accept payment under this section as full payment for all services provided pursuant to this paragraph.''.

(b) AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS.—Section 704(c)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2799; 10 U.S.C. 1091 note) is amended by inserting ''mental health counselors,'' after ''psychologists,''.

SA 2457. Mr. WARNER proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle H of title V, add the following:

SEC. ___. CLARIFICATION OF CERTAIN AUTHORITIES RELATING TO THE COMMISSION ON THE NATIONAL GUARD AND RESERVES.

(a) NATURE OF COMMISSION.—Subsection (a) of section 513 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1880) is amended by inserting ''in the legislative branch'' after ''There is established''.

(b) PAY OF MEMBERS.—Subsection (e)(1) of such section is amended striking ''except that'' and all that follows through the end and inserting ''except that—

''(A) in applying the first sentence of subsection (a) of section 957 of such Act to the Commission, 'may' shall be substituted for 'shall'; and

''(B) in applying subsections (a), (c)(2), and (e) of section 957 of such Act to the Commission, 'level IV of the Executive Schedule' shall be substituted for 'level V of the Executive Schedule'.''.

(c) TECHNICAL AMENDMENT.—Subsection (c)(2)(C) of such section is amended by striking ''section 404(a)(4)'' and inserting ''section 416(a)(4)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005.

SA 2458. Mr. WARNER (for Mr. MCCAIN proposed an amendment to the bill 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, and for other purposes; as follows:

On page 144, strike lines 1 through 3 and insert the following:

SEC. 619. RETENTION INCENTIVE AND ASSIGNMENT BONUS FOR MEMBERS OF THE SELECTED RESERVE QUALIFIED IN A CRITICAL MILITARY SKILL OR WHO VOLUNTEER FOR ASSIGNMENT TO A HIGH PRIORITY UNIT.

On page 144, in the amendment made by section 619, strike line 8 and all that follows through page 145, line 12, and insert the following:

''§ 308k. Special pay: retention incentive bonus for members of the Selected Reserve qualified in a critical military skill; assignment bonus for members of the Selected Reserve who volunteer for assignment to a high priority unit

''(a) BONUSES AUTHORIZED.—(1) An eligible officer or enlisted member of the armed forces may be paid a retention bonus as provided in this section if—

''(A) in the case of an officer or warrant officer, the member executes a written agreement to remain in the Selected Reserve for at least 2 years;

''(B) in the case of an enlisted member, the member reenlists or voluntarily extends the member's enlistment in the Selected Reserve for a period of at least 2 years; or

''(C) in the case of an enlisted member serving on an indefinite reenlistment, the member executes a written agreement to remain in the Selected Reserve for at least 2 years.

''(2) An officer or enlisted member of the armed forces may be paid an assignment bonus as provided in this section if the member voluntarily agrees to an assignment to a high priority unit of the Selected Reserve of the Ready Reserve of an armed force for at least 2 years.

''(b) MEMBERS ELIGIBLE FOR RETENTION BONUS.—Subject to subsection (d), an officer or enlisted member is eligible under subsection (a)(1) for a retention bonus under this section if the member—

''(1) is qualified in a military skill or specialty designated as critical for purposes of this section under subsection (c); or

''(2) agrees to train or retrain in a military skill or specialty so designated as critical.

''(c) DESIGNATION OF CRITICAL SKILLS OR SPECIALTIES AND HIGH PRIORITY UNITS.—The Secretary concerned shall—

''(1) designate the military skills and specialties that shall be treated as critical military skills and specialties for purposes of this section; and

''(2) designate the units that shall be treated as high priority units for purposes of this section.

On page 148, strike the matter between lines 6 and 7 and insert the following:

''308k. Special pay: retention incentive bonus for members of the Selected Reserve qualified in a critical military skill; assignment bonus for members of the Selected Reserve who volunteer for assignment to a high priority unit.''.

At the end of division A, add the following:

TITLE XV—RECRUITMENT AND RETENTION

SEC. 1501. SHORT TITLE.

This title may be cited as the ''Military Recruiting Initiatives Act of 2005''.

SEC. 1502. INCREASE IN MAXIMUM ENLISTMENT BONUS.

(a) ENLISTMENT BONUS FOR SELECTED RESERVE MEMBERS.—Section 308c(b) of title 37, United States Code, is amended by striking ''$10,000'' and inserting ''$20,000''.

(b) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(a) of title 37, United States Code, is amended by striking ''$20,000'' and inserting ''$40,000''.

SEC. 1503. TEMPORARY AUTHORITY TO PAY BONUS TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) AUTHORITY TO PAY BONUS.—The Secretary of the Army may pay a bonus under this section to a member of the Army, whether in the regular component of the Army or in the Army National Guard or Army Reserve, who refers to an Army recruiter a person who has not previously served in an Armed Force and who, after such referral, enlists in the regular component of the Army or in the Army National Guard or Army Reserve.

(b) REFERRAL.—For purposes of this section, a referral for which a bonus may be paid under subsection (a) occurs—

(1) when a member of the Army contacts an Army recruiter on behalf of a person interested in enlisting in the Army; or

(2) when a person interested in enlisting in the Army contacts the Army recruiter and informs the recruiter of the role of the member in initially recruiting the person.

(c) CERTAIN REFERRALS INELIGIBLE.—

(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the Army may not be paid a bonus under subsection (a) for the referral of an immediate family member.

(2) MEMBERS IN RECRUITING ROLES.—A member of the Army serving in a recruiting or retention assignment, or assigned to other duties regarding which eligibility for a bonus under subsection (a) could (as determined by the Secretary) be perceived as creating a conflict of interest, may not be paid a bonus under subsection (a).

(d) AMOUNT OF BONUS.—The amount of the bonus paid for a referral under subsection (a) may not exceed $1,000. The bonus shall be paid in a lump sum.

(e) TIME OF PAYMENT.—A bonus may not be paid under subsection (a) with respect to a person who enlists in the Army until the person completes basic training and individual advanced training.

(f) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10, United States Code.

(g) LIMITATION ON INITIAL USE OF AUTHORITY.—During the first year in which bonuses are offered under this section, the Secretary of the Army may not pay more than 1,000 referral bonuses per component of the Army.

(h) DURATION OF AUTHORITY.—A bonus may not be paid under subsection (a) with respect to any referral that occurs after December 31, 2007.

SEC. 1504. INCREASE IN MAXIMUM AGE FOR ENLISTMENT.

Section 505(a) of title 10, United States Code, is amended by striking ''thirty-five years of age'' and inserting ''forty-two years of age''.

SEC. 1505. REPEAL OF PROHIBITION ON PRIOR SERVICE ENLISTMENT BONUS FOR RECEIPT OF OTHER ENLISTMENT OR REENLISTMENT BONUS FOR SERVICE IN THE SELECTED RESERVE.

Section 308i(a)(2) of title 37, United States Code, is amended by striking subparagraph (D).

SEC. 1506. INCREASE AND ENHANCEMENT OF AFFILIATION BONUS FOR OFFICERS OF THE SELECTED RESERVE.

(a) REPEAL OF PROHIBITION ON ELIGIBILITY FOR PRIOR RESERVE SERVICE.—Subsection (a)(2) of section 308j of title 37, United States Code, is amended—

(1) in subparagraph (A), by adding ''and'' at the end;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) INCREASE IN MAXIMUM AMOUNT.—Subsection (d) of such section is amended by striking ''$6,000'' and inserting ''$10,000''.

SEC. 1507. ENHANCEMENT OF EDUCATIONAL LOAN REPAYMENT AUTHORITIES.

(a) ADDITIONAL LOANS ELIGIBLE FOR REPAYMENT.—Paragraph (1) of section 2171(a) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) any loan incurred for educational purposes made by a lender that is—

''(i) an agency or instrumentality of a State;

''(ii) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any State;

''(iii) a pension fund approved by the Secretary for purposes of this section; or

''(iv) a non-profit private entity designated by a State, regulated by such State, and approved by the Secretary for purposes of this section.''.

(b) ELIGIBILITY OF OFFICERS.—Paragraph (2) of such section is amended by striking ''an enlisted member in a military specialty'' and inserting ''a member in an officer program or military specialty''.

SEC. 1508. REPORT ON RESERVE DENTAL INSURANCE PROGRAM.

(a) STUDY.—The Secretary of Defense shall conduct a study of the Reserve Dental Insurance program.

(b) ELEMENTS.—The study required by subsection (a) shall—

(1) identify the most effective mechanism or mechanisms for the payment of premiums under the Reserve Dental Insurance program for members of the reserve components of the Armed Forces and their dependents, including by deduction from reserve pay, by direct collection, or by other means (including appropriate mechanisms from other military benefits programs), to ensure uninterrupted availability of premium payments regardless of whether members are performing active duty with pay or inactive-duty training with pay;

(2) include such matters relating to the Reserve Dental Insurance program as the Secretary considers appropriate; and

(3) assess the effectiveness of mechanisms for informing the members of the reserve components of the Armed Forces of the availability of, and benefits under, the Reserve Dental Insurance program.

(c) REPORT.—Not later than February 1, 2007, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall include the findings of the study and such recommendations for legislative or administrative action regarding the Reserve Dental Insurance program as the Secretary considers appropriate in light of the study.

(d) RESERVE DENTAL INSURANCE PROGRAM DEFINED.—In this section, the term ''Reserve Dental Insurance program'' includes—

(1) the dental insurance plan required under paragraph (1) of section 1076a(a) of title 10, United States Code; and

(2) any dental insurance plan established under paragraph (2) or (4) of section 1076a(a) of title 10, United States Code.

SA 2459. Mr. WARNER proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. 807. GUIDANCE ON USE OF TIERED EVALUATION OF OFFERS FOR CONTRACTS AND TASK ORDERS UNDER CONTRACTS.

(a) GUIDANCE REQUIRED.—The Secretary of Defense shall prescribe guidance for the military departments and the Defense Agencies on the use of tiered evaluations of offers or proposals of offerors for contracts and for task orders under contracts.

(b) ELEMENTS.—The guidance prescribed under subsection (a) shall include a prohibition on the initiation by a contracting officer of a tiered evaluation of an offer or proposal of an offeror for a contract or for a task or delivery order under a contract unless the contracting officer—

(1) has conducted market research in accordance with part 10 of the Federal Acquisition Regulation in order to determine whether or not a sufficient number of qualified small businesses are available to justify limiting competition for the award of such contract or task or delivery order under applicable law and regulations;

(2) is unable, after conducting market research under paragraph (1), to make the determination described in that paragraph; and

(3) includes in the contract file a written explanation why such contracting officer was unable to make such determination.

SA 2460. Mr. WARNER (for Mrs. CLINTON (for herself and Ms. COLLINS)) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle H of title V, add the following:

SEC. 596. CONSUMER EDUCATION FOR MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES ON INSURANCE AND OTHER FINANCIAL SERVICES.

(a) EDUCATION AND COUNSELING REQUIREMENTS.—

(1) IN GENERAL.—Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 992. Consumer education: financial services

''(a) REQUIREMENT FOR CONSUMER EDUCATION PROGRAM FOR MEMBERS.—(1) The Secretary concerned shall carry out a program to provide comprehensive education to members of the armed forces under the jurisdiction of the Secretary on—

''(A) financial services that are available under law to members;

''(B) financial services that are routinely offered by private sector sources to members;

''(C) practices relating to the marketing of private sector financial services to members;

''(D) such other matters relating to financial services available to members, and the marketing of financial services to members, as the Secretary considers appropriate; and

''(E) such other financial practices as the Secretary considers appropriate.

''(2) Training under this subsection shall be provided to members as—

''(A) a component of members initial entry orientation training; and

''(B) a component of periodically recurring required training that is provided for the members at military installations.

''(3) The training provided at a military installation under paragraph (2)(B) shall include information on any financial services marketing practices that are particularly prevalent at that military installation and in the vicinity.

''(b) COUNSELING FOR MEMBERS AND SPOUSES.—(1) The Secretary concerned shall, upon request, provide counseling on financial services to each member of the armed forces, and such member's spouse, under the jurisdiction of the Secretary.

''(2)(A) In the case of a military installation at which at least 2,000 members of the armed forces on active duty are assigned, the Secretary concerned—

''(i) shall provide counseling on financial services under this subsection through a full-time financial services counselor at such installation; and

''(ii) may provide such counseling at such installation by any means elected by the Secretary from among the following:

''(I) Through members of the armed forces in grade E–7 or above, or civilians, who provide such counseling as part of their other duties for the armed forces or the Department of Defense.

''(II) By contract, including contract for services by telephone and by the Internet.

''(III) Through qualified representatives of nonprofit organizations and agencies under formal agreements with the Department of Defense to provide such counseling.

''(B) In the case of any military installation not described in subparagraph (A), the Secretary concerned shall provide counseling on financial services under this subsection at such installation by any of the means set forth in subparagraph (A)(ii), as elected by the Secretary concerned.

''(3) Each financial services counselor under paragraph (2)(A)(i), and any other individual providing counseling on financial services under paragraph (2), shall be an individual who, by reason of education, training, or experience, is qualified to provide helpful counseling to members of the armed forces and their spouses on financial services and marketing practices described in subsection (a)(1). Such individual may be a member of the armed forces or an employee of the Federal Government.

''(4) The Secretary concerned shall take such action as is necessary to ensure that each financial services counselor under paragraph (2)(A)(i), and any other individual providing counseling on financial services under paragraphs (2), is free from conflicts of interest relevant to the performance of duty under this section. and, in the performance of that duty, is dedicated to furnishing members of the armed forces and their spouses with helpful information and counseling on financial services and related marketing practices.

''(c) LIFE INSURANCE.—(1) In counseling a member of the armed forces, or spouse of a member of the armed forces, under this section regarding life insurance offered by a private sector source, a financial services counselor under subsection (b)(2)(A)(i), or another individual providing counseling on financial services under subsection (b)(2), shall furnish the member or spouse, as the case may be, with information on the availability of Servicemembers' Group Life Insurance under subchapter III of chapter 19 of title 38, including information on the amounts of coverage available and the procedures for electing coverage and the amount of coverage.

''(2)(A) A covered member of the armed forces may not authorize payment to be made for private sector life insurance by means of an allotment of pay to which the member is entitled under chapter 3 of title 37 unless the authorization of allotment is accompanied by a written certification by a commander of the member, a financial services counselor referred to in subsection (b)(2)(A)(i), or another individual providing counseling on financial services under subsection (b)(2), as applicable, that the member has received counseling under paragraph (1) regarding the purchase of coverage under that private sector life insurance.

''(B) Subject to subparagraph (C), a written certification described in subparagraph (A)

may not be made with respect to a member's authorization of allotment as described in subparagraph (A) until seven days after the date of the member's authorization of allotment in order to facilitate the provision of counseling to the member under paragraph (1).

''(C) The commander of a member may waive the applicability of subparagraph (B) to a member for good cause, including the member's imminent change of station.

''(D) In this paragraph, the term 'covered member of the armed forces' means an active duty member of the armed forces in grades E–1 through E–4.

''(d) FINANCIAL SERVICES DEFINED.—In this section, the term 'financial services' includes the following:

''(1) Life insurance, casualty insurance, and other insurance.

''(2) Investments in securities or financial instruments.

''(3) Banking, credit, loans, deferred payment plans, and mortgages.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''992. Consumer education: financial services.''.

(b) CONTINUING EFFECT OF EXISTING ALLOTMENTS FOR LIFE INSURANCE.—Paragraph (c)(2) of section 992 of title 10, United States Code (as added by subsection (a)), shall not affect any allotment of pay authorized by a member of the Armed Forces before the effective date of such section.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

SA 2461. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill 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, and for other purposes; as follows:

On page 52, between lines 5 and 6, insert the following:

SEC. 304. NAVY HUMAN RESOURCES BENEFIT CALL CENTER.

Of the amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy, $1,500,000 may be available for civilian manpower and personnel for a human resources benefit call center.

SA 2462. Mr. WARNER (for Mr. VITTER) proposed an amendment to the bill 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, and for other purposes; as follows:

On page 213, between lines 2 and 3, insert the following:

SEC. 807. CONGRESSIONAL NOTIFICATION OF CANCELLATION OF MAJOR AUTOMATED INFORMATION SYSTEMS.

(a) REPORT REQUIRED.—The Secretary of Defense shall notify the congressional defense committees not less than 60 days before cancelling a major automated information system program that has been fielded or approved to be fielded, or making a change that will significantly reduce the scope of such a program, of the proposed cancellation or change.

(b) CONTENT.—Each notification submitted under subsection (a) with respect to the proposed cancellation or change shall include—

(1) the specific justification for the proposed change;

(2) a description of the impact of the proposed change on the Department's ability to achieve the objectives of the program that has been cancelled or changed;

(3) a description of the steps that the Department plans to take to achieve such objectives; and

(4) other information relevant to the change in acquisition strategy.

(c) DEFINITIONS.—In this section:

(1) The term ''major automated information system'' has the meaning given that term in Department of Defense Directive 5000.

(2) The term ''approved to be fielded'' means having received Milestone C approval.

SA 2463. Mr. WARNER (for Mr. CHAMBLISS) proposed an amendment to the bill 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, and for other purposes; as follows:

On page 310, in the table following line 16, strike ''$8,450,000'' in the amount column of the item relating to Fort Gillem, Georgia, and insert ''$3,900,000''.

On page 310, in the table following line 16, insert after the item relating to Fort Gillem, Georgia, the following:

	Fort Gordon	$4,550,000

SA 2464. Mr. WARNER (for Mr. BAYH) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of title XIV of division A, add the following:

SEC. 1411. TACTICAL WHEELED VEHICLES.

(a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, ARMY.—The amount authorized to be appropriated by section 1403(a)(3) for other procurement for the Army is hereby increased by $360,800,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 1403(a)(3) for other procurement for the Army, as increased by subsection (a), $360,800,000 may be made available—

(1) for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan, including the procurement of armored Light Tactical Vehicles (LTVs), armored Medium Tactical Vehicles (MTVs), including Low Signature Armored Cabs for the family of MTVs, and armored Heavy Tactical Vehicles (HTVs); and

(2) to the extent the Secretary of the Army determines that such amount is not needed for the procurement of such armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan, for the procurement of such armored vehicles in accordance with other priorities of the Army.

(c) OFFSET.—The amount authorized to be appropriated by section 1409(a) for the Iraq Freedom Fund is hereby reduced by $360,800,000.

SA 2465. Mr. WARNER proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of section 732, add the following:

(d) FUNDING.—

(1) IN GENERAL.—(A) The amount authorized to be appropriated by section 303(a) for the Defense Health Program is hereby increased by $10,000,000.

(B) Of the amount authorized to be appropriated by section 303(a) for the Defense Health Program, as increased by subparagraph (A), $10,000,000 shall be available for pilot projects under this section.

(C) The amount available under subparagraph (B) shall remain available until expended.

(2) OFFSET.—The amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy is hereby decreased by $10,000,000.

SA 2466. Mr. WARNER (for Mr. GRAHAM (for himself and Mr. NELSON of Nebraska)) proposed an amendment to the bill 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, and for other purposes; as follows:

On page 104, in the amendment made by section 571, strike line 24 and all that follows through page 105, line 3, and insert the following:

310(a) of title 37;

''(ii) is assigned to a deployable ship or mobile unit or to other duty designated for the purpose of this section; or

''(iii) on or after August 29, 2005, performs duty designated by the Secretary of Defense as qualifying duty for purposes of this subsection.''.

At the end of title VI, add the following:

Subtitle F—Enhancement of Authorities for Recruitment and Retention

SEC. 671. INCREASE IN MAXIMUM RATE OF ASSIGNMENT INCENTIVE PAY.

(a) INCREASE IN MAXIMUM RATE.—Section 307a(c) of title 37, United States Code, is amended by striking ''$1,500'' and inserting ''$3,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to months beginning on or after that date.

SEC. 672. TEMPORARY INCREASE IN BASIC ALLOWANCE FOR HOUSING IN AREAS SUBJECT TO DECLARATION OF A MAJOR DISASTER.

(a) TEMPORARY INCREASE AUTHORIZED.—Section 403(b) of title 37, United States Code, is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

''(5)(A) The Secretary of Defense may prescribe a temporary increase in rates of basic allowance for housing in a military housing area located 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).

''(B) The amount of the increase under this paragraph in rates of basic allowance for housing in an area by reason of a disaster shall be based on a determination by the Secretary of the amount by which the costs of adequate housing for civilians have increased in the area by reason of the disaster.

''(C) The amount of any increase under this paragraph in a rate of basic allowance for housing may not exceed the amount equal to 20 percent of such rate of basic allowance for housing.

''(D) A member may be paid a basic allowance for housing at a rate increased under this paragraph by reason of a disaster only if the member certifies to the Secretary concerned that the member has incurred increased housing costs in the area concerned by reason of the disaster.

''(E) An increase in rates of basic allowance for housing in an area under this paragraph shall remain in effect until the effective date of the first adjustment in rates of basic allowance for housing made for the area pursuant to a redetermination of housing costs in the area under paragraph (4) that occurs after the date of the increase under this paragraph.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on September 1, 2005, and shall apply with respect to months beginning on or after that date.

SEC. 673. TEMPORARY AUTHORITY FOR INCENTIVES FOR RECRUITMENT OF MILITARY PERSONNEL.

(a) AUTHORITY TO PROVIDE INCENTIVES.—The Secretary of Defense may, in consultation with the Director of the Office of Management and Budget, develop and provide incentives (in addition to any other incentives authorized by law) for the recruitment of individuals as officers and enlisted members of the Armed Forces.

(b) CONSTRUCTION WITH OTHER PERSONNEL AUTHORITIES.—

(1) IN GENERAL.—Incentives may be provided under subsection (a)—

(A) without regard to the lack of specific authority for such incentives under title 10, United States Code, or title 37, United States Code; and

(B) notwithstanding any provision of title 10, United States Code, or title 37, United States Code, or any rule or regulation prescribed under such provision, relating to methods of—

(i) determining requirements for, and the compensation of, members of the Armed Forces who are assigned duty as military recruiters; or

(ii) providing incentives to individuals to accept commissions or enlist in the Armed Forces, including the provision of group or individual bonuses, pay, or other incentives.

(2) WAIVER OF OTHERWISE APPLICABLE LAWS.—No provision of title 10, United States Code, or title 37, United States Code, may be waived with respect to, or otherwise determined to be inapplicable to, the provision of incentives under subsection (a) except with the approval of the Secretary.

(c) PLANS.—

(1) DEVELOPMENT OF PLANS.—Before providing an incentive under subsection (a), or entering into any agreement or contract with respect to the provision of such incentive, the Secretary shall develop a plan that includes—

(A) a description of such incentive, including the purpose of such project and the members (or potential recruits) of the Armed Forces to be addressed by such incentive;

(B) a statement of the anticipated outcomes of such incentive; and

(C) the method of evaluating the effectiveness of such incentive.

(2) SUBMITTAL OF PLANS.—Not later than 30 days before the provision of an incentive under subsection (a), the Secretary shall submit a copy of the plan developed under paragraph (1) on such incentive—

(A) to the elements of the Department of Defense to be affected by the provision of such incentive; and

(B) to Congress.

(d) LIMITATIONS.—

(1) NUMBER OF INDIVIDUALS.—The number of individuals provided incentives under subsection (a) may not exceed the number of individuals equal to 20 percent of the accession mission of the Armed Force concerned for the fiscal year in which such incentives are first provided.

(2) DURATION OF PROVISION.—The provision of incentives under subsection (a) shall terminate not later than the end of the three-year period beginning on the date on which the provision of such incentives commences (except that such incentives may continue to be provided beyond the date otherwise provided in this paragraph to the extent necessary to evaluate the effectiveness of such incentives).

(e) REPORTS.—

(1) IN GENERAL.—The Secretary shall submit to Congress on an annual basis a report on the incentives provided under subsection (a) during the preceding year.

(2) ELEMENTS.—Each report under this subsection shall include—

(A) a description of the incentives provided under subsection (a) during the fiscal year covered by such report; and

(B) an assessment of the impact of such incentives on the recruitment of individuals as officers or enlisted members of the Armed Forces.

SEC. 674. PAY AND BENEFITS TO FACILITATE VOLUNTARY SEPARATION OF TARGETED MEMBERS OF THE ARMED FORCES.

(a) PAY AND BENEFITS AUTHORIZED.—

(1) IN GENERAL.—Chapter 59 of title 10, United States Code, is amended by inserting after section 1175 the following new section:

''§ 1175a. Voluntary separation pay and benefits

''(a) IN GENERAL.—Under regulations approved by the Secretary of Defense, the Secretary concerned may provide voluntary separation pay and benefits in accordance with this section to eligible members of the armed forces who are voluntarily separated from active duty in the armed forces.

''(b) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member of the armed forces is eligible for voluntary separation pay and benefits under this section if the member—

''(A) has served on active duty for more than 6 years but not more than 20 years;

''(B) has served at least 5 years of continuous active duty immediately preceding the date of the member's separation from active duty;

''(C) has not been approved for payment of a voluntary separation incentive under section 1175 of this title;

''(D) meets such other requirements as the Secretary concerned may prescribe, which may include requirements relating to—

''(i) years of service, skill, rating, military specialty, or competitive category;

''(ii) grade or rank;

''(iii) remaining period of obligated service; or

''(iv) any combination of these factors; and

''(E) requests separation from active duty.

''(2) The following members are not eligible for voluntary separation pay and benefits under this section:

''(A) Members discharged with disability severance pay under section 1212 of this title.

''(B) Members transferred to the temporary disability retired list under section 1202 or 1205 of this title.

''(C) Members being evaluated for disability retirement under chapter 61 of this title.

''(D) Members who have been previously discharged with voluntary separation pay.

''(E) Members who are subject to pending disciplinary action or who are subject to administrative separation or mandatory discharge under any other provision of law or regulations.

''(3) The Secretary concerned shall determine each year the number of members to be separated, and provided separation pay and benefits, under this section during the fiscal year beginning in such year.

''(c) SEPARATION.—Each eligible member of the armed forces whose request for separation from active duty under subsection (b)(1)(E) is approved shall be separated from active duty.

''(d) ADDITIONAL SERVICE IN READY RESERVE.—Of the number of members of the armed forces to be separated from active duty in a fiscal year, as determined under subsection (b)(3), the Secretary concerned shall determine a number of such members, in such skill and grade combinations as the Secretary concerned shall designate, who shall serve in the Ready Reserve, after separation from active duty, for a period of not less than three years, as a condition of the receipt of voluntary separation pay and benefits under this section.

''(e) SEPARATION PAY AND BENEFITS.—(1) A member of the armed forces who is separated from active duty under subsection (c) shall be paid voluntary separation pay in accordance with subsection (g) in an amount determined by the Secretary concerned pursuant to subsection (f).

''(2) A member who is not entitled to retired or retainer pay upon separation shall be entitled to the benefits and services provided under—

''(A) chapter 58 of this title during the 180-day period beginning on the date the member is separated (notwithstanding any termination date for such benefits and services otherwise applicable under the provisions of such chapter); and

''(B) sections 404 and 406 of title 37.

''(f) COMPUTATION OF VOLUNTARY SEPARATION PAY.—The Secretary concerned shall specify the amount of voluntary separation pay that an individual or defined group of members of the armed forces may be paid under subsection (e)(1). No member may receive as voluntary separation pay an amount greater than three times the full amount of separation pay for a member of the same pay grade and years of service who is involuntarily separated under section 1174 of this title.

''(g) PAYMENT OF VOLUNTARY SEPARATION PAY.—(1) Voluntary separation pay under this section may be paid in a single lump sum.

''(2) In the case of a member of the armed forces who, at the time of separation under subsection (c), has completed at least 15 years, but less than 20 years, of active service, voluntary separation pay may be paid, at the election of the Secretary concerned, in—

''(A) a single lump sum;

''(B) installments over a period not to exceed 10 years; or

''(C) a combination of lump sum and such installments.

''(h) COORDINATION WITH RETIRED OR RETAINER PAY AND DISABILITY COMPENSATION.—(1) A member who is paid voluntary separation pay under this section and who later qualities for retired or retainer pay under this title or title 14 shall have deducted from each payment of such retired or retainer pay an amount, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such retired or retainer pay is equal to the total amount of voluntary separation pay so paid.

''(2)(A) Except as provided in subparagraphs (B) and (C), a member who is paid voluntary separation pay under this section shall not be deprived, by reason of the member's receipt of such pay, of any disability compensation to which the member is entitled under the laws administered by the Secretary of Veterans Affairs, but there shall be deducted from such disability compensation an amount, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such disability compensation is equal to the total amount of voluntary separation pay so paid.

''(B) No deduction shall be made from the disability compensation paid to an eligible disabled uniformed services retiree under section 1413, or to an eligible combat-related disabled uniformed services retiree under section 1413a of this title, who is paid voluntary separation pay under this section.

''(C) No deduction may be made from the disability compensation paid to a member for the amount of voluntary separation pay received by the member because of an earlier discharge or release from a period of active duty if the disability which is the basis for that disability compensation was incurred or aggravated during a later period of active duty.

''(3) The requirement under this subsection to repay voluntary separation pay following retirement from the armed forces does not apply to a member who was eligible to retire at the time the member applied and was accepted for voluntary separation pay and benefits under this section.

''(4) The Secretary concerned may waive the requirement to repay voluntary separation pay under paragraphs (1) and (2) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

''(i) RETIREMENT DEFINED.—In this section, the term 'retirement' includes a transfer to the Fleet Reserve or Fleet Marine Corps Reserve.

''(j) REPAYMENT FOR MEMBERS WHO RETURN TO ACTIVE DUTY.—(1) Except as provided in paragraphs (2) and (3), a member of the armed forces who, after having received all or part of voluntary separation pay under this section, returns to active duty shall have deducted from each payment of basic pay, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such basic pay equals the total amount of voluntary separation pay received.

''(2) Members who are involuntarily recalled to active duty or full-time National Guard duty in accordance with section 12301(a), 12301(b), 12301(g), 12302, 12303, or 12304 of this title or section 502(f)(1) of title 32 shall not be subject to this subsection.

''(3) Members who are recalled or perform active duty or full-time National Guard duty in accordance with section 101(d)(1), 101(d)(2), 101(d)(5), 12301(d) (insofar as the period served is less than 180 consecutive days with the consent of the member), 12319, or 12503 of title 10, or section 114, 115, or 502(f)(2) of title 32 (insofar as the period served is less than 180 consecutive days with consent of the member), shall not be subject to this subsection.

''(4) The Secretary of Defense may waive, in whole or in part, repayment required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States. The authority in this paragraph may be delegated only to the Undersecretary of Defense for Personnel and Readiness and the Principal Deputy Undersecretary of Defense for Personnel and Readiness.

''(k) TERMINATION OF AUTHORITY.—(1) The authority to separate a member of the armed forces from active duty under subsection (c) shall terminate on December 31, 2008.

''(2) A member who separates by the date specified in paragraph (1) may continue to be provided voluntary separation pay and benefits under this section until the member has received the entire amount of pay and benefits to which the member is entitled under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 59 of such title is amended by inserting after the item relating to section 1175 the following new item:

''1175a. Voluntary separation pay and benefits.''.

(b) LIMITATION ON APPLICABILITY.—During the period beginning on the date of the enactment of this Act and ending on December 31, 2008, the members of the Armed Forces who are eligible for separation, and for the provision of voluntary separation pay and benefits, under section 1175a of title 10, United States Code (as added by subsection (a)), shall be limited to officers of the Armed Forces who meet the eligibility requirements of section 1175a(b) of title 10, United States Code (as so added), but have not completed more than 12 years of active service as of the date of separation from active duty.

(c) OFFICER SELECTIVE EARLY RETIREMENT.—Section 638a(a) of title 10, United States Code, is amended by adding at the end the following new sentence: ''During the period beginning on October 1, 2005, and ending on December 31, 2011, the Secretary of Defense may also authorize the Secretary of the Navy and the Secretary of the Air Force to take any of the actions set forth in such subsection with respect to officers of the armed forces under the jurisdiction of such Secretary.''.

SA 2467. Mr. WARNER (for Mr. DODD) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. ___. REIMBURSEMENT FOR CERTAIN PROTECTIVE, SAFETY, OR HEALTH EQUIPMENT PURCHASED BY OR FOR MEMBERS OF THE ARMED FORCES FOR DEPLOYMENT IN OPERATIONS IN IRAQ AND CENTRAL ASIA.

(a) REIMBURSEMENT REQUIRED.—

(1) IN GENERAL.—Subject to subsections (d) and (e), the Secretary of Defense shall reimburse a member of the Armed Forces, or a person or entity referred to in paragraph (2), for the cost (including shipping cost) of any protective, safety, or health equipment that was purchased by such member, or such person or entity on behalf of such member, before or during the deployment of such member in Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom for the use of such member in connection with such operation if the unit commander of such member certifies that such equipment was critical to the protection, safety, or health of such member.

(2) COVERED PERSONS AND ENTITIES.—A person or entity referred to in this paragraph is a family member or relative of a member of the Armed Forces, a non-profit organization, or a community group.

(3) REGULATIONS NOT REQUIRED FOR REIMBURSEMENT.—Reimbursements may be made under this subsection in advance of the promulgation by the Secretary of Defense of regulations, if any, relating to the administration of this section.

(b) PROTECTIVE EQUIPMENT REIMBURSEMENT FUND.—

(1) ESTABLISHMENT.—There is hereby established an account to be known as the ''Protective Equipment Reimbursement Fund'' (in this subsection referred to as the ''Fund'').

(2) ELEMENTS.—The Fund shall consist of amounts deposited in the Fund from amounts available for the Fund under subsection (g).

(3) AVAILABILITY.—Amounts in the Fund shall be available directly to the unit commanders of members of the Armed Forces for the making of reimbursements for protective, safety, and health equipment under subsection (a).

(4) DOCUMENTATION.—Each person seeking reimbursement under subsection (a) for protective, safety, or health equipment purchased by or on behalf of a member of the Armed Forces shall submit to the unit commander of such member such documentation as is necessary to establish each of the following:

(A) The nature of such equipment, including whether or not such equipment qualifies as protective, safety, or health equipment under subsection (c).

(B) The cost of such equipment.

(c) COVERED PROTECTIVE, SAFETY, AND HEALTH EQUIPMENT.—Protective, safety, and health equipment for which reimbursement shall be made under subsection (a) shall include personal body armor, collective armor or protective equipment (including armor or protective equipment for high mobility multi-purpose wheeled vehicles), and items provided through the Rapid Fielding Initiative of the Army, or equivalent programs of the other Armed Forces, such as the advanced (on-the-move) hydration system, the advanced combat helmet, the close combat optics system, a Global Positioning System (GPS) receiver, a gun scope, and a soldier intercommunication device.

(d) LIMITATION REGARDING AMOUNT OF REIMBURSEMENT.—The amount of reimbursement provided under subsection (a) per item of protective, safety, and health equipment purchased by or on behalf of any given member of the Armed Forces may not exceed the lesser of—

(1) the cost of such equipment (including shipping cost); or

(2) $1,100.

(e) LIMITATION ON DATE OF PURCHASE.—Reimbursement may be made under subsection (a) only for protective, safety, and health equipment purchased before October 1, 2006.

(f) OWNERSHIP OF EQUIPMENT.—The Secretary shall identify the circumstances, if any, under which the United States shall assume title or ownership of protective, safety, or health equipment for which reimbursement is provided under subsection (a).

(g) FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts for reimbursements under subsection (a) shall be derived from any amounts authorized to be appropriated by this Act.

(2) EXCEPTION.—Amounts authorized to be appropriated by this Act and available for the procurement of equipment for members of the Armed Forces deployed, or to be deployed, to Iraq or Afghanistan may not be utilized for reimbursements under subsection (a).

(h) REPEAL OF SUPERSEDED AUTHORITY.—Section 351 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118. Stat. 1857) is repealed.

SA 2468. Mr. WARNER (for Mrs. DOLE) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle H of title V, add the following:

SEC. 596. REPORT ON PREDATORY LENDING PRACTICES DIRECTED AT MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Predatory lending practices harm members of the Armed Forces and are an increasing problem for the Armed Forces.

(2) Predatory lending practices not only hurt the financial security of the members of the Armed Forces but, according to the Under Secretary of Defense for Personnel and Readiness, also threaten the operational readiness of the Armed Forces.

(3) The General Accountability Office found in an April 2005 report that the Department of Defense was not fully utilizing tools available to the Department to curb the predatory lending practices directed at members of the Armed Forces.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Department of Defense should work with financial service regulators to protect the members of the Armed Forces from predatory lending practices; and

(2) the Senate should consider and adopt legislation—

(A) to strengthen disclosure, education, and other protections for members of the Armed Forces regarding predatory lending practices; and

(B) to ensure greater cooperation between financial services regulators and the Department of Defense on the protection of members of the Armed Forces from predatory lending practices.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of the Treasury, the Chairman of the Federal Reserve, the Chairman of the Federal Deposit Insurance Corporation, and representatives of military charity organizations and consumer organizations, submit to the appropriate committees of Congress a report on predatory lending practices directed at members of the Armed Forces and their families.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) a description of the prevalence of predatory lending practices directed at members of the Armed Forces and their families;

(B) an assessment of the effects of predatory lending practices on members of the Armed Forces and their families;

(C) a description of the strategy of the Department of Defense, and of any current or planned programs of the Department, to educate members of the Armed Forces and their families regarding predatory lending practices;

(D) a description of the strategy of the Department of Defense, and of any current or planned programs of the Department, to reduce or eliminate—

(i) the prevalence of predatory lending practices directed at members of the Armed Forces and their families; and

(ii) the negative effect of such practices on members of the Armed Forces and their families; and

(E) recommendations for additional legislative and administrative action to reduce or eliminate predatory lending practices directed at members of the Armed Forces and their families.

(3) DEFINITIONS.—In this subsection:

(A) The term ''appropriate committees of Congress'' means—

(i) the Committees on Armed Services and Banking, Housing, and Urban Affairs of the Senate; and

(ii) the Committees on Armed Services and Financial Services of the House of Representatives.

(B) The term ''predatory lending practice'' means an unfair or abusive loan or credit sale transition or collection practice.

SA 2469. Mr. WARNER (for Mr. CARPER) proposed an amendment to the bill 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, and for other purposes; as follows:

On page 337, between lines 4 and 5, insert the following:

SEC. 2602. CONSTRUCTION OF MAINTENANCE HANGAR, NEW CASTLE COUNTY AIRPORT AIR GUARD BASE, DELAWARE.

(a) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(3)(A) for the Department of the Air Force for the Air National Guard of the United States is hereby increased by $1,440,000.

(b) USE OF FUNDS.—Of the amount authorized to be appropriated by section 2601(3)(A) for the Department of the Air Force for the Air National Guard of the United States, as increased by subsection (a), $1,440,000 is available for planning and design for a replacement C-130 aircraft maintenance hangar at Air National Guard New Castle County Airport, Delaware.

(c) OFFSET.—The amount authorized to be appropriated by section 2204(a) for military construction, land acquisition, and military family housing functions of the Department of the Navy and the amount of such funds authorized by paragraph (11) of such subsection for the construction of increment 3 of the general purpose berthing pier at Naval Weapons Station, Earle, New Jersey, are each hereby decreased by $1,440,000.

SA 2470. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle F of title V, add the following:

SEC. ___. SENSE OF SENATE ON NOTICE TO CONGRESS OF RECOGNITION OF MEMBERS OF THE ARMED FORCES FOR EXTRAORDINARY ACTS OF BRAVERY, HEROISM, AND ACHIEVEMENT.

It is the sense of the Senate that the Secretary of Defense or the Secretary of the military department concerned should, upon awarding a medal to a member of the Armed Forces or otherwise commending or recognizing a member of the Armed Forces for an act of extraordinary heroism, bravery, achievement, or other distinction, notify the Committees on Armed Services of the Senate and the House of Representatives, the Senators from the State in which such member resides, and the Member of the House of Representatives from the district in which such member resides of such extraordinary award, commendation, or recognition.

SA 2471. Mr. WARNER (for Mr. FEINGOLD) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of division A, add the following:

TITLE XV—TRANSITION SERVICES

SEC. 1501. SHORT TITLE.

This title may be cited as the ''Veterans' Enhanced Transition Services Act of 2005''.

SEC. 1502. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.

(a) PRESEPARATION COUNSELING.—Section 1142 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4) For members of the reserve components of the armed forces (including members of the National Guard on active duty under title 32) who have been serving on active duty continuously for at least 180 days, the Secretary concerned shall provide preseparation counseling under this section on an individual basis to all such members before such members are separated.''; and

(2) in subsection (b)—

(A) in paragraph (4), by striking ''(4) Information concerning'' and inserting the following:

''(4) Provision of information on civilian occupations and related assistance programs, including information concerning—

''(A) certification and licensure requirements that are applicable to civilian occupations;

''(B) civilian occupations that correspond to military occupational specialties; and

''(C)''; and

(B) by adding at the end the following:

''(11) Information concerning the priority of service for veterans in the receipt of employment, training, and placement services provided under qualified job training programs of the Department of Labor.

''(12) Information concerning veterans small business ownership and entrepreneurship programs of the Small Business Administration and the National Veterans Business Development Corporation.

''(13) Information concerning employment and reemployment rights and obligations under chapter 43 of title 38.

''(14) Information concerning veterans preference in federal employment and federal procurement opportunities.

''(15) Contact information for housing counseling assistance.

''(16) A description, developed in consultation with the Secretary of Veterans Affairs, of health care and other benefits to which the member may be entitled under the laws administered by the Secretary of Veterans Affairs.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 1142. Members separating from active duty: preseparation counseling''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of title 10, United States Code, is amended by striking the item relating to section 1142 and inserting the following:

''1142. Members separating from active duty: preseparation counseling.''.

(c) DEPARTMENT OF LABOR TRANSITIONAL SERVICES PROGRAM.—Section 1144 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ''paragraph (4)(A)'' in the second sentence and inserting ''paragraph (5)(A)''; and

(2) by adding at the end the following new subsection:

''(e) TRAINING SUPPORT MATERIALS.—The Secretary concerned shall, on a continuing basis and in cooperation with the Secretary of Labor, update the content of all materials used by the Department of Labor that provide direct training support to personnel who provide transitional services counseling under this section.''.

SEC. 1503. FOLLOW UP ASSISTANCE FOR MEMBERS OF THE ARMED FORCES AFTER PRESEPARATION PHYSICAL EXAMINATIONS.

Section 1145(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, ensure that appropriate actions are taken to assist a member of the armed forces who, as a result of a medical examination under paragraph (4), receives an indication for a referral for follow up treatment from the health care provider who performs the examination.

''(B) Assistance provided to a member under paragraph (1) shall include the following:

''(i) Information regarding, and any appropriate referral for, the care, treatment, and other services that the Secretary of Defense or the Secretary of Veterans Affairs may provide to such member under any other provision of law, including—

''(I) clinical services, including counseling and treatment for post-traumatic stress disorder and other mental health conditions; and

''(II) any other care, treatment, and services.

''(ii) Information on the private sector sources of treatment that are available to the member in the member's community.

''(iii) Assistance to enroll in the health care system of the Department of Veterans Affairs for health care benefits for which the member is eligible under laws administered by the Secretary of Veterans Affairs.''.

SEC. 1504. REPORT ON TRANSITION ASSISTANCE PROGRAMS.

(a) REPORT REQUIRED.—Not later than May 1, 2006, the Secretary of Defense shall, in consultation with the Secretary of Labor and the Secretary of Veterans Affairs, submit to Congress a report on the actions taken to ensure that the Transition Assistance Programs for members of the Armed Forces separating from the Armed Forces (including members of the regular components of the Armed Forces and members of the reserve components of the Armed Forces) function effectively to provide such members with timely and comprehensive transition assistance when separating from the Armed Forces.

(b) FOCUS ON PARTICULAR MEMBERS.—The report required by subsection (a) shall include particular attention to the actions taken with respect to the Transition Assistance Programs to assist the following members of the Armed Forces:

(1) Members deployed to Operation Iraqi Freedom.

(2) Members deployed to Operation Enduring Freedom.

(3) Members deployed to or in support of other contingency operations.

(4) Members of the National Guard activated under the provisions of title 32, United States Code, in support of relief efforts for Hurricane Katrina and Hurricane Rita.

SA 2472. Mr. VOINOVICH (for Mr. ENZI) proposed an amendment to the bill H.R. 797, to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians; as follows:

On page 3, line 9, strike ''and''.

Beginning on page 3, strike lines 19 through 24 and insert the following: of 1968 (42 U.S.C. 3601 et seq.); and

(E) federally recognized Indian tribes exercising powers of self-government are governed by the Indian Civil Rights Act (25 U.S.C. 1301 et seq.); and

Beginning on page 4, strike line 15 and all that follows through page 5, line 6, and insert the following:

''SEC. 544. INDIAN TRIBES.

''Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) shall not apply to actions by federally recognized Indian tribes (including instrumentalities of such Indian tribes) under this Act.''.

On page 5, after line 23, add the following:

SEC. 6. YOUTHBUILD ELIGIBILITY.

Section 460 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899h–1) is amended by striking ''for fiscal year 1998 and fiscal years thereafter'' and inserting ''for fiscal years 1998 through 2005''.

SA 2473. Mr. DURBIN (for himself, Mr. CORZINE, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ____. ELIGIBILITY FOR RETIRED PAY FOR NON-REGULAR SERVICE.

(a) AGE AND SERVICE REQUIREMENTS.—Subsection (a) of section 12731 of title 10, United States Code, is amended to read as follows:

''(a)(1) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—

''(A) satisfies one of the combinations of requirements for minimum age and minimum number of years of service (computed under section 12732 of this title) that are specified in the table in paragraph (2);

''(B) performed the last six years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve, except that in the case of a person who completed 20 years of service computed under section 12732 of this title before October 5, 1994, the number of years of qualifying service under this subparagraph shall be eight; and

''(C) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

''(2) The combinations of minimum age and minimum years of service required of a person under subparagraph (A) of paragraph (1) for entitlement to retired pay as provided in such paragraph are as follows:

''Age, in years, is at least:	The minimum years of service required for that age is:
55	25
56	24
57	23
58	22
59	21
60	20.''.

(b) 20-YEAR LETTER.—Subsection (d) of such section is amended by striking ''the years of service required for eligibility for retired pay under this chapter'' in the first sentence and inserting ''20 years of service computed under section 12732 of this title.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply with respect to retired pay payable for that month and subsequent months.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, November 8, 2005, at 9:30 a.m. to hold a hearing on Kosovo—A Way Forward.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, November 8, 2005, at 2:30 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Saudia Arabia: Friend or Foe in the War on Terror?'' on Tuesday, November 8, 2005 at 9:30 a.m. in the Dirksen Senate Office Building, Room 226.

Witness List

Panel I: Daniel Glaser, Deputy Assistant Secretary for Terrorist Financing and Financial Crimes, U.S. Department of the Treasury, Washington, DC.

Alan Misenheimer, Director of Arabian Peninsula and Iran Affairs, U.S. Department of State, Washington, DC.

Panel II: Anthony Cordesman, Co-Director, Middle East Program, Center for Strategic and International Studies, Washington, DC.

Nina Shea, Director, Center for Religious Freedom, Washington, DC.

Steve Emerson, Terrorism Expert and Executive Director, Investigative Project on Terrorism, Washington, DC.

Gulam Bakali, Islamic Association of North Texas, Board of Trustees, Richardson, TX.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Executive Nominations'' on Tuesday, November 8, 2005 at 2:30 p.m. in the Dirksen Senate Office Building Room 226.

Witness List

Panel I: The Honorable Kay Bailey Hutchison, U.S. Senator, R–TX; The Honorable John Cornyn, U.S. Senator, R–TX.

Panel II: Carol E. Dinkins to be Chairman of the Privacy and Civil Liberties Oversight Board; Alan Charles Raul to be Vice Chairman of the Privacy and Civil Liberties Oversight Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON RESEARCH, NUTRITION, AND GENERAL LEGISLATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Research, Nutrition and General Legislation be authorized to conduct a hearing during the session of the Senate on Tuesday, November 8, 2005 at 2:30 p.m. in SDG–50, Senate Dirksen Office Building. The purpose of this Subcommittee Hearing will be to discuss the Pet Animal Welfare, PAWS, statute.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled, ''Strengthening Hurricane Recovery Efforts for Small Businesses'' on Tuesday, November 8, 2005, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 8, 2005 at 10 a.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND AND WASTE MANAGEMENT

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Superfund and Waste Management be authorized to hold an oversight hearing at 2:30 p.m., on Tuesday, November 8, on the impact of certain government contractor liability proposals on environmental laws.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Richard Ferguson be allowed floor privileges during the consideration of the National Defense Authorization Act. He is a Defense fellow for Senator HARRY REID.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I ask unanimous consent that Erica Santo Pietro of my staff be granted the privileges of the floor for the rest of today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, on behalf of Senator DAYTON, I ask unanimous consent that the privilege of the floor be granted to Mike Powers, a fellow in his office, for the duration of the floor debate on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIVE AMERICAN HOUSING ENHANCEMENT ACT OF 2005

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 261, H.R. 797.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

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

There being no objection, the Senate proceeded to consider the bill.

Mr. ENZI. Mr. President, today, I rise in support of H.R. 797, the Native American Housing Enhancement Act of 2005. This bill is identical to a bill Senator JOHNSON and I introduced in February, S. 475, that will encourage home ownership and enhance housing opportunities for Native Americans across the country. H.R. 797 is an important piece of legislation and I commend my Senate colleague, Senator TIM JOHNSON from South Dakota, and my colleague on the House side, Congressman RICK RENZI from Arizona, for their continued leadership on Indian housing issues.

Home ownership is a fundamental building block of a successful community. Simply put, ownership promotes pride and pride promotes improvement. And, when it comes to Native American housing, we have a lot of improving to do. Currently, Native Americans experience some of the worst housing conditions in the country. About 90,000 Indian families are homeless or underhoused. Nearly 33 percent of Indian homes are overcrowded, while 33 percent lack adequate solid waste management systems and 8 percent lack a safe indoor water supply.

Poor housing conditions on our reservations are a symptom of laws and regulations that fail to promote a sense of ownership and personal responsibility within our tribes. Although the Native American Housing Assistance and Self-Determination Act of 1996 made great strides in developing an ownership society in Indian country, we still have a lot of work to do. This legislation is a step in the right direction. Our bill would give tribes more flexibility when developing housing improvement projects, and will also give tribal housing entities the opportunity to once again take advantage of a program designed to teach kids the value of hardwork and community involvement.

The Youthbuild program is a vocational program designed to give low-income kids and highschool drop-outs between the ages of 16 and 24 the skills they need to survive in today's world. Youthbuild participants gain critical job skills and leadership training by constructing and rehabilitating affordable housing units in their communities. The new housing units are owned and managed by community housing authorities and then permanently designated for low-income families who need the most help finding a place to live. The program is an excellent tool for achieving two goals. The first goal is to provide vocational education and life-long learning skills for kids who live in some of the most economically-depressed areas of the country. These kids need skills in order to build a workforce that can support economic development on our reservations. The second goal is to build affordable housing units so tribal families can find homes with running water, adequate sewage systems, and heat and electricity.

However, as I mentioned before, tribal housing entities and tribal youth programs were barred from the Youthbuild program when the Native American Housing Assistance and Self-Determination Act of 1996, NAHASDA, was enacted. Accessibility was eliminated because NAHASDA gave the tribes the authority to encompass this type of activity under their respective Indian Housing Plans. Unfortunately, when tribes are prioritizing their housing projects, many choose to fix crumbling foundations, dry-rot and sanitation systems before they invest in Youthbuild-type programs. H.R. 797 will provide an alternative resource for this type of activity. Further, it will

help children in tribal communities feel a sense of accomplishment when they see their friends and neighbors move into new homes they help built. And, that builds pride.

The bill will also clarify that tribes and tribal entities can access certain grant income and retain program money for successive grant years if used for affordable housing activities. This provision will ultimately provide tribes and tribal entities with more flexibility in planning and improve their ability to use their funds efficiently.

H.R. 797 also amends the Housing Act of 1949 to provide consistency across tribal housing programs by treating tribes applying for housing programs within the Department of Agriculture, USDA, the same as tribes applying for housing programs within the Department of Housing and Urban Development, HUD. The bill will allow tribes to comply with Title II of the Indian Civil Rights Act of 1968 rather than Title VI of the Civil Rights Act of 1964 when securing federal funds for USDA housing programs.

Under Title VI of the Civil Rights Act of 1964, tribes are unable to access certain federal funds if Indian preference is a factor in using those funds. Tribes must comply with the Civil Rights Act unless Congress explicitly exempts them under an authorizing statute. Unfortunately, most Native American housing programs are tailored to benefit tribal members, which puts these programs at odds with the 1964 Act.

When Congress passed the Native American Housing Assistance and Self Determination Act in 1996, we exempted tribes from the 1964 Civil Rights Act for housing programs administered by the Department of Housing and Urban Development, provided they comply with the Indian Civil Rights Act of 1968. H.R. 797 would provide a similar exemption for tribes with respect to housing projects under the Department of Agriculture. In short, it brings USDA housing programs in line with HUD housing programs.

This is a good bill that will provide real and tangible benefits in Indian country. Building a community is about building pride in our kids, our neighbors and ourselves. H.R. 797 and S. 475 recognize that pride comes from working together, learning new and improved skills, earning livable wages, and owning a home, among other things.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2472) was agreed to, as follows:

AMENDMENT NO. 2472

(Purpose: To modify a provision relating to the application of certain Acts to Indian tribes)

On page 3, line 9, strike ''and''.

Beginning on page 3, strike lines 19 through 24 and insert the following: of 1968 (42 U.S.C. 3601 et seq.); and

(E) federally recognized Indian tribes exercising powers of self-government are governed by the Indian Civil Rights Act (25 U.S.C. 1301 et seq.); and

Beginning on page 4, strike line 15 and all that follows through page 5, line 6, and insert the following:

''SEC. 544. INDIAN TRIBES.

''Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) shall not apply to actions by federally recognized Indian tribes (including instrumentalities of such Indian tribes) under this Act.''.

On page 5, after line 23, add the following:

SEC. 6. YOUTHBUILD ELIGIBILITY.

Section 460 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899h–1) is amended by striking ''for fiscal year 1998 and fiscal years thereafter'' and inserting ''for fiscal years 1998 through 2005''.

The bill (H.R. 797), as amended, was read the third time and passed.

IRAN NONPROLIFERATION AMENDMENTS ACT OF 2005

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Chair now lay before the Senate the House message to accompany the bill (S. 1713) to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 1713

Resolved, That the bill from the Senate (S. 1713) entitled ''An Act to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Iran Nonproliferation Amendments Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Director of Central Intelligence's most recent Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 July Through 31 December 2003, states ''Russian entities during the reporting period continued to supply a variety of ballistic missile-related goods and technical know-how to countries such as Iran, India, and China. Iran's earlier success in gaining technology and materials from Russian entities helped accelerate Iranian development of the Shahab-3 MRBM, and continuing Russian entity assistance has supported Iranian efforts to develop new missiles and increase Tehran's self-sufficiency in missile production.''

(2) Vice Admiral Lowell E. Jacoby, the Director of the Defense Intelligence Agency, stated in testimony before the Select Committee on Intelligence of the Senate on February 16, 2005, that ''Tehran probably will have the ability to produce nuclear weapons early in the next decade''.

(3) Iran has—

(A) failed to act in accordance with the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done at Vienna June 19, 1973 (commonly referred to as the ''Safeguards Agreement'');

(B) acted in a manner inconsistent with the Protocol Additional to the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards, signed at Vienna December 18, 2003 (commonly referred to as the ''Additional Protocol'');

(C) acted in a manner inconsistent with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly referred to as the ''Nuclear Non-Proliferation Treaty''); and

(D) resumed uranium conversion activities, thus ending the confidence building measures it adopted in its November 2003 agreement with the foreign ministers of the United Kingdom, France, and Germany.

(4) On September 24, 2005, the Board of Governors of the International Atomic Energy Agency (IAEA) formally declared that Iranian actions constituted noncompliance with its nuclear safeguards obligations, and that Iran's history of concealment of its nuclear activities has given rise to questions that are within the purview of the United Nations Security Council.

(5) The executive branch has on multiple occasions used the authority provided under section 3 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) to impose sanctions on entities that have engaged in activities in violation of restrictions in the Act relating to—

(A) the export of equipment and technology controlled under multilateral export control lists, including under the Australia Group, Chemical Weapons Convention, Missile Technology Control Regime, Nuclear Suppliers Group, and the Wassenaar Arrangement or otherwise having the potential to make a material contribution to the development of weapons of mass destruction or cruise or ballistic missile systems to Iran; and

(B) the export of other items to Iran with the potential of making a material contribution to Iran's weapons of mass destruction programs or on United States national control lists for reasons related to the proliferation of weapons of mass destruction or missiles.

(6) The executive branch has never made a determination pursuant to section 6(b) of the Iran Nonproliferation Act of 2000 that—

(A) it is the policy of the Government of the Russian Federation to oppose the proliferation to Iran of weapons of mass destruction and missile systems capable of delivering such weapons;

(B) the Government of the Russian Federation (including the law enforcement, export promotion, export control, and intelligence agencies of such government) has demonstrated and continues to demonstrate a sustained commitment to seek out and prevent the transfer to Iran of goods, services, and technology that could make a material contribution to the development of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems; and

(C) no entity under the jurisdiction or control of the Government of the Russian Federation, has, during the 1-year period prior to the date of the determination pursuant to section 6(b) of such Act, made transfers to Iran reportable under section 2(a) of the Act.

(7) On June 29, 2005, President George W. Bush issued Executive Order 13382 blocking property of weapons of mass destruction proliferators and their supporters, and used the authority of such order against 4 Iranian entities, Aerospace Industries Organization, Shahid Hemmat Industrial Group, Shahid Bakeri Industrial Group, and the Atomic Energy Organization of Iran, that have engaged, or attempted

to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including efforts to manufacture, acquire, possess, develop, transport, transfer, or use such items.

SEC. 3. AMENDMENTS TO IRAN NONPROLIFERATION ACT OF 2000 RELATED TO INTERNATIONAL SPACE STATION PAYMENTS.

(a) TREATMENT OF CERTAIN PAYMENTS.—Section 7(1)(B) of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) by striking the period at the end and inserting a comma; and

(2) by adding at the end the following:

''except that such term does not mean payments in cash or in kind made or to be made by the United States Government prior to January 1, 2012, for work to be performed or services to be rendered prior to that date necessary to meet United States obligations under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto.''.

(b) EXCEPTION.—Section 6(h) of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended by inserting after ''extraordinary payments in connection with the International Space Station'' the following: '', or any other payments in connection with the International Space Station,''.

(c) REPORTING REQUIREMENTS.—Section 6 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended by adding at the end the following new subsection:

''(i) REPORT ON CERTAIN PAYMENTS RELATED TO INTERNATIONAL SPACE STATION.—

''(1) IN GENERAL.—The President shall, together with each report submitted under section 2(a), submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report that identifies each Russian entity or person to whom the United States Government has, since the date of the enactment of the Iran Nonproliferation Amendments Act of 2005, made a payment in cash or in kind for work to be performed or services to be rendered under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto.

''(2) CONTENT.—Each report submitted under paragraph (1) shall include—

''(A) the specific purpose of each payment made to each entity or person identified in the report; and

''(B) with respect to each such payment, the assessment of the President that the payment was not prejudicial to the achievement of the objectives of the United States Government to prevent the proliferation of ballistic or cruise missile systems in Iran and other countries that have repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).''.

SEC. 4. AMENDMENTS TO THE IRAN NONPROLIFERATION ACT OF 2000 TO MAKE SUCH ACT APPLICABLE TO IRAN AND SYRIA.

(a) REPORTS ON PROLIFERATION RELATING TO IRAN OR SYRIA.—Section 2 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

*(1) in the heading, by striking ''**TO IRAN**'' and inserting ''**RELATING TO IRAN AND SYRIA**''; and*

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''or acquired from'' after ''transferred to''; and

(ii) by inserting after ''Iran'' the following: '', or on or after January 1, 2005, transferred to or acquired from Syria''; and

(B) in paragraph (2), by inserting after ''Iran'' the following: ''or Syria, as the case may be,''.

(b) DETERMINATION EXEMPTING FOREIGN PERSONS FROM CERTAIN MEASURES.—Section 5(a) of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) in paragraph (1), by striking ''transfer to Iran'' and inserting ''transfer to or acquire from Iran or Syria, as the case may be,''; and

(2) in paragraph (2), by striking ''Iran's efforts'' and inserting ''the efforts of Iran or Syria, as the case may be,''.

(c) RESTRICTION ON EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.—Section 6(b) of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) in the heading, by striking ''TO IRAN'' and inserting ''RELATING TO IRAN AND SYRIA'';

(2) in paragraphs (1) and (2), by striking ''to Iran'' each place it appears and inserting ''to or from Iran and Syria''; and

(3) in paragraph (3), by striking ''to Iran'' and inserting ''to or from Iran or Syria''.

(d) DEFINITIONS.—Section 7(2) of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) in subparagraph (C) to read as follows:

''(C) any foreign government, including any foreign governmental entity; and''; and

(2) in subparagraph (D), by striking ''subparagraph (B) or (C)'' and inserting ''subparagraph (A), (B), or (C), including any entity in which any entity described in any such subparagraph owns a controlling interest''.

(e) SHORT TITLE.—

(1) AMENDMENT.—Section 1 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended by striking ''Iran Nonproliferation Act of 2000'' and inserting ''Iran and Syria Nonproliferation Act''.

(2) REFERENCES.—Any reference in a law, regulation, document, or other record of the United States to the Iran Nonproliferation Act of 2000 shall be deemed to be a reference to the Iran and Syria Nonproliferation Act.

Amend the title so as to read ''An Act to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments, and for other purposes.''.

Mr. VOINOVICH. I ask unanimous consent that the Senate concur in the House amendments, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAMES T. MOLLOY POST OFFICE BUILDING

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 3339 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (H.R. 3339) to designate the facility of the United States Postal Service located at 2061 South Park Avenue in Buffalo, New York, as the ''James T. Molloy Post Office Building.''

There being no objection, the Senate proceeded to consider the bill.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3339) was read the third time and passed.

MAYOR JOSEPH S. DADDONA MEMORIAL POST OFFICE

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 2490, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2490) to designate the facility of the United States Postal Service located at 442 West Hamilton Street, Allentown, Pennsylvania, as the ''Mayor Joseph S. Daddona Memorial Post Office.''

There being no objection, the Senate proceeded to consider the bill.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2490) was read the third time and passed.

MEASURE PLACED ON THE CALENDAR—S. 1969

Mr. VOINOVICH. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1969) to express the sense of the Senate regarding Medicaid reconciliation legislation to be reported by a conference committee during the 109th Congress.

Mr. VOINOVICH. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

ORDERS FOR WEDNESDAY, NOVEMBER 9, 2005

Mr. VOINOVICH. I ask unanimous consent that when the Senate completes its business today, it stand in

adjournment until 9:30 a.m. 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 proceed to a period of morning business for up to an hour with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; further, that the Senate resume consideration of S. 1042, the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. VOINOVICH. Today, we have made great progress on the Defense authorization bill, and we are now on track to complete action on it tomorrow. Tomorrow will be a very busy day with votes on the remaining amendments. Senators can expect a late night, if necessary, to finish the Defense bill. Before we leave for the week, we will also be scheduling votes on several appropriations conference reports.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. VOINOVICH. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:43 p.m., adjourned until Wednesday, November 9, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 8, 2005:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KEITH W. DAYTON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN R. WOOD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GARY D. SPEER, 0000

EXTENSIONS OF REMARKS

A PROCLAMATION CONGRATULATING MR. JOHN BENSON UPON HIS RECOGNITION AS A GREAT PHILANTHROPIST

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. NEY. Mr. Speaker:

Whereas, John Benson was nominated by Dr. David Mitzel; and

Whereas, John Benson had an experience on Christmas morning in 1989 that touched him so deeply he helped establish the ABC Wilson Fund in memory of 3 children whose lives were senselessly lost; and

Whereas, John Benson has worked diligently with the help of others to make the ABC Wilson Fund an endowment that is saving lives across Muskingum County by providing smoke detectors to all in need.

Therefore, I join with family, friends and the entire 18th Congressional District of Ohio in congratulating John Benson and thanking him for his generosity to the people of Muskingum County.

IN HONOR AND MEMORY OF LANCE CORPORAL NORMAN WALLACE ANDERSON, III

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I humbly rise before you today to mourn the loss and to honor the life of a devoted United States Marine from Parkton, Maryland.

Lance Corporal Norman Wallace Anderson, III, died during active duty on the nineteenth day of October in the year 2005 while conducting combat operations against enemy forces in Karabilah, Iraq. Anderson was killed by a suicide vehicle-borne improvised explosive device.

Anderson, assigned to the 3rd Battalion, 6th Marine Regiment, 2d Marine Division, 2 Marine Expeditionary Force, Camp Lejeune, North Carolina, joined his division in June 2003 as a rifleman.

He returned to the States November of last year, and wed high school sweetheart, Victoria Worthing Anderson in August before continuing to active duty.

The Lance Corporal had aspirations of military life since he was a young boy. He dreamt of following in the footsteps of his father, Norman Wallace Anderson, Junior, a retired Army Ranger.

Anderson is remembered as a soldier who wished to serve his country so that his parents, his friends, and all of their families could keep their freedom.

A ceremony was held at Anderson's alma mater, Hereford High School, during a football game on Friday, the twenty-first of October 2005 to honor the fallen soldier. Players wore Anderson's initials on their helmets and the school retired his number thirty-three jersey.

Mr. Speaker, I ask that you join with me today to honor a man who proudly devoted his life to serving his country for the safety of his fellow citizens.

PERSONAL EXPLANATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 570 on H. Con. Res. 260 I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. SCHIFF. Mr. Speaker, on Friday, November 4, 2005 I was unavoidably detained and thus missed rollcall vote No. 569.

Had I been present, I would have voted "yea" on rollcall vote No. 569, in support of the conference report to accompany 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.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. BECERRA. Mr. Speaker, on Friday, November 4, 2005, I was unable to cast my floor vote on rollcall No. 569. The vote I missed was on agreeing to the conference report for making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

Had I been present for the vote, I would have voted "yea" on rollcall 569.

TRIBUTE TO BOBBY GERALD

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a dedicated public servant who has served the residents of Marion, South Carolina ably for more than 30 years. Mayor Bobby Gerald is a product of Marion County, and is a lifelong resident of the community he serves. His tremendous impact on his hometown reflects his enduring commitment to the city and its people.

Bobby Gerald has served a remarkable 20 years as Mayor of the City of Marion. His success in the political arena is no surprise given his talent as a businessman. At the tender age of 16, Bobby began selling cars for Neil Padgett Motors. After graduating from Marion High School, he joined the sales staff full time and went on to win every salesmanship award given by Ford Motor Company. His natural abilities and good business sense led him to become the General Manager and Executive Vice President of Earl Collins Ford Motor Company in 1967, just seven years after his high school graduation. In 1980, Bobby purchased the business, which he still runs successfully today.

Yet being a successful businessman was not enough for Bobby Gerald. He also felt a duty to serve his community, and in April 1975 he was appointed to the Marion County Board of Commissioners. He first won elective office in January 1977 as a member of the Marion County Council, where he served as Vice Chairman. Two years later, Bobby became Chairman of Marion County Council, a capacity in which he served until June 1982. At that time he was appointed by the Marion County Delegation to serve on the South Carolina State Highway Commission. In June 1985, he resigned that appointment after being elected the Mayor of the City of Marion, a position he has held ever since.

As Mayor of Marion, Bobby Gerald has led his city through difficult plant closures and the decline in tobacco farming. Yet his community has embraced its rich history and small town charm and become a tourist destination. Main Street has been revitalized with many family-owned antique shops and quaint boutiques, and a National Register Historic District has preserved and protected many of the homes, churches and other structures. I am proud to have worked with Bobby on the preservation of the old Marion High School, which is a crown jewel of this community.

In addition to his elected and appointed positions, Bobby Gerald has also been very active in community organizations. He is a member of the Jaycees, Mullins Rotary Club, Civitans, the Pee Dee Regional Council of Governments, and the S.C. Automobile Dealers Association. He has held several leadership positions within these organizations at the local and state levels. He has won numerous awards and citations including the American Hometown Leadership Award in 1999, the Public Service Award in 1996, the Marion Chamber of Commerce Community Service Award in 1995, and the Historic Marion Revitalization Association Board of Directors Award in 1995.

Bobby is in partnership with a lovely wife, Frances, and the couple has three children

and three grandchildren. They are members of the Marion Baptist Church.

Mr. Speaker, on November 21, 2005 I will sponsor a luncheon in Mayor Bobby Gerald's honor to say thanks for his many years of public service and personal friendship, and I ask you and my colleagues to join me in commending this longtime friend for his business acumen and dedicated commitment to public service. He is a natural leader, who has made extraordinary contributions to the City of Marion and the State of South Carolina.

A PROCLAMATION CONGRATULATING DR. WILLIAM C. LOFTY UPON HIS POSTHUMOUS RECOGNITION AS A GREAT PHILANTHROPIST

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. NEY. Mr. Speaker:

Whereas, Dr. William Lofty was nominated by Donnie Loubiere of the Belpre Area Community Development Foundation; and

Whereas, Dr. William Lofty was a man dedicated to his community, his church and his God; and

Whereas, Dr. William Lofty selflessly gave of himself to provide scholarship aid to local students and gave them an inspiring figure to look up to.

Therefore, I join with family, friends and the entire 18th Congressional District of Ohio in congratulating Dr. William Lofty and thanking him for his generosity to the community.

A TRIBUTE TO MS. NANCY DORAN

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to pay tribute to Ms. Nancy Doran who was awarded the 2005 Congressional Volunteer Recognition Award by the Second Congressional District of Maryland's Veterans Advisory Group.

It is with great pleasure that I bring before you a woman who has selflessly committed herself to helping lift the spirits of United States Veterans.

On Tuesday evenings for the past 3½ years, Ms. Doran and her dog Duffy perform voluntary pet therapy services at the Baltimore Veterans Affairs Rehabilitation and Extended Care Center.

Ms. Doran and her dog have made approximately one hundred eighty-eight visits so far, and stay for about 90 minutes each time; which is a tremendous act of kindness.

As a result of Duffy's presence, typically non-verbal veterans speak to Duffy while petting him and giving him treats. Duffy allows them to reminisce about their own dogs and gives them an opportunity to experience a pleasant evening of memories, friendship, and fellowship.

I believe this country should honor the service and sacrifices of those who place themselves in harms-way to protect the freedoms of the American citizens. The Veterans Advisory Group provides an excellent opportunity for me to share pending legislation with people who have done just that, as well as, gain their perspective on specialized issues.

Mr. Speaker, I ask that you join with me, and the Veterans Advisory Group to commend Ms. Nancy Doran for her efforts to visit with and care for the United States Veterans. She has gone above and beyond to aid those who have dedicated their lives to service our great country.

PERSONAL EXPLANATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 571 on H.R. 1973, I was unavoidably detained.

Had I been present, I would have voted "yea".

PERSONAL EXPLANATION

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. SCHIFF. Mr. Speaker, on Thursday, November 3, 2005 I was unavoidably detained thus missed rollcall vote No. 568.

Had I been present, I would have voted "yea" on rollcall vote No. 568, in support of H.R. 4128, the "Private Property Rights Protection Act"—legislation that I voted in support of in the House Judiciary Committee.

A PROCLAMATION CONGRATULATING MRS. VERDA C. JONES UPON HER RECOGNITION AS A GREAT PHILANTHROPIST

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. NEY. Mr. Speaker:

Whereas, Verda Jones was nominated by Ms. Susan Urano of the Athens Foundation; and

Whereas, Verda Jones saw what the potential of the goodwill from a few dedicated citizens could lead to; and

Whereas, Verda Jones inspired many to contribute to what would eventually become the Athens Foundation, an endowment for the benefit of Athens.

Therefore, I join with family, friends and the entire 18th Congressional District of Ohio in congratulating Mrs. Verda C. Jones and thanking her for her generosity to the Athens community.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. BECERRA. Mr. Speaker, on Monday, November 7, 2005, I was unable to cast my floor vote on rollcall Nos. 570, 571, and 572. The votes I missed included a motion to suspend the rules and agree to Recognizing the 40th anniversary of the Second Vatican Council's Declaration on the Relation of the Church to Non-Christian Religious, Nostra Aetate, and the continuing need for mutual interreligious respect and dialogue; a motion to suspend the rules and agree to the Senator Paul Simon Water for the Poor Act; and a motion to suspend the rules and agree to Supporting the goals and ideals of National Ovarian Cancer Awareness Month.

Had I been present for the votes, I would have voted "aye" on rollcall votes Nos. 570, 571, and 572.

TRIBUTE TO LT. COLONEL ALBERT B. GUESS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a decorated war veteran and committed community activist. Lt. Colonel Albert B. Guess says his greatest ambition is "the utilization of his resources, knowledge and experiences to promote the well being and welfare of others." I believe he has achieved this goal in every facet of his life.

Albert B. Guess was born in Santee, South Carolina to farming parents. As a young man, he enlisted in the U.S. Army in 1943, serving for 3 years until his discharge as a Corporal. Colonel Guess used the G.I. Bill to attend South Carolina State University, and joined the college's ROTC program. His early life on the farm led him to earn a Bachelor of Science degree in Agriculture, and upon graduation he was commissioned as a Second Lieutenant.

After college, Colonel Guess taught agriculture, mathematics and science at Barr Street High School in Lancaster, South Carolina. At the same time, he served as the Director of the area veterans and adult farm program that taught hands-on farming practices and management.

Colonel Guess was recalled to the Army in May 1951, where he served another 20 years. His military career took him to New Guinea, the Phillipine Islands, Japan, Korea, Alaska, and he served 2 tours in Vietnam. He earned many awards and decorations for meritorious actions and service including the Combat Infantryman's Badge. Colonel officially retired from active duty in June 1971 as a Lt. Colonel.

After leaving the military, Colonel Guess returned to South Carolina and his wife's hometown of Marion. There he became very active in the community, and that is how I first met him. He served as President of the Marion County Branch of the NAACP, and was instrumental in negotiating the majority-minority single member districts for the Marion City Council and the Marion County Council. He also led numerous voter registration and voter participation drives.

Colonel Guess has also been very active in Marion School District One. He has served as a hearing officer helping to represent the interest of parents and children in the district. He has been deeply involved in ensuring that the

schools in the district are top quality, and was instrumental in the building of the new Marion High School. Colonel Guess served on the steering committee for a bond referendum to pay for the construction of a new intermediate school and additions to Easterling Primary and Johnakin Middle School.

He has still found time to serve on the Marion County Economic Development Board, the Marion County United Way, and to direct the Marion-Dillon County Mental Retardation Program. Colonel Guess is currently the Chairman of the Marion County Red Cross.

He and his wife, the former Reba General are members of St. Phillips United Methodist Church The couple has 2 children, Ronald Richardson of Marion and Rita James of Charlotte, North Carolina, and four grandchildren.

Mr. Speaker, on November 21, 2005 I will sponsor a Luncheon in honor of Lt. Colonel Albert Guess and I ask you and my colleagues to join me in commending this longtime friend and mentor for exceeding his life's ambition to serve others. He has served his family, his community, and his country with extraordinary dedication, and has been a positive impact on countless lives along the way.

A PROCLAMATION CONGRATULATING MR. STEVE VINCENT UPON HIS RECOGNITION AS A GREAT PHILANTHROPIST

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. NEY. Mr. Speaker:

Whereas, Steve Vincent was nominated by Dr. David Mitzel; and

Whereas, Steve Vincent had an experience on Christmas morning in 1989 that touched him so deeply he helped establish the ABC Wilson Fund in memory of 3 children whose lives were senselessly lost; and

Whereas, Steve Vincent has worked diligently with the help of others to make the ABC Wilson Fund an endowment that is saving lives across Muskingum County by providing smoke detectors to all in need.

Therefore, I join with family, friends and the entire 18th Congressional District of Ohio in congratulating Steve Vincent and thanking him for his generosity to the people of Muskingum County.

RELIGIOUS SPEECH LIMITATIONS IN SWEDEN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. SMITH of New Jersey. Mr. Speaker, freedom of thought, conscience, religion or belief is a fundamental element of international human rights norms. It is inextricably intertwined with other fundamental rights, including the rights to freedom of speech, freedom of association and freedom of assembly. Considering this, I am increasingly concerned by European trends to place limitations on religious speech under the guise of preventing offense or limiting hate speech. One such case concerns Ake Green, the pastor of a Pentecostal church in Kalmar, Sweden, who was sentenced to 1 month in prison for ''inciting hatred'' against homosexuals.

Pastor Green's troubles began on July 20, 2003, when he expressed his disapproval of homosexuality in a sermon, founded upon his understanding of the Bible. He did not incite nor encourage his congregation on the small southeastern island of Oland to violence. He did, however, express his personal opinion of homosexuality and made a personal moral judgment that the lifestyle was sinful. He later circulated the sermon text to media outlets in an attempt to insert an alternative view into Sweden's ''marketplace of ideas.''

When prosecutors saw the sermon printed, they brought charges against Pastor Green for ''inciting hate'' toward homosexuals. A district court agreed in June 2004, finding his sermon to be criminal. One particularly alarming quote from the district court's decision stated, ''It is forbidden to use the Bible or similar material to threaten or express disrespect for homosexuals as a group.'' Mr. Speaker, should pastors really be sent to jail for sermons that a court deems ''disrespectful'' or ''offensive''? Should the state really dictate how a religious leader interprets the Bible, the Torah, or other religious texts? The district court's ruling raises the question of whether ministers and priests in Sweden are really free to preach their beliefs.

I recognize that the right to freedom of expression is not absolute and not all speech is protected. After 9/11 and the Madrid and London bombings, we have all seen how criminals abuse religion to preach violence and lead others in criminal deeds. Authorities are within their rights to take legal action to curtail the speech when it rises to the level of posing an imminent threat of actual criminal action. The international community and the European Court of Human Rights have recognized this high threshold for limiting speech activity. Yet we must be careful to not limit religious liberties and speech rights.

Thankfully, Pastor Green has not spent a night in jail while his case is on appeal. Also encouraging was the February decision by an appellate court to overturn the conviction, saying it is not illegal to preach a personal interpretation of the Bible. However, Sweden's chief prosecutor, Fredrik Wersaell, appealed to the Supreme Court, contending that Green violated Sweden's 2003 hate crimes law. The Supreme Court will hear the appeal on November 9th.

Undoubtedly, Swedes enjoy tremendous religious freedoms and generally Sweden is a staunch defender of human rights. However, in this case, the government has sought to limit basic religious teachings. I believe the criminalization of the use of the Bible to express beliefs, if not overturned, will have frighteningly broad ramifications for the free practice of religion in Sweden and beyond.

ACWA BLUEPRINT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. RADANOVICH. Mr. Speaker, this year the water districts of my State worked together to create a water planning document to address my State's core water infrastructure needs for decades into the future.

This document, released by the Association of California Water Agencies (ACWA), is called, ''No Time to Waste: A Blueprint for California's Water.'' It lays out a diverse mix of actions and investments designed to help California meet its water supply needs in the coming decades.

The ACWA Blueprint is intended to serve as a roadmap for State and Federal leaders to follow to ensure that California has the water supply system it will need to support people, Jobs and ecosystems in the future.

It breaks down into 12 recommendations for each region of the State. These include investments to improve water supplies, water use efficiency, water quality and environmental health. The recommended actions are designed to address short and long-term statewide water needs, complement and build on local efforts, and promote integrated regional water management plans that will play a critical role in California's future.

KEY RECOMMENDATIONS IN ACWA'S BLUEPRINT

Improve the existing Sacramento-San Joaquin River Delta water conveyance system to increase flexibility and enhance water supply, water quality, levee stability and environmental protection in the near term.

Evaluate long-term threats to the Delta levee and conveyance system and pursue actions to reduce risks to the state's water supply and the environment.

Ensure delivery of adequate Colorado River supplies for Southern California and defend California's rights on the Colorado River.

Implement and fund the Sacramento Valley Water Management Program.

Develop additional groundwater and surface water storage, including proposed surface storage projects now under study if they are determined to be feasible.

Support and fund local efforts to expand recycled water use and implement best management practices for urban and agricultural water use efficiency.

Improve the quality of California's drinking water supplies to safeguard public health and enhance water quality for agriculture and the environment.

Work with local agencies to overcome constraints to developing seawater and brackish groundwater desalination.

Modernize the Federal Endangered Species Act and other laws and regulations to allow water infrastructure projects, water supply and water quality activities to proceed while protecting species and habitats.

Expedite the approval process for voluntary water transfers.

Clarify and expand the State's role in flood control and promote multi-benefit flood control projects.

Support integrated regional water management plans.

Mr. Speaker, this document represents the first time California water users have produced something this comprehensive, based around a consensus approach and done under their own initiative. Water will be a central resource challenge confronting economic growth and environmental sustainability in California and the West. As the House Water and Power Subcommittee completes its agenda for 2005 and sets new objectives for 2006, I commend to interested observers ACWA's ''No Time to Waste: A Blueprint for California's Water''.

A TRIBUTE TO MR. CLIFFORD L. STOFFEL

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to pay tribute to Mr. Clifford L. Stoffel who was awarded the 2005 Congressional Volunteer Recognition Award by the Second Congressional District of Maryland's Veterans Advisory Group.

It is with great pleasure that I bring before you a man who has selflessly committed himself as a volunteer driver and as the Coordinator for the Transportation Section at the Glen Burnie Clinic for Veterans.

In the past six years, Mr. Stoffel has driven 41,986 miles to take patients to and from scheduled and emergency doctor appointments. The veterans have come to rely on him when other drivers cancel or when they forget to request a driver. He is always willing to assist them, ensuring that those in need of a ride to the nearest veteran facility, will have transportation.

Because of Mr. Stoffel's generosity, approximately 2,258 patients have had reliable transportation when necessary. His generosity is recognized as an example of dedication amongst veteran volunteers.

I believe this country should honor the service and sacrifices of those who place themselves in harm's way to protect the freedoms of the American citizens. The Veterans Advisory Group provides an excellent opportunity for me to share pending legislation with people who have done just that, as well as, gain their perspective on specialized issues.

Mr. Speaker, I ask that you join with me, and the Veterans Advisory Group to commend the efforts of Mr. Clifford L. Stoffel in his kindheartedness and willingness to help others. He has gone above and beyond to aid those who have dedicated their lives to serve our great country.

PERSONAL EXPLANATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 572 on H. Res. 444, I was unavoidably detained. Had I been present, I would have voted "yea."

A PROCLAMATION THANKING LANCE CORPORAL HICKORY OGLE OF THE UNITED STATES MARINE CORPS FOR HIS SERVICE TO THE UNITED STATES

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. NEY. Mr. Speaker:

Whereas, Lance Cpl. Hickory Ogle served with the 1st Platoon, Lima Company, 3rd Battalion, 25th Marines, 4th Marine Division with honor, courage and commitment; and

Whereas, Lance Cpl. Hickory Ogle has continued in his family's proud footsteps of service and dedication to America; and

Whereas, Lance Cpl. Hickory Ogle has taken part in numerous offensive operations in Iraq, including Matador and Sword for the preservation of American liberty and freedom for the Iraqi people.

Therefore, I join with family, friends and the entire 18th Congressional District of Ohio in thanking Lance Corporal Hickory Ogle for his service to the United States and welcoming him home to an appreciative nation.

PERSONAL EXPLANATION

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. KIRK. Mr. Speaker, on Monday November 7, 2005 I missed the following votes: rollcall No. 570: H. Con Res. 260, "Recognizing the 40th anniversary of the Second Vatican Council's Declaration on the Relation of the Church to Non-Christian Religions"; rollcall No. 571: H.R. 1973, "Water for the Poor Act of 2005"; and rollcall No. 572: H. Res. 444, "Gynecological Resolution for Advancement of Ovarian Cancer Education." Had I been present, I would have voted "yea" on rollcall No. 570, rollcall No. 571, and rollcall No. 572.

RECOGNITION OF THE PMI GROUP

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to commemorate The PMI Group's tenth anniversary as a publicly traded company. The PMI Group's company headquarters is located in Walnut Creek, California, which is in my district. Ten years ago when the company first went public it was the sixth-largest IPO in the New York Stock Exchange's history. In the past decade it has grown from one of the nation's leading providers of private mortgage insurance to a global provider of credit enhancement. PMI has helped to push homeownership rates to a historic high, while consistently providing a strong average return on shareholders' equity.

Founded over 30 years ago, The PMI Group, Inc., offers residential mortgage insurance and credit enhancement products that promote homeownership and facilitate mortgage transactions in domestic and international capital markets. Currently the company has over $5.2 billion in total assets, serves two million families worldwide and has been recognized as one of the best places to work in the Bay Area of California.

Under the leadership of Chairman and CEO Roger Haughton, The PMI Group's mission is to put people in homes—and keep them there. They have been integral in helping low and moderate income families become homeowners by developing affordable mortgage programs that help them to realize their dreams of homeownership. Now with operations in Australia, New Zealand, Hong Kong and Europe they have taken that commitment globally. The company's management is committed to the belief that homeownership helps build strong families, which in turn builds strong communities.

The company's commitment to facilitating homeownership goes beyond its fundamental business model to its relations with the communities in which it operates, exemplified in the generous spirit of their foundation. The PMI Foundation supports national and local organizations that create housing opportunities and revitalize neighborhoods. Most notably the company has been a part of building over 125 Habitat for Humanity homes worldwide. They have also led the business community in initiatives to reinvest in inner-city and rural communities. Most recently, PMI stepped up to the plate and contributed a $2 million relief package for the victims of the Gulf Coast hurricanes.

I greatly appreciate everything The PMI Group, Inc. has done for the citizens of my district, as well as our citizens nationwide. Facilitating homeownership is an admirable business, so I ask my fellow Members of Congress to join me in congratulating The PMI Group on a very successful 10 years as a publicly traded company and I wish them many successful years to come.

PERSONAL EXPLANATION

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. GIBBONS. Mr. Speaker, I rise today to explain how I would have voted on November 7, 2005 during rollcall vote Nos. 570, 571 and 572 during the first session of the 109th Congress. The first vote was on H. Con. Res. 260—Recognizing the 40th anniversary of the Second Vatican Council's Declaration of the Relation of the Church to Non-Christian Religions, the second vote was H.R. 1973—Water for the Poor Act of 2005, and the third vote, H. Res. 444—Gynecological Resolution for Advancement of Ovarian Cancer Education.

If present, I would have voted "yea" on these rollcall votes.

A PROCLAMATION CONGRATULATING MRS. BONNY HUFFMAN UPON HER RECOGNITION AS A GREAT PHILANTHROPIST

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. NEY. Mr. Speaker:

Whereas, Bonny Huffman was nominated by Marianne Campbell, Board Chair of the Foundation for Appalachian Ohio; and

Whereas, Bonny Huffman has displayed a commitment to education, the Wellston City Schools, Junior Achievement, the United Fund, the Hope United Methodist Church and the Foundation for Appalachian Ohio; and

Whereas, Bonny Huffman is a blessing upon her community and has been a bottomless well of generosity for all those she meets.

Therefore, I join with family, friends and the entire 18th Congressional District of Ohio in

congratulating Mrs. Bonny Huffman and thanking her for many years of generosity to the community.

A TRIBUTE TO MR. JOHN FLUTKA

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to pay tribute to Mr. Flutka who was awarded the 2005 Congressional Volunteer Recognition Award by the Second Congressional District of Maryland's Veterans Advisory Group.

I am pleased to bring before you a man who has generously taken time to assist the Occupational Therapy Department of the Baltimore Veterans Rehabilitation and Extended Care Center.

Mr. Flutka, a veteran himself, updates forms used to evaluate and treat patients, resulting in better quality of care. He also organizes supply closets, making for quick and easy access to indispensable materials. By utilizing his diligence, staff members can swiftly remedy the veteran's vulnerabilities.

I believe this country should honor the service and sacrifices of those who place themselves in harm's way to protect the freedoms of the American citizens. The Veterans Advisory Group provides an excellent opportunity for me to share pending legislation with people who have done just that, as well as gain their perspective on specialized issues.

Mr. Speaker, I ask that you join with me and the Veterans Advisory Group to commend Mr. John Flutka for his efforts in assisting the Occupational Therapy Department. He has gone above and beyond to aid those who have dedicated their lives to service our great country.

GYNECOLOGICAL RESOLUTION FOR ADVANCEMENT OF OVARIAN CANCER EDUCATION

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2005

Ms. DELAURO. Mr. Speaker, I want to thank my colleague from Texas for his leadership on this important issue. Nineteen years ago, I learned for myself the deadly toll ovarian cancer can take. Back then, I knew little about these diseases. But then I was diagnosed with ovarian cancer during an unrelated doctor's visit. I was fortunate to have excellent doctors who detected the cancer by accident in Stage 1 and underwent radiation treatment for the next two-and-a-half months. I am proud to say that I have now been cancer-free for 19 years.

I was lucky—lucky that my life was given back to me. But of course, my life was changed at the same time. We all hope to see the day when cancer is prevented and no one has to go through what I and so many others have endured. When it comes to life and death, no one should have to depend on luck.

And frankly, we are asking 25,000 women a year to do just that. As we commemorate the first National Ovarian Cancer Awareness Month, we do so with the understanding that more than 25,000 women are diagnosed every year with ovarian cancer—1 out of every 57 women. 16,000 of those women will die simply because the disease is not detected until it has reached an advanced stage.

The tragedy of it all is that ovarian cancer can be cured if it is detected soon enough. When detected in the early stages, more than 94 percent of women survive longer than 5 years, and most are cured completely. The problem is simply that women have never had a reliable, accurate method of screening for ovarian cancer in the early stages.

But that may be changing. Today, researchers are on the cusp of a breakthrough, of giving real hope to women who might otherwise not be diagnosed until it is too late. And our investment in ovarian cancer research is paying dividends, which is why we must keep fighting to make sure that ovarian cancer grants at the National Institutes of Health are fully funded. With 25,000 lives on the line every year, we can ill afford any setbacks in our work to find potential screening tools and treatments for this deadly disease.

Mr. Speaker, providing hope to women across the country is what that investment is about—highlighting the need to make that hope a reality is what this resolution is about. It is my privilege to support it.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber November 7. I would like the record to show that, had I been present, I would have voted "yea" on rollcall votes Nos. 557 and 558.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today I was unavoidably detained in District-related events and missed rollcall votes Nos. 570, 571 and 573. Had I been present, I would have voted:

"Yea" on rollcall No. 570, H. Con. Res. 260—A bill to recognize the 40th anniversary of the Second Vatican Council's Declaration on the Relation of the Church to Non-Christian Religions, Nostra Aetate, and the continuing need for mutual interreligious respect and dialogue,

"Yea" on rollcall No. 571, H.R. 1973—The "Water for the Poor Act of 2005," and

"Yea" on rollcall No. 572, H.R. 444—The "Gynecological Resolution for Advancement of Ovarian Cancer Education."

A PROCLAMATION IN MEMORY OF SPECIALIST RICHARD A. HARDY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. NEY. Mr. Speaker: Whereas, Specialist Richard A. Hardy of A Company, 2nd Battalion, 69th Armor Regiment, 3rd Infantry Division, United States Army honorably and with courage fulfilled his duty to the United States of America; and

Whereas, Specialist Richard A. Hardy volunteered to serve his country and fought to secure freedom for an oppressed people and for the continued liberty we enjoy at home; and

Whereas, Specialist Richard A. Hardy gave the last full measure of devotion to his country amid the sands of Ar Ramadi, Iraq during Operation Iraqi Freedom.

While words cannot express our grief during the loss of such a courageous soldier, I offer this token of profound sympathy to the family, friends, and colleagues of Specialist Richard A. Hardy.

PERSONAL EXPLANATION

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. LEWIS of Kentucky. Mr. Speaker, due to a personal family matter I was not available for votes on November 7, 2005. Had I been present I would have voted:

Roll Call:

No. 572 Supporting the goals and ideals of National Ovarian Cancer Awareness Month. "Yea". No. 571 Senator Paul Simon Water for the Poor Act "Yea". No. 570 Recognizing the 40th anniversary of the Second Vatican Council's Declaration on the Relation of the Church to Non-Christian Religious, Nostra Aetate, and the continuing need for mutual interreligious respect and dialogue. "Yea".

HONORING THE PAMELA B. KATTEN LEUKEMIA RESEARCH MEMORIAL FOUNDATION

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. EMANUEL. Mr. Speaker, I rise today to acknowledge and honor the important work being conducted by the Pamela B. Katten Memorial Leukemia Research Foundation. The foundation was formed shortly after the tragic loss of Pamela Katten in 2002 as a result of Acute Myelogenous Leukemia. Its mission is to promote research into the diagnosis and treatment of leukemia.

Pam was born in 1961 and grew up on the North Side of Chicago and the northern suburbs. She attended Northwestern University before heading to the East Coast to begin a successful career in the New Jersey Attorney General's office.

In addition to all her success in the courtroom, Pam was a loving mother to her son Max, and a caring sister, daughter and friend to many who knew her. They will tell you about her infectious laughter, off-beat sense of humor and love for story-telling. Most of all, they remember Pam for her zest for life and unyielding desire to live each day fully.

On November 19, the third annual ''Pam Jam'' will take place in Northbrook, Illinois to honor her memory and announce the establishment of a ''Pamela B. Katten Fellow'' at the Fred Hutchinson Cancer Research Center to study stem cell proliferation.

Unfortunately, Pam and her family are not the only Americans that have had to wrestle with this devastating disease. There are over 640,000 people in this country alone who are fighting various blood cancers, including leukemia. Through the work of the foundation that Pam inspired and others like it, these families find hope.

Mr. Speaker, Pam's friends and family will never forget her glowing personality and daily joy for life. Her memory and her legacy are truly inspiring. I am proud of the work the Pamela B. Katten Memorial Leukemia Research Foundation has done, and I wish them the best in all of their endeavors.

A PROCLAMATION CONGRATULATING NICOLE DONANT FOR HAVING HER WISH GRANTED FOR ALL OF MINERAL CITY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. NEY. Mr. Speaker:

Whereas, Nicole Donant started with a small project to help start a library in Mineral City to earn a merit badge; and

Whereas, Nicole Donant, through hard work and determination, turned her small project into a dream for the community of having a library in Mineral City and collected over 5000 books; and

Whereas, Nicole Donant is an inspiration to us all and is an embodiment of the compassionate, moral and socially responsible spirit of the youth in Ohio.

Therefore, I join with family, friends, the people of Mineral City and the entire 18th Congressional district of Ohio in congratulating Nicole Donant for her wish coming true.

IN HONOR OF RICK MARTINEZ

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Ms. MATSUI. Mr. Speaker, I rise today to honor Rick Martinez, former chief of the Sacramento Metropolitan Fire District. Last month, Chief Martinez retired from a truly distinguished career of public service that spanned over thirty years. As his friends, family and colleagues all gather to celebrate his career, I ask all my colleagues to join me in honoring the dedicated service of one of Sacramento's finest citizens.

Chief Martinez began his career as a firefighter with the Sacramento City Fire Department in the early 1970s. He quickly rose through the ranks as a Captain, EMS Coordinator, Battalion Chief and later, Division Chief, each time taking on positions of increasing responsibility and leadership. In 1995 he was appointed Fire Chief of the American River Fire Protection District, which was the precursor to today's Sacramento Metropolitan Fire District (SMFD). He also served as chief of the Florin Road Fire Protection District and the Sacramento County Fire Protection District.

When the SMFD was formed in 2000, Rick was named the district's first chief. His management experience and expertise helped the district grow to serve over 600,000 citizens, spread over 417 square miles. He successfully managed 700 employees, over 40 fire stations and numerous other facilities, while also expanding specialized programs, such as the Urban Search and Rescue Task Force and the fire paramedic intern program.

One of Chief Martinez's many accomplishments with the SMFD has been the development of Sacramento's highly regarded Urban Search and Rescue Team. The team responded with great distinction to the 1995 Oklahoma City bombing. In 2001, as our nation came under attack, Chief Martinez was responsible for managing all search and rescue teams at the site of the World Trade Center in New York City. Most recently, he helped direct the response to Hurricane Katrina's devastation along the Gulf Coast.

The constant display of leadership and integrity has led Rick to be honored by many of his peers. In 2003, he was named Fire Chief of the Year by the California Fire Chief Association. Due to his crisis management experience he was tapped to serve as Chief Deputy Director of the California Office of Homeland Security by former Governor Gray Davis. In 2002, he was appointed to the State Board of Fire Services. Rick has also been active in numerous local boards and commissions.

The people of Sacramento, California and our nation have been lucky to have Rick Martinez on their side in emergencies ranging from traffic accidents to natural disasters, structure fires to terrorist attacks. He has always risen to the occasion and led with knowledge, experience and reliability. His leadership will surely be missed by many.

Mr. Speaker, I am honored to pay tribute to one of Sacramento's most distinguished citizens, Rick Martinez. His successes have been great, and it is a wonderful opportunity for me to recognize his contributions to the people of Sacramento. I ask all my colleagues to join me in wishing my friend, Rick Martinez, continued success in his future endeavors.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Ms. ROYBAL-ALLARD. Mr. Speaker, due to the illness and passing of my father and his subsequent funeral, I was not present for rollcall votes 521 to 569 from October 17 to November 4, 2005.

Had I been present and voting I would have voted in the following manner:

Yea on rollcall 521, yea on rollcall 522, yea on rollcall 523, no on rollcall 524, yea on rollcall 525, yea on rollcall 526, yea on rollcall 527, yea on rollcall 528, no on rollcall 529, yea on rollcall 530, yea on rollcall 531, yea on rollcall 532, no on rollcall 533, no on rollcall 534, yea on rollcall 535, yea on rollcall 536, yea on rollcall 537, yea on rollcall 538, no on rollcall 539, yea on rollcall 540, no on rollcall 541, no on rollcall 542, no on rollcall 543, no on rollcall 544, no on rollcall 545, yea on rollcall 546, no on rollcall 547, no on rollcall 548, yea on rollcall 549, yea on rollcall 550, yea on rollcall 551, yea on rollcall 552, no on rollcall 553, and yea on rollcall 554, yea on rollcall 555, yea on rollcall 556, yea on rollcall 557, yea on rollcall 558, no on rollcall 559, yea on rollcall 560, yea on rollcall 561, no on rollcall 562, yea on rollcall 563, no on rollcall 564, no on rollcall 565, no on rollcall 566, no on rollcall 567, yea on rollcall 568, yea on rollcall 569.

A PROCLAMATION HONORING MARY AND JOSEPH L. DEGENOVA ON THEIR 25TH WEDDING ANNIVERSARY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. NEY. Mr. Speaker:

Whereas, Mary and Joseph L. DeGenova are celebrating their 25th wedding anniversary; and

Whereas, Mary and Joseph L. DeGenova were united in marriage on October 18, 1980 in Bellaire, Ohio; and

Whereas, Mary and Joseph L. DeGenova are the loving parents of two children, Annemarie and Anthony.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in congratulating Mary and Joseph L. DeGenova as they celebrate their 25th Wedding Anniversary.

HONORING THE JACKSONVILLE ROTARY CLUB

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. HENSARLING. Mr. Speaker, today, I would like to commemorate two significant anniversaries of Rotary International. This year, Rotary International celebrated its 100th anniversary. From its humble roots in Chicago, Illinois, Rotary has grown into a worldwide organization of business and professional leaders who provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. Since 1943, Rotary International has distributed more than $1.1 billion to combat Polio, promote cultural exchanges and encourage community service.

I also want to recognize the Jacksonville Rotary Club for their 85 years of service to Cherokee County. Throughout its history, the Jacksonville Rotary Club has achieved great success in carrying out the mission of Rotary International.

The Jacksonville Rotary Club has benefited numerous organizations and programs that serve the local community including the Anderson/Cherokee Crisis Center and the Jacksonville Literacy Council. The Ambassadorial Scholarship program has enabled local students to enrich their lives and further their education by helping them study abroad. Their valuable community service has also been seen through annual events such as the Pancake Supper, United Fund activities, support of Boy Scout Troop 407, and benefit golf tournaments.

Through these initiatives, the Jacksonville Rotary Club exemplifies the values of service and charity that lie at the heart of American society. As the Congressional representative of the members of this outstanding organization, it is my distinct pleasure to honor them today on the floor of the United States House of Representatives.

HONORING THE EMPLOYERS OF OUR GUARD AND RESERVE BUT MORE NEEDS TO BE DONE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. LANTOS. Mr. Speaker, I am pleased to support this important resolution. When it comes to taking care of our citizen-soldiers, many employers have gone well beyond what the law requires. They make up any loss of income that an employee encounters when going on active duty, or they keep the soldier's family on the company health insurance, or they find other ways to ease an employee's separation from loved ones during activation. This bill is an excellent opportunity for Congress to thank these conscientious employers.

In particular, I would like to extend special gratitude to those employers who have taken it upon themselves to eliminate any pay gap that their employees encounter because their military salary is less than their civilian salary.

Thanks to the diligent efforts of the Employees Support for Guard and Reserve, nearly ⅓ of our activated citizen-soldiers have employers who eliminate that pay gap. Companies making such payments include IBM, Sears, General Motors, Home Depot, United Parcel Service and Ford Motor Company.

In addition, the governments of at least 30 states, including my home state of California, offer this differential pay for state employees who go on active duty.

Unfortunately, the Pentagon has prevented the Federal Government from following these conscientious employers and making up any pay gap encountered by Federal employees who have been activated in the Guard and Reserve.

Mr. Speaker, I would like to submit for the RECORD a wonderful article by Bob Barr that ran in the Washington Post highlighting the efforts of Senator DURBIN and other Members of Congress on this issue.

While I strongly support this resolution I also believe that what is good for the goose should be good for the gander, and that the time has come for the Federal Government, the largest single employer of the citizens who make up the Guard and Reserve—must match the example set by employers throughout this country and support our own citizen-soldier employees.

PRIVATE SECTOR SURPASSES AGENCIES ON PAY TO DEPLOYED

(By Stephen Barr)

Wachovia Corp., the banking giant, Eaton Corp., an industrial manufacturer, and Enterprise Rent-a-Car keep their employees on full salary and benefits, regardless of military compensation, when they are called to active duty in the reserves and National Guard.

Other organizations also help out their reserve and Guard employees beyond the letter of the law. Citizens Financial Group Inc., the Los Angeles Police Department, Sears, Roebuck and Co., the state of Delaware and Toyota Motor Sales USA Inc. provide financial support to their employees, including a pay differential, for periods ranging from a year to the duration of the deployment.

The companies were among 15 recently honored by the Pentagon with the 2005 Secretary of Defense Employer Support Freedom Award, in recognition of their exceptional support of their Guard and reserve employees. The 15 companies went beyond the requirements of the 1994 Uniformed Services Employment and Reemployment Rights Act, which seeks to guarantee that workers have a comparable job waiting for them when they return from their military service.

The federal government, however, falls short of being a model employer in its treatment of civil service employees called to active duty. Although federal agencies comply with the law, the government does not make up the difference in pay when an employee is called to active military duty and receives a smaller salary.

David M. Walker, the head of the Government Accountability Office, attended the Freedom Award banquet Oct. 15 and later told a House committee that ''the U.S. government is not leading by example or practicing what it preaches in connection with employer support for the Guard and reserves.''

Walker, in his prepared statement, said the GAO and federal agencies are constrained by law and ought to have some leeway to ease salary shortfalls for Guard and reserve families.

''Federal agencies should be able to make up any salary differential that activated Guard and reserve members might otherwise lose out of our annual appropriation,'' Walker said. ''We would also like to be able to be sure that applicable employees and their family members continue to receive their employer-provided benefits.''

There are about 1.13 million people in the Guard and reserves, and Rep. Tom Lantos (D–CA) and other members of Congress have estimated that about 40 percent of those called to active duty suffer a loss of income, putting mortgages and other obligations in jeopardy, because their military pay is less than they would have earned in their civilian jobs.

About 126,850 reservists are employed by federal agencies, and about 96,600 of them work for the Defense Department. Sen. Richard J Durbin (D–IL) estimates that 17,000 federal employees have been mobilized to serve in Iraq, Afghanistan and other places.

The Senate has approved an amendment sponsored by Durbin that would require a federal employee's agency to pay the difference between a worker's reservist pay and federal civilian pay. More than 100 House members, organized by Lantos, have written to the House Appropriations Committee backing the Durbin amendment.

The amendment has been stripped out of bills during past House-Senate negotiations—what the senator calls ''the darkness of a conference committee.''

In general, Defense officials have opposed bills that would close the ''pay gap'' for some mobilized reservists because they believe it could cause morale problems. Officials have contended that all parts of the armed forces—active, Guard and reserves—should be compensated according to their performance of military duties under the existing military pay system.

The officials point out that federal employees who are mobilized may take a month of military leave each calendar year with differential pay and that a special category of federal employees, military technicians, can receive two months at full civilian salary. Federal agencies also may pick up health insurance costs for up to 24 months for their mobilized reservists.

Still, the House members said in their letter, ''what is good for the goose should be good for the gander,'' suggesting that the government, as the largest employer of reservists, should be able to match the support offered by companies to ease financial burdens on employees called to serve.

A PROCLAMATION THANKING SPECIALIST RODNEY HENDERSHOT FOR HIS SERVICE TO THE UNITED STATES OF AMERICA

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. NEY. Mr. Speaker:

Whereas, Spc. Rodney Hendershot has served in the U.S. Army's Alpha company, 1st Battalion, 115th Infantry with loyalty, duty, respect, selflessness, honor, integrity and courage; and

Whereas, Spc. Rodney Hendershot volunteered to serve at a time of great unrest when America's values of freedom and liberty for all were challenged most; and

Whereas, Spc. Rodney Hendershot has fought for the freedom of the Iraqi people and the security of this great Nation.

Therefore, I join with family, friends and the entire 18th Congressional District of Ohio in

thanking Specialist Rodney Hendershot for his exemplary service.

IN HONOR OF THE UKRAINIAN AMERICAN YOUTH ASSOCIATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of the Ukrainian American Youth Association (UAYA), as they celebrate their 80th Anniversary as a world wide youth organization. In northeast Ohio, the UAYA is celebrating the 40th Anniversary of the establishment of the UAYA Campgrounds in Huntington, Ohio.

For more than a century, Americans of Ukrainian heritage have infused the richness of Ukrainian heritage throughout our Greater Cleveland community. Their significant contributions within all facets of our society, along with their collective focus on preserving and promoting the history of the Ukraine, is enhanced with every new generation of Americans of Ukrainian heritage.

The leaders and members of the UAYA provide vital opportunities for American youth of Ukrainian descent to attain a true understanding of the history, faith, culture of the Ukraine. The UAYA also provides vital cultural opportunities for young people to become active and lasting members of their local Ukrainian community—a community centered around family, faith and tradition.

Mr. Speaker and colleagues, please join me in honor of the Ukrainian American Youth Association, as leaders and members celebrate the vital and ongoing legacy of teaching, preserving and sharing memories, customs and culture of their beloved Ukraine. Through the efforts of the UAYA, the heart of the Ukraine transcends borders, oceans and time, and lives on within each new generation of children of Ukrainian heritage—in Cleveland, Ohio, and around the world.

MANKATO, MINNESOTA RECOGNIZED AS ONE OF THE ''100 BEST COMMUNITIES FOR YOUNG PEOPLE''

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. GUTKNECHT. Mr. Speaker, I rise today to honor the city of Mankato, Minnesota, for being a great place to live and grow up.

On Nov. 1, the city of Mankato was recognized as one of the ''100 Best Communities'' for Young People by America's Promise, an organization founded by former Secretary of State Colin Powell. At the awards ceremony in Washington, DC, Mankato also received a special award for its outreach efforts to Gulf Coast residents.

Located on the beautiful Minnesota River in the heart of Blue Earth County, Mankato is a great place to live. But as America's Promise has recognized, Mankato is also a great place for young people. Boasting one of the lowest high school dropout rates among the Nation's small cities, Mankato remains committed to education and family values.

In particular, I would like to recognize the parents and teachers of the city who devote their time to Mankato's youth. I would also like to commend Kathy Brynaert, Independent School District #77 School Board Chair and Anna Thill of the Mankato Area United Way who attended the awards ceremony and accepted the honor on behalf of the city.

In addition to the award for being one of the ''100 Best Communities for Young People,'' Mankato was also recognized for its work in aiding communities devastated by recent hurricanes. Red Cross volunteers and professionals from Mankato immediately responded to the tragedy of Hurricane Katrina by traveling to the Gulf Coast to lend a helping hand. Meanwhile, back in Mankato, community residents and local organizations rallied to collect money and supplies for hurricane victims. Local students designed cards offering their love and support that were delivered to children there.

I hope my colleagues will join me in honoring and congratulating these outstanding Americans.

TRIBUTE TO ROBERT SARGENT SHRIVER

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. VAN HOLLEN. Mr. Speaker, it is with great pleasure that I rise to honor Sargent Shriver on his 90th birthday today. It is fitting that we take this wonderful occasion to reflect on his life of service to our country.

Martin Luther King once said, ''Everyone can be great because everyone can serve.'' Sargent Shriver embodies this ideal. A man of stellar character and tireless energy, Ambassador Shriver has been long recognized as a true humanitarian and a dedicated public servant.

Ambassador Shriver received his bachelor's degree from Yale University in 1938. He also attended Yale Law School where he earned an L.L.B. in 1941. Shriver began his lifelong commitment to public service in the United States Navy during World War II.

In 1961, Mr. Shriver answered the call of duty again when, at the request of President John F. Kennedy, he established and became Director of the Peace Corps. He helped organize operations around the world, from Africa and Asia to Latin America. Under his steadfast leadership, the Peace Corps provided medical, educational and technical assistance to foreign communities, while giving millions of Americans the opportunity to share our culture and values and democratic way of life with those less fortunate. Shriver's service to our country took a diplomatic turn when he served as our Ambassador to France from 1968 to 1970.

Through his commitment to turning his ideals into reality, Sargent Shriver has inspired generations of young people to work to improve the lives of others through public service. As Director of the Peace Corps, Ambassador Shriver once stated, ''I say what our nation needs now is a call to peace and service—peace and service on a scale we have scarcely begun to imagine.'' These words still ring as true today as they did when they were first spoken.

While Ambassador Shriver is best known as the Founding Father of the Peace Corps, he has also been instrumental in the creation of many other programs which have the goal of helping Americans to better their lives. Among those programs are Head Start, Job Corps, Legal Services, Upward Bound, Community Action, Foster Grandparents, and the Special Olympics.

In 1994, President Clinton recognized Ambassador Shriver's extraordinary commitment to public service by awarding him the nation's highest civilian honor, the Presidential Medal of Freedom.

Mr. Speaker, I applaud Sargent Shriver's accomplishments and his undying commitment to humanitarian efforts and I wish him well on his birthday and in the years to come. Happy Birthday, Sargent Shriver. We salute you!

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. NORWOOD. Mr. Speaker, though I was absent during the legislative week of Tuesday, November 1 through Friday, November 4, 2005 and Monday, November 7, 2005 for medical reasons, I wish to have my intended votes recorded in the CONGRESSIONAL RECORD for the following votes:

November 1, 2005:

Rollcall vote 557 on H.R. 3548—''aye''; and Rollcall vote 558 on H.R. 3989—''aye''.

November 2, 2005:

Rollcall vote 559 on H.R. 1606—''aye''; Rollcall vote 560 on H.R. 4061—''aye''; and Rollcall vote 561 on H.R. 1691—''aye''.

November 3, 2005:

Rollcall vote 562 Appealing the Ruling of the Chair concerning the Iraq War Investigation—''aye''; Rollcall vote 563 on H. Res. 527—''aye''; Rollcall vote 564 on Amendment numbered 2 in House Report 109–266—''nay''; Rollcall vote 565 on Amendment numbered 5 in House Report 109–266—''nay''; Rollcall vote 566 on Amendment numbered 6 in House Report 109–266—''nay''; Rollcall vote 567 on Amendment numbered 11 in House Report 109–266—''nay''; and Rollcall vote 568 on H.R. 4128—''aye''.

November 4, 2005:

Rollcall vote 569 on H.R. 3057—''nay''.

November 7, 2005:

Rollcall vote 570 on H. Con. Res. 260—''aye''; Rollcall vote 571 on H.R. 1973—''nay''; and Rollcall vote 572 on H. Res. 444—''aye''.

IN RECOGNITION OF MS. KATHLEEN TURNER

HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. RENZI. Mr. Speaker, I rise today to offer congratulations and recognition to Ms. Kathleen Turner as she completes her tour of duty

as the Chief, Office for Congressional Affairs at the Defense Intelligence Agency. In her current duties, she is responsible for all DIA interaction with the U.S. Congress and serves as the senior advisor on legislative matters to the Director and General Defense Intelligence Program Manager.

Ms. Turner is an alumnus of the Armed Forces Staff College, the Council for Excellence in Government Fellow Program and the DCI's Intelligence Fellows Program. Ms. Turner has held intelligence and management positions of increasing responsibility and importance within DIA. She began her professional career in DIA in 1981 as an analyst of Soviet Strategic Forces in the Research Directorate, joined the Senior Executive Service in 1990, culminating in her current position as the Director for Congressional Affairs, where she serves as the senior advisor on legislative matters to the Director of DIA and General Defense Intelligence Program Manager. During her 24 year career at DIA, Ms. Turner has been awarded the DIA Director's Award for Exceptional Civilian Service and the Presidential Rank of Meritorious Executive.

Fortunately for the Congress, Ms. Turner is not going far. She has accepted the position of Deputy Director, Legislative Affairs to the Office of the Director of National Intelligence where she will serve as a trusted and valuable congressional advisor to Ambassador Negroponte.

Mr. Speaker, Ms. Turner has already enjoyed a long and luminous career in intelligence, and as she moves on to the DNI staff, I hope all my colleagues will recognize the extraordinary contributions Ms. Kathleen Turner has made to our National Security as a lifelong professional intelligence officer. Finally, Mr. Speaker, I ask my colleagues to join me in expressing our confidence in her continued ability and willingness to serve the Nation . . . Ms. Turner is a true national asset in the intelligence business.

HONORING THE FELICIAN SISTERS ON THEIR 150TH ANNIVERSARY

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. McCOTTER. Mr. Speaker, I rise today to acknowledge and honor the Felician Sisters of the Presentation of the Blessed Virgin Mary Province, as they celebrate the 150th Anniversary of the Foundation of the Congregation of the Sisters of St. Felix of Cantalice.

On November 21, 1855, in Warsaw, Poland, Blessed Mary Angela, who was formerly Sophia Truszkowska, and her cousin Clothilde Ciechanoqska, solemnly dedicated themselves to do the will of Jesus Christ in all things. Hereafter, the Felician Sisters were dedicated to a ministry of healing and service, based on Mary Angela's mission of "responding to the needs of the times."

Currently, the Felician Sisters number 1,966 members who share the charism of their foundress, Blessed Mary Angela, in 11 countries on the continents of Africa, Europe, North and South America. In my hometown of Livonia, alone, the Felician Sisters have founded St. Mary-Mercy Hospital, Madonna University, Ladywood High School, and Angela Hospice.

St. Mary-Mercy Hospital was founded by the Felician Sisters in 1959. The Hospital has grown in its commitment to the community and in excellence in clinical care and services. This year St. Mary-Mercy Hospital placed in the top five percent nationally for clinical excellence, and in the top two percent nationally for patient safety. These awards are well deserved recognition for the Felician Sisters, physicians, nurses and support staff of the hospital.

Madonna University was founded by the Felician Sisters in 1937 and is one of the largest Catholic Franciscan independent universities in the country. Through undergraduate, graduate, and continuing professional study, Madonna University provides men and women with the opportunities for intellectual, spiritual and personal growth.

Ladywood High School is sponsored by the Felician Sisters and also follows the Franciscan tradition. The school aims to educate young women in the attainment of Catholic values, human potential, and the ability to put faith and knowledge into fruitful action.

Angela Hospice, founded in 1985, has been providing care for those of every age and stage of life that may need it. Angela provides care to individuals at home or in a care facility in Livonia, as well as support and counseling for family members. Recently, Angela Hospice launched the "Angela House Call" program to provide home physician visits for the elderly—another example of the commitment by the Felician Sisters to our community.

Mr. Speaker, in the spirit of Mary Angela I ask my colleagues to join me in commending and applauding the 150th Anniversary of the founding of the Felician Sisters and praise their ministry of healing and service, and their efforts to maintain the utmost respect for every human life.

IN HONOR OF ALL UNITED STATES VETERANS AND HOLLY LANE ELEMENTARY SCHOOL OF WESTLAKE, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of all veterans of the 10th Congressional District of Ohio—for their service, bravery and dedication on behalf of our country. Most significantly, we stand in tribute and remembrance of those veterans who have made the ultimate sacrifice when they answered the call to duty.

I also stand in honor and recognition of the children and educators of Holly Lane Elementary School. By allowing our students the opportunity to meet and know our veterans, we are presenting them living examples of real heroes. We are giving them a true understanding of the meaning of the words conviction, courage and selflessness. We are offering them the understanding of a living lesson that speaks to our American history and to the preservation of our liberty—the brave men and women who have endured great hardship and sacrifice in order to secure freedom for us all.

Every veteran that stands before us today at Holly Lane Elementary School represents the heart and soul of America and reminds us of our quest for justice and peace here at home, and the struggle of those who seek justice and peace around the world. The staff and students of Holly Lane Elementary School reflect the gratitude and respect for our men and women in the armed forces, sentiments that are shared by all Americans. The students of Holly Lane Elementary School also reflect a vision of hope for our future.

Mr. Speaker and colleagues, please join me in honor, tribute and gratitude to the men and women of our armed forces, past and present. They reflect the quest and struggle for human rights and freedom from oppression, basic human elements that unify us all. Let us forever remember and honor their honorable service, great sacrifice and unwavering sense of commitment to the preservation of our American democracy.

HONORING EMPLOYERS OF NATIONAL GUARDSMEN AND RESERVISTS

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. GUTKNECHT. Mr. Speaker, I share my strong support for H. Res. 302, honoring the employers of National Guardsmen and Reservists who have been called to active duty.

Today, 1.3 million Americans serve in the Guard and Reserve, representing nearly half of our total military force.

Since Sept. 11, 2001, Minnesota National Guard members have served on active duty supporting operations in more than 30 countries around the world. This fall, 2,600 Guard members from the 34th Infantry Division's 1st Brigade Combat Team were activated for service in Iraq.

Their 18-month mission will take them away from family and friends, their careers and their everyday lives. They will miss birthdays and anniversaries, holidays and school plays, a baby's first steps and home-cooked meals. However, these soldiers could not perform their mission without the support of their civilian employers.

In 1972, President Nixon established the National Committee for Employer Support of the Guard and Reserve (ESGR). In Minnesota, there are 140 ESGR volunteers who promote the value of Guard and Reserve employees.

Last year, the State of Minnesota received the Defense Secretary's Employer Support Freedom Award for its programs supporting activated service members. The State, for example, makes up the difference between a reservist's active-duty pay and his or her State salary.

The Minnesota Timberwolves organization are another outstanding example of a business that supports the Guard and Reserve. In 2004, the Timberwolves received the ESGR's "Outstanding Corporate Citizen Award." This year, the Timberwolves are hosting a "Salute to the Armed Forces" event at the Target Center on Nov. 9. The team donated more than 1,200 tickets for the month of November so military personnel can attend a game.

Support of the Guard and Reserve also takes place at the local level. This year, the New Ulm Police Department and Immanuel St.

Joseph Hospital in Mankato, received ''Above and Beyond'' awards for their ongoing support of reserve employees. More than 475 Minnesota employers were nominated for this national award. Only 23 received this prestigious award.

Mr. Speaker, one of America's great strengths is the unselfish courage of the citizen who steps forward, puts on the uniform and stands ready to face danger. It is that quality, more than any other, which has kept us free for more than 200 years.

We must commend the tens of thousands of American businesses who willingly employ members of the National Guard and Reserve. It is this essential alliance and shared sacrifice that keeps America and much of the world free.

TRIBUTE TO CHARLIE MAE CROMARTIE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a guiding light in Columbia, South Carolina that will be deeply missed. Charlie Mae Mays Harrison Cromartie passed away on Sunday, November 6, 2005, but her legacy will remain with us forever.

Charlie Mae Cromartie was born in Greenwood County, South Carolina to John Henry and Myrtle Harrison Mays. She was the niece of renowned educator, Dr. Benjamin E. Mays. She was educated at Bettis Academy and earned her RN degree with a concentration in psychiatric nursing from South Carolina State Hospital and the Columbia Hospital School of Nursing. She served as Head Evening Nurse at the Columbia Hospital School from 1961 to 1970, and was the owner and manager of Cromartie Enterprises from 1977 to 1996.

In addition to her very successful career, Mrs. Cromartie was also active in her community and church. She was the Mother of the Church at Bishops' Memorial A.M.E. Church, where she had been a member for more than 50 years. Mrs. Cromartie had served as the church Treasurer for more than 40 years and was a member of the Trustee Board, Missionary Society, and the Building Fund.

In the community, Mrs. Cromartie served as a poll manager in Ward 9 at Allen-Benedict Court for many years. She had served as PTA President at Waverly Elementary, Carver Elementary, W.A. Perry Middle and C.A. Johnson High schools. She was also a school advocate for the Richland County Board of Education. Her other memberships included the March of Dimes, the League of Women Voters, and she was Past Illustrious Commandress of Daughters of Isis, Cairo Temple #125.

Mrs. Cromartie had been recognized for her community work with a key to the City of Columbia and induction into the South Carolina Black Hall of Fame in 2003. In 1987, Columbia Mayor Patton Adams chose Mrs. Cromartie as one of several Columbians to be sketched for a picture presented to Pope John Paul II during his visit to Columbia that now hangs in the Vatican.

Mrs. Cromartie was married to E. W. Cromartie, Sr. for 43 years. The couple has two children, E. W. Cromartie, III and Ernestine Cromartie Moody, and four grandchildren.

Mr. Speaker, I ask you and my colleagues to join me in celebrating the life of a devoted wife, mother, Christian and community activist. Charlie Mae Cromartie made a lasting impression on the City of Columbia and all those who had the pleasure of knowing her.

SPECIAL TRIBUTE TO FRED V. MUNOZ AND HIS LIFETIME ACHIEVEMENTS

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. SALAZAR. Mr. Speaker, I rise today to express my condolences to the Munoz family of Delta, Colorado, who recently experienced a tragic loss with the death of Fred V. Munoz. He passed away on October 7th at the age of 63.

Though Fred spent his childhood and was educated in California, he was not only a valued citizen of my district, but a dear friend as well. He served in the Army during the Vietnam War, and I honor him for his service. Furthermore, he was an exceptional leader in the Hispanic community, and served as president of the Orange County Trial Lawyers Association. His extraordinary achievements as a lawyer also included sitting as a member of the California Bar Association and serving on the board of the Hispanic Bar Association.

I grew to know Fred over the last year and he never hesitated to offer his support and assistance to myself and others. He had said he would always be ready to step up and do what he could in the years ahead, and though he may no longer be with us in physical presence, I have no doubt he will keep his word and join us in spirit.

Fred was certainly an inspiration to me and to everyone who had the opportunity to meet him, and I am grateful for the short amount of time I was able to spend with him. I know my life and the lives of those he knew and loved were enriched by his presence, and he will surely be missed.

PAYING TRIBUTE TO HARRY HANCOCK

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. BACHUS. Mr. Speaker, I rise today to pay tribute to a very special member of the Birmingham community, Harry Hancock.

Harry Hancock has provided compassionate and caring service as the District Manager of the Birmingham Downtown Social Security office for many years. For over a quarter century, Harry has given of his time to ensure that his fellow Americans are treated fairly in their attempts to access Social Security benefits. However, Harry's time with the Social Security Administration is but one aspect of a lifetime devoted to public service, which began with Harry's courageous service as a member of the United States Army during the Vietnam War.

Mr. Speaker, I am honored to bring Harry Hancock's career of service to the attention of my colleagues here today. I join with the residents of the entire 6th Congressional District of Alabama in congratulating Harry Hancock as he retires from federal service. I wish Harry and his wife Rene nothing but happiness in the days ahead.

PERSONAL EXPLANATION

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. RYAN of Wisconsin. Mr. Speaker, I was absent for legislative business on Friday, November 4, 2005 and Monday, November 7, 2005 due to a family medical emergency. As a result, I missed rollcall votes 569 through 572. Had I been present, I would have voted ''yea'' on the following rollcall votes:

569, Adoption of Conference Report H.R. 3057; 570, H. Con. Res. 260, Recognizing the 40th anniversary of the Second Vatican Council's Declaration on the Relation of the Church to Non-Christian Religions; 571, H.R. 1973, the Water for the Poor Act of 2005; 572, H. Res. 444, the Gynecological Resolution for Advancement of Ovarian Cancer Education.

THE TRUTH ABOUT THE WAR IN IRAQ

SPEECH OF

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. DREIER. Mr. Speaker, our men and women in the military continue to make our nation very proud. We are forever grateful for their sacrifice as they protect our precious freedoms and encourage the rise of democracy in the heart of the Middle East. We honor their dedication and admire their resolve under such difficult circumstances.

Because of the valor of our troops, there is cause for great optimism in Iraq. On October 15th, nearly 10 million Iraqis traded bullets for ballots and voted on their draft constitution. The constitution was approved by an overwhelming 79 percent. This is a remarkable feat and an important milestone on Iraq's path toward democracy. The next step is a December 15th vote for the first government under the new constitution.

After the constitutional vote, the Washington Post quoted a 53-year-old Iraqi shoe salesman who said: ''[Before], no one showed us the draft of a constitution. None of them. This is the first time. Since the days of the monarchy until now, this is the first government willing to put the constitution before its people.''

Another Iraqi, who planned to mark his ballot with his own blood, said this about voting for the constitution: ''It will bring all that is good for the people, such as stability, democracy and peace. With such a charter, we will show the world that we are a civilized nation, not a bunch of . . . bloodthirsty extremists.''

The election day itself was a resounding success. Violence was minimal and did not affect voting at the more than 6,000 polling places. Nearly 200,000 Iraqi security forces

took an active and lead role in ensuring the safety of their fellow citizens on the day of the vote. For Iraqis, this was truly a national effort to determine the future of their nation.

The increasingly Iraqi-dominated security operations are a huge boost in our efforts to defeat the terrorists. After a recent trip to Iraq, Retired Army Major General Robert Scales commented: "[The Iraqi forces] are better able to gather intelligence. They can spot insurgents by their body language and by how they act and the language they use."

The Iraqi security forces are gaining the trust and respect of the Iraqi people. In fact, the number of tips to security forces rose from 442 in February to over 3,000 in August. The increasing capability of the Iraqi security forces is essential to our strategy for victory.

Mr. Speaker, the trial of Saddam Hussein is yet another very positive development. This is a trial by Iraqis, for Iraqis—and for justice long denied to the victims who suffered under his murderous rule. The Iraqi Special Tribunal operates under Iraqi law and shows the solid foundation being built for law and order in Iraq.

There has also been significant progress resulting from U.S. and Iraqi reconstruction efforts. Unfortunately, these signs that point to a revived society, economy and culture have not received much attention. Consider this:

There were no independent newspapers or magazines in Saddam Hussein's Iraq—today there are more than 100; before the war, there were no cell phone subscribers—today there are over 3.5 million; over 3,400 schools have been renovated; local governments are conducting town hall meetings; the Baghdad real estate market is booming; and, the court system is coming to life—Iraqi judges have conducted 387 trials since 2003.

There remain terrorists committed to derailing democracy in Iraq. But Iraqis have already experienced the conditions that terrorists seek. They are conditions of hopelessness, violence, intolerance and repression. As we saw by the constitutional vote, nearly all Iraqis reject this dark existence.

Mr. Speaker, we know that more tough days lie ahead for the American military. Their mission is dangerous, but their cause is just. And because of their courage and sacrifice, they are making significant progress toward supporting a free and democratic Iraq. This is great news for the people of Iraq—and great news for our own national security.

TRIBUTE TO ROSA PARKS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Ms. KAPTUR. Mr. Speaker, this past week, America laid to rest Ms. Rosa Parks, preeminent civil rights leader of the 20th century. Ms. Parks embodied the clarion call of Sojourner Truth to champion the rights of those dispossessed and marginalized. Through her acts of courage and inspiration, she, as woman, awakened the conscience of a nation and moved us to be better than we had been, indeed to form a more perfect union. In her memory, a homegoing memorial service was held in Detroit, Michigan, her adopted hometown, on Nov. 2, during which the Reverend Jesse Jackson, Sr. of the Rainbow/PUSH Coalition, rendered these words of comfort. It is my privilege to enter them in the CONGRESSIONAL RECORD as a living testimony to her life and the world and nation she helped transform.

ROSA PARKS: WORDS OF COMFORT

We are here this morning for serious business. On so many occasions, negros have been intimidated and humiliated and oppressed because of the sheer fact that they were negros. Just the other day, just last Thursday to be exact, one of the finest citizens in Montgomery—not one of the finest negro citizens, but one of the finest citizens in Montgomery—was taken from a bus and carried to jail and arrested because she refused to get up to give her seat to a white person.

When the history books are written in the future, somebody will have to say, "There lived a race of people—, a black people, a people who had the moral courage to stand up for their rights!."—Dr. Martin Luther King Jr, Montgomery, Alabama, December 1955

ROSA PARKS: FREEDOM FIGHTER—LIBERATOR

The Book of Esther. Chapter IV, Verses 12–16:

12: And they told to Mordecai Esther's words.

13: Then Mordecai commanded to answer Esther, Think not with thyself that thou shalt escape in the king's house, more than all the Jews.

14: For if thou altogether holdest thy peace at this time, then shall their enlargement and deliverance arise to the Jews from another place; but thou in thy father's house shall be destroyed: and who knoweth whether thou art come to the kingdom for such a time as this?

15: Then Esther bade them return Mordecai this answer.

16: Go, gather together all the Jews that are present in Shushan, and fast ye for me, and neither eat nor drink for three days, night or day: I and also my maidens will fast likewise; and so will I go in unto the king, which is not according to the law: and if I perish, I perish.

Isaiah, 40 chapter, 31st verse, "but they shall wait upon the Lord shall renew their strength; they will mount up with wings like eagles; they shall run, and not be weary; and they shall walk and not faint."

The 2005 freedom bound train is full of giants. John Johnson, Johnson Publishing, who illuminated our way. Vivian Malone Jones who opened up closed doors at the University of Alabama; C. Delores Tucker, first African American Secretary of State of Pennsylvania, a pacesetter. Judge Constance Baker Motley along with justice Thurgood helped to brake backbone of legal segregation. And now Rosa Parks, our morning star, the star that led us by night; when it's real dark, one light will challenge all of the darkness, and give us hope and direction.

For such an awesome force in history, we wrestle with the countless ways, "how do we express ourselves, our thanks, her meaning, her impact.

The question was once raised in Micah, how do you worship? Do you give the Lord fatted calves and rams and rivers of oil? Meaningless sacrifices. The answer was, "O man, you know what is good; you know what matters. Do justice, and to love mercy, and to walk humbly with your God?

Perhaps for Sister Parks, a statue in the great Hall of Congress as projected in a legislative bill by Congressman Jackson, as a founding mother of the new America. Surely if Jefferson Davis and Robert E. Lee, leaders of the Confederacy who led the drive for secession, sedition, segregation and slavery and treason, could be there, why not have the guardian angel there to keep an eye on them, and to protect the true character of the American Dream.

Perhaps the extension of the voting rights with enforcement powers, 50 years later.

Perhaps a White House conference on civil rights. 50 years later—post Rosa Parks and hurricane Katrina, a White House conference on civil rights is needed. We must say to Mrs. Parks, your legacy is secure, your sacrifice is not in vain, but your work is unfinished and under attack. You lifted us up; we will not let you down.

We often reference her qualifications for this huge role in history—her vocation as a seamstress, her civil rights membership, her humility and temperament. But her biggest quality is she was available.

One of the outstanding attributes of Mrs. Parks is that she was available. Her humility, her steeled courage, her non-negotiable dignity, speaks to us in the fullness of time, after 336 years of struggle—from the hull of ships to the back of the bus—in the fullness of time, she said, here am I, send me. I am available.

God uses the strength of the available. He is not bound by the credentialed and the unavailable. Each time I go back across the bloodstained Edmund Pettus bridge in Selma, Alabama—the battlefield of our modern day voting rights act—I recall the struggle led by Hosea Williams, a shot up war veteran, and Congressman John Lewis, a student, on that Sunday. There were no pastors of major churches, no convention presidents, no bishops, no doctors or lawyers, no political party leaders, no scholars, no elected officials, judges or business leaders. Just ordinary people.

Mrs. Boynton, Mrs. Foster, Sunshine, Lester Hankerson, Cottonreader from Mississippi. Ordinary people, available to do God's will. Ordinary people.

They upended the Congress, the White House, and the world. They captured the imagination of the world by absorbing the blows and suffering us into a new day. Your success and reputation and status are not bargaining chips with God.

Calvary teaches, suffering breeds character, character breeds faith, and in the end, faith will prevail.

Who are the available?

(a) It may be some teenage boy, a great underdog with a slingshot, taking on some giant Goliath. He emerges the winner, an unlikely hero. He was available.

(b) It may be some rescued baby, Moses, avoiding a death warrant by the King, an edict of genocide, aided by some ingenuous prayer warrior mother, who grew up in the King's household but comes unto his highest self and says. "Let My People Go."

(c) It may be some Esther, some orphan, after prodding by her uncle, moving beyond the political law and risking personal comfort for the common good, who rises up realizing her people are in jeopardy, declaring if I perish, let me perish. I am going to meet the King. God uses the available.

(d) It may be some freedom fighting seamstress, unarmed without guns or bullets, but with a breastplate of righteousness in the heart of the confederacy which says "Like a Tree Planted by the Rivers of Water, I Will Not be Moved."

I will defy the unjust state law that defies federal law. You may fire me, you may jail me, and you may kill me. But like Esther, if I perish, let me perish. Enough is enough!

If you need somebody, I am available. Here am I, send me.

Rosa Parks: It is not her passing, but in her living, the timeliness of her actions, that bring us here today. It has captured the attention of the world.

I was in South Africa meeting with President Mandela last week when the news broke. He acknowledged her impact and sends his condolences. Apartheid ended in 1954 in North America. And in South Africa in 1994. He understands the connections.

An NAACP freedom fighter, she offered her body as a living sacrifice. She embodied the hope, the longing and the anguish of three centuries of prayers. Her light in darkness illuminated the path of the majestic leadership of Dr. Martin Luther King, Jr. Together they were part of a team. A season. That changed the course of America and world history for the better. Ms. Parks was in the historical rocking chair between the legal triumphs of Thurgood Marshall and the prophetic utterance of Dr. King.

It is our burden to put her in context of our struggle. And not allow wolves in sheep's clothing to mis-interpret her legacy, or our struggle.

So when children ask of us, who was Rosa Parks? We shall tell them how she helped get us across the rough waters.

Why was she arrested? Is it relevant today? Or is this some sentimental journey that we are on, with all of these services and celebrations.

She was arrested for defying State's rights laws—segregation—a hangover from the Confederacy. The South would not honor the dream of a more perfect union. And the red states still resist.

The relevance of her living legacy is no sentimental journey.

So today, as the courts are stacked with States' rights judges, and New Orleans' people float face down in the waters, and civil rights are suspended, prevailing wages suspended, affirmative action suspended, environmental laws suspended, veterans preferences suspended . . .

As FEMA will not give the addresses of the people exiled in 41 states. The addresses that will allow the State Board of Elections to communicate with them so they might vote in February. New Orleans is being de-populated with its people stranded in exile. While Louisiana is being demographically re-configured.

Is this struggle relevant today or is this service a sentimental journey?

For our sister beloved Rosa, we must adore, admire and love her. But we must not romanticize her mission. Hers is an act of defiance, challenging the prevailing right wing political, legal and religious order. She challenged state's rights in the heart of the Confederacy.

Her mission was to even the playing field, to afford all Americans equal protection under the law, to gain and defend civil rights—she sought a more perfect union.

Many of her former adversaries have changed stripes or parties, but not their anti-civil rights, anti-labor, anti-gender equality, and anti-poor agenda.

To be on her freedom train requires the courage and the vision to defy unjust law, take the risk and live with the consequences.

After 58 years of legal racist segregationist apartheid law, upon continuous charges by the NAACP, led by Thurgood Marshall, Constance Baker Motley, Charles Hamilton Houston, Dr. John Hope Franklin, Dr. Kenneth Clark, the court reversed itself from the 1896 apartheid decision which succeeded slavery.

May 17, 1954 was the biggest legal victory we had known since the abolishment of slavery in 1865 and the broken promises of 1877 and the end of reconstruction. But it had no immediate impact on the ground. States continued to defy the law and vilify the court as legislating and engineering change and of not being ''strict conservative constructionists.''

Racial segregation remained in our schools, transportation, trains, public housing, work place, voting. We lived without the umbrella of protection of the law.

Emmett Till was lynched, August 28, 1955, (eight years to the day before the March on Washington, 1963). The lynch mob was not prosecuted and the FBI did not investigate.

His mother brought his bloodied, watermarked body back to Chicago. 100,000 people demonstrated passed his body . . . afterwards they were never the same.

Jet and the Black Press told his story. There was an emotional uprising.

I once asked Ms. Rosa Parks, why did she not go to the back of the bus, given the risks?

She said I thought about Emmett Till and I could not go back. She said, ''My legs and feet were not tired, that is a stereotype, and I felt violated. I paid the same fare as others, I was not going back.'' She stood with Emmett Till's mother until the very end, reaffirming that kindship.

Her dominant feature was not that she was a seamstress; she was not arrested for sewing. She was a dignified, resisting freedom fighter. An NAACP officer at a time when the NAACP was banished from most parts of the south. Most teachers could not join and keep their jobs.

The states defied federal law, and she defied the state law. She took the test, paid the price and the law failed. She was arrested for defiant behavior. She went counter-culture. She resented the sign above the drivers head that read, ''colored seat from the rear, whites from the front. Violators will be prosecuted.''

She chose with resolve and courage to fearlessly face the option of being fired, jailed or killed to test the law, December 1, 1955.

An immediate after effect was the emergence of Rev. Dr. Martin Luther King, Jr. A one year boycott, his house bombed—they were threatened. She won the legal case after 13 months. It took 10 years of testing to get from the back of the bus to the right to vote.

Sitting down, we hear over and over again was a simple act by a dignified woman. The act was simple, but the reaction was violent, relentless, led by the State. Arrests, loss of jobs, death threats. Governors blocking school doors, state terror. And the resistance of her challenge for a more perfect union is still under attack by the devotees of State's rights, undermining a more perfect union for all Americans.

It was the first of many courageous tests: 1957, Daisy Bates and the Little Rock Nine; the sit-in's of the 1960's; the assassination of Medgar Evars and others; the killing of Jimmie Lee Jackson that triggererd the Selma March; the killings of Schwerner, Goodman and Chaney; The Birmingham bombings; the march from Selma to Montgomery to end the reign of legal state sponsored terror.

There was a long bloody road ahead after December 1, 1955. Of course, by extension today, abandoned cities, flourishing suburbs, second class schools and first class jails. Three strikes and you're out . . . even if you don't have a bat, rather than four balls and you're on, because we really intend to leave no child behind.

We, with a narrow view, say Rosa Parks would not get up and let the white man have her seat. It was not about ''A'' black woman, and ''A'' white man. It was a dilemma of all blacks and all whites. Victims of a system with all losers.

The white bus driver would not drive off, the white police arrested her, but they were all victims of racist, state's rights law as well. They were following the legal, political, religious edict of their day.

She was following the moral law. She chose Calvary over convenience.

The white rider, out of cultural expectation and the law, had a right to ask her to get up. The bus driver had a legal obligation to demand that she move, or the bus would go no further. The police had a legal obligation to arrest her.

Those men must now feel awful, and their children ashamed. History has condemned them. But their political leaders placed them there.

If they had not done their jobs, they would have lost their jobs, and if she had gotten up, she would have lost her dignity.

The legal changes of 64' and 65' allowed both to have dignity and decency.

Now Alabama and Auburn can play black and white together. We can choose uniform color over skin color in that game, because the new law protects our shared dignity.

Unfortunately 50 years later many still are trapped in the system that chooses racial insecurity and cultural identity over their economic interests and life options.

If Rosa Parks were not successful, blacks would have remained at the back of the bus and in a ditch. Southern whites would have remained in the ditch with us. No southerner could have gone to the White House from the south, because of the stigma, just as no white South African could leave South Africa without stigma.

Presidents Jimmy Carter, Bill Clinton and Vice President Gore, President Bush, all owe their presidencies to a new freed South, not hampered by racial stigma.

Her act helped to free the whole south.

Changing the laws and the culture did not take place automatically or inevitably. It took demonstrations, sacrifice and martyrs. But now with affirmative action and Pell Grant and no more political mileage for governors blocking school doors, we can sit in the front of buses, class rooms, live in a neighborhood of our choice.

Auburn could be number 1 last year. Alabama could be undefeated this year and not face the predicament that Bear Bryant faced playing USC and Nebraska without the best talent in the State, and being humiliated by Sam Cunningham of USC and Johnny Rogers of Nebraska.

Oh what a morning Rosa Parks ushered in. There are those who will honor her during this season, but who will seek to reverse the course she took and not enforce the laws for which she was arrested and struggled. She is their trophy but she is our morning star. Our 1955 liberation Christmas present. Oh what a morning this noble woman has helped to usher in.

This is a time to mourn and celebrate, where we must watch as well as pray. For those on the Rosa Parks, Medgar Evers, Schwerner, Goodman Chaney, A. Phillip Randolph, Constance Baker Motley, Cesar Chavez, Martin Luther King side of history, we must be a ware of wolves in sheep's clothing who try unrelentingly to defeat her purpose.

While we have gone from the back of the bus in Montgomery, burnished in our memory is the back of the rescue in New Orleans.

Like Esther, you counted the costs, took the risks and paid the price. But our God offered you a comfort level ultimately that defied your enemies and surpasses our understanding.

Sister Rosa, you are our eagle bird of hope, a gift sent from up above. Like the eagle—a bird of strength. and power and resolve—you looked in the noon day sun and didn't flinch. You looked at the little ones whose wings were less strong and not as long. You inspired us out of our fears, and allowed a rebirth of hope. You stirred your nest, and gave us comfort and protection. You showed us how to fly.

Fly fearlessly, no matter the weather. When we failed in our efforts, God allowed you to be close enough and live long enough to pick us up again.

We know we fall down sometimes. We got back up again. Again and again. Because you reminded us nothing is too hard for God. You showed us the power of right over might, the power of moral authority, the power stronger than guns and wealth, just by being available to do God's will.

You have been the wind beneath our wings. The Lord promised that they who wait upon the Lord shall renew their strength; they shall mount up with wings like eagles, they shall run and not be weary; they shall walk and not feint.

The writer promised this morning this great morning, one glad morning, we can fly away. You are faithful over a few things. Now He has called you up higher. Keep looking up to those stars, in their silver sockets of glory, to that place in the sky.

Now, Mother Eagle, God today has called you back to the big nest in the sky. This morning, Sweet Angel, take your rest, take your rest. Take your heavenly flight. You made your reservations. You prepaid your ticket. Now you can sit where you choose to sit. You have a reserved seat at the welcome table. When you get tired of sitting, you can just walk around heaven all day.

By the way, stop by and give Dr. King our highest regards. Tell Fannie Lou Hamer, howdy. Pluck those bullets out of Medgar Evars' back. Tell Emmett Till what he meant to you. Sit down with Daisy Bates.

Stop by and see Schwerner, Goodman and Chaney.

By the way, thank John Johnson for telling our story. Tell Mahalia. We are all moving up a little higher. And don't forget to tell Rev. C.L. Franklin thanks for teaching us how eagles stir their nests.

Make room for us. It won't be long now. We are too close to turn around now. We've wept bitter tears, but joy keeps coming. Sit where you want to now. There will be no arresting officers. No signs of disrespect. No more handcuffs. We thank you for your hope. We thank you for your healing. We thank you for being available. Good night, Sweet Angel. We will see you in the morning. You served us well. You've done God's will.

HEARING: THE NATIONAL PANDEMIC INFLUENZA PREPAREDNESS AND RESPONSE PLAN: IS THE U.S. READY FOR AVIAN FLU?

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. KUCINICH. Mr. Speaker, is the U.S. ready for avian flu? I don't think there is any question that answer is a clear "no." The question is, what are we doing about it? The administration finally released its plan this week under tremendous public pressure. It got underwhelming reviews from experts because it is deficient on several fronts that will be collectively necessary for us to fight this disease. It is especially weak on efforts to stockpile anti-virals.

Our best anti-viral bet will be Roche's Tamiflu. It is well established that it will take Roche years to produce enough to satisfy American stockpile needs. We have enough for less than 1% of the U.S. population. We need at least enough for 25% of the U.S. Even after promised increases in production capacity, Roche's supply is far less than our stockpile needs. The same goes for countries around the world, including those where the outbreak is likely to originate if the virus mutates to pass easily from human to human. And yet there are plenty of production facilities to solve the problem. In fact, over 100 companies have expressed interest in "helping (Roche) meet production challenges," according to one of Roche's own advertisements. So what is the problem?

The problem is that Roche has a monopoly on Tamiflu. We are very familiar with what happens when a company has a monopoly on a product the world needs. They control supply. And that is exactly what Roche is doing.

But choking world supply is not the only consequence of Roche's monopoly. If we need a reminder about the perils of concentrating production in the hands of a few, we only need to look to last year. Chiron was forced to scrap half of the U.S. flu vaccine supply when their manufacturing facility failed to meet safety standards. That was for the conventional flu. Imagine what would happen if we lost half of our Tamiflu supply in the middle of an avian flu outbreak. And yet, at the cusp of a potentially far more devastating avian flu epidemic, we are about to repeat our mistake. But there is a solution. Compulsory licensing.

HHS has the authority to issue a compulsory license to get rid of this dangerous shortage by allowing other companies to make Tamiflu. Roche would get compensation. That authority exists specifically to prevent the most predictable scenario—a pharmaceutical company holding a drug hostage when it is needed to protect public health, in order to increase profits. That is exactly what we're seeing here.

Roche revenues increased 17% last quarter. Tamiflu sales more than doubled to $215 million in three months. They expect to make almost $1 billion from Tamiflu sales this year. Of course they would want to hang on to this monopoly. Their ultimate responsibility is to their shareholders, not to the public.

We have heard a lot of promises from Roche that they are willing to negotiate with other companies to sublicense production, but I have not heard anything about a firm agreement to do so. Roche can keep fees too high in order to make it unprofitable for an outside company to manufacture Tamiflu. They can stipulate, and have indicated their willingness to do so, that any Tamiflu made by a company other than Roche would not be available for sale in the U.S. In other words, they can continue to restrict world supply.

And to top it off, the administration boasts that it wants to throw a billion dollars into buying anti-virals. But the drugs aren't there. There's nothing to buy and, as it stands, there won't be anything to buy in the near future. We may not have that kind of time. But the administration is still sitting on its hands while Roche's profits skyrocket and Tamiflu production does not. This is a clear choice of profits over public health.

As you know, Secretary Leavitt, last month nine of my colleagues and I sent you a letter requesting compulsory licensing. We have given Roche plenty of time to act appropriately and they have failed to do so. In order to protect public health, we must issue a compulsory license for Tamilfu immediately.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S12463–S12552

Measures Introduced: Five bills and two resolutions were introduced, as follows: S. 1973–1977, S. Res. 301, and S. Con. Res. 62. **Page S12526**

Measures Passed:

Native American Housing Enhancement Act: Senate passed H.R. 797, to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians, after agreeing to the following amendment proposed thereto: **Pages S12549–50**

Voinovich (for Enzi) Amendment No. 2472, to modify a provision relating to the application of certain Acts to Indian tribes. **Page S12550**

James T. Molloy Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 3339, to designate the facility of the United States Postal Service located at 2061 South Park Avenue in Buffalo, New York, as the "James T. Molloy Post Office Building", and the bill was then passed, clearing the measure for the President. **Page S12551**

Mayor Joseph S. Daddona Memorial Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 2490, to designate the facility of the United States Postal Service located at 442 West Hamilton Street, Allentown, Pennsylvania, as the "Mayor Joseph S. Daddona Memorial Post Office", and the bill was then passed, clearing the measure for the President. **Page S12551**

Department of Defense Authorization: Senate continued consideration of 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, taking action on the following amendments proposed thereto:

Pages S12472–79, S12479–S12516

Adopted:

By 55 yeas to 43 nays (Vote No. 305), Warner (for Inhofe) Modified Amendment No. 2439, relating to the American Forces Network.

Pages S12477–78, S12479–82

By 93 yeas to 5 nays (Vote No. 307), Nelson (FL) Amendment No. 2424, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

Pages S12472, S12485–88

Reid Amendment No. 2441, to provide that veterans with service-connected disabilities rated as total by virtue of unemployability shall be covered by the termination of the phase-in of concurrent receipt of retired pay and veterans disability compensation for military retirees. **Pages S12488–89**

By a unanimous vote of 97 yeas (Vote No. 310), Byrd Modified Amendment No. 2442, to provide for a report on the establishment of a Deputy Secretary of Defense for Management.

Pages S12483–85, S12492–93

Inhofe Modified Amendment No. 2432, relating to the partnership security capacity of foreign military and security forces and security and stabilization assistance. **Pages S12472, S12494–95**

Warner (for Craig) Amendment No. 1473, to improve the availability to survivors of military decedents of information on the benefits and assistance available through the Federal Government.

Pages S12497–S12513

Warner (for Obama) Modified Amendment No. 1362, to require a report on the Department of Defense Composite Health Care System II.

Pages S12497–S12513

Warner (for DeWine) Amendment No. 1356, to authorize the United States Air Force Institute of Technology to receive faculty research grants for scientific, literary, and educational purposes.

Pages S12497–S12513

Warner (for Lieberman) Amendment No. 2446, to require a report on the Department of Defense response to the findings and recommendations of the Defense Science Board Task Force on High Performance Microchip Supply. **Pages S12497–S12513**

Warner (for Grassley) Amendment No. 1481, to modify the authority of Army working-capital funded facilities to engage in cooperative activities with non-Army entities. **Pages S12497–S12513**

Warner (for Bayh) Modified Amendment No. 1334, to provide for outreach to members of the Armed Forces and their dependents on the Servicemembers Civil Relief Act. **Pages S12497–S12513**

Warner (for Hatch) Amendment No. 2447, to express the sense of the Senate regarding the investment of funds as called for in the Depot Maintenance Strategy and Master Plan of the Air Force. **Pages S12497–S12513**

Warner (for Feinstein) Modified Amendment No. 1514, to authorize a land conveyance at Marine Corps Air Station, Miramar, San Diego, California. **Pages S12497–S12513**

Warner (for Graham) Amendment No. 1387, to make the Savannah River National Laboratory eligible for laboratory directed research and development funding. **Pages S12497–S12513**

Warner (for Conrad) Amendment No. 2448, to state the policy of the United States on the intercontinental ballistic missile force. **Pages S12497–S12513**

Warner (for Graham) Modified Amendment No. 1358, to require additional recommendations in the report on the delivery of health care benefits through the military health care system. **Pages S12497–S12513**

Warner (for Lieberman) Amendment No. 1434, to make available, with an offset, an additional $20,300,000 for aircraft procurement for the Army to increase the number of UH–60 Black Hawk helicopters to be procured in response to attrition from 2 helicopters to 4 helicopters. **Pages S12497–S12513**

Warner (for Allard) Amendment No. 1355, to authorize a land conveyance of Air Force property, La Junta, Colorado. **Pages S12497–S12513**

Warner (for Byrd) Amendment No. 1568, to require quarterly reports on audits of task or delivery order contracts and other contracts related to security and reconstruction activities in Iraq and Afghanistan and to address irregularities identified in such reports. **Pages S12497–S12513**

Warner (for Lugar) Amendment No. 1407, to strike the limitation on payment of facilities charges assessed by the Department of State. **Pages S12497–S12513**

Warner (for Durbin) Modified Amendment No. 1578, to require reports on significant increases in program acquisition unit costs or procurement unit costs of major defense acquisition programs. **Pages S12497–S12513**

Warner (for Thune) Amendment No. 2449, to require a study on the use of the Space Radar for topographical mapping for scientific and civil purposes. **Pages S12497–S12513**

Warner (for Murray) Amendment No. 2450, to amend the assistance to local educational agencies with significant enrollment changes in military dependent students due to force structure changes, troop relocations, creation of new units, and realignment under BRAC. **Pages S12497–S12513**

Warner (for Chambliss) Amendment No. 2451, to authorize pilot projects to encourage pediatric early literacy among children of members of the Armed Forces. **Pages S12497–S12513**

Warner (for Nelson (NE)) Amendment No. 2452, to require the Secretary of Defense to establish a uniform policy for the Armed Forces on parental leave and similar leave. **Pages S12497–S12513**

Warner (for McCain) Modified Amendment No. 1555, to regulate management contracts, require an Analysis of Alternatives for major acquisitions of the Department of Defense and impose additional limitations on certain leases and charters. **Pages S12497–S12513**

Warner (for Akaka/Hatch) Modified Amendment No. 1404, to require a pilot program on enhanced quality of life for members of the Army Reserve and their families. **Pages S12497–S12513**

Warner (for Lott) Amendment No. 2453, to make available $80,000,000 for coproduction of the Arrow ballistic missile defense system. **Pages S12497–S12513**

Warner (for Biden) Modified Amendment No. 1448, to ensure a response to medical needs arising from mandatory military vaccinations. **Pages S12497–S12513**

Warner (for McCain) Amendment No. 2454, relating to the acquisition strategy of the Department of Defense for commercial satellite communication services. **Pages S12497–S12513**

Warner (for Boxer) Modified Amendment No. 1519, to provide for a Department of Defense task force on mental health. **Pages S12497–S12513**

Warner (for Hutchison/Mikulski) Amendment No. 1478, to make oral and maxillofacial surgeons eligible for incentive special pay payable to medical officers of the Armed Forces. **Pages S12497–S12513**

Warner (for Reed/Rockefeller) Amendment No. 2455, to require a report on nonstrategic nuclear weapons. **Pages S12497–S12513**

Warner (for Dole) Amendment No. 2456, to provide for mental health counselors under TRICARE. **Pages S12497–S12513**

Warner (for Obama) Modified Amendment No. 1453, to ensure the protection of military and civilian personnel in the Department of Defense from an influenza pandemic, including an avian influenza pandemic. **Pages S12497–S12513**

Warner Amendment No. 2457, to clarify certain authorities relating to the Commission on the National Guard and Reserves. **Pages S12497–S12513**

Warner (for Landrieu) Modified Amendment No. 1451, to require screenings of members of the Armed Forces for Post Traumatic Stress Disorder and other mental health conditions. **Pages S12497–S12513**

Warner (for McCain) Amendment No. 2458, to enhance various authorities to assist the recruitment efforts of the Armed Forces. **Pages S12497–S12513**

Warner (for Feingold) Amendment No. 1367, to make permanent the authority to provide travel and transportation allowances for dependents to visit hospitalized members injured in combat operation or combat zone with funding provided out of existing funds through a reduction in nonessential civilian travel. **Pages S12497–S12513**

Warner (for Voinovich/DeWine) Modified Amendment No. 1574, to require a report on the development of a second source for tire production and supply for the Stryker combat vehicle. **Pages S12497–S12513**

Warner (for Sarbanes/Mikulski) Amendment No. 1445, to grant a Federal charter to Korean War Veterans Association, Incorporated. **Pages S12497–S12513**

Warner Amendment No. 2459, to require guidelines on the use of tiered evaluations for offers for contracts and task orders under contracts. **Pages S12497–S12513**

Warner (for Clinton/Collins) Amendment No. 2460, to provide for consumer education on insurance and other financial services for members of the Armed Forces and their spouses. **Pages S12497–S12513**

Warner (for Snowe) Amendment No. 2461, to authorize funding for a human resources benefit call center for the Navy. **Pages S12497–S12513**

Warner (for Kerry) Amendment No. 1502, to make permanent the extension of the period of temporary continuation of basic allowance for housing for dependents of members of the Armed Forces who die on active duty. **Pages S12497–S12513**

Warner (for Vitter) Amendment No. 2462, to provide for Congressional notification of cancellation of major automated information systems. **Pages S12497–S12513**

Warner (for Leahy/Bond) Amendment No. 1424, relating to the basic allowance for housing for members of the Reserves. **Pages S12497–S12513**

Warner (for Alexander) Modified Amendment No. 1341, to require a report on the use of ground source heat pumps at Department of Defense facilities. **Pages S12497–S12513**

Warner (for Levin) Amendment No. 1495, to provide that the governments of Indian tribes be treated as State and local governments for purposes of the disposition of real property recommended for closure in the report to the President from the Defense Base Closure and Realignment Commission, July 1993. **Pages S12497–S12513**

Warner (for Chambliss/Isakson) Amendment No. 2463, to provide that, of the amount authorized to be appropriated to the Department of the Army for military construction projects at Fort Gillem, Georgia, $4,550,000 is available for the construction of a military police complex at Fort Gordon, Georgia. **Pages S12497–S12513**

Warner (for Conrad) Modified Amendment No. 1548, to increase, with an offset, amounts available for the procurement of Predator unmanned aerial vehicles. **Pages S12497–S12513**

Warner Modified Amendment No. 1563, to authorize the Secretary of the Navy to lease United States Navy Museum facilities at Washington Naval Yard, District of Columbia, to the Naval Historical Foundation. **Pages S12497–S12513**

Warner (for Bayh) Amendment No. 2464, to increase by $360,800,000 the amount of supplemental appropriations for Other Procurement, Army, for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan or for other Army priorities, and to provide an offset. **Pages S12497–S12513**

Warner (for Dole) Modified Amendment No. 1526, to express the sense of the Senate on the need for community impact assistance related to the construction by the Navy of an outlying landing field in North Carolina. **Pages S12497–S12513**

Warner (for Dayton) Modified Amendment No. 1515, to make available an additional $60,000,000 for operation and maintenance, Defense-wide, for certain child and family assistance benefits for members of the Armed Forces. **Pages S12497–S12513**

Warner (for Inhofe) Modified Amendment No. 1388, to provide for the establishment of the USS *Oklahoma* Memorial. **Pages S12497–S12513**

Warner (for Harkin/Grassley) Modified Amendment No. 1463, to authorize a land conveyance at Iowa Army Ammunition Plant, Middletown, Iowa. **Pages S12497–S12513**

Warner Amendment No. 2465, to make available, with an offset, $10,000,000 for the pilot projects on early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions. **Pages S12497–S12513**

Warner (for Durbin) Modified Amendment No. 1428, to strengthen civil-military relationships by permitting State and local governments to enter into lease purchase agreements with the United States Armed Forces. **Pages S12497–S12513**

Warner (for Graham/Nelson (NE) Amendment No. 2466, to improve recruitment and retention in the Armed Forces. **Pages S12497–S12513**

Warner (for Dodd) Amendment No. 2467, to improve the authority for reimbursement for protective, safety, and health equipment purchased for members

of the Armed Forces deployed in Iraq and Central Asia. **Pages S12497–S12513**

Warner (for Dole) Amendment No. 2468, to require a report on predatory lending directed at members of the Armed Forces and their dependents. **Pages S12497–S12513**

Warner (for Carper) Amendment No. 2469, to authorize $1,440,000 in planning and design funds for a replacement C–130 aircraft maintenance hangar at Air National Guard New Castle County Airport, and to provide an offset. **Pages S12497–S12513**

Warner (for Santorum) Amendment No. 2470, expressing the sense of the Senate on notice to Congress of the recognition of members of the Armed Forces for extraordinary acts of heroism, bravery, and achievement. **Pages S12497–S12513**

Warner (for Feingold) Amendment No. 2471, to improve transitional assistance provided for members of the Armed Forces being discharged, released from active duty, or retired. **Pages S12497–S12513**

Rejected:

By 44 yeas to 54 nays (Vote No. 306), Harkin/Dorgan Amendment No. 2438, relating to the American Forces Network. **Pages S12472, S12474–78, S12479–82**

By 36 yeas to 62 nays (Vote No. 308), Snowe Modified Amendment No. 2436, to require the Secretary of Defense, subject to a national security exception, to offer to transfer to local redevelopment authorities for no consideration real property and personal property located at military installations that are closed or realigned as part of the 2005 round of defense base closure and realignment, and to clarify that the requirement does not affect certain property interests. **Pages S12472, S12489–90**

By 43 yeas to 55 nays (Vote No. 309), Levin Amendment No. 2430, to establish a national commission on policies and practices on the treatment of detainees since September 11, 2001. **Pages S12472–74, S12491–92**

By 37 yeas to 60 nays (Vote No. 311), Reed (for Levin/Reed) Amendment No. 2427, to make available, with an offset, an additional $50,000,000 for Operation and Maintenance for Cooperative Threat Reduction. **Pages S12472, S12478–79, S12493–94**

Pending:

Chambliss Amendment No. 2433, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods. **Page S12472**

Ensign Amendment No. 2443, to restate United States policy on the use of riot control agents by members of the Armed Forces. **Pages S12495–97**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m. on Wednesday, November 9, 2005. **Pages S12551–52**

Iran Nonproliferation Amendments Act: Senate concurred in the amendments of the House of Representatives to S. 1713, to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments, clearing the measure for the President. **Pages S12550–51**

Executive Reports of Committee: Senate received the following executive report from the Committee on Foreign Relations:

Agreement with Canada on Pacific Hake/Whiting (Treaty Doc. 108–24) (Ex. Rept. 109–5). **Page S12526**

Nominations Received: Senate received the following nominations:

3 Army nominations in the rank of general. **Page S12552**

Messages From the House: **Page S12525**

Measures Placed on Calendar: **Page S12525**

Executive Communications: **Pages S12525–26**

Executive Reports of Committees: **Page S12526**

Additional Cosponsors: **Pages S12526–28**

Statements on Introduced Bills/Resolutions: **Pages S12528–35**

Additional Statements: **Pages S12523–25**

Amendments Submitted: **Pages S12535–48**

Authorities for Committees to Meet: **Pages S12548–49**

Privileges of the Floor: **Page S12549**

Record Votes: Seven record votes were taken today. (Total—311) **Pages S12482, S12488, S12490, S12492, S12493, S12494**

Adjournment: Senate convened at 9:45 a.m., and adjourned at 7:43 p.m., until 9:30 a.m., on Wednesday, November 9, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S12552.)

Committee Meetings

(Committees not listed did not meet)

PAWS

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Research, Nutrition, and General Legislation concluded a hearing to examine S. 1139, to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry, entitled "Pet Animal Welfare Statute" (PAWS), after receiving testimony from Norma

Worley, Maine Department of Agriculture, Food, and Rural Resources, Augusta; Ronald Menaker, American Kennel Club, New York, New York; Henry E. Childers, Cranston, Rhode Island, on behalf of the American Veterinary Medical Association; Michael Maddox, Pet Industry Joint Advisory Council, Wayne Pacelle, Humane Society of the United States, and Sara Amundson, Doris Day Animal League, all of Washington, D.C.; and John E. Hoffman, Flintridge, California.

ENVIRONMENTAL LAWS: CONTRACTOR LIABILITY

Committee on Environment and Public Works: Subcommittee on Superfund and Waste Management concluded an oversight hearing to examine the impact of certain government contractor liability proposals on environmental laws, after receiving testimony from Major General Don T. Riley, Director, Civil Works, U.S. Army Corps of Engineers; Anthony Zelenka, Bertucci Contracting Corporation, Jefferson, Louisiana; Beverly Wright, Dillard University Deep South Center for Environmental Justice, New Orleans, Louisiana, on behalf of the National Black Environmental Justice Network; Warren Perkins, Boh Bros. Construction Company, Baton Rouge, Louisiana; Michael Feigin, Bovis Lend Lease, and Joel Shufro, New York Committee for Occupational Safety and Health, both of New York, New York; Craig S. King, Arent Fox, and Steven L. Schooner, George Washington University Law School, both of Washington, D.C.; and Paul Becker, Willis, Nashville, Tennessee.

KOSOVO

Committee on Foreign Relations: Committee concluded a hearing to examine the future of Kosovo and the American role in bringing stability to Southeastern Europe, after receiving testimony from R. Nicholas Burns, Under Secretary of State for Political Affairs; and Richard C. Holbrooke, Perseus, LLC, New York, New York.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Alejandro Daniel Wolff, of California, to be the U.S. Deputy Representative to the United Nations, with the rank and status of Ambassador, and the U.S. Deputy Representative in the Security Council of the United Nations, and to be U.S. Representative to the Sessions of the General Assembly of the United Nations, during his tenure of service as U.S. Deputy Representative to the United Nations, after the nominee testified and answered questions in his own behalf.

SAUDI ARABIA

Committee on the Judiciary: Committee held a hearing to examine United States-Saudi Arabia relations relating to the war on terror, focusing on collective efforts to combat terrorism since the terrorist attacks in Riyahd, Saudi Arabia in May 2003, and the Saudi Arabian Monetary Authority regulation of the financial sector, receiving testimony from Daniel L. Glaser, Deputy Assistant Secretary of the Treasury, Office of Terrorist Financing and Financial Crimes; Anthony H. Cordesman, Center for Strategic and International Studies, Nina Shea, Center for Religious Freedom, and Steven Emerson, Investigative Project on Terrorism, all of Washington, D.C.; and Gulam Bakali, Islamic Association of North Texas, Richardson.

Hearing recessed subject to the call.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Carol E. Dinkins, of Texas, to be Chairman, who was introduced by Senators Hutchison and Cornyn, and Alan Charles Raul, of the District of Columbia, to be Vice Chairman, both of the Privacy and Civil Liberties Oversight Board, after the nominees testified and answered questions in their own behalf.

HURRICANE RESPONSE FOR SMALL BUSINESS

Committee on Small Business and Entrepreneurship: Committee concluded hearings to examine strengthening hurricane recovery efforts for small businesses, focusing on preliminary observations on contracting for hurricane response and recovery efforts, after receiving testimony from Representative Bennie Thompson; Hector V. Barreto, Administrator, Small Business Administration; Major General Ronald L. Johnson, Deputy Commander, U.S. Army Corps of Engineers, Department of the Army; Gregory D. Rothwell, Chief Procurement Officer, Department of Homeland Security; David E. Cooper, Director, Acquisition and Sourcing Management, Government Accountability Office; and Walter Isaacson, Louisiana Recovery Authority, Baton Rouge.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 12 public bills, H.R. 4248–4259; 1 private bill, H.R. 4260; and 2 resolutions, H. Con. Res. 293 and H. Res. 541, were introduced. **Page H10038**

Additional Cosponsors: **Pages H10038–39**

Reports Filed: Reports were filed today as follows:

H. Res. 538, waiving points of order against the conference report to accompany H.R. 2862, making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006 (H. Rept. 109–277);

H. Res. 539, waiving points of order against the conference report to accompany H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006 (H. Rept. 109–278);

H. Res. 540, providing for consideration of H.R. 1751, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members (H. Rept. 109–279); and

H.R. 1630, to authorize appropriations for the benefit of Amtrak for fiscal years 2006 through 2008 (H. Rept. 109–280). **Pages H10037–38**

Speaker: Read a letter from the Speaker wherein he appointed Representative Sodrel to act as Speaker pro tempore for today. **Page H9965**

Recess: The House recessed at 9:07 a.m. and reconvened at 10 a.m. **Page H9966**

Chaplain: The prayer was offered today by Rev. Griffin Lotson, Sams Memorial Church of God in Christ, Darien, Georgia. **Page H9966**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Expressing support for the accession of Israel to the Organisation for Economic Co-operation and Development (OECD): H. Res. 38, amended, to express support for the accession of Israel to the Organisation for Economic Co-operation and Development (OECD), by a yea-and-nay vote of 391 yeas with none voting "nay", Roll No. 574; **Pages H9969–71, H9990–91**

Agreed to amend the title so as to read: "Resolution expressing support for the accession of Israel to the Organisation for Economic Co-operation and Development (OECD).". **Pages H9990–91**

Recognizing and commending the continuing dedication and commitment of employers of the members of the National Guard and the other reserve components who have been mobilized during the Global War on Terrorism and in defense of the United States: H. Res. 302, amended, to recognize and commend the continuing dedication and commitment of employers of the members of the National Guard and the other reserve components who have been mobilized during the Global War on Terrorism and in defense of the United States, by a yea-and-nay vote of 395 yeas with none voting "nay", Roll No. 575; **Pages H9974–79, H9991**

Grant W. Green Post Office Building Designation Act: H.R. 3770, to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the "Grant W. Green Post Office Building", by a yea-and-nay vote of 393 yeas to 1 nay, Roll No. 576; **Pages H9979–80, H9991–92**

Clayton J. Smith Memorial Post Office Building Designation Act: H.R. 3825, to designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, as the "Clayton J. Smith Memorial Post Office Building"; and **Pages H9980–81**

Lillian Kinkella Keil Post Office Designation Act: H.R. 4053, to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the "Lillian Kinkella Keil Post Office". **Pages H9981–82**

Suspensions—Proceedings Postponed: The House began consideration of the following measures under suspension of the rules. Further consideration will be announced at a later date.

San Francisco Old Mint Commemorative Coin Act: H.R. 1953, to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco, otherwise known as the "Granite Lady"; and **Pages H9971–74**

Fair Access Foster Care Act of 2005: S. 1894, to amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies. **Pages H9982–87**

Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia and Independent Agencies Appropriations Act, 2006—Motion to go to Conference: The House disagreed to the Senate amendment and agreed to a conference on H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the

Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006. **Page H9987**

The House agreed to the Olver motion to instruct conferees by voice vote after agreeing to order the previous question. **Pages H9987–88**

The Chair appointed conferees: Messrs. Knollenberg, Wolf, Rogers of Kentucky, Tiahrt, Mrs. Northup, Messrs. Aderholt, Sweeney, Culberson, Regula, Lewis of California, Olver, Hoyer, Pastor, Ms. Kilpatrick of Michigan, Messrs. Clyburn, Rothman, and Obey. **Page H9988**

Departments of Labor, Health and Human Services, and Education, 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. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006. **Pages H9988–90**

Tabling the Appeal of the Ruling of the Chair on Motion to Instruct Conferees on H.R. 3010: Agreed to table the Obey motion to appeal the ruling of the Chair by a yea-and-nay vote of 218 yeas to 173 nays, Roll No. 573. **Pages H9989–90**

Later, the Chair appointed conferees: Messrs. Regula, Istook, Wicker, Mrs. Northup, Mr. Cunningham, Ms. Granger, Messrs. Peterson of Pennsylvania, Sherwood, Weldon of Florida, Walsh, Lewis of California, Obey, Hoyer, Mrs. Lowey, Ms. DeLauro, Messrs. Jackson of Illinois, Kennedy of Rhode Island, and Ms. Roybal-Allard. **Page H9992**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H10039–41.

Quorum Calls—Votes: Four yea-and-nay votes developed during the proceedings of the House today, and appear on pages H9989–90, H9990, H9991, and H9991–92. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 7:58 p.m.

Committee Meetings

NATIONAL PANDEMIC FLU PREPAREDNESS PLAN ASSESSMENT

Committee on Energy and Commerce: Held a hearing entitled ''Assessing the National Pandemic Flu Preparedness Plan.'' Testimony was heard from Michael O. Levitt, Secretary of Health and Human Services.

HOMELAND SECURITY INFORMATION SHARING—FEDERAL SUPPORT

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled ''Federal Support for Homeland Security Information Sharing: The Role of the Information Sharing Program Manager.'' Testimony was heard from John Russack, Information Sharing Program Manager, Office of the Director of National Intelligence; former Representative Lee Hamilton, State of Indiana; and a public witness.

OVERSIGHT—VOTING RIGHTS ACT

Committee on the Judiciary: Subcommittee on the Constitution held an oversight hearing on The Voting Rights Act: Section 203—Bilingual Election Requirements, Part I. Testimony was heard from Brad Schlozman, Acting Assistant Attorney General, Civil Rights Division, Department of Justice; Rebecca Vigil-Giron, Secretary of State, New Mexico; and public witnesses.

COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF 2005

Committee on Resources: Subcommittee on Fisheries and Oceans held a hearing on H.R. 3552, Coastal Barrier Resources Reauthorization Act of 2005. Testimony was heard from Benjamin Tuggle, Acting Special Assistant to the Director U.S. Fish and Wildlife Service, Department of the Interior; and public witnesses.

CONFERENCE REPORT—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS FISCAL YEAR 2006

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representatives Hobson and Visclosky.

CONFERENCE REPORT—SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES APPROPRIATIONS FISCAL YEAR 2006

Committee on Rules: Granted by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representatives Wolf and Mollohan.

SECURE ACCESS TO JUSTICE AND COURT PROTECTION ACT OF 2005

Committee on Rules: Granted, by voice vote, a structured rule providing one hour of general debate on H.R. 1751, Secure Access to Justice and Court Protection Act of 2005, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments made in order 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. The rule waives all points of order against the amendment printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Sensenbrenner and Representatives King of Iowa, Gohmert, Jackson-Lee of Texas, McCarthy, and Cuellar.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM

Committee on Small Business: Subcommittee on Workforce, Empowerment, and Government Programs held a hearing entitled ''The Small Business Innovation Research Program—Open Doors to New Technology.'' Testimony was heard from Calvin Jenkins, Acting Associate Deputy Administrator, Government Contracting and Business Development, SBA; Frank Ramos, Director, Office of Small and Disadvantaged Business, Office of the Secretary, Department of Defense; James Decker, Principal Deputy Director, Office of Science, Department of Energy; Norka Ruiz Bravo, M.D., Deputy Director, Extramural Research, NIH, Department of Health and Human Services; Colien Hefferan, Administrator, Cooperative State Research, Education and Extension Service, USDA; and Joseph Hennessey, Senior Advisor, Industrial Innovation Program, Small Business Innovation Research, NSF.

COMMITTEE MEETINGS FOR WEDNESDAY, NOVEMBER 9, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine agricultural transportation and energy issues, 10:30 a.m., SDG–50.

Committee on Armed Services: Subcommittee on Readiness and Management Support, to hold hearings to examine Department of Defense Business Transformation and Financial Management Accountability, 2 p.m., SR–232A.

Committee on Commerce, Science, and Transportation: with the Committee on Energy and Natural Resources, to hold joint hearings to examine energy pricing and profits, focusing on record prices of oil, gasoline, and natural gas and factors affecting those prices, issues relating to global demand, resource development strategies and windfall profits taxes, and the effectiveness of federal and state consumer protection laws to prevent occurrences of price gouging during supply disruptions, 9:30 a.m., SD–106.

Committee on Energy and Natural Resources: with the Committee on Commerce, Science, and Transportation, to hold joint hearings to examine energy pricing and profits, focusing on record prices of oil, gasoline, and natural gas and factors affecting those prices, issues relating to global demand, resource development strategies and windfall profits taxes, and the effectiveness of federal and state consumer protection laws to prevent occurrences of price gouging during supply disruptions, 9:30 a.m., SD–106.

Committee on Environment and Public Works: to hold hearings to examine issues regarding a comprehensive and integrated approach to meet the water resources needs of coastal Louisiana in the wake of Hurricanes Katrina and Rita, including storm and flood damage reduction, ecosystem restoration and navigation, 9:30 a.m., SD–406.

Committee on Finance: business meeting to review and make recommendations on proposed legislation implementing the United States-Bahrain Free Trade Agreement, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine Avian influenza preparation issues, 9:30 a.m., SD–419.

Full Committee, to hold hearings to examine the nominations of Ronald L. Schlicher, of Tennessee, to be Ambassador to the Republic of Cyprus, Ross Wilson, of Maryland, to be Ambassador to the Republic of Turkey, Carol van Voorst, of Virginia, to be Ambassador to the Republic of Iceland, and Marilyn Ware, of Pennsylvania, to be Ambassador to Finland, 2:30 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the Coast Guard's response to Hurricane Katrina, 9:30 a.m., SD–342.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to resume oversight hearings to examine the Federal security clearance process, focusing on Office of Personnel Management's plan to address the backlog of security clearance investigations, 3 p.m., SD–342.

Committee on the Judiciary: to hold hearings to examine the use of cameras in the courtroom, 9:30 a.m., SD–226.

Subcommittee on Constitution, Civil Rights and Property Rights, business meeting to mark up S.J. Res. 1, proposing an amendment to the Constitution of the United States relating to marriage, and S.J. Res. 12, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States, 2 p.m., SD–226.

Select Committee on Intelligence: closed business meeting to consider pending calendar business, 10 a.m., SH–219.

Full Committee, closed business meeting to consider pending calendar business, 2 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies and the Subcommittee on Energy and Water Development, and Related Agencies, joint hearing on Natural Gas, 10 a.m., B308 Rayburn.

Committee on Armed Services, hearing on the Defense Logistics Agency's Prime Vendor Program, 10 a.m., 2118 Rayburn.

Regional Powers Panel, hearing on regional powers' threats to the United States' interests, 1:45 p.m., 2212 Rayburn.

Committee on Energy and Commerce, Subcommittee on Telecommunications and the Internet, hearing on a proposal to create a statutory framework for Internet Protocol and Broadband Services, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing on H.R. 3997, Financial Data Protection Act of 2005, 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Federal Workforce and Agency Organization, hearing entitled ''Justice Delayed is Justice Denied: A Case for a Federal Employees Appeals Court,'' 10 a.m., 2247 Rayburn.

Committee on Homeland Security, Subcommittee on Emergency Preparedness, Science, and Technology and the Subcommittee on Terrorism, Unconventional Threats and Capabilities of the Committee on Armed Services, joint hearing entitled ''Responding to Catastrophic Events: the Role of the Military and National Guard in Disaster Response,'' 10 a.m., 311 Cannon.

Committee on International Relations, to mark up H. Res. 505, Requesting the President of the United States and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to the White House Iraq Group, 10:30 a.m., 2172 Rayburn.

Subcommittee on Europe and Emerging Threats, hearing on Germany After the Election: Implications for Germany, Europe and U.S.-German Relations, 2:30 p.m., 2200 Rayburn.

Subcommittee on Western Hemisphere, hearing and briefing on the Illicit Drug Transit Zone in Central America, 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 3889, Methamphetamine Epidermic Elimination Act of 2005; H.R. 2791, United States Patent and Trademark Fee Modernization Act of 2005; and H.R. 3729, To provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts, 10 a.m., 2141 Rayburn.

Subcommittee on the Constitution, oversight hearing on The Voting Rights Act: Section 5—Judicial Evolution of the Retrogression Standard, 2 p.m., and oversight hearing on the Voting Rights Act: Section 203—Bilingual Election Requirements, Part II, 4 p.m., 2141 Rayburn.

Committee on Resources, oversight hearing on the Second Discussion Draft of Legislation Off-Reservation Indian Gaming, 10 a.m., 1324 Longworth.

Subcommittee on Water and Power, hearing on the following bills: H.R. 3626, Arthur V. Watkins Dam Enlargement Act of 2005; H.R. 3967, Pactola Reservoir Reallocation Authorization Act of 2005; and 4195, Southern Oregon Bureau of Reclamation Repayment Act of 2005, 2 p.m., 1334 Longworth.

Committee on Science, to mark up H. Res. 515, Of Inquiry requesting the President of the United States to provide to the House of Representatives certain documents in his possession relating to the anticipated effects of climate change on the coastal regions of the United States, 10 a.m., 2318 Rayburn.

Committee on Ways and Means, to mark up H.R. 2830, Pension Protection Act of 2005, 2 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing entitled ''Unauthorized Disclosures,'' 9:30 a.m., and, executive, hearing entitled ''Progress of the Director of National Intelligence,'' 1 p.m., H–405 Capitol.

Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, hearing entitled ''Hurricane Katrina: Preparedness and Response by the State of Alabama,'' 10 a.m., 2154 Rayburn.

Joint Meetings

Joint Meetings: Senate Committee on Commerce, Science, and Transportation, to hold joint hearings to examine energy pricing and profits, focusing on record prices of oil, gasoline, and natural gas and factors affecting those prices, issues relating to global demand, resource development strategies and windfall profits taxes, and the effectiveness of federal and state consumer protection laws to prevent occurrences of price gouging during supply disruptions, 9:30 a.m., SD–106.

Joint Meetings: Senate Committee on Energy and Natural Resources, to hold joint hearings to examine energy pricing and profits, focusing on record prices of oil, gasoline, and natural gas and factors affecting those prices, issues relating to global demand, resource development strategies and windfall profits taxes, and the effectiveness of federal and state consumer protection laws to prevent occurrences of price gouging during supply disruptions, 9:30 a.m., SD–106.

Next Meeting of the SENATE

9:30 a.m., Wednesday, November 9

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 1 hour) Senate will continue consideration of S. 1042, National Defense Authorization.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, November 9

House Chamber

Program for Wednesday: Consideration of H.R. 1751—Secure Access to Justice and Court Protection Act of 2005 (Subject to a Rule).

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