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# Congressional Record

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# House of Representatives

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

## DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*April 26, 2006.*

I hereby appoint the Honorable SHELLY MOORE CAPITO to act as Speaker pro tempore on this day.

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

## PRAYER

The Reverend John Hergenrother, Presiding Judge, Tribunal of the Archdiocese of Chicago, offered the following prayer:

Lord, God, Father, Allah, Higher Power, we address You with many names, but You are one. We are many people striving to be united in mutual justice, equity and concern. 444 of Your people have the awesome responsibility to represent, to lead, to care, to legislate for over 260 million of Your people.

May the laws that come from this House strengthen, nourish and keep us united in the bond that we share as citizens and as Your children. With all of our ideals, and all of our limitations, we pray for the Members and staff. Give them insight, guidance and vision to discern the common good of all Your people in this land and beyond. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. ESHOO) come forward and lead the House in the Pledge of Allegiance.

Ms. ESHOO 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.

## FREEDOM IN MACEDONIA

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

Mrs. MILLER of Michigan. Madam Speaker, as a member of the House Democracy Assistance Commission, I was honored this past week to host a delegation of Parliamentarians from the Republic of Macedonia, in my home State of Michigan.

The Macedonia delegation was immersed in many factors important to the development of a democratic society. They visited our State capitol, as well as visiting one of our major daily newspapers, understanding that a free press is critical to a thriving democracy.

They met with State elections officials to talk about how to run free and fair elections, a fundamental caveat of a thriving democracy. They visited the University of Michigan's famed Center for Russian and Eastern European Studies. They visited our courts to get a better understanding of our system of justice, and we enjoyed each other's fellowship at a banquet held in their honor at our local Macedonian cultural center.

This week we welcome them to Washington D.C. The Republic of Macedonia is a great emerging democracy, and its leaders are committed to the cause of freedom and liberty for every individual.

Da zivee slobodna, Makedonia.

Long live freedom and democracy in Macedonia.

## NATIONAL DAY OF SILENCE

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

Mr. FARR. Madam Speaker, I rise today to give voice to those who are silent: the many youth in our high schools and middle schools who are afraid to speak out of their place in our society because they are gay, lesbian, bisexual, transgender, intersex or questioning their sexual identity.

Today marks the 10th National Day of Silence in which we celebrate the diversity in our society, but acknowledge a deep-seated intolerance toward that diversity.

In my district, several efforts are being made to turn the intolerance into tolerance. The Watsonville YMCA has added a group called Latinas y Lesbianas y Aliadas. It is one of the few programs in the Nation dedicated to reaching out to the Spanish-speaking community, which has not historically had access to such support systems. I hope this becomes a national movement.

I am also proud to represent several Shoreline Middle School eighth graders who have been nominated for the Queer Youth Leadership Awards. These brave students have worked to end homophobia and discrimination, making their school or community a safer place for people of all walks of life. These students are joined by their families, but should not be alone in their efforts.

For this reason, I join my colleague Eliot Engel in cosponsoring H. Con. Res. 86 which memorializes the National Day of Silence and encourages each State or local jurisdiction to adopt laws to prohibit discrimination and harassment against persons of alternative sexual orientation.



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## GEORGIA: AMERICA'S PROVEN ALLY

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

Mr. WILSON of South Carolina. Madam Speaker, this week the House Democracy Assistance Commission, led by Chairman David Dreier, is hosting parliamentarians and staff from five emerging democracies.

Last week, I welcomed the delegation from the Republic of Georgia, led by M.P. Nino Nakashidze, vice chairman of the Foreign Relations Committee. The delegation toured the Midlands of South Carolina, visiting the State House, the University of South Carolina, top international businesses, Fort Jackson, the Lexington Rotary Club and the Batesburg-Leesville Chamber of Commerce, coordinated by special assistants Walt Cartin and Jonathan Black.

It is inspiring to meet fellow colleagues such as Georgia's, whose country has evolved from a repressed Soviet Republic to a vibrant democracy, promoting freedom with troops in Iraq and Afghanistan. The Republic of Georgia is an appreciated new ally of America, participating in the greatest spread of democracy in the history of the world.

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

## GAS PRICES AND THE NEED FOR LOBBYING REFORM

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

Mr. EMANUEL. Madam Speaker, yesterday President Bush said record oil prices and large cash flows also mean that these companies don't need unnecessary tax breaks. How does the President think that these oil companies got the tax breaks in the first place? A Republican Congress of course.

Energy companies spent $86 million lobbying Congress last year, and in return the Republican Congress gave them $14.5 billion of hard-earned money by the taxpayers. You can't get a return like that on Wall Street. Before the President signed the energy bill of June 6, 2005, energy was $2.09 a gallon. Today it is $3.30 in my district.

The debate about lobbying reform is a debate about a $14.5 billion taxpayer giveaway to Exxon, Chevron and ConocoPhillips. But what this Congress is going to vote on tomorrow is not lobbying reform. To quote The Washington Post, it is a sham. To quote The New York Times, it is a laughing stock. You could say the same and use the same adjective to describe the energy bill.

Remember, it all started with the Vice President behind closed doors meeting with energy executives. They weren't exactly playing Scrabble or gin rummy back there. Madam Speaker, the Republican bill isn't reform, it is just another sign that the people's House is still for sale.

## ROBBER BARON BUREAUCRATS

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

Mr. POE. Madam Speaker, as this Victims Rights Month of April comes to an end, the bureaucrats are also trying to end a fund that supports victims of America. The Victims of Crime Act requires convicted criminals to put money into a fund that then pays for crime victim services.

What a great idea: make criminals pay for the system that they have created. Make them pay rent on the courthouse. This fund is about $1.6 billion. This is not Federal money, this is not taxpayer money, this is victim money.

Now the robber baron bureaucrats want to take this money and put it into the abyss of the Federal Treasury. As one of the members of the Victims Rights Caucus, along with Jim Costa and Katherine Harris, we do not want the government to victimize victims again.

This money belongs to thousands of victims and thousands of victims organizations, including domestic violence shelters, rape centers, child abuse centers, and should not be taken away. Congress needs to prevent this stealth stealing of victims' money, and we must demonstrate to America that criminals will pay and be accountable for the misdeeds against the American people.

And that's just the way it is.

## HONORING THE LIFE OF RICHARD KOHNSTAMM

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

Mr. BLUMENAUER. Madam Speaker, last week Oregonians were saddened by the sudden death of Richard ''Dick'' Kohnstamm.

He was a visionary leader who conceived and then for half a century led the Kohnstamm family crusade to restore the jewel that is Timberline Lodge. This historic structure, a Depression-era public works project on Oregon's majestic Mt. Hood, is today an artistic and historic treasure.

Dick was not just a leader in alpine sports, an innovator in year-round skiing, but also a force in recreation and tourism at the national level as well. His passions ranged from historic preservation to, notably, public broadcasting leadership. He was a pioneer in creative ways to fashion public and private partnerships before the buzz word became popular.

He will be sorely missed but leaves a vision, a committed family, and a State that is grateful for over half a century of leadership.

## EXTENSION OF ALTERNATIVE MINIMUM TAX

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

Mrs. KELLY. Madam Speaker, millions of Americans filed their income tax returns last week.

The tax relief measures we have passed in Congress during the past 5 years have helped drive down the Federal tax bill of all Americans, but more work needs to be done to enable our constituents to keep more of the money they earn, rather than sending it here to Washington in taxes.

This year, we have got to get the alternative minimum tax off the backs of small business and the middle-class families once and for all.

It was a tax increase in 1993 that failed to adjust the AMT exemption amounts for inflation. That negligence left us with a stealth tax that is looming at the doorstep of middle-class families throughout New York and across our country.

We protected those middle-class families by increasing the AMT exemption amounts in tax relief we enacted during the past few years, but if middle-class exemptions are not extended or made permanent this year, the number of New Yorkers forced to pay the AMT will more than quadruple to 1.6 million next year, and this is just New York.

Let us not repeat the mistake Congress made in 1993. Let us stop the alternative minimum tax on the middle class and on America's small businesses. Let us commit ourselves to lowering taxes, not raising them.

## EXCESSIVE OIL COMPANY PROFITS

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

Mr. KUCINICH. Madam Speaker, Congress must break the hold which the oil companies have on the politics of our country.

The American people are demanding action. The price of gasoline has climbed to over $3 a gallon, headed towards $4, maybe $5 a gallon. But listen to this: since 2001, the five largest oil companies have made over $280 billion in profits. ExxonMobil alone made $36 billion in profits last year.

There is only one way to stop the oil companies from an endless series of increases in the price of gasoline.

Nearly 50 Members of Congress have now signed on to my bill, H.R. 2070, which calls for a 100 percent excess profits tax on the oil company profiteering. This act does not tax the price of gasoline so it will not increase the cost. However, by taxing excessive profits, it puts the breaks on price gouging and will lower the price of gasoline.

Congress must not stand by while the oil companies are stealing from the American people.

## RECOGNIZING NATIONAL CRIME VICTIMS RIGHTS WEEK

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

Mr. CHABOT. Madam Speaker, I would like to take this opportunity to recognize Crime Victims Rights Week with my colleagues from the Congressional Victims Rights Caucus.

Recently, the Judiciary Crime Subcommittee examined the issue of crime victims where we discovered that one violent crime occurs every 6 seconds in this country, one rape or sexual assault occurs every 2½ minutes.

The issue of how crime victims are treated within the criminal justice system has been of paramount importance to myself and many of us throughout our tenure in Congress. I was the sponsor of the Crime Victims Rights constitutional amendment back in the 106th, 107th and 108th Congresses. That legislation would have given crime victims the right to be reasonably protected from the accused, to be heard at all court proceedings, to receive full and just compensation in the form of restitution and, most importantly, to be treated with fairness and dignity and respect.

Unfortunately, despite numerous hearings and attempts by Senators KYL and FEINSTEIN, it was bipartisan, myself and others, we did not have the votes to pass a constitutional amendment. However, the Crime Victims Rights Act was included as title I of the Justice for All Act.

We need to recognize and support all crime victims in this country.

□ 1015

## WELCOME TO STUDENTS AND PRINCIPAL OF ST. JOSEPH'S AT SACRED HEART SCHOOL

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

Ms. ESHOO. Madam Speaker, I am very pleased to welcome a special group to the Capitol this morning. It is the season where so many students come to Washington to see their government in action and to visit the historic sites in Washington. This week the students of St. Joseph's School of the Sacred Heart in Atherton, California, are here.

The school is over 100 years old. It was founded by the religious of the Sacred Heart, the beloved religious of the Sacred Heart, and the traditions and their mission of excellence in education and the formation of the character and the spiritual formation of students continues today. How proud I am that they are here; how proud I am of the teachers; how proud I am of the principal of St. Joseph's at Sacred Heart, my daughter, Karen Eshoo.

Welcome, students, and enjoy your memorable and historic visit to our Capitol. May what you see and what you experience remain with you for a lifetime.

## SUPPORT LEGISLATION TO ADVANCE ENERGY INDEPENDENCE

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

Mr. WELLER. Madam Speaker, the statistics say it all: two-thirds of the oil we consume today is imported. Sixty percent of our trade deficit, the increase, is as a result of oil imports, and today we are paying $3 or more per gallon of gasoline. The message is clear: we need independence from imported oil.

Last year's energy bill was a good start. In the district I represent, we are seeing new jobs created and much investment in wind energy, ethanol production, and a doubling of biodiesel production at the local plant, but we need to do more. I urge this House to take up and advance comprehensive legislation to replace oil with renewable fuels.

Would you support legislation that would replace 1.6 million barrels of oil a day? I would hope so. We have that opportunity with the Biofuels Act, H.R. 4973, legislation that would increase the amount of ethanol and biodiesel we produce from 4 billion gallons a year today to 25 billion gallons by the year 2025. This legislation will reduce our oil imports, create energy independence, and it is home-grown fuels.

## ''DO-NOTHING'' CONGRESS REPUBLICANS HAVEN'T CHANGED MUCH FROM TRUMAN'S TIME

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

Mr. MCDERMOTT. Madam Speaker, back in 1948, President Truman dubbed the Republican-led House the ''Do-Nothing Congress.'' He came up with the name because the House barely ever met.

Would you believe that as bad as the 1948 Congress was, the Republican-led Congress of 2006 is worse? So far this year we have only been in session 22 days, and we are only scheduled to hold votes on a total of 97, which is 11 days less than the ''Do-Nothing Congress'' of 1948.

There is so much to do, gas prices and all the rest, but here in Washington the House Republicans seem content just to ignore our Nation's problems. Maybe they are satisfied with the work they have already done on behalf of their special interests for the election.

There is another thing this group has in common with the 1948 Republican ''Do Nothing Congress.'' Consider this comment from President Truman in 1948: ''Something happens to Republican leaders when they get control of the government. They have a hard time hearing what the ordinary people of the country are saying, but they have no trouble at all hearing what Wall Street wants.''

It is time for the 2006 Congress to do something about the problems of the people in this country.

## DEMOCRATS' HYPOCRISY ON ENERGY

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

Ms. FOXX. Madam Speaker, the Democrats sure do like to have their cake and eat it, too. Over and over again they complain about something, then turn right around and oppose any commonsense solutions offered by Republicans.

Democrats whine about our deficit, but vote against slowing the growth of spending. They complain about our President's plan in Iraq, but they offer no alternatives. They say we need to increase border security, yet vote against the bills that would do just that. The list goes on and on.

The Democrats' latest case of hypocrisy: they hold a press conference, complain about our rising energy prices, even though their actions have contributed directly to the problem. For a party that claims it is looking out for the best interests of the American people, it has a funny way of showing it.

For decades the Democrats have fought to stop production of all forms of energy. They voted against increasing domestic energy supplies, which would not only lower prices, but create more jobs here at home. The Democrats have opposed Republican efforts to lessen the tax burden at the pump. They have opposed nuclear energy and renewable fuels. They have opposed cracking down on price gouging.

Madam Speaker, Republicans have been working hard to address rising energy prices, yet all the Democrats do is vote ''no.''

## GAS CRISIS

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

Mr. INSLEE. Madam Speaker, if you liked the administration and the Republican Congress' response to Hurricane Katrina, you are going to love the response to this gas crisis. Because while folks said they could not anticipate that the levees would be topped, when you do what the administration has done, you should have been anticipating $3 plus, $3.25, and $3.35 gasoline at the pump.

When you go into secret energy meetings, as the Vice President did, to devise an energy strategy and come out with a giveaway to the energy industry; when you have a President who refuses to act when Enron was stealing billions of dollars from the economy,

telling the oil industry you can go ahead and do the same thing because I will not act; when three times Democrats stood proudly to have a bill to allow the FTC to investigate this price gouging and the Republicans voted in lockstep against it, you could anticipate the levees would be topped, and you could anticipate that the oil companies would run rampant with the price of gasoline.

Now, how has this President responded? He wants to do this thing with a slow one-half of one-third of 1 percent increase in production to do something about it. If your house is on fire, the President would bring you a thimbleful of water, and that is the only assistance we are getting. We need real action, not these baby steps.

## REFINING CAPACITY

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

Mr. SULLIVAN. Madam Speaker, we all know that gas prices are very high right now, but one of the reasons that gas prices are high is that we haven't built or expanded a refinery in this country for 30 years, and the reason is because the environmental extremists won't allow that to happen. That is one of the reasons there is not enough supply for the demand out there. It is very simple. That is what it is, supply and demand.

Our refineries right now are operating at maximum capacity. They can't pump out any more gas to the people of this country. So we need to expand domestic production. We need to expand refining capacity in this country. It is critically important we do that, and that in return will help to reduce gas prices in this country.

So we need to build these around the country and to build them with geographical diversity as it relates to the refining capacity. Katrina underscored that, because 40 percent of our refining capacity is down in the gulf, and it was affected by Katrina. We saw gas prices go up when they were affected. So one of the things we need to do is spread refining capacity around the country.

One of the best places to build a refinery in this country is Cushing, Oklahoma. I say that not only because I am from Oklahoma, but because nine major oil pipelines intersect in Cushing. We have the infrastructure in place already and the supply there. It is about a near perfect place to build a refinery in this great country. We need it desperately. Let's make it a megarefinery producing 500,000 barrels a day.

## GAS PRICES

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

Ms. DELAURO. Madam Speaker, it is breathtaking what President Bush and congressional Republicans will say or do when it comes to skyrocketing gas prices. In discussing tax breaks for oil companies, the President said yesterday, and I quote, ''RECORD oil prices and large cash flows also mean that Congress has got to understand that these energy companies don't need unnecessary tax breaks.''

Coming from the single greatest champion of tax breaks for oil companies that the Oval Office has ever known, that is rich. The President has spent the last 5 years fighting for these tax breaks that he now disavows. Last year's energy bill, which he signed, had $8 billion of corporate welfare for oil companies. For him to suggest now that he opposes these tax breaks is, in my opinion, dishonest, cynical, and the height of hypocrisy.

When it comes to solving the energy crisis, President Bush and his Republican Congress have no credibility. Had they spent the last 5 years working to reduce demand by raising fuel standards, rolling back the billions of dollars in tax breaks and royalty relief to the big oil companies; and if he were about promoting alternative fuels, as Democrats have proposed, we might now today be on the road to energy independence. Instead we are bracing ourselves for $4 gas prices.

The American people expect leadership from their President and Congress, Madam Speaker. They are not getting it from either.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to refrain from referring to the President in personally offensive terms.

## COMMONSENSE APPROACH TO BORDER SECURITY

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

Mr. KELLER. Madam Speaker, I rise today to talk about a commonsense approach to border security. I recently conducted three town hall meetings throughout central Florida. The message I received from my constituents was loud and clear: our first priority must be to secure our borders and enforce the law. After that we can then determine for ourselves how many workers we need for construction, agriculture, landscaping, and other jobs.

It is really a matter of common sense. For example, imagine there was a bucket of water sitting next to a wall. Just above the bucket is a faucet turned on full blast. Your job is to take a ladle and remove the water from the bucket. You could do that job for the rest of your life, or common sense would tell you to first turn off the faucet, then it would be much easier to decide what to do with the remaining water.

Let's use our common sense and make securing our borders and enforcing the law our top priority in Congress.

## NINETEEN DAYS UNTIL BUSH RX DRUG TAX TAKES PLACE

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

Ms. SCHAKOWSKY. Madam Speaker, when are House Republicans going to stop being a rubber stamp for President Bush and join us in being on the side of seniors and the disabled instead of the pharmaceutical companies?

House Republicans don't have too much time left to make the right decision. As this calendar shows, Congress has only 19 days left to act on behalf of millions of American senior citizens who have still not chosen a drug plan. Despite a multimillion-dollar campaign and months of heavy promotion by the administration, only 8 million uninsured Medicare beneficiaries have voluntarily signed up so far for a private drug plan, leaving 14 million seniors still without any drug coverage.

Well, some of these seniors have simply determined that the new prescription drug plan will not help them and their prescription drug bills. Others are still navigating through dozens of different plans hoping to find one that will help them. House Republicans should not add to this pressure by supporting the President's unreasonable May 15 deadline.

House Republicans should join the Democrats in extending the deadline until the end of the year. As we mark off another day, the countdown continues.

## DEMOCRATS CAN'T HAVE IT BOTH WAYS

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

Mrs. BLACKBURN. Madam Speaker, you know, as we are talking about energy, and as we are talking about fuel prices today, it is quite amazing to watch selective memory and revisionist history take place within this Chamber. To my liberal colleagues I would simply say: you cannot have it both ways.

And I hope we are learning a lesson from what we are hearing in this Chamber and from what we are seeing in the papers. Thirty years of environmental extremist policies on energy consumption in this Nation leads to the situation that we have today. For 30 years we have not been able to build new refineries because of environmental regulations. For 30 years we have not been funding exploration and development of new sources. Couple that with what has happened with Katrina and Rita, and, yes, we have a painful situation with energy prices.

Let us learn the lesson. Let us come together and let us be certain that we are thoughtful and that we realize our Nation depends on an energy source that is going to be consistent and supply lines that are going to be open.

□ 1030

## VICTIMS RIGHTS WEEK

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

Mr. COSTA. Madam Speaker, I rise today to speak on behalf of the Victims Rights Caucus which Congressmembers POE, HARRIS and I chair. We have introduced a resolution that recognizes what many Americans know all too well: crime does not know any geographic, demographic, or political boundary. It touches all of our communities.

We support the Victims Rights Week and the Crime Victims Fund, legacies that President Reagan and Congress passed in the 1980s. The Crime Victims Fund is distributed to service providers who assist millions of crime victims annually throughout our communities in a host of ways. It is paid for by fines levied on criminals, not taxpayers.

Yet today, our caucus is fighting to protect that fund from this administration's wrongheaded attempt to balance the budget on the backs of victims by putting those dollars into the general fund. That is simply wrong.

We must ensure that this fund is used for its original intent: to provide for crime victims, to provide for probation departments, and to help the victims who truly need and deserve our assistance to hold offenders accountable.

## PASS LOBBYING REFORM

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

Mr. PENCE. Madam Speaker, after months of scandal and years of deficit spending, millions of Americans fear that this Congress is fiscally and ethically bankrupt.

This week, thanks to the bold leadership of Speaker DENNIS HASTERT, Congress will consider historic lobbying reform legislation that will bring new transparency to the relationship between lobbyists and lawmakers, and I applaud it.

But as important as these changes are, we must also change the way we spend the people's money here on the floor of this Chamber. And this legislation also includes commonsense reforms in earmark spending that will end an era of unaccountable pork-barrel spending in Congress.

It is said that righteousness exalts a nation, and meaningful lobbying reform and earmark reform will lift the spirits of the American people demoralized by years of disappointment from Washington, D.C.

I urge my colleagues to come together in the spirit of that high standard and this privileged service and support lobbying reform legislation.

## GOP IGNORED ENERGY PROBLEM FOR 5 YEARS

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

Mr. FILNER. Madam Speaker, it is hard to believe that when President Bush took office in 2001, the average price of gasoline was $1.65. Since that time, on both the President and Congressional Republicans' watch, gas prices have doubled, leaving everyday families squeezed to afford other necessities.

Washington Republicans have had 5 years to develop a comprehensive energy proposal that would not only free America from reliance on Middle East oil, but would also crack down on price gouging and market manipulation. Instead, almost immediately after taking office, the Vice President began holding secret meetings with oil and gas company executives to create a special-interest energy plan. The secret Bush administration energy plan was finally rubber-stamped by the Republican Congress last year.

Under this energy plan, oil companies got at least $20 billion in both tax breaks and royalty-free drilling rights, while hardworking Americans got stuck with the bill.

It is no wonder that their initials are G-O-P: Gas, Oil and Petroleum. Democrats refuse to do the dirty work of the special interests and are demanding that this Congress crack down on price gouging. It is time House Republicans join us in providing some real relief to the American consumer.

## ENERGY SOLUTIONS

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

Mr. KINGSTON. Madam Speaker, in 1995 President Clinton, led by his environmental hard-core left-wing friends, vetoed drilling for oil in the Alaska National Wildlife Reserve. Now, had he signed that bill in 1995, which had passed the Senate and the House, we would have a 20 percent higher supply in domestic oil, 1 million barrels of gas each day more than what we have in our current supply. How big is the wildlife reserve? It is the size of South Carolina. How big is the exploration area? About 2,000 acres.

How many of the environmentalists and how many of the Democrats drove to town today in an SUV that makes 15 miles a gallon? We could use that supply. It is not the total answer, but it is part of the answer. And the Democrats always conveniently overlook that 10 years ago their President vetoed a bill that would have increased domestic gas supply today 20 percent.

There are other solutions that we are continuing to work on, and I hope that we can get them to join us on them.

## REPUBLICANS REFUSE TO HELP CONSUMERS WITH GAS PRICES

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

Ms. WATSON. Madam Speaker, yesterday the Republican-controlled House returned from a second spring break recess. Today is the 116th day of 2006. Remember, you set the House schedule.

Would you believe, Madam Speaker, that this is only the 22nd day we have had votes here in the House this year? That is 22 days out of a total of 116. We indeed are a do-nothing Congress.

House Republicans simply have not focused on the concerns of average Americans. Today, Americans face record prices at the gas pump. In some areas, gas prices are hovering around $4 a gallon. Since President Bush took office in 2001, gas prices have doubled, and yet for 5 years now, House Republicans have done absolutely nothing to address the problem. They passed an energy bill last year, but the Bush administration's own Energy Department admitted that it would not do anything to reduce gas prices.

Madam Speaker, it is time for House Republicans to stop sending us home for breaks. The American people were rightfully demanding a solution to the energy crisis. It is time for the do-nothing Congress to do something.

## BETTER ENERGY POLICY IS POSSIBLE

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

Ms. MCKINNEY. Madam Speaker, the American people seem wedged between record oil company profits, half-billion-dollar retirement packages for oil executives, and a Federal energy policy that just does not work. Now Americans have to choose between not only medicine through a prescription drug plan that is a boon to pharmaceuticals and a doggle to the people who need the drugs, but the people are also being victimized by a secret energy plan drawn up by oil barons. For years, people like me have been saying that this Nation needs to decrease oil dependence, that it was depletable, causes global warming, was not worth destroying ANWR or waging wars over.

Better policy is possible, but we won't get it from this administration of oil barons.

## ENERGY SOLUTION NEEDED

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

Mr. DAVIS of Tennessee. Madam Speaker, I do not want to blame Republicans or Democrats for the price of gas. I think perhaps all of us have somewhat to share in it. We need to find a solution so we can become energy independent.

I believe that the scientists, those people who live in our country who won a war, have the capability of creating a situation and doing the scientific research necessary to make us self-sufficient.

But I do have a suggestion. I hear a lot from the other side about the environmental issues. We have passed several trade agreements in this country: GATT and the WTO that regulates environmental issues and labor issues and prohibits the employers in this country from even negotiating issues with those countries. So corporate America is leaving in an exodus from this country to build factories in Asia and other parts of the world. My suggestion to Big Oil is they use part of the $113 billion that they earned last year just to move south of Padre Island and south of San Diego and build refineries if that is what is causing all of our high gas prices. They can build them there without environmental issues, and certainly no labor issues would be involved. That is my answer.

## ADDRESSING SKYROCKETING ENERGY PRICES

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

Mr. LYNCH. Madam Speaker, we have to stop the partisan bickering here. The American people need our help. I am sure we are all aware of the effects and hardships that $3-a-gallon gas prices are having on average American citizens and their families. It amounts to a huge tax increase. And the saddest part of this fiasco is that much of this price increase is the result of mere speculation. It is, therefore, preventable.

We, the Democrats, have an answer which will provide immediate relief to American families. It is H.R. 3936 offered by the gentleman from Michigan (Mr. STUPAK). It would regulate and put an end to the process of price gouging. We have been trying to get this bill passed for some time.

For once we need to forget about the rich oil companies and record profits and tax cuts for the oil companies. That needs to go away. We need to start remembering the American people who need our help. The Republican leadership needs to realize this economy is going in the toilet as a result of this administration's economic policies and millions of American families are suffering. We need to pass the Stupak anti-price-gouging bill.

## REPUBLICANS TOO COZY WITH OIL AND GAS COMPANIES

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

Mr. PALLONE. Madam Speaker, last year when gas prices hit record highs after Hurricane Katrina, House Republicans called the CEOs of the oil and gas companies to a closed-door meeting for an explanation.

One of the CEOs Republicans met with was ExxonMobil's chief executive, Lee Raymond, who just walked away with a $400 million retirement package. House Republicans voiced dismay as to why these CEOs did not get the message last fall.

Who was the House Republican leadership trying to fool? Why would oil and gas executives worry about Republicans taking action against them? After all, House Republicans have refused repeated Democratic efforts to allow a vote on tough legislation that would empower the Federal Government to end price gouging.

House Republicans also supported an energy bill last year that did little more than provide $20 million in gifts to the oil and gas companies.

Madam Speaker, House Republicans have a cozy relationship with these guys, and they have had it for too long to be taken seriously. It is no wonder oil and gas CEOs did not get the Republican message.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 443

In the Senate of the United States, April 25, 2006.

Whereas Francis R. (Frank) Valeo served with distinction as chief of the Foreign Affairs Division of the Legislative Reference Service and specialist in the Far East, before beginning his service to the United States Senate in 1952 on the staff of the Committee on Foreign Relations;

Whereas Frank Valeo in 1958 became foreign policy advisor and assistant to the Majority Whip, Senator Mike Mansfield, and then served as Majority Secretary from 1963 to 1966;

Whereas Frank Valeo served as Secretary of the Senate from 1966 to 1977;

Whereas Frank Valeo accompanied many United States Senators on missions to all parts of the globe, assisted the Majority Leader in regularly reporting on conditions in Southeast Asia, and was part of the first congressional delegation to visit the People's Republic of China in 1972;

Whereas Frank Valeo represented the United States Senate on the Federal Election Commission from 1974 to 1977, and in that role participated in the 1976 landmark Supreme Court decision of Buckley v. Valeo;

Whereas Frank Valeo helped to modernize and set professional standards for service in the diverse offices that report to the Secretary of the Senate, and served as a member of the Commission on the Operation of the Senate, from 1975 to 1976, where he helped craft its proposals for structural and technological reforms in Senate operations;

Whereas Frank Valeo faithfully discharged the difficult duties and responsibilities of a wide variety of important and demanding positions in public life with honesty, integrity, loyalty, and humanity; and

Whereas Frank Valeo's clear understanding and appreciation of the challenges facing the nation have left his mark on those many areas of public life: Now, therefore, be it

*Resolved,* That (a) the Senate has heard with profound sorrow and deep regret the announcement of the death of Frank Valeo.

(b) The Secretary of the Senate shall communicate these resolutions of the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

(c) When the Senate adjourns today, it shall stand adjourned as a further mark of respect to the memory of Frank Valeo.

The message also announced that pursuant to section 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators to serve as members of the Senate Delegation to the Canada-United States Interparliamentary Group during the Second Session of the One Hundred Ninth Congress:

The Senator from Colorado (Mr. ALLARD).

The Senator from Ohio (Mr. VOINOVICH).

The message also announced that pursuant to section 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators to serve as members of the Senate Delegation to the Canada-United States Interparliamentary Group during the Second Session of the One Hundred Ninth Congress:

The Senator from Vermont (Mr. LEAHY).

The Senator from Hawaii (Mr. AKAKA).

The message also announced that pursuant to Public Law 105–292, as amended by Public Law 106–55, and as further amended by Public Law 107–228, the Chair, on behalf of the President pro tempore, upon the recommendation of the Democratic Leader, appoints the following individual to the United States Commission on International Religious Freedom:

Preeta D. Bansal of Nebraska for a term of two years (May 15, 2006 to May 14, 2008).

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. CAPITO). 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.

## URGING THE GOVERNMENT OF CHINA TO REINSTATE ALL LICENSES OF GAO ZHISHENG AND HIS LAW FIRM AND REVISE LAW AND PRACTICE IN CHINA SO IT CONFORMS TO INTERNATIONAL STANDARDS

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 365) urging the Government of China to reinstate all licenses of Gao Zhisheng and his law firm, remove all legal and political obstacles for lawyers attempting to defend criminal cases in China, including politically sensitive cases, and revise law and practice in China so that it conforms to international standards.

The Clerk read as follows:

H. CON. RES. 365

Whereas, since November 2005, the Beijing Judicial Bureau has shut down the law firm and suspended the license of Mr. Gao Zhisheng, one of China's best known lawyers and legal rights defenders;

Whereas Mr. Gao has represented citizens of China in lawsuits against various local and administrative governmental bodies of the People's Republic of China over corruption, land seizures, police abuse, and violations of religious freedom;

Whereas Mr. Gao wrote 3 open letters to President Hu Jintao and Premier Wen Jiabao condemning the methods employed by the Government of China in implementing its ban on ''evil cults'', such as the Falun Gong and an additional letter documenting severe persecution of Christians in Xinjiang Uighur Autonomous Region;

Whereas Mr. Gao's law practice filed a petition to appeal the verdict against Cai Zhuohua, who was found guilty of ''illegal business practices'' based upon his distribution of Bibles and religious material;

Whereas Mr. Gao's home has been constantly monitored by agents from the Ministry of State Security and Mr. Gao was prevented by the Public Security Ministry from meeting with the representatives of the United Nations Special Rapporteur on Torture during his November 2005 visit to Beijing;

Whereas agents of the Public Security Bureau of China, numbering between 10 and 20, have consistently monitored the activities and whereabouts of Mr. Gao, his wife, and his daughter since late November 2005;

Whereas, on November 10, 2005, an open letter, signed by 138 organizations worldwide, was submitted to President Bush calling on him to voice support of Mr. Gao and his legal practice during the President's November 2005 visit to China;

Whereas other human rights lawyers, collectively known as ''rights defenders'', or Wei Quan, have also faced harassment, arrest, and detention for their consistent and vigorous activities to defend the fundamental rights of the people of China, contrary to measures within the law of China protecting human rights and rights of lawyers;

Whereas Mr. Chen Guangcheng, a blind human rights lawyer who has exposed cases of violence against women, including forced abortion and forced sterilization perpetrated by authorities of China under the 1-child policy, was beaten on October 10, 2005, and currently remains under house arrest;

Whereas law professor and People's Political Consultative Congress Delegate, Xu Zhiyong, who advocates on behalf of petitioners filing grievances with the Central government in Beijing, was also beaten on October 10, 2005, when meeting with Chen Guangcheng;

Whereas Mr. Yang Maodong (also known as Guo Feixiong), a lawyer representing villagers in Taishi village who attempted to oust their village head in peaceful elections, has been arbitrarily detained repeatedly and remains under consistent surveillance by security agents;

Whereas Mr. Tang Jingling, a Guangdong based lawyer also working on the Taishi village elections case, has been fired from his law firm and was beaten on February 2, 2006, after attempting to meet with Yang Maodong;

Whereas, on February 28, 2006, the Joint United Nations Programme on HIV and AIDS (also known as ''UNAIDS'') office in China expressed concern regarding the disappearance of Mr. Hu Jia, an activist who worked to organize the legal defense of AIDS patients in Henan Province, and who has been placed in detention and has not been permitted to contact his friends and family since February 16, 2006;

Whereas, according to the Department of State 2005 Country Reports on Human Rights Practices, lawyers who aggressively tried to defend their clients continued to face serious intimidation and abuse by police and prosecutors, and some of these lawyers were detained;

Whereas the Constitution of China states that the courts shall, in accordance with the law, exercise judicial power independently, without interference from administrative organs, social organizations, and individuals, but in practice, the judiciary is not independent and it receives policy guidance from both the Government of China and the Communist Party, whose leaders use a variety of means to direct courts on verdicts and sentences, particularly in politically sensitive cases;

Whereas the Criminal Procedure Law of China gives suspects the right to seek legal counsel, but defendants in politically sensitive cases frequently find it difficult to find an attorney;

Whereas the Lawyers Law of the People's Republic of China states that a lawyer may ''accept engagement by a criminal suspect in a criminal case to provide him with legal advice and represent him in filing a petition or charge or obtaining a guarantor pending trial'';

Whereas according to Article 306 of the Criminal Law of China, defense attorneys can be held responsible if their clients commit perjury, and prosecutors and judges in such cases have wide discretion in determining what constitutes perjury;

Whereas according to the All-China Lawyers Association, since 1997 more than 500 defense attorneys have been detained on similar charges, and such cases continued during the last year despite promises made by the Government of China to amend Article 306;

Whereas the State Department's 2005 Annual Report on Human Rights states that China's human rights record ''remained poor'', that authorities of China quickly moved to suppress those who openly expressed dissenting political views, and that writers, religious activists, dissidents, lawyers, and petitioners to the Central Government were particularly targeted;

Whereas directly following their August 2005 visit to China, the United States Commission on International Religious Freedom found that—

(1) the Government of China actively seeks to control and suppress the activities of unregistered religious organizations;

(2) China has outlawed unregistered religious organizations and provides severe penalties for engaging in unregistered religious activities;

(3) leaders of unregistered Protestant organizations have come under increased pressure to register their churches and affiliate with one of the government approved organizations, and those who refuse, for theological or other reasons, are subject to harassment, detention, arrest, and closing of their religious facilities;

(4) groups determined by the Government of China to be ''evil cults'', such as Falun Gong, are brutally suppressed; and

(5) practitioners of Falun Gong have experienced severe persecution, including arrests, numerous detentions, torture, irregular trials, imprisonment, and subjection to the reeducation through labor system, whereby accused criminals are subject to up to 3 years detention;

Whereas despite questions raised by the Government of the United States and others about the charges made against Pastor Cai Zhuohua, the Government of China sentenced Pastor Cai and other members of his family to 3 years in prison for ''illegal business practices'' for their printing and distribution of religious materials;

Whereas, according to China's Regulations on Religious Affairs, promulgated in March 2005, any religious organization that carries out activities without registering with the government is subject to civil punishment and to criminal prosecution;

Whereas since the promulgation of the Regulations on Religious Affairs, the Government of China has stepped up its efforts to eliminate unregistered religious activity, with raids on ''house church'' Christian groups in several provinces, resulting in detention of hundreds of leaders of the house church, dozens of whom remain in custody; and

Whereas the Government of China has, on several occasions, stated a commitment to ratify the International Covenant on Civil and Political Rights, but has delayed ratification since signing the document in 1998: Now, therefore, be it

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

(1) Congress—

(A) commends ''rights defense'' lawyers and activists of China for their courage and integrity, and expresses moral support for this grass-roots ''rights defense'' movement in China;

(B) urges the Government of the People's Republic of China, at all levels, to cease its harassment of Mr. Gao Zhisheng, overturn the suspension of his license to practice law, and restore his legal right to represent the clients of his choosing as protected by China's own Constitution, its Criminal Procedure Law, and its Lawyers Law;

(C) urges the Government of the People's Republic of China to repeal Article 306 of the Criminal Code of China, which provides penalties for lawyers whose clients are accused of perjury and has been used to curtail the active legal defense of individuals accused of political crimes;

(D) urges the Government of the People's Republic of China to undertake measures to further amend the Lawyers Law to ensure lawyers' rights to investigate charges brought against their clients, to provide a vigorous defense of their clients, and to remain free of harassment and intimidation throughout the course of representing clients, including clients who are charged with offenses related to political or religious activities;

(E) urges the Government of the People's Republic of China to respect fully the universality of the right to freedom of religion or belief and other human rights;

(F) urges the Government of the People's Republic of China to ratify and implement in law the International Covenant on Civil and Political Rights, and to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the Covenant;

(G) urges the Government of the People's Republic of China to amend or repeal Article 300 of the Criminal Code of China so it is consistent with international law, and to halt its crackdown on spiritual movements;

(H) urges the Government of the People's Republic of China to halt arrests, harassment, and intimidation of leaders of unregistered religious organizations on the basis that their organizations violated the law by not registering with the Government of China;

(I) urges the Government of the People's Republic of China to Amend the Regulations on Religious Affairs to conform more closely with the internationally recognized freedom of thought, conscience, religion or belief and allow all religious believers in China to practice their religion without interference from the government or from government sponsored ''patriotic religious associations'';

(J) urges the Government of the People's Republic of China to release Pastor Cai Zhuohua, his wife, and others imprisoned with him, and to allow Pastor Cai to resume religious activities and to resume leadership of his congregation in Beijing; and

(K) urges the Government of the People's Republic of China to invite the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief to China as promised according to an agreement between the Ministry of Foreign Affairs of China and the Department of State of China in March 2005; and

(2) it is the sense of Congress that—

(A) the Government of the United States should support democracy and human rights programs that strengthen protection of basic rights and freedoms, and should initiate programs to train lawyers, judges, academics, and students in China about international human rights law, to inform citizens of China about international human rights norms, and to build organizations and associations to promote these priorities;

(B) the Government of the United States should seek grant proposals and fund programs to promote legal protections and cultural awareness of the right to the freedom of religion or belief commensurate to ongoing rule of law programs funded by the Human Rights and Democracy Fund for Chinese workers, women, and public interest law training; and

(C) the President should raise the issue of the Government of China's harassment, arrest, detention, and persecution of rights defense lawyers and activists and the need for the Government of China to respect the basic human rights of its citizens and the rule of law during his planned meeting with Chinese President Hu Jintao in April 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

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

There was no objection.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank our good friend, Mr. MARK KENNEDY, for sponsoring this important human rights legislation. It is very well crafted. It sends a clear and unambiguous message to the People's Republic of China. Having worked the China issue for 26 years as a Member of Congress, I want to thank him for his extraordinary leadership on this. It is an excellent resolution.

This resolution can probably be summed up in one phrase: Rule of law. When you get past the details, it asks China simply to adhere to the rule of law. First, it demands that China adhere to its own Constitution, its own procedure law, and its own law on lawyers. This is not asking a great deal. These instruments give very few rights, it is true, but unless China protects the rights it already acknowledges, nobody in China can have any genuine fundamental human rights.

China acknowledges the right of defendants to a lawyer, the right of a citizen to seek redress of their legitimate grievances through the courts, and the duty of lawyers to represent clients. Yet China tramples on even these minimal rights.

Lawyers like Gao Zhisheng, who dare to follow the law and represent clients, are harassed, threatened, beaten, forbidden to practice, detained and imprisoned. Defense lawyers are faced with the constant threat of indictment for perjury if and when the government decides their clients have lied. These practices must stop.

Secondly, the resolution demands that China cease its assault on basic human rights, an assault that is the real reason behind the persecution of Gao Zhisheng and other Chinese lawyers.

□ 1045

They are being punished for their courageous defense of religious freedom, the right of women not to be violated by China's coercive population control program, the right of citizens to protest corrupt officials, the rights of citizens to petition their government to redress grievances. Such rights are not Western or American inventions. They are universal. No rule of law can exist unless such rights are acknowledged and protected.

Last week, Madam Speaker, on the eve of President Bush's meeting with Chinese President Hu Jintao, I held a hearing to examine China's human rights abuses, and it was my 26th hearing on human rights abuses in the People's Republic of China. Our witnesses included three individuals—survivors—who have spent considerable time in Chinese concentration camps—Laogai—including Harry Wu, who spent 19 years in prison. The hearing focused on some of the worst abuses, including Chinese censorship of the Internet, the use of the Internet as a tool of repression, violations of the rights of Chinese citizens to worship freely; also the trampling of labor rights, and coercive family planning, which continue to be a serious and highly pervasive abuse by the Chinese Government.

Madam Speaker, Beijing has increasingly viewed the information available on the Internet as a potential threat to the party's ability to control the population and monopolize political power. It has turned China into one of the most repressive and restrictive Internet countries in the world. It is important to note that freedoms that we enjoy in America allowing individuals to publish information and news on the Web unfiltered is not something that Chinese individuals have. Those freedoms do not exist in China. Individuals who attempt to speak freely are imprisoned and tortured.

At the very least, U.S. corporations should not be aiding in that process. Yet at a February hearing I chaired on the Internet in China, we learned in greater and disturbing detail how some of the biggest corporations of America have partnered with the much-hated Chinese secret police to find, apprehend, convict and jail religious believers, labor activists, and prodemocracy advocates.

Yahoo told us at the hearing how they profoundly regretted sending Shi Tao to prison for 10 years, but then they couldn't tell us and didn't seem to want to know how many others were condemned to jail and torture because of Yahoo's complicity with the secret police. When I asked under what conditions, a court order, police demand, a fishing trip, Yahoo surrenders e-mails and address files, Yahoo told us that they couldn't reveal this information because it would break Chinese law. Give me a break.

Google, for its part, created an exclusively Chinese search engine that only a Joseph Goebbels could love. Type in any number of vile words like ''human rights'' or ''Tiananmen Square massacre'' or ''Falun Gong,'' and you get rerouted to government propaganda, much of it heavily anti-American, much of it heavy anti-President Bush, and filled with hate, especially for the Falun Gong.

How did Google respond to our deep concern about their enabling of a dictatorship to expand its hate message? They hired big-time Washington lobbying firms like Podesta-Mattoon and the DCI Group to put a good face on it all, and presumably kill my pending legislation, the Global Online Freedom Act of 2006.

Amazingly, Cisco showed no seller's remorse whatsoever that its technology, especially Policenet, a tool for good in the hands of honest cops and legitimate law enforcement, but a tool of repression in the hands of Chinese

police, has now effectively linked and exponentially expanded the capabilities of the Chinese secret police.

Microsoft also censors and shuts down blogs that Big Brother objects to. You can be sure that no serious discussion of human rights was on the agenda at President Hu's visit with Bill Gates at Microsoft.

China's continued repression of religion is among the most despotic in the world. In February, a BBC report said that China had warned Hong Kong's newly appointed Cardinal, Joseph Zen, a well-known critic of China's suppression of religious freedoms, to remain quiet on political issues. Citizens practicing a faith other than officially sanctioned religions are often subjected to torture, imprisonment and death, at which time prisoner organs are frequently harvested to meet demand. Christians, Tibetan Buddhists, and Muslim Uighurs are all being persecuted for their faith. Today numerous underground Roman Catholic priests and bishops and Protestant pastors languish in the infamous concentration camps known as the Laogai for simply proclaiming the Gospel of Jesus Christ.

In the early 1990s, Madam Speaker, I met a bishop, Bishop Su Zhimin of Baoding Province, a gentle and kind man who celebrated mass for our small delegation. I was deeply inspired by his faith. He had recently been let out of jail, and his compassion was overwhelming even for those who jailed and mistreated him. He had no animosity for his jailers, only compassion and forgiveness. Soon after my visit—he was sent back to prison. What kind of regime incarcerates a truly noble man like this? Bishop Su has now spent 30 years of his life in prison for loving God and for loving his neighbor and even loving the despotic dictatorship that so hates him. What kind of barbaric regime hurts a man like this?

And then there is the special hate that Beijing pours out on the Falun Gong. Nearly 7 years ago the Chinese Government began its brutal campaign to completely eradicate the Falun Gong through whatever means necessary. Many party members as early as 7 years ago or so and army officials began to practice Falun Gong. Like all dictators and totalitarian terror systems, the PRC fears and hates what it cannot control, so it decided to destroy and intimidate those who practice Falun Gong. We see before us now a Stalinist nightmare revived for the 21st century, hundreds, perhaps thousands, dead as a result of torture; tens of thousands of jailed individuals without trial held in labor camps, prisons and mental hospitals where they are forced to endure torture-brainwashing sessions.

I would note parenthetically that when a woman protested on the White House lawn when President Hu was making his speech, it may have been impolite for her to do that, but had she done that in China, Madam Speaker, she would be dead now, having been subjected to torture and then an execution. That is the reality on the ground in the People's Republic of China.

Just over a year ago, Madam Speaker, Beijing finally released the renowned Uighur human rights activist Rebiya Kadeer, who also testified at our hearing from prison, where she had be held on trumped-up charges and lived there in prison for over 6 years. We had hoped this signaled some sort of genuine improvement. Maybe things were beginning to turn. However, we have now learned that nothing could be further from the truth, and the Muslims, like the Tibetan Buddhists and like so many others, are being continually harassed and put into prison.

Madam Speaker, coercive family planning in China has slaughtered more innocent children than any war in human history. It is a weapon of mass destruction. Coercive family planning has wounded Chinese women by the millions. And one psychological consequence is that some 500 women commit suicide each and every day in the People's Republic of China. China's one child per couple policy decreed back in 1979 has killed hundreds of millions of babies by imposing Draconian fines up to 10 times annual salaries for both husband and wife on their parents who are told they must abort their child. Brothers and sisters in China, Madam Speaker, are illegal.

Sex selection abortions, a direct consequence of the one child per couple policy, has led to gendercide. Approximately 100 million girls are missing in China, killed by sex selection abortion. One Chinese demographer has admitted that by the year 2020, 40 million Chinese men will not be able to find wives because Beijing's weapon of mass destruction, population control, destroyed the girls.

Then there is the whole issue of labor rights. We heard from the policy director of the AFL–CIO who raised significant and profound issues of labor rights violations by the Government of China, Ms. Thea Lee, who spoke at our hearing. We all know that solidarity in Poland made the difference in ushering in respect for human rights in Central and Eastern Europe and then Russia, and that in China there are no labor rights, and there is no recourse for hundreds of millions of Chinese laborers trapped in these poor working conditions. Ms. Lee pointed out that those who protest unjust wage and labor practices are often put into prison. They, like religious and prodemocracy advocates, are tortured and cruelly mistreated by the Government of China.

So let me just say, Madam Speaker, this resolution puts us on record as a Congress in a bipartisan way; Mr. LANTOS, who has been just outstanding and a champion on behalf of the human rights in China, MARK KENNEDY and FRANK WOLF and so many others who daily speak out against these abuses. This resolution gives us all an opportunity to speak truth to a despotic power that is literally getting away with murder that they must stop these egregious violations of human rights, and they must stop now.

I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I might consume. I rise in strong support of this resolution.

Madam Speaker, before dealing with this resolution, I would like to commend my friend from New Jersey Chairman SMITH for holding an extraordinary hearing during the visit of the Chinese President Hu Jintao here in Washington. I had the privilege of watching that hearing from California, and I want to commend my friend for injecting a sorely needed dose of realism into this very ceremonial and in many ways misleading visit. You did the country great service, Mr. SMITH.

I would like to acknowledge the efforts of the leading Democratic cosponsor of this important measure, Representative DENNIS CARDOZA, my fellow Californian, and an emerging leader on human rights issues on the International Relations Committee.

Madam Speaker, during his groundbreaking trip to South Africa in 1966, the late Robert Kennedy addressed students at the University of Cape Town. His remarks that day were particularly eloquent, and I quote, ''Few men are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in battle or great intelligence. Yet it is the one essential vital quality for those who seek to change the world which yields most painfully to change.''

Madam Speaker, Chinese human rights lawyer Gao Zhisheng is precisely the type of individual Robert Kennedy had in mind 40 years ago in Cape Town. As a former soldier in the People's Liberation Army and a member of the Chinese Communist Party, Gao was set to join China's political and social elite. But, instead of power and prestige, Gao opted to become a human rights lawyer in a nation where respect for human rights and political freedoms are not part of the government's lexicon.

Gao's struggle for human rights within China's legal system has not been without cost. His law firm has been shut down by the Chinese Government. Gao and his family are subject to constant surveillance by an army of government agents. Police officers called him a few months ago to say, we have gathered a lot of information about you, including your home, your wife and your children. We even know which bus your children usually take to go to school.

Madam Speaker, these scare tactics are unfortunately standard practice against Chinese lawyers who fight for real justice in the Chinese legal system. Gao provoked Beijing's wrath by defending a Chinese activist who had worked on behalf of the villagers trying to unseat their corrupt village

chief, and by representing a journalist sentenced to jail for posting his own political thoughts on line. And perhaps, most importantly, Gao had written an open letter to the Chinese leadership condemning the unfounded persecution of the Falun Gong.

The resolution before the House today commends Gao and other Chinese human rights lawyers for their brave and principled actions on behalf of individual Chinese citizens fighting the government's injustice. It also condemns the Chinese Government's ceaseless efforts to harass, intimidate and imprison lawyers who are simply attempting to uphold China's own Constitution.

Madam Speaker, when Bob Kennedy spoke to South African students four decades ago, it seemed inconceivable that apartheid would fall and that human rights and democracy would one day flourish in South Africa.

□ 1100

The skeptics were wrong. Today it seems similarly probable that China will one day have a democratically elected government that respects human rights. But Gao and his fellow human rights lawyers have bravely refused to concede defeat, and we remain grateful to their moral courage and willingness to persevere despite all the odds. When the day comes that human rights are respected in China, we will all stand to applaud Gao and his colleagues.

Madam Speaker, I strongly support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Minnesota (Mr. KENNEDY), the author of this resolution.

Mr. KENNEDY of Minnesota. Madam Speaker, I thank the chairman for yielding.

Madam Speaker, I rise today to call attention to the persecution that has been well laid out to those who dare challenge the Chinese Government on matters of human rights and religious freedom. This resolution calls on the Government of China to stop its persecution of lawyers who defend clients in human rights and religious freedom cases and to repeal its laws designed to prohibit unlicensed religions from meeting freely.

The case of Gao Zhisheng, one of China's best-known lawyers and human rights defenders, is illustrative of the abuse that the Chinese people suffer for the exercise of rights that many Americans take for granted.

Mr. Gao has dared to represent Chinese citizens in lawsuits over corruption, land seizures, police abuse, and violations of religious freedom. One of these lawsuits was filed to appeal a verdict against Cai Zhuohua, who was found guilty of illegal business practices because he dared to distribute Bibles. Because of his human rights defense work, Mr. Gao had his law practice closed and virtually everyone he knew and his family followed by state agents.

Madam Speaker, just as troubling is the case of Chen Guangcheng, a human rights lawyer who is blind and who exposed cases of violence against women, including forced abortion and forced sterilization under China's one-child policy. For his advocacy, last October Mr. Chen was beaten by state agents, placed under house arrest, and this past March taken into police custody. His whereabouts are presently unknown.

These are not isolated cases, according to the Department of State 2005 Country Report on Human Rights Practices in China. That report detailed the serious intimidation and abuse that continues to occur in China for those who defend basic human rights and religious freedom. In fact, with the promulgation of the Regulations on Religious Affairs, the Chinese Government has stepped up its efforts to eliminate unregistered religious activity with raids on house church Christian groups and the detention of hundreds of house church leaders, dozens of whom remain in custody.

Last November I stood with Chairman CHRIS SMITH, Ranking Member LANTOS, and Minority Leader NANCY PELOSI and listened as the U.S. Commission on International Religious Freedom report the active efforts to suppress religion it found in China. The commission's report detailed systematic activity against religious freedom, including the criminalization of unregistered religious organizations and severe penalties for those who engage in unregistered religious activities. Those who defy these rules are subject to harassment, detention, arrest, and closing of their religious facilities. Some, like the members of Falun Gong, face brutal oppression for their beliefs and horrific acts of torture that shock the conscience.

Madam Speaker, when I traveled to China last year, I spoke with government officials, including representatives of the Chinese Catholic Patriotic Association, to address these subjects. I spoke of the need for the U.S. and China to have an open dialogue about the importance of respecting these values. As I said then, fundamental human rights such as religious freedom should face no ideological, political, or geographic boundaries. These are rights given to man by the Almighty. They are part of who we are as human beings and are bigger than any government.

Madam Speaker, I urge the Chinese Government to release Chen Guangcheng and to cease persecution of Gao Zhisheng and reinstate his license. If China wants the respect of the world, it needs to respect its own people. I ask my colleagues to support this resolution. Let us make a statement that the Chinese Government and the Chinese rights defenders will hear.

Mr. LANTOS. Madam Speaker, this body stands united in calling on the Chinese Government to release this courageous fighter for human rights, and we urge all Members to vote for this resolution.

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

Mr. SMITH of New Jersey. Madam Speaker, I want to thank Mr. KENNEDY for his eloquent statement as well as TOM LANTOS for his always eloquent statements on behalf of human rights.

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

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 365.

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. SMITH of New Jersey. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## IRAN FREEDOM SUPPORT ACT

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 282) to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran, as amended.

The Clerk read as follows:

H.R. 282

*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 ''Iran Freedom Support Act''.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title
Sec. 2. Table of contents
TITLE I—CODIFICATION OF SANCTIONS AGAINST IRAN
Sec. 101. Codification of sanctions
Sec. 102. Liability of parent companies for violations of sanctions by foreign entities
TITLE II—AMENDMENTS TO THE IRAN AND LIBYA SANCTIONS ACT OF 1996 AND OTHER PROVISIONS RELATED TO INVESTMENT IN IRAN
Sec. 201. Multilateral regime
Sec. 202. Imposition of sanctions
Sec. 203. Termination of sanctions
Sec. 204. Sunset
Sec. 205. Clarification and expansion of definitions
Sec. 206. United States pension plans
Sec. 207. Technical and conforming amendments

TITLE III—DIPLOMATIC EFFORTS TO CURTAIL IRANIAN NUCLEAR PROLIFERATION AND SPONSORSHIP OF INTERNATIONAL TERRORISM
Sec. 301. Diplomatic efforts
Sec. 302. Strengthening the Nuclear Nonproliferation Treaty
TITLE IV—DEMOCRACY IN IRAN
Sec. 401. Declaration of Congress regarding United States policy toward Iran
Sec. 402. Assistance to support democracy in Iran
Sec. 403. Waiver of certain export license requirements

## TITLE I—CODIFICATION OF SANCTIONS AGAINST IRAN

### SEC. 101. CODIFICATION OF SANCTIONS.

(a) CODIFICATION OF SANCTIONS.—United States sanctions, controls, and regulations with respect to Iran imposed pursuant to Executive Order 12957, sections 1(b) through (1)(g) and sections (2) through (6) of Executive Order 12959, and sections 2 and 3 of Executive Order 13059 (relating to exports and certain other transactions with Iran) as in effect on January 1, 2006, shall remain in effect until the President certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the Government of Iran has verifiably dismantled its weapons of mass destruction programs.

(b) NO EFFECT ON OTHER SANCTIONS RELATING TO SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.—Subsection (a) shall have no effect on United States sanctions, controls, and regulations relating to a determination under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)), section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) relating to support for acts of international terrorism by the Government of Iran, as in effect on January 1, 2006.

### SEC. 102. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN ENTITIES.

(a) IN GENERAL.—In any case in which an entity engages in an act outside the United States which, if committed in the United States or by a United States person, would violate Executive Order 12959 of May 6, 1995, Executive Order 13059 of August 19, 1997, or any other prohibition on transactions with respect to Iran that is imposed under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and if that entity was created or availed of for the purpose of engaging in such an act, the parent company of that entity shall be subject to the penalties for such violation to the same extent as if the parent company had engaged in that act.

(b) DEFINITIONS.—In this section—

(1) an entity is a ''parent company'' of another entity if it owns, directly or indirectly, more than 50 percent of the equity interest in that other entity and is a United States person; and

(2) the term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization.

## TITLE II—AMENDMENTS TO THE IRAN AND LIBYA SANCTIONS ACT OF 1996 AND OTHER PROVISIONS RELATED TO INVESTMENT IN IRAN

### SEC. 201. MULTILATERAL REGIME.

(a) REPORTS TO CONGRESS.—Section 4(b) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

''(b) REPORTS TO CONGRESS.—Not later than six months after the date of the enactment of the Iran Freedom Support Act and every six months thereafter, the President shall submit to the appropriate congressional committees a report regarding specific diplomatic efforts undertaken pursuant to subsection (a), the results of those efforts, and a description of proposed diplomatic efforts pursuant to such subsection. Each report shall include—

''(1) a list of the countries that have agreed to undertake measures to further the objectives of section 3 with respect to Iran;

''(2) a description of those measures, including—

''(A) government actions with respect to public or private entities (or their subsidiaries) located in their territories, that are engaged in Iran;

''(B) any decisions by the governments of these countries to rescind or continue the provision of credits, guarantees, or other governmental assistance to these entities; and

''(C) actions taken in international fora to further the objectives of section 3;

''(3) a list of the countries that have not agreed to undertake measures to further the objectives of section 3 with respect to Iran, and the reasons therefor; and

''(4) a description of any memorandums of understanding, political understandings, or international agreements to which the United States has acceded which affect implementation of this section or section 5(a).''.

(b) WAIVER.—Section 4(c) of such Act (50 U.S.C. 1701 note) is amended to read as follows:

''(c) WAIVER.—

''(1) IN GENERAL.—The President may, on a case by case basis, waive for a period of not more than six months the application of section 5(a) with respect to a national of a country, if the President certifies to the appropriate congressional committees at least 30 days before such waiver is to take effect that—

''(A) such waiver is vital to the national security interests of the United States; and

''(B) the country of the national has undertaken substantial measures to prevent the acquisition and development of weapons of mass destruction by the Government of Iran.

''(2) SUBSEQUENT RENEWAL OF WAIVER.—If the President determines that, in accordance with paragraph (1), such a waiver is appropriate, the President may, at the conclusion of the period of a waiver under paragraph (1), renew such waiver for subsequent periods of not more than six months each.''.

(c) INVESTIGATIONS.—Section 4 of such Act (50 U.S.C. 1701 note) is amended by adding at the end the following new subsection:

''(f) INVESTIGATIONS.—

''(1) IN GENERAL.—The President shall initiate an investigation into the possible imposition of sanctions against a person upon receipt by the United States of credible information indicating that such person is engaged in activity related to investment in Iran as described in section 5(a).

''(2) DETERMINATION AND NOTIFICATION.—

''(A) IN GENERAL.—Not later than 180 days after an investigation is initiated in accordance with paragraph (1), the President shall determine, pursuant to section 5(a), whether or not to impose sanctions against a person engaged in activity related to investment in Iran as described in such section as a result of such activity and shall notify the appropriate congressional committees of the basis for such determination.

''(B) EXTENSION.—If the President is unable to make a determination under subparagraph (A), the President shall notify the appropriate congressional committees and shall extend such investigation for a subsequent period, not to exceed 180 days, after which the President shall make the determination required under such subparagraph and shall notify the appropriate congressional committees of the basis for such determination in accordance with such subparagraph.

''(3) DETERMINATIONS REGARDING PENDING INVESTIGATIONS.—Not later than 90 days after the date of the enactment of this Act, the President shall, with respect to any investigation that was pending as of January 1, 2006, concerning a person engaged in activity related to investment in Iran as described in section 5(a), determine whether or not to impose sanctions against such person as a result of such activity and shall notify the appropriate congressional committees of the basis for such determination.

''(4) PUBLICATION.—Not later than 10 days after the President notifies the appropriate congressional committees under paragraphs (2) and (3), the President shall ensure publication in the Federal Register of the identification of the persons against which the President has made a determination that the imposition of sanctions is appropriate, together with an explanation for such determination.''.

### SEC. 202. IMPOSITION OF SANCTIONS.

(a) SANCTIONS WITH RESPECT TO DEVELOPMENT OF PETROLEUM RESOURCES.—Section 5(a) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in the heading, by striking ''TO IRAN'' and inserting ''TO THE DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN'';

(2) by striking ''(6)'' and inserting ''(5)''; and

(3) by striking ''with actual knowledge,''.

(b) SANCTIONS WITH RESPECT TO DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION OR OTHER MILITARY CAPABILITIES.—Section 5(b) of such Act (50 U.S.C. 1701 note) is amended to read as follows:

''(b) MANDATORY SANCTIONS WITH RESPECT TO DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION OR OTHER MILITARY CAPABILITIES.—Notwithstanding any other provision of law, the President shall impose two or more of the sanctions described in paragraphs (1) through (5) of section 6 if the President determines that a person has, on or after the date of the enactment of this Act, exported, transferred, or otherwise provided to Iran any goods, services, technology, or other items knowing that the provision of such goods, services, technology, or other items would contribute to the ability of Iran to—

''(1) acquire or develop chemical, biological, or nuclear weapons or related technologies; or

''(2) acquire or develop destabilizing numbers and types of advanced conventional weapons.''.

(c) PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.—Section 5(c)(2) of such Act (50 U.S.C. 1701 note) is amended—

(1) in subparagraph (B), by striking '', with actual knowledge,'' and by striking ''or'' at the end;

(2) in subparagraph (C), by striking '', with actual knowledge,'' and by striking the period at the end and inserting ''; or''; and

(3) by adding after subparagraph (C) the following new subparagraph:

''(D) is a private or government lender, insurer, underwriter, or guarantor of the person referred to in paragraph (1) if that private or government lender, insurer, underwriter, or guarantor engaged in the activities referred to in paragraph (1).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to actions taken on or after March 15, 2006.

**SEC. 203. TERMINATION OF SANCTIONS.**

Section 8(a) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in paragraph (1)(C), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) poses no significant threat to United States national security, interests, or allies.''.

**SEC. 204. SUNSET.**

Section 13 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in the section heading, by striking ''**; SUNSET**'';

(2) in subsection (a), by striking the subsection designation and heading; and

(3) by striking subsection (b).

**SEC. 205. CLARIFICATION AND EXPANSION OF DEFINITIONS.**

(a) PERSON.—Section 14(14)(B) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) by inserting after ''trust,'' the following: ''financial institution, insurer, underwriter, guarantor, any other business organization, including any foreign subsidiaries of the foregoing,''; and

(2) by inserting before the semicolon the following: '', such as an export credit agency''.

(b) PETROLEUM RESOURCES.—Section 14(15) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by inserting after ''petroleum'' the second place it appears, the following: '', petroleum by-products,''.

**SEC. 206. UNITED STATES PENSION PLANS.**

(a) FINDINGS.—Congress finds the following:

(1) The United States and the international community face no greater threat to their security than the prospect of rogue regimes who support international terrorism obtaining weapons of mass destruction, and particularly nuclear weapons.

(2) Iran is the leading state sponsor of international terrorism and is close to achieving nuclear weapons capability but has paid no price for nearly twenty years of deception over its nuclear program. Foreign entities that have invested in Iran's energy sector, despite Iran's support of international terrorism and its nuclear program, have afforded Iran a free pass while many United States entities have unknowingly invested in those same foreign entities.

(3) United States investors have a great deal at stake in preventing Iran from acquiring nuclear weapons.

(4) United States investors can have considerable influence over the commercial decisions of the foreign entities in which they have invested.

(b) PUBLICATION IN FEDERAL REGISTER.—Not later than six months after the date of the enactment of this Act and every six months thereafter, the Secretary of State shall ensure publication in the Federal Register of a list of all United States and foreign entities that have invested more than $20,000,000 in Iran's energy sector between August 5, 1996, and the date of such publication. Such list shall include an itemization of individual investments of each such entity, including the dollar value, intended purpose, and current status of each such investment.

(c) SENSE OF CONGRESS RELATING TO DIVESTITURE FROM IRAN.—It is the sense of Congress that, upon publication of a list in the relevant Federal Register under subsection (b), managers of United States Government pension plans or thrift savings plans, managers of pension plans maintained in the private sector by plan sponsors in the United States, and managers of mutual funds sold or distributed in the United States should, to the extent consistent with the legal and fiduciary duties otherwise imposed on them, immediately initiate efforts to divest all investments of such plans or funds in any entity included on the list.

(d) SENSE OF CONGRESS RELATING TO PROHIBITION ON FUTURE INVESTMENT.—It is the sense of Congress that, upon publication of a list in the relevant Federal Register under subsection (b), there should be, to the extent consistent with the legal and fiduciary duties otherwise imposed on them, no future investment in any entity included on the list by managers of United States Government pension plans or thrift savings plans, managers of pension plans maintained in the private sector by plan sponsors in the United States, and managers of mutual funds sold or distributed in the United States.

**SEC. 207. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) FINDINGS.—Section 2 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking paragraph (4).

(b) DECLARATION OF POLICY.—Section 3 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in subsection (a), by striking ''(a) POLICY WITH RESPECT TO IRAN.—''; and

(2) by striking subsection (b).

(c) TERMINATION OF SANCTIONS.—Section 8 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in subsection (a), by striking ''(a) IRAN.—''; and

(2) by striking subsection (b).

(d) DURATION OF SANCTIONS; PRESIDENTIAL WAIVER.—Section 9(c)(2)(C) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

''(C) an estimate of the significance of the provision of the items described in section 5(a) or section 5(b) to Iran's ability to, respectively, develop its petroleum resources or its weapons of mass destruction or other military capabilities; and''.

(e) REPORTS REQUIRED.—Section 10(b)(1) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking ''and Libya'' each place it appears.

(f) DEFINITIONS.—Section 14 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in paragraph (9)—

(A) in the matter preceding subparagraph (A), by—

(i) striking '', or with the Government of Libya or a nongovernmental entity in Libya,''; and

(ii) by striking ''nongovenmental'' and inserting ''nongovernmental''; and

(B) in subparagraph (A), by striking ''or Libya (as the case may be)'';

(2) by striking paragraph (12); and

(3) by redesignating paragraphs (13), (14), (15), (16), and (17) as paragraphs (12), (13), (14), (15), and (16), respectively.

(g) SHORT TITLE.—

(1) IN GENERAL.—Section 1 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking ''and Libya''.

(2) REFERENCES.—Any reference in any other provision of law, regulation, document, or other record of the United States to the ''Iran and Libya Sanctions Act of 1996'' shall be deemed to be a reference to the ''Iran Sanctions Act of 1996''.

## TITLE III—DIPLOMATIC EFFORTS TO CURTAIL IRANIAN NUCLEAR PROLIFERATION AND SPONSORSHIP OF INTERNATIONAL TERRORISM

**SEC. 301. DIPLOMATIC EFFORTS.**

(a) SENSE OF CONGRESS RELATING TO UNITED NATIONS SECURITY COUNCIL AND THE INTERNATIONAL ATOMIC ENERGY AGENCY.—It is the sense of Congress that the President should instruct the United States Permanent Representative to the United Nations to work to secure support at the United Nations Security Council for a resolution that would impose sanctions on Iran as a result of its repeated breaches of its nuclear nonproliferation obligations, to remain in effect until Iran has verifiably dismantled its weapons of mass destruction programs.

(b) PROHIBITION ON ASSISTANCE TO COUNTRIES THAT INVEST IN THE ENERGY SECTOR OF IRAN.—

(1) WITHHOLDING OF ASSISTANCE.—If, on or after April 13, 2005, a foreign person (as defined in section 14 of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note), as renamed pursuant to section 208(g)(1)) or an agency or instrumentality of a foreign government has more than $20,000,000 invested in Iran's energy sector, the President shall, until the date on which such person or agency or instrumentality of such government terminates such investment, withhold assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to the government of the country to which such person owes allegiance or to which control is exercised over such agency or instrumentality.

(2) WAIVER.—Assistance prohibited by this section may be furnished to the government of a foreign country described in subsection (a) if the President determines that furnishing such assistance is important to the national security interests of the United States, furthers the goals described in this Act, and, not later that 15 days before obligating such assistance, notifies the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate of such determination and submits to such committees a report that includes—

(A) a statement of the determination;

(B) a detailed explanation of the assistance to be provided;

(C) the estimated dollar amount of the assistance; and

(D) an explanation of how the assistance furthers United States national security interests.

**SEC. 302. STRENGTHENING THE NUCLEAR NONPROLIFERATION TREATY.**

(a) FINDINGS.—Congress finds the following:

(1) Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons (commonly referred to as the ''Nuclear Nonproliferation Treaty'' or ''NPT'') states that countries that are parties to the Treaty have the ''inalienable right . . . to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this Treaty.''.

(2) Iran has manipulated Article IV of the Nuclear Nonproliferation Treaty to acquire technologies needed to manufacture nuclear weapons under the guise of developing peaceful nuclear technology.

(3) Legal authorities, diplomatic historians, and officials closely involved in the negotiation and ratification of the Nuclear Nonproliferation Treaty state that the Treaty neither recognizes nor protects such a per se right to all nuclear technology, such as enrichment and reprocessing, but rather affirms that the right to the use of peaceful nuclear energy is qualified.

(b) DECLARATION OF CONGRESS REGARDING UNITED STATES POLICY TO STRENGTHEN THE NUCLEAR NONPROLIFERATION TREATY.—Congress declares that it should be the policy of

the United States to support diplomatic efforts to end the manipulation of Article IV of the Nuclear Nonproliferation Treaty, as undertaken by Iran, without undermining the Treaty itself.

**TITLE IV—DEMOCRACY IN IRAN**

**SEC. 401. DECLARATION OF CONGRESS REGARDING UNITED STATES POLICY TOWARD IRAN.**

(a) IN GENERAL.—Congress declares that it should be the policy of the United States to support independent human rights and peaceful pro-democracy forces in Iran.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed as authorizing the use of force against Iran.

**SEC. 402. ASSISTANCE TO SUPPORT DEMOCRACY IN IRAN.**

(a) AUTHORIZATION.—

(1) IN GENERAL.—The President is authorized to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran. Such assistance may include the award of grants to eligible independent pro-democracy radio and television broadcasting organizations that broadcast into Iran.

(2) LIMITATION ON ASSISTANCE.—In accordance with the rule of construction described in subsection (b) of section 401, none of the funds authorized under this section shall be used to support the use of force against Iran.

(b) ELIGIBILITY FOR ASSISTANCE.—Financial and political assistance under this section may be provided only to an individual, organization, or entity that—

(1) officially opposes the use of violence and terrorism and has not been designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) at any time during the preceding four years;

(2) advocates the adherence by Iran to nonproliferation regimes for nuclear, chemical, and biological weapons and materiel;

(3) is dedicated to democratic values and supports the adoption of a democratic form of government in Iran;

(4) is dedicated to respect for human rights, including the fundamental equality of women;

(5) works to establish equality of opportunity for people; and

(6) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.

(c) FUNDING.—The President may provide assistance under this section using—

(1) funds available to the Middle East Partnership Initiative (MEPI), the Broader Middle East and North Africa Initiative, and the Human Rights and Democracy Fund; and

(2) amounts made available pursuant to the authorization of appropriations under subsection (g).

(d) NOTIFICATION.—Not later than 15 days before each obligation of assistance under this section, and in accordance with the procedures under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1), the President shall notify the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate. Such notification shall include, as practicable, the types of programs supported by such assistance and the recipients of such assistance.

(e) SENSE OF CONGRESS REGARDING DIPLOMATIC ASSISTANCE.—It is the sense of Congress that—

(1) contacts should be expanded with opposition groups in Iran that meet the criteria under subsection (b);

(2) support for a transition to democracy in Iran should be expressed by United States representatives and officials in all appropriate international fora;

(3) efforts to bring a halt to the nuclear weapons program of Iran, including steps to end the supply of nuclear components or fuel to Iran, should be intensified, with particular attention focused on the cooperation regarding such program—

(A) between the Government of Iran and the Government of the Russian Federation; and

(B) between the Government of Iran and individuals from China and Pakistan, including the network of Dr. Abdul Qadeer (A. Q.) Khan; and

(4) officials and representatives of the United States should—

(A) strongly and unequivocally support indigenous efforts in Iran calling for free, transparent, and democratic elections; and

(B) draw international attention to violations by the Government of Iran of human rights, freedom of religion, freedom of assembly, and freedom of the press.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of State such sums as may be necessary to carry out this section.

**SEC. 403. WAIVER OF CERTAIN EXPORT LICENSE REQUIREMENTS.**

The Secretary of State may, in consultation with the Secretary of Commerce, waive the requirement to obtain a license for the export to, or by, any person to whom the Department of State has provided a grant under a program to promote democracy or human rights abroad, any item which is commercially available in the United States without government license or permit, to the extent that such export would be used exclusively for carrying out the purposes of the grant.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

Mr. PAUL. Madam Speaker, I request the time in opposition if neither gentleman is opposed to the bill.

The SPEAKER pro tempore. Does the gentleman from California support the motion?

Mr. LANTOS. Yes, I support the motion, Madam Speaker.

The SPEAKER pro tempore. Then the gentleman from Texas (Mr. PAUL) is entitled to control 20 minutes in opposition.

Mr. SMITH of New Jersey. Madam Speaker, I yield 10 minutes of my time to the gentleman from California (Mr. LANTOS) and ask unanimous consent that he be permitted to control that time.

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days 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 New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

I rise in very strong support of H.R. 282, the Iran Freedom Support Act. And I want to thank our colleague from Florida, Chairman ROS-LEHTINEN, for sponsoring this important legislation. I am proud to be an original cosponsor.

The United States and the world community, Madam Speaker, are at a crucial point in our efforts to prevent Iran from producing nuclear weapons. Let us be clear: Iran's acquisition of nuclear weapons will be a devastating blow to peace and security not only in the Middle East but in the entire world.

Iran has been designated, as we know, as a ''State Sponsor of Terrorism'' for over two decades. The Department of State has declared in its most recent Country Reports on Terrorism that Iran ''remained the most active state sponsor of terrorism in the world.'' Iran maintains ''a high profile role,'' they go on to say, ''in encouraging antiIsraeli terrorist activity, both rhetorically and operationally,'' according to the State Department. Supreme religious leader Khamenei does not just praise Palestinian terrorist operations; Iran also provides Lebanese and Palestinian terrorist groups, most notably Hamas, with funding, safe haven, training, and weapons. Iran has now pledged to contribute $50 million to Hamas so that the Hamas regime in Palestine can continue to resist international pressure to recognize Israel's right to exist.

In October Iran's President Ahmadinejad called for Israel to be ''wiped off the map.'' In December he declared the Holocaust ''a myth.'' Last Monday he attacked Israel as a ''fake regime'' that ''cannot logically continue to live.'' Can we doubt that such people are capable of carrying out their threats if they ever acquire the means to do so? Have we learned nothing in 60 years?

This prudent measure will strengthen our sanctions regime against Iran's nuclear weapons proliferation. To keep up economic pressure, the bill tightens the existing sanctions against Iran by requiring a yes-or-no decision on whether to impose sanctions on firms reported to be making investments in the Iranian petroleum sector. The bill also amends the Iran-Libya Sanctions Act, or ILSA, Public Law 104–172, to eliminate the 5-year sunset clause included in the original ILSA. We should certainly not give the Iranians the impression that they can wait us out on the sanctions issue.

The bill requires that all bilateral U.S. sanctions, controls, and regulations on Iran related to weapons of mass destruction remain in effect until Iran has verifiably dismantled its WMD programs. The bill also provides the means and moral pressure to encourage American investors and American pension plans to divest from companies

that invest in Iran's energy sector. Such investment can be a powerful tool in our efforts to stop Iran's march towards nuclear weapons.

In February, Madam Speaker, H. Con. Res. 341 passed overwhelmingly by this House, 404–4. We called on all members of the U.N. Security Council, in particular the Russian Federation and the People's Republic of China, to take expeditious action in response to Iran's noncompliance with the mandate of the Security Council, and it calls on ''all responsible members of the international community'' to impose economic sanctions designed to deny Iran the ability to develop nuclear weapons.

We were severely criticized by many members of the world community, Madam Speaker, for not relying on the Security Council and on sanctions in our confrontation with Saddam Hussein. Now is the time for the world community, for China and Russia especially, to show that they are indeed responsible members of the international community and take effective action to stop this terrorist regime in Iran.

Time is running out. The world needs to act now. The Bush administration deserves high praise for working with our friends to get Iran to the Security Council where once again next week it will be on the agenda.

This bill renews our call for diplomatic and multilateral action and will strengthen the President's hand with our international partners.

Finally, we must work to change Iran itself by working to promote democracy and human rights within Iran. This bill authorizes the President to provide democracy assistance to individuals who are working through exclusively peaceful means to support democracy and promote democracy in Iran. It does not in any way authorize the use of force.

The bill was introduced, as I noted, by our friend and colleague Ms. ROS-LEHTINEN of Florida, who has devoted tremendous efforts to secure its passage. She now has 360 cosponsors. Chairman HYDE had asked her to manage the bill, but she has a family emergency in Florida that required her to leave for Florida and to be with her family. Our thoughts and prayers are with her during this time.

Madam Speaker, I reserve the balance of my time.

Mr. PAUL. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I sought the time in opposition mainly because it is a very opportune time to talk about our foreign policy and the disadvantages that intervention poses for us.

There are two types of foreign policy we can have: interventionism, where we tell other people what to do; and the more traditional American foreign policy of nonintervention and not using force to tell other people what to do. The policy of foreign intervention has been around a long time, and it is not only one party that endorses it. In 1998 we had a similar bill come up to the floor. It was called the Iraqi Freedom Act. And that was the preliminary stages of leading to a war, which is a very unpopular, very expensive, and deadly war going on right now in Iraq. So this is a similar bill moving in that direction.

□ 1115

The 1998 resolution, which required regime change and laid the plans out for regime change, did not come up under this administration. That occurred with the previous administration.

But I have no qualms about the goals of the authors of this legislation. They would like to see freedom in Iran. I would, too. It is just that I believe the use of force backfires on us, and when we use force such as sanctions and subsidizing and giving money to dissidents, what we really do is the opposite of what we want. Those individuals who are trying to promote more freedom in Iran actually are forced to ally themselves with the radicals, so instead of undermining the system, it has made it worse. It is always argued that they will welcome us when we march in as liberators, and Iraq proved that that was not the case. Iran won't be much better.

But let me just say a few things about interventionism. Interventionism, which is essentially something that was gradually developed over the 20th century, led to a century of war and killing and was very expensive to the American people in costs. It means that we assume the moral right and the constitutional authority to be involved in the internal affairs of other nations, and yet there is no moral right for us to get involved in the internal affairs of other countries, and there is no constitutional authority for us to do so.

We are not designated as ''the nation builder.'' No matter how well-intended it is, it doesn't work, and we don't have this authority to do this. We have not been designated the ''policeman of the world,'' although we have assumed that role more so every year, and that has been going on for several decades.

There are always more costs than anybody imagines. Iraq was supposed to cost $50 billion. It is now hundreds of billions of dollars. There is economic harm done. There is inflation that it causes. Yet it continues, and instead of coming to an end, it tends to spread. That is why I fear this so much.

I see the way we are dealing with Iran as just spreading a problem that we contributed to in the Middle East. Too many innocent lives are lost, innocent American lives, GIs that go over and are killed so needlessly, especially since we don't achieve the goal of bringing freedom and liberty and democracy to these countries.

Interventionism endorses the principle that we have this authority to change regimes. We have been doing it for more than 50 years through activities of the CIA in a secret manner, and now we are doing it in a much more open manner where we literally invade countries. We initiate the force. We start the war because we believe that we have a monopoly on goodness that we can spread and teach other people to understand and live with.

There are too many unintended consequences, too much blow-back. It comes back to harm us in the long run. At one time we were an ally of Saddam Hussein. At one time we were an ally of Osama bin Laden. These things don't work out the way we think they are going to.

The one thing that interventionism endorses, which I strongly disagree with, it really deemphasizes diplomacy. It deemphasizes it to the point where if we don't feel like it, we are not willing to talk to people. When we feel like it, we might demagogue it and pretend we are talking. But it really doesn't encourage diplomacy.

Another reason why interventionism is so bad for us, it encourages special interests to get behind our foreign policy and endorse what we are doing and influence what we are doing, possibly another country and possibly some industry that might influence us.

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

Madam Speaker, I rise in strong support of this resolution. The single-most important action that we will take today is to ensure that the Iran-Libya Sanctions Act is not extended. Libya no longer needs to be subject to such punitive measures. It is our partner in the global goal of controlling the spread of unconventional weapons.

In December 2003, Libya took a bold and courageous step. It pledged to rid itself of all weapons of mass destruction. I was in Tripoli immediately thereafter in January 2004 to encourage the leadership of Libya to follow through with its stated goal. After that, Libya loaded its nuclear weapons onto American ships. These weapons, together with all detailed plans and programs, are today under lock and key in Tennessee. As a result, the legislation now before us removes all references to Libya from the Iran-Libya Sanctions Act. ILSA, Madam Speaker, is dead, and the Iran Sanctions Act will rise in its place.

The weight of American sanctions will now be focused exclusively on Iran because the mullahs in Tehran continue to pursue blatantly their nuclear ambitions. The message to Tehran is simple: follow the Libya model, and we in Congress are more than prepared to open a new, constructive and happy chapter in U.S.-Iranian relations.

Madam Speaker, the Iran Freedom Support Act will dramatically ratchet up the economic pressure on Tehran to abandon its head-long pursuit of nuclear weapons. If we fail to use both our economic and our diplomatic tools, the world will face a nightmare that

knows no end; a despotic, fundamentalist regime that avidly supports terrorism, exploiting and threatening to use the ultimate weapon of terror.

Just yesterday the leader of Iran indicated that they stand ready to share their nuclear technology with the Government of Sudan, which as we speak here this morning is engaged in genocide in Darfur. This is the regime that we are dealing with.

It is very naive, Madam Speaker, to expect that we can convince Iran to end its nuclear program voluntarily based on reason. We can only hope to inflict economic pain at the highest levels in Tehran and starve the Iranian leadership of the resources it needs to fund a costly nuclear program. And that is the purpose of our legislation.

Some argue that this legislation might undermine our relations with European allies which invest in Iran, but who have also helped lead an important diplomatic effort to bring the Iranian nuclear issue to the U.N. Security Council. But that argument, Madam Speaker, is a pure and simple misreading of the contents of our bill.

Our legislation is intended to reinforce diplomacy with economics. We ask our allies to do what the United States did over a decade ago, divest from Iran's energy sector, the cash cow of the ayatollahs' nuclear plans.

At the same time, our legislation does not put the President in a straitjacket. If a verifiable deal to eliminate Iran's nuclear program can be negotiated, or if certain sanctions will undermine the national security of our own Nation, the President may waive implementation of our law.

But, Madam Speaker, let me be clear on one point: Congress will no longer tolerate lax enforcement of American sanctions against Iran. For over a decade both Democratic and Republican administrations failed to implement the Iran-Libya Sanctions Act measures that we do have in place. Meanwhile, Iran's nuclear program has marched forward at a frighteningly rapid pace.

Our legislation will extend the Iran Sanctions Act indefinitely. It will dramatically boost congressional oversight over its implementation. The administration will have to enforce the law fully. Ignoring the law will no longer be an option.

I commend the administration for convincing the International Atomic Energy Agency in Vienna to send its Iran file to the U.N. Security Council. Unfortunately, the Russians have already made clear that the Security Council action will be impeded by them. Just last week, the Russian Foreign Minister announced that Moscow would only consider U.N. sanctions on Iran if it were shown what it called concrete proof of Iran's nonpeaceful intentions.

Madam Speaker, what gall. As we all know, there is no shortage of proof to be found in the numerous International Atomic Energy Agency reports over recent years. These reports demonstrate conclusively that for two decades, for two decades, Iran has run a clandestine nuclear program in violation of its commitments under the treaty of the nonproliferation of nuclear weapons.

I can't help but wonder what the Russians require as proof. Perhaps Iran parading a nuclear device through the streets of Tehran, or Israel being wiped off the map, as the Iranian President has declared.

The leadership in Moscow ought to know that support for terrorists is not a policy that the United States or other civilized nations will accept, especially from a country that expects to be treated as a member of the G–8 nations, seven of which are a true democracy. Russia clearly is not.

Madam Speaker, I would be delighted if our legislation were rendered redundant by serious Security Council action, but the attitudes shown by Russia and China thus far show that that is a most unlikely development. In the meantime, we cannot shirk our responsibility to employ every peaceful means possible to undermine Iran's ugly nuclear ambitions. That, in essence, is the reason for the urgency of passing H.R. 282 today.

Madam Speaker, I strongly support this bill for the sake of staving off a looming, long-term nuclear threat, and I urge all of my colleagues to do as well.

Madam Speaker, I ask unanimous consent that the balance of my time be controlled by my good friend, our colleague from New York (Mr. CROWLEY) since I have responsibilities in the International Relations Committee.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Without objection, the gentleman from Indiana (Mr. PENCE) will now control the time that the gentleman from New Jersey (Mr. SMITH) previously had controlled.

There was no objection.

Mr. PAUL. Madam Speaker, I yield myself 20 seconds for a quick quote, and then I am going to yield to the gentleman from Oregon.

The quote: ''The people of England have been led in Mesopotamia into a trap from which it will be hard to escape with dignity and honor. They have been tricked into it by a steady withholding of information. The Baghdad communiques are belated, insincere, incomplete. Things have been far worse than we have been told, our administration more bloody and inefficient than the public knows. We are today not far from a disaster.''

This comes from Lawrence of Arabia, 1920. We should learn from our mistakes and other countries' mistakes.

Madam Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this resolution.

One of the reasons, Madam Speaker, that I argued against our invasion of Iraq long before the war began was because I felt we needed to face far more serious threats like the danger posed by Iran. In the 3 years since that attack, the threat from Iran has grown, and our capacity to meet that threat has diminished. Now Iran has a President who exploits Iranian national grievances to consolidate power and has threatened to wipe Israel off the map. Our troops are bogged down in Iraq, placing them at risk should Iran launch a new wave of terrorism.

□ 1130

We have done nothing to break our dependency on oil, the control of which gives Iran its greatest ability now to blackmail us and other countries.

I appreciate the leadership of my good friend Mr. LANTOS and others bringing the resolution forward to spotlight the problems with Iran. I appreciate their working with us to improve the bill.

For instance, now the bill will not allow us to deal with terrorist groups on our own watch list. I think that is very, very important. Unfortunately, this legislation does not provide solutions. Instead it limits the administration's flexibility to pursue diplomacy without providing any new tools not already at their disposal.

We need allies and partners to address the Iranian threat. We need the cooperation of the European Union, of China and, yes, Russia, since we have no more unilateral sanctions to place on Iran.

Our global standing is at a low point. Yet this bill sanctions not Iran, but the very countries we need for a strong diplomatic effort. This bill tragically gives equal weight to overthrowing the Iranian Government as it does to the immediate threat of nuclear proliferation.

Now, I am strongly opposed to this regime, but preventing them from developing nuclear weapons capacity must be our first priority, not prioritizing behavior change over regime change. We pull the rug out from underneath anybody in the current Iranian leadership who values survival over the nuclear program, and it clearly works to eliminate incentives for diplomatic solutions.

I have a sense of deja vu when I think back to the Iraq Liberation Act of 1998 which did not explicitly authorize the use of force, but certainly got the ball rolling that led to the tragedy of this Iraq war. Knowing what they know today, how many Members of this House would have voted differently 8 years ago?

I am very worried about where all this ends. We have heard reports from the Pentagon of plans to attack Iran, indeed plans for a nuclear strike on Iran, the repercussions of which should make us all recoil with horror. Now, the administration dismisses these news reports, but the American people

and this Congress got better information about what happened in Iraq from reporters like Seymour Hirsch than it got from, sadly, the President, Secretary Rumsfeld and Secretary Rice.

I do not pretend to imagine the horrific things that Iran would do with nuclear weapons. We are all opposed to that. That is why we need a strong, smart, constructive diplomatic strategy. This bill does not provide it.

For over half a century, Madam Speaker, we have made a series of mistakes regarding Iran, starting in 1953 when the United States led the charge to overthrow the democratically elected Government of Iran and replace them with a dictatorship in the person of the Shah. Our support for that dictatorship and its repressive policies fueled the reaction that led to the Iranian revolution. It was part of what happened with the hostage crisis in Iran.

More recently there are very credible reports that diplomatic feelers extended by the Iranian Government were dismissed by this administration 2 and 3 years ago. I sincerely hope that we do not overwhelmingly and unthinkingly pass a resolution today that makes us feel good because we all hate this regime, but instead sets in motion a process that actually is destabilizing and makes the peaceful future that we all seek harder.

Mr. PENCE. Madam Speaker, I ask unanimous consent that debate on this bill be extended by 40 minutes equally divided, and I yield 10 minutes of my time to the gentleman from New York (Mr. CROWLEY) which I ask he be permitted to control.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PENCE. Madam Speaker, I yield myself 5 minutes.

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

Mr. PENCE. Madam Speaker, debates of this nature, I think, are wholly constructive in the life of the Nation. I rise today not just to support the Iran Freedom Support Act, but to engage in a thoughtful debate.

I commend my colleagues, 360 of whom have cosponsored this legislation brought forward by the admirable Representative ROS-LEHTINEN of Florida and supported strongly by the International Relations Committee. But I also speak with admiration on behalf of my colleagues who are here debating and opposing this measure. In fact, the gentleman from Oregon just made some eloquent comments in which he called, and I paraphrase, with respect for strong, smart, diplomatic efforts.

And while we may disagree on the meaning of those words, I would borrow them, Madam Speaker, to say that I believe that is precisely what the Iran Freedom Support Act is. It is strong, it is smart, and it is a diplomatic measure expressed by the Congress, the will of the American people, into a circumstance that is real, that is meaningful, and for which the clarity of the position of the United States of America is essential at this moment.

Let me speak for just a second about the Iran Freedom Support Act, which does just a couple of things that are worth restating, and then I want to talk about the nature of this confrontation.

This legislation attempts to deny the Iranian regime critical technical and financial resources to pursue unconventional weapons, incite terror and oppress the Iranian people. It is important to note that H.R. 282 does not authorize the use of force against Iran, despite the tone and tenor of some of the debate today.

Specifically this bill requires that WMD-related U.S. sanction controls and regulations on Iraq remain in effect until Iran has verifiably dismantled its WMD program. It also authorizes the President to provide democracy assistance to foreign and domestic individuals and organizations promoting freedom within that country, and engages in a host of additional economic measures and sanctions, including amending the Iran-Libyan Sanctions Act to recognize the historic gains that Ranking Member LANTOS referred to in relation to our relationship with Libya.

Now, that being said, I just want to talk as a Hoosier from the Midwest about the real stakes here, and about the nature of the present leadership in Iran, and the importance of us to speak as the one people and as one Nation forcefully into this diplomatic engagement.

Listen to some of the quotes of the leadership of Iran today. President Ahmadinejad said in September of last year, ''Iran is ready to transfer nuclear know-how to the Islamic countries due to their need.''

We are not just dealing with nuclear proliferation within a country that has a long and profound history of association with terrorism, but one that desires to export nuclear technologies.

President Ahmadinejad said in October of last year, ''God willing, with the force of God behind it, we shall soon experience a world without the United States and without Zionism.'' And it was not long ago that he said that Iran would inflict both ''harm and pain on the United States.''

And his threats against Israel in particular should be deeply offensive to every freedom-loving person in the world, and every American who cherishes our relationship with our ally, Israel. President Ahmadinejad said in October of last year, ''As the Imam said, Israel must be wiped off the map.'' And the President of Iran also said, ''Anyone who recognizes Israel will burn in the fire of the Islamic Nations' fury.''

This is real, Madam Speaker. This is a confrontation that I pray we will be able to resolve with strong, smart, diplomatic efforts. But if the United States fails to act with clarity, including adopting the Iran Freedom Support Act, the potential consequences of inaction could be catastrophic.

I urge my colleagues to join the 360 Members, Republicans and Democrats alike, who have supported this legislation when it comes to the floor later today.

Madam Speaker, I reserve the balance of my time.

Mr. PAUL. Madam Speaker, this bill authorizes strong sanctions as well as funding to dissident groups inside Iraq to overthrow that government. In my interpretation that is the use of force, and I yield 6½ minutes to the gentleman from Ohio.

Mr. KUCINICH. Madam Speaker, I thank the gentleman from Texas for the point that he made that is well taken.

With all due respect to my colleagues who may have a difference of opinion about this bill, I think that most American people know that this administration has already made a mess of international relations with respect to the illegal and unwarranted invasion of Iraq.

We now know that Iraq did not have weapons of mass destruction, that Iraq was not cooperating with al Qaeda with respect to 9/11, that Iraq had neither the intention nor the capability of attacking the United States, and yet we took steps, starting with the policy of regime change, that took us into a war against Iraq that we clearly did not have to initiate, and we clearly should not be there.

Now, if you love the steps which took this country into a war in Iraq, then you are going to like this bill because it does the same thing, which is why I rise in opposition to it. This bill sounds a lot like the Iraq Liberation Act of 1998, which many Members voted for in good faith, not knowing later on it would be evoked as a cause for the prosecution of war against Iraq.

Overall this bill seriously inhibits the ability of the United States Government to use diplomacy, and diplomacy is the strongest and most rational tool we have to resolve the situation regarding Iran's nuclear program.

Instead I submit that this bill sets our country on a path to war with Iran. You can be sure the Government of Iran will view this bill in this way. First, the bill makes it official U.S. policy to impose international sanctions through the U.N. Security Council for Iran's ''repeated breaches'' of its nuclear nonproliferation obligations.

Now, this sounds eerily familiar to actions pursued in the lead-up to the invasion of Iraq, and which, as we know, were for appearances only. Similarly, advocating international sanctions against Iran through the Security Council is for appearances only. This administration has apparently made up its mind it wants to attack Iran. There is evidence that the U.S.

military is already inside Iran, and I ask to include at this point in the debate an article from the New Yorker by Seymour Hirsch which asserts just that.

Including this section in the bill that I just referred to is simply an attempt to cover the President's slap in the face of the international community with respect to Iran.

Second, H.R. 282 also promotes regime change in Iran as opposed to behavior change, regime change as a solution to the stand-off regarding Iran's nuclear program. By advocating regime change, we indicate our priority is not, in fact, to encourage Iran to adhere to its nonproliferation treaty obligation, but to remove the leadership in Iran even if it were to make some concessions.

□ 1145

This communicates to the world community that, to the U.S., Iran has passed the point of no return, which completely undermines any efforts towards diplomacy and negotiations. Furthermore, while this bill makes the point of so-called not authorizing the use of force against Iran, be assured this is a stepping stone to the use of force, the same way that the Iraq Liberation Act was used as a stepping stone.

Third, H.R. 282 supports anti-government advocates in Iran promoting regime change. Now this is highly problematic. While an important amendment offered by my friend Congressman BLUMENAUER was adopted in this bill during markup to prohibit U.S. assistance to groups that are on the State Department's list of terrorist organizations or have been on the list for the last 4 years, there are ways around this.

For example, according to a Newsweek article from February 14, 2005 that the U.S. has been recruiting individuals from the MEK, a group currently labeled as terrorists by the State Department, who have agreed to form a new group with the same mission as the MEK, regime change in Iraq.

I will insert this article from Newsweek in the RECORD at this point.

[From Newsweek, Feb. 14, 2006]

LOOKING FOR A FEW GOOD SPIES

(By Christopher Dickey, Mark Hosenball and Michael Hirsh)

This is a terrorist cultleader? Maryam Rajavi is dressed in a Chanel-style suit with her skirt at midcalf, lilac colored pumps and a matching headscarf. Over a dinner of kebab, rice and French pastries, Rajavi smiles often and laughs easily. She's at once colorful and demure, like many an educated woman in the Middle East. Indeed if George W. Bush—who relies on powerful females for counsel—were pressed to identify a Muslim model of womanhood, this 51-year-old Iranian would look very much the part.

But of course that's exactly the impression Rajavi seeks to give. Behind her smile is a saleswoman's savvy—and a revolutionary's zeal to prove that she and her mysterious husband, Massoud Rajavi, are neither cultists nor terrorists. Maryam Rajavi is demanding that the exile groups they lead together, centered on the Mujahedin-e Khalq (People's Holy Warriors) or MEK for short, should be taken off the State Department's list of terrorist organizations, their assets unfrozen and their energies unleashed. The MEK, Rajavi says, is the answer to American prayers as Tehran continues to dabble defiantly in both terrorism and nuclear arms. ''I believe increasingly the Americans have come to realize that the solution is an Iranian force that is able to get rid of the Islamic fundamentalists in power in Iran,'' she told Newsweek in a rare interview at her organization's compound in the quiet French village of Auvers sur Oise. The group's own former role in terrorist attacks dating back to its support for the U.S. Embassy takeover in 1979, Rajavi insists, is ancient history. And the MEK is not a Jim Jones-like cult as critics allege, with forced separation between men and women and indoctrination for children, all overseen by the Rajavis' autocratic style. Instead, she insists, it is ''a democratic force.''

Whatever Rajavi's true colors, Newsweek has learned that her role may be growing in the calculations of Bush administration hard-liners. At a camp south of Baghdad—it's called Ashraf, after Massoud Rajavi's assassinated first wife—3,850 MEK members have been confined but gently treated by U.S. forces since the invasion of Iraq (once they were allies of Saddam against their own country in the 1980s Iran-Iraq war). Now the administration is seeking to cull useful MEK members as operatives for use against Tehran, all while insisting that it does not deal with the MEK as a group, American government sources say.

Some Pentagon civilians and intelligence planners are hoping a corps of informants can be picked from among the MEK prisoners, then split away from the movement and given training as spies, U.S. officials say. After that, the thinking goes, they will be sent back to their native Iran to gather intelligence on the Iranian clerical regime, particularly its efforts to develop nuclear weapons. Some hawks also hope they could help to reawaken the democratic reform movement in Iran, which the mullahs have silenced. ''They [want] to make us mercenaries,'' one MEK official told Newsweek.

These individuals have been conducting military activity in Iran with United States support. I just wanted to remind everyone that the MEK was the group responsible for the U.S. Embassy takeover in Tehran in 1979. This group also had a camp in Iraq where Osama bin Laden's first fighters were reportedly trained. The MEK also trained and supported Taliban fighters. Now we are recruiting help from members of the MEK which makes a total mockery of the so-called war on terror.

Fourth, H.R. 282 states that it is U.S. policy to focus attention to stopping cooperation, stopping cooperation, between Iran, Russia, China and Pakistan. Considering Russia and China have the strongest leverage with Iran, yet are also opposed to Iran's violations of the Nonproliferation Treaty obligations, the U.S. should try to work with Russia and China to try to find a path to diplomacy, not to isolate Russia and China.

In the end we are only isolating ourselves and setting our country on another unilateral path of war. Our troops are already extended in Iraq, and they are in a vulnerable position. Starting a war in Iran is the last thing we should be doing.

I urge a vote against this dangerous bill. Stop this unilateralism. Work with diplomacy and work towards peace.

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

I rise in support of the Iran Freedom Support Act. This legislation received strong bipartisan support when it was passed in the International Relations Committee last month.

I commend my colleague from Florida, Ms. ILEANA ROS-LEHTINEN, for introducing this bill and working both sides of the aisle to produce this strong bipartisan piece of legislation.

I would also like to thank my ranking member, TOM LANTOS, for his continued leadership on ensuring that Iran does not gain access to nuclear weapons. This legislation is not the first step towards war, like I have heard some contend, but I believe a tightening of the current restrictions on Iran. We must use every tool we have, whether it be diplomatically or economically, to limit the development of Iran's nuclear weapons. Iran has shown time and time again that they do not respect the international community, or the International Atomic Energy Agency, the United Nation's nuclear watchdog.

Iran made a deal with the international community when they designed the Nuclear Nonproliferation Treaty, and that was to not seek nuclear weapons in exchange for civilian nuclear technology. Iran broke this deal 18 years ago when they began to pursue a secret nuclear program with the aim of producing enough material to create nuclear weapons to threaten the stability of the region and of the world. We cannot allow a terrorist state like Iran to attain such deadly weapons.

On Monday of this week, Iranian President Ahmadinejad vowed to press ahead with uranium enrichment and boasted how he did not expect the United Nations Security Council to impose sanctions on this terrorist state. This legislation is needed to let our allies know that the House of Representatives and the United States are serious about using economic means to isolate Iran and ensure they end their nuclear weapons ambitions. The permanent five members of the Security Council have all declared they are opposed to Iran gaining the knowledge to develop nuclear weapons, but words are sometimes not enough.

When the IAEA presents its report to the Security Council on Friday, the members of the Security Council must be prepared to move forward with sanctions if Iran chooses to remain in noncompliance of the IAEA. I hope this House speaks with a unified voice today to let our allies know we are serious about stopping Iran's pursuit of nuclear weapons. I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. PENCE. Madam Speaker, it is my privilege to yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), our distinguished majority whip.

Mr. BLUNT. Madam Speaker, I rise today in support of H.R. 282, the Iran Freedom Support Act, and I particularly want to join in thanking Representative ILEANA ROS-LEHTINEN for her efforts on this bill. The United States and the international community should hold the current regime in Iran accountable for its threatening behavior. We do need to encourage the Government of Iran to change.

We need to focus on the danger of allowing the President of Iran, a man who has repeatedly called for the destruction of Israel and is willing to support terrorist organizations such as Hamas and others, to be in control of the most dangerous weapons in the world. This is a serious test for the international community. Passing this bill alone will not prevent Iran from developing nuclear weapons. However, it will send a message that the United States considers any person or entity that helps Iran develop weapons of mass destruction to be an obstacle to peace and security.

This bill also encourages the forces of democracy in Iran. Among all nations of the world, Iran has one of the longest and strongest national heritages, and many Iranian Americans join in these efforts to strengthen the potential for an Iran that proudly embraces freedom and proudly embraces the idea of the rule of law.

I urge my colleagues to support this bill. It is essential to the well-being and safety of our country, and the entire international community that the Iranian regime does not possess nuclear weapons to hold the world hostage, and that the Iranian people are allowed to move proudly toward freedom.

Mr. PENCE. Madam Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. CANTOR), our chief deputy majority whip.

Mr. CANTOR. Madam Speaker, I thank the gentleman from Indiana.

I too rise today in strong support of the Iran Freedom Support Act, and I would like to also commend the leadership of Chairman ROS-LEHTINEN for her leadership on this bill and all those that she continues to fight for in the defense of freedom around the world.

The world is clearly at a critical juncture. We are in the midst of waging a global war on terrorism to defend the free world from terrorists who seek not only to kill us, but to destroy our way of life. Make no mistake about it; the very essence of the rights and freedoms for which our forefathers fought are at stake.

This bill that stands before us today is a key component of our war on terror. Iran is one of the largest state sponsors of terror in the world. They have funneled money and arms to terrorist cells throughout the Middle East, and have American blood on their hands. Iran, without a doubt, is one of the most dangerous threats to our national security and to world stability.

Now Iran stands on the verge of obtaining a nuclear weapon, yet another tool in its arsenal of terror and violence. Iran's President Ahmadinejad is a maniacal dictator who thrives on his hatred for the United States and its desire to destroy our freedom. The world cannot and will not tolerate a nuclear Iran.

It is not only the United States which is at risk, but our allies as well. President Ahmadinejad has made clear his intentions to wipe off the map Israel, our longest-standing democratic ally in the Middle East.

This week, Madam Speaker, we commemorate Yom Hashoah, Holocaust Memorial Day. We remember with great reverence and respect the victims of another maniacal dictator who threatened to wipe an entire people off the map and who wanted to impose his theory of a perfect society on the rest of the world.

We must learn from our mistakes of the past to take these threats seriously and act hastily.

The Iran Freedom Support Act is an important step in neutralizing the threat Iran poses to the world. I must stress, however, that passage of this bill should be the first step, not the last. God forbid we stand on this floor 60 years from now memorializing the victims of yet another Holocaust.

Let us fulfill our pledge to never forget. Let us learn from the lessons of our history and continue to strengthen our tools to fight this global war on terror and preserve our freedoms.

Mr. PAUL. Madam Speaker, I yield myself 1 minute before I yield to the gentleman from Iowa.

I want to quote from Article IV of the NonProliferation Treaty of which Iran is a signator: ''Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production, and use of nuclear energy for peaceful purposes without discrimination.''

Our position is that they do not have the right to enrich. Those who deny the right to enrich are more in violation of the NPT Treaty than Iran itself.

What do we do for those who are totally in defiance to international law in the NPT Treaty, like India and Pakistan? We reward them and subsidize them. At the same time, there is no proof that there has been any violation of this treaty by Iran, and yet the rewards go to those who are in total defiance.

Madam Speaker, I would yield 5 minutes to the gentleman from Iowa (Mr. LEACH).

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

Mr. LEACH. Madam Speaker, I know of no circumstance in the world in which more options are all bad than this particular one. We all have to be clear-headed about the challenge of Iran. It is a more difficult society to deal with, a more difficult government than Iraq.

It is absolutely clear that Iran does seek nuclear capacity. It is absolutely clear that Iran has been the greatest State promulgator of terrorist activity in the Middle East. Those are bases that we all have to understand.

Then we have to think through what is our response and what are the kinds of strategies that the United States should develop and are there lessons that exist today that might lend to this circumstance.

One of the lessons is that some things we do as a society can be counterproductive. All of us are concerned with the security and the fate of the State of Israel as well as the American national security, but if we think it through, does our policy in Iraq advance the security of Israel? Does a preemption of Iran advance the security of Israel? Does it advance the security of the United States?

If the United States acts militarily, for instance, in Iran, do we spark and ensure the great prediction, that none of us want to come to pass, that we will enter into one of these clashes of civilization made inevitable by another war of the West against another Muslim State? Muslims would view this as a circumstance that the Judeo-Christian world is attacking the world of Muslim culture. We have to think deeply and seriously about this.

Then when it comes to nuclear weapons, it is bad for Iran to have a nuclear weapon, but there are things that are worse. One of the things that is worse is to give them reason to use that nuclear weapon, whether it be against ourselves or an ally of the United States.

The administration has informed the committee of jurisdiction that it profoundly opposes this piece of legislation and that it prefers a tack of stressing international diplomacy, and it is suggested to the committee in the strongest possible terms that this type of legislation undercuts their effort to be multilateral.

□ 1200

And so, while many Members of this body, many members of the public have objected to this administration for being too unilateral, this Congress is saying, with this kind of legislation, that we will be more unilateral than the administration wishes to be. In other words, with an administration that no one of any stripe would argue is not muscular—it is a very muscular administration—this Congress is trying to out-macho the muscular. That is something we should all think very seriously about.

Then we ought to think through what it means if we go forth in a given kind of direction, which words like ''regime change'' imply. What does preemption mean? It is clear that if we

move in a muscular direction and, for example, preemptively strike Iraq, that that will slow down the capacity of Iraq to develop a nuclear weapon. But will it stop it? Not necessarily, partly because of the capacities Iran has to develop WMD capacity in a more decentralized way than Iraq once did, but there are other ways of getting nuclear weapons. One can get nuclear weapons through the ''loose nuke'' dilemma of purchase or theft. And if one gives Iran reason to attack, it will, and it will in many ways that are now available in the world through decentralized terrorist activities, but also potentially through nuclear. And the potential of nuclear use increases if they are attacked.

Now we have the other option which is stressed in this bill—but the first, force being implied, but what is stressed is economic sanctions. So our two options are to shoot Iran or to shoot ourselves in the foot economically. And I will tell you that I can't think of anything that is more outrageous in logic. So I think we have to think through new types of approaches involving new ways of dialogue, new ways of international pressure of a very different nature than are proposed by this committee at this time.

While I have enormous respect for the proponents of this legislation, particularly the distinguished chair of the Subcommittee on the Middle East and Central Asia (Ms. ROS-LEHTINEN) and our distinguished ranking member on the full committee (Mr. LANTOS), I am convinced that in its present form the approach brought before this body complicates ongoing diplomatic efforts to peacefully resolve the building crisis with Iran.

Indeed, it is for this reason that the Department of State indicated that the Administration would be unable to support the legislation. As noted in a letter to Chairman HYDE, the bill would ''narrow in important ways the President's flexibility in the implementation of Iran sanctions, create tensions with countries whose help we need in dealing with Iran, and shift the focus away from Iran's actions and spotlight differences between us and our allies. This could play into Iran's hands, as it attempts to divide the U.S. from the international community as well as to sow division between the EU–3, China, and Russia. It would also create dissension among UNSC members, as the Council considers the Iran nuclear dossier.''

There are few areas of the world with a more troubling mix of geopolitical problems than the Middle East. The irony is that the war in Iraq which has consumed so much of our country's political and economic capital may hold less far-reaching consequences than challenges posed in neighboring Middle Eastern countries.

To the West, the Israeli-Palestinian stand-off remains the sorest point in world relations, complicated by the incapacitation of Ariel Sharon and the rise of a Hamas-led government in the occupied territories. To the East, the sobering prospect of Iran joining the nuclear club stands out.

In life, individuals and countries sometimes face circumstances in which all judgments and options are bad. The Iranian dilemma is a case-in-point. But it is more than just an abstract bad-option model because at issue are nuclear weapons in the hands of a mullah-controlled society which has actively aided and abetted regional terrorists for years.

Indeed, the issue has become even more acute with the election in Iran of its hard-line, populist President, Mahmood Ahmadinejad, who suggested late last year that the murder of six million European Jews by the Nazis did not occur and called for Israel to be wiped off the map.

In reference to recent disclosures of enhanced Iranian efforts to develop nuclear weapons as well as missile delivery systems to carry such weapons, concerned outside parties are actively reviewing options.

The Europeans have led with diplomatic entreaties; neo-con strategists in the U.S. with open-option planning—including, if investigative journalist Seymour Hersh is to be believed—the possible use of nuclear weapons.

In the background are references to the 1981 preemptive strike by the Israeli Air Force against Iraq's Osirak reactor.

At issue is the question of whether preemption is justified; if so, how it should be carried out; and, if carried out, whether intervention would lead to a more conciliatory, non-nuclear Iran or whether the effects of military action would be short-term, perhaps pushing back nuclear development a year or two, but precipitating a new level of hostility against the U.S. and Israel in Iran and the rest of the Muslim world which could continue for decades, if not centuries.

Since the American hostage crisis which so bedeviled the Carter Administration in the late 1970s, we have had a policy of economic sanctions coupled with comprehensive efforts to politically isolate Iran.

Six years ago, Senator ARLEN SPECTER and I invited Iran's U.N. Ambassador to Capitol Hill, the first visit to Washington by a high-level Iranian representative since the hostage crisis.

On the subject of possible movement toward normalization of relations with Iran, I told the ambassador that while many would like to see a warming of relations, it would be inconceivable for the U.S. to consider normalizing our relationship so long as Iran continued its support of Hamas and Hezbollah. The ambassador forthrightly acknowledged that Iran provided help to both these terrorist organizations, but also noted, in what for some might be considered the most optimistic thing he said that day, that his government was prepared to cease support to anti-Israeli terrorist groups the moment a Palestinian state was established with borders acceptable to Palestinians.

For decades in the Muslim world, debate has been on-going whether to embrace a credible two-state (Israel and Palestine) approach or advance an irrevocable push-Israel-to-the-sea agenda. The implicit Iranian position, as articulated by the ambassador, was support for a two-state approach, but if the U.S. on its own, or Israel as a perceived surrogate, were to attack Iran, the possibility that such a compromise can ever become possible deteriorates.

While angst-ridden, the Muslim world understands the rationale for our intervention in Afghanistan where the plotting for the 9/11 attack on the U.S. occurred. It has no sympathy for our engagement in Iraq, which had nothing to do with 9/11, but if these two interventions were followed by a third in Iran, the likelihood is that such would be perceived in the vocabulary of the Harvard historian, Samuel Huntington, as an all-out ''clash of civilizations,'' pitting the Judeo-Christian against the Muslim world. In the Middle East it would be considered a war of choice precipitated by the United States. We might want it to be seen as a short-term action to halt the spread of nuclear weapons, but the Muslim world would more likely view it as a continuance of the Crusades: a religious conflict of centuries' dimensions, with a revived future.

If military action is deemed necessary, the U.S. broadly has only three tactical options: (a) full-scale invasion a la Iraq; (b) surgical strikes of Iranian nuclear and missile installations; or (c) a surrogate strike by Israel, modeled along the lines of Osirak.

The first can be described as manifestly more difficult than our engagement in Iraq, particularly a post-conflict occupation. The second presents a number of difficulties, including the comprehensiveness of such a strike and the question of whether all aspects of a program that is clandestine can be eliminated. The third makes the U.S. accountable for Israeli actions, which themselves are likely to be more physically destructive but less effective than the 1981 strike against Osirak.

In thinking through the consequences of military action, even if projected to be successfully carried out, policymakers must put themselves in the place of a potential adversary. A strike that merely buys time may also be a strike that changes the manner and rationale of Iranian support for terrorist organizations. It may also change the geo-strategic reason and methodology for a country like Iran to garner control of nuclear weapons. ''Loose nukes'' abound. Countries with money and will can garner almost anything in the world despite efforts by the U.S. and others to make theft or sale difficult.

It is presumed that the major reasons that Iran currently seeks nuclear weapons relates to: (1) Pride: a belief that a 5,000 year-old society has as much right to control the most modern of weapons systems as a younger civilization like America or its neighbors to the west, Israel, and to the east, Pakistan; (2) Power: the implications of control of nuclear weapons with regard to its perceived hegemony as the largest and most powerful country in the Persian Gulf, particularly with regard to its nemesis, Iraq, which not only once attacked Kuwait, but Iran itself using chemical weapons; (3) Politics: the concern that Israeli military dominance is based in part on the control of weapons that cannot be balanced in the Muslim world, except by a very distant Pakistan.

The issue of the day from an American perspective is weapons of mass destruction, their development and potential proliferation to nation-states and non-national terrorist groups. The question that cannot be ducked is whether military action against Iran might add to the list of reasons Iran may wish to control such weapons: their potential use against the United States. Perhaps as significantly, American policymakers must think through the new world of terrorism and what might be described as lesser weapons of mass destruction.

Any strike on Iran would be expected to immediately precipitate a violent reaction in the

Shi'a part of Iraq, where the U.S. has some support today. With ease, Iranian influence on the majority Shi'a of Iraq could make our ability to constructively influence the direction of change in Iraq near hopeless.

And there should be little doubt that in a world in which "tit for tat" is the norm, a strike on Iran would increase the prospect of counter-strikes on American assets around the world and American territory itself. The asymmetrical nature of modem warfare is such that traditional armies will not be challenged in traditional ways. Nation-states which are attacked may feel they have little option except to ally themselves with terrorist groups to advance national interests.

We view terrorism as an illegitimate tool of uncivilized agents of change. In other parts of the world, increasing numbers of people view terrorist acts as legitimate responses of societies and, in some cases, groups within societies who are oppressed, against those who have stronger military forces.

If Afghanistan, an impoverished country as distant from our shores as any in the world, could become a plotting place for international terrorism, such danger would increase manifoldly with an increase in Iranian hostility, especially if based on an American attack.

If there exists today something like a one-in-three chance of another 9/11-type incident or set of incidents in the U.S. in the next few years, a preemptive strike against Iran must be assumed to double or triple such a prospect.

And Iran, far more than Osama bin-Laden, has within its power the ability not only to destabilize world politics, but world economies as well. Oil is, after all, the grease of economic activity, and an Iranian-led cutback in supply precipitated by us or them cannot be ruled out.

Given the risk, if not the untenability, of military action, policymakers are obligated to review other than military options. One, which has characterized our post-hostage taking Iranian policy for a full generation, is isolation of Iran. This policy can be continued, but as tempting as it is, there is little prospect of ratcheting it up much more, except in ways, such as a naval embargo on Iranian oil, that would be difficult to garner international support for and would, in any regard, damage us more than Iran.

The only logical alternative is to consider increasing dialogue without abandoning the possibility of future sanctions with this very difficult government.

Iran—its government and people—has to be fully engaged, and I am pleased that U.S. Ambassador Khalilzad in Baghdad has been authorized to talk to the Iranians about the situation in Iraq. The Iranians played a stabilizing role regarding Afghanistan just several years ago, and logically they have a stake in a stable Iraq. I would urge the leadership in Tehran to re-think its apparent decision to close the door on this potentially productive avenue for dialogue.

With respect to the Iranian nuclear program, however, it is difficult to see how confrontation can be avoided if we will not talk directly with Tehran in appropriate foras about this and other matters. The stakes could not be higher. If diplomacy fails, there is a credible prospect that Iran will follow the North Korean model of rapid crisis escalation, including the cessation of international inspections, with a wholly unsupervised nuclear program leading in time to the production of nuclear weapons and the dangerously unpredictable regional consequences that might flow from that; or a perilous move to an Iraq-like preventive military strike, with even more far-reaching and alarming consequences both regionally and worldwide.

A proposal that might be suggested is negotiation of a Persian Gulf nuclear-free zone, which would reduce, although given the high possibility of cheating, not eliminate entirely one of the reasons Iran presumably seeks nuclear weapons—fear that it may be at a disadvantage in a conflict with an oil-rich neighbor. In this context, Iran, the EU and Russia, with U.S. support, might agree on a proposal under which Iran would indefinitely and verifiably suspend domestic enrichment activity in exchange for an internationally guaranteed fuel supply, U.S.-backed security assurances, and a gradual lifting of sanctions by and resumption of normal diplomatic relations with the U.S., including expanded country-to-country cultural ties.

Here, it should be stressed, hundreds of thousands of Iranians have been educated in the United States. The people, although not the government of Iran, have democratic proclivities. While real power in Iran is controlled by the mullahs. Few societies in the world have if given a chance more potential to move quickly in a democratic direction than Iran. And just as it is hard to believe that outside military intervention would lead to anything except greater ensconcement of authoritarian mullah rule, a bettering of U.S. relations with Iran provide a greater prospect of progressive change in Iranian society.

There is nothing the new government of Iran, or for that matter Osama bin Laden and his al Qaeda movement, benefit more from than an aggressive, interventionist U.S. policy toward Iran.

Finally, a note about arms control. If the U.S. wishes to lead in multilateral restraint, we might want to consider joining rather than rebuking the international community in development of a comprehensive test ban (CTB). All American administrations from Eisenhower on favored negotiation of a CTB. This one has taken the position the Senate took when it irrationally rejected such a ban seven years ago. The Senate took its angst against the strategic leadership of the Clinton Administration out on the wrong issue. This partisan, ideological posturing demands reconsideration. We simply cannot expect others to restrain themselves when we refuse to put constraints on ourselves.

We are in a world where use of force can not be ruled out. But we are also in a world where alternatives are vastly preferable. They must be put forthrightly on the table.

Mr. PENCE. Madam Speaker, it is my privilege to yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the distinguished majority leader of the House of Representatives and an original cosponsor of this legislation.

Mr. BOEHNER. Madam Speaker, I appreciate my colleague for yielding, and I want to congratulate Chairman HYDE and Ranking Member LANTOS of the International Relations Committee, as well as Ms. ROS-LEHTINEN for her work on this issue, and I rise strongly today to support H.R. 282, the Iran Freedom Support Act. The Iran Freedom Support Act sends, I think, a strong message: the United States expects Iran to be a responsible member of the international community.

Iran has repeatedly asserted its rights to nuclear power, but its government has remained silent on their international obligations. Iran must be transparent in meeting its international nuclear obligations. In particular, Iran's refusal to answer the International Atomic Energy Agency's questions about critical elements of its nuclear power program is of deep concern to me.

In addition, Iran's sponsorship of terrorism raises troubling questions about its true intentions and its long-term goals. It is impossible to have faith in a regime which spreads fear, violence, and disruption through its support of terrorist organizations and networks.

I support President Bush's efforts to work with the United Nations Security Council and the International Atomic Energy Agency to compel the Iranian regime to be a responsible member of the international community.

Mr. CROWLEY. Madam Speaker, at this time I yield 3 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank Mr. CROWLEY for yielding time, Madam Speaker, and I rise in strong support of the Iran Freedom Support Act. I am proud to be an original cosponsor of this important legislation and ask for its immediate passage.

It would be difficult to overstate the danger Iran represents. Unchecked Iranian nuclear proliferation, combined with increasing support for international terrorism, will help to further destabilize the entire region.

Iran currently possesses ballistic missiles capable of striking 1,200 miles away. This places U.S. forces in this region, moderate Islamic Arab countries located in the region, as well as the State of Israel in grave danger. Imagine, if you will, if these missiles had nuclear delivery capability.

For over two decades, the Iranian regime has been pursuing a covert and now overt nuclear program. It has manufactured centrifuges, sought completion of heavy-water reactors, and experimented with uranium enrichment. According to one weapons inspector, it has already converted 45 tons of uranium into gas, enough to build more than one nuclear bomb.

In a perfect world, we should be able to rely on the United Nations to curb Iranian nuclear proliferation. In a perfect world, the eight reports by the International Atomic Energy Agency regarding Iran's violation of the Nuclear Nonproliferation Treaty would be enough to motivate action. In a perfect world, all of the members of the Security Council would appreciate the seriousness and catastrophe of a nuclear Iran. But since we cannot count on the international community, China and Russia are far too interested in Iranian oil and Iranian trade money, the

United States must step up the pressure and do what is right.

This bill, in my opinion, accomplishes that goal. U.S. sanctions would dramatically increase the pressure on the Iranian regime to give up their nuclear ambitions and allow international inspections of their facilities. Since the President of Iran was elected last summer, Iran's stock market has lost 40 percent of its value, there has been a capital flight of more than $200 billion, and Iran's manufacturing sector is increasingly dependent on imports. Iran is struggling financially. This legislation will further squeeze Iran and deny it the financial resources to continue its path towards nuclear armament.

There is no debate, not anywhere, not in this body, that Iran is a radical and fundamentalist country headed by a President who is willing to share nuclear technology with the most unstable countries in the world, and by mullahs who raise religious fanaticism to a new art form. Every pronouncement this President makes further dramatizes how mentally unstable and unbalanced and dangerous he is. The United States must act quickly and decisively if we are to counter the continuing threat posed by the Iranian regime. We must deny Iran the technology and assistance and financial resources it needs to pursue this unacceptable behavior.

I have no illusions. I can't guarantee that the sanctions contained in this bill will have the desired effect, but I do know that it is a far better alternative to invading Iran or bombing Iran. And unlike the Iraq Freedom Act, which many people have cited today as a reason not to pass this particular piece of legislation, there is nothing in this act that we are debating today, there is nothing in this legislation that can be construed as authorizing use of force against Iran, and none of the assistance should be used to support covert action that is contained in the legislation.

Mr. CROWLEY. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman from New York and the gentleman from Indiana, and I am happy to be an original cosponsor of this bill. I want to compliment Congresswoman ROS-LEHTINEN and Congressman LANTOS for this bill. I rise in strong support of this resolution, and I condemn the actions and statements of the Iranian Government.

I believe this is one of the greatest crises since the end of the Cold War, and we have to be up to the challenge. Under the guise of saying it needs to meet its own energy needs, Iran has, for years, been engaged in secret efforts to develop nuclear technology that has weapons capability.

Let us be very clear. Iran is lying when she says she wants to use this for peaceful purposes. Iran is a major oil exporter and doesn't need nuclear power for peaceful purposes. She is doing this for one reason and one reason only: to be hostile; defying and misleading the international community.

Iran's President Ahmadinejad has gone to extremes to stir up anti-American and anti-Israel sentiment in Iran and throughout the Arab world. Not only, as was stated before, has he publicly declared his hope for ''a world without America,'' he has also stated his desire ''to wipe Israel off the map.''

These remarks demonstrate a gross disregard for the rule of law, human life, and the core principles of the United Nations. I wholeheartedly support the United Nations Security Council's looking into taking swift and strong action to counter Iran's growing threat, and I urge prompt adoption of H.R. 282.

This is a commonsense resolution. This has nothing to do with Iraq, to my colleagues who were talking about Iraq. There is no analogy here. This is another threat, and we have to stand up to the threat. If the world had stood up to Hitler in the 1930s, maybe the Holocaust wouldn't have happened. Maybe World War II wouldn't have happened. Every time there is a chance, society and the world has to stand up to prevent worse things from happening in the future. I don't want to be around if Iran detonates a nuclear weapon and say I stood here in Washington and was afraid to act.

As Ms. BERKLEY pointed out, this resolution doesn't say anything about any kind of military action. We hope this can be resolved diplomatically, but, frankly, I believe that all options should be on the table. The military should be an absolute, absolute, ultimate last resort, but we have to tell these thugs in Iran that we are not going to stand idly by and allow them to be destructive, allow them to make threats, allow them to kill people, or allow them to have another Holocaust.

Mr. PAUL. Madam Speaker, there has been talk in the media and elsewhere about the necessity of bombing Iran, and we are talking today about regime change, which is an act of force, yet some of us believe we are acting too hastily. Others deny that; that something imminently is going to happen. But I want to read a little quote here from John Negroponte, Director of National Intelligence. He says, ''Our assessment at the moment is that even though we believe that Iran is determined to acquire a nuclear weapon, we believe that it is still a number of years before they are likely to have enough fissile material to assemble into or put into a nuclear weapon; perhaps into the next decade. So I think it is important that this issue be kept in perspective.'' This is John Negroponte. And I think those who are so eager to pass this legislation and move toward regime change are moving in the wrong direction too hastily, and there are a lot of analogies to this and to Iraq, so we caution you about that.

Madam Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I do think this is an important conversation for us to have on this floor. I am pleased that the debate time was extended, and I hope our colleagues will take the time to scroll through the information that is available and think of the consequences.

For instance, I would enter into the record, a letter from Under Secretary of State Nick Burns to Chairman HYDE. I will just quote a little and then insert the rest in the RECORD.

> We have enormous concerns about this proposed legislation, particularly title II. These provisions would impair our ability to continue working closely and successfully with our allies to deal with the threat that Iran poses.

Nobody here, nobody here, apologizes for this regime. And my good friend from Indiana is correct, there is a lot of shared interest and deep concern. The notion that this despotic regime would have control of nuclear weapons is terrifying, absolutely terrifying.

We long for the day that the Iranian people are free, in no small measure because the United States' history with the Iranian people over more than half a century is one where we have not always been on the side of democracy for the Iranian people, overthrowing their democratically elected regime in 1953. That was not a proud moment in our history when we helped install a dictator, but we called him the Shah.

We are united in our commitment to deal meaningfully with this problem. This legislation, as the administration has made clear, falls short of the mark. It is not tightening our sanctions against Iran.

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We have done that.

There have been administrations, both Republican and Democrat, who have maybe not been as zealous in implementing those sanctions; but that is on the books. We have done it.

What this talks about doing is extending sanctions against the very people whose cooperation we need to solve this problem. We are confusing our goals. Is it more important to threaten a regime change and thereby consolidate it? This Government of Iran by all indications is not monolithic. There are people who disagree with the sad and repulsive face of the current leader. There are a vast number of young people in Iran who are not at this point violently anti-American. They are pro-Western. There is interest in the United States. If we misplay this, we can end up turning another generation against us in Iran.

We have had empty threats against North Korea that did not stop them from going full speed ahead developing nuclear weapons, in fact, we are probably less safe today because we have not been focused and effective.

I do strongly identify with the words of my friend, the gentleman from Iowa

(Mr. LEACH). I have been one who has been somewhat critical of this administration in its actions in the past. I would find it absolutely inappropriate to not reinforce when I think they are trying to reposition themselves vis-a-vis Iran. There are many people on our side of the aisle who were against the rush to war in Iraq and many more who have found that it was a mistake to do so. We have supported more diplomatic initiatives, and this is the opportunity we have now.

This legislation is not each-handed. It is not focused. The administration does not want it. It sanctions our allies. I strongly urge that we do things that are coming down the pike now that we in Congress can do that will make a difference in Iran. Think about how we deal with India and nuclear weapons. This is a decision that is looming ahead of us that will make a difference for China and other countries that have nuclear technology about how we treat them in that situation.

And for heaven's sake, when people have suddenly discovered $3-a-gallon gasoline and that we are addicted to foreign oil, which is part of Iran's strength right now, maybe we in Congress can forget the goofy energy bill we passed and get serious about conservation, alternative energy, increasing fuel standards and giving full value to the American public for our oil and gas resources. These are things that we can do now that will make a difference. Let the administration do its job diplomatically; provide oversight, but do not go over the edge with this legislation.

DEPARTMENT OF STATE,
*Washington, DC.*

Hon. HENRY J. HYDE,
*Chairman, Committee on International Relations, House of Representatives.*

DEAR MR. CHAIRMAN: I am writing to comment on HR 282, the ''Iran Freedom Support Act of 2005,'' that currently is pending before your Committee.

We have serious concerns about this proposed legislation, particularly Title II, which would amend the Iran and Libya Sanctions Act (ILSA). These provisions would impair our ability to continue working closely and successfully with our allies to deal with the threat that Iran poses.

The Iran issue is sensitive and critically important. The September 24 IAEA resolution, tabled by the EU–3 (Germany, the UK, and France), was an important step forward. We are going to have to continue working with our international partners to isolate Iran and to build and maintain an international coalition to ensure that Iran does not acquire a nuclear weapons capability. In doing so, the President needs the flexibility that HR 282 would impede.

I note that one portion of the bill, Title IV, regarding support for democracy in Iran, could, with relatively minor modifications, make a positive contribution to our Iran objectives, and we would welcome the opportunity to work with Congress in developing this approach.

Sincerely,

R. NICHOLAS BURNS,
*Under Secretary of State for Political Affairs.*

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

There have been repeated assertions by several of my colleagues today about the administration's position on the bill we are considering today. In fact, it has been characterized repeatedly by several colleagues that the administration ''strongly opposes'' this legislation.

With great respect to my colleagues, they are referring specifically to an administration letter that expressed an opinion to the chairman of the Committee on International Relations before the bill provided further flexibility to the President, and it is not a response to the text of the bill we are considering today. The administration has not taken a position on the legislation, as amended, that we are considering today.

In specific reference to the concerns that were addressed, I would like to address title II of the legislation before I recognize the gentleman from Pennsylvania.

Title II of the bill was the focus of the administration's letter, and it had to do in particular with that section concerning the ability of the President of the United States to waive certain provisions of this act in the national interest. The legislation that we consider today states that the President may on a case-by-case basis waive for a period of not more than 6 months with respect to national security the certifications required in this bill if such a waiver is ''vital to the national security interests of the country'' and the country of the national has undertaken substantial measures to prevent the acquisition and development of weapons of mass destruction.

What we in effect did here is we lowered the threshold significantly for the President's waiver in this case. It is significant that the administration has not expressed opposition to the legislation, as amended. For the sake of clarity of the record, I wanted to add that to our debate today.

Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON), the distinguished vice chairman of the Armed Services Committee.

Mr. WELDON of Pennsylvania. Madam Speaker, I thank the gentleman for yielding me this time and the leaders for bringing this bill forward.

I just want to refresh the memories of my colleagues who say we should not take any action. It was in 1997 when we had evidence that Iran was getting cooperation on developing a missile system that we brought a bill before this body called the Iran Missile Sanctions Act. For my colleagues who were not here, 398 Members voted ''yes,'' 98 Senators voted ''yes,'' the White House opposed the bill, and President Clinton vetoed the bill that year because he said we did not need it.

Last summer, Iran paraded the Shabab III missile system down the streets of Tehran. It is completed. It is the most capable offensive system in the Middle East. We could have stopped it and we didn't.

Madam Speaker, for the past 3 years I have been feeding the CIA information about Iran's efforts to undermine Iraq, the Middle East, and to foment terrorism around the world. It got so uncomfortable that I had to write a book. Everything that I said that I gave to the CIA for the past 3 years is now true: the support for Bani Sadr, the efforts for taking two teams up into North Korea to acquire nuclear technology, the attempts to assassinate Mullah al-Sastani. All of those things are now verified, and all of them I told the CIA and they ignored.

We do need to be aggressive with Iran and we need an approach that does not call for war. I am not for war with Iran. The people of Iran are not our enemy. It is a young nation. The people there want to be back as friends with America and the West. We need to work with those Iranians in exile, and that is what this legislation calls for.

Madam Speaker, 2 months ago I was out in California where I spoke to the 13 largest Iranian radio and television stations that beamed by satellite into Iran. For 2 hours I spoke directly to the Iranian people by satellite, 12 million households. I came back 8 hours later and took calls from people inside of Iran.

Madam Speaker, 400 Iranians called through the satellite and through cell phones to issue their recommendations and their questions to me live.

Madam Speaker, only 1 of 400 supported the regime of Ahmadinejad and Ayatollah Khomeini, who really runs the government there. Every other caller said we need your help, we need to do what you did with Ukraine, you need to help us take back our government. You need to do what they did in Georgia, to have an internal revolution, to bring about change so we truly can be friends with the West. That is what this legislation calls for.

But there is one other point this legislation does not focus on that I feel strongly about, and this was mentioned by my friend and colleague, the gentleman from Ohio (Mr. KUCINICH). The closest nation to Iran is Russia, and what we have to do is renew our efforts diplomatically to have Russia play a significant role to peacefully convince the people of Iran to get their government to back off of this nasty rhetoric and of this effort to build up this offensive capability using WMD, including nuclear weapons. This is of vital urgency for us. This is the number-one threat we face in the world.

While this legislation may not be perfect, it certainly sends a signal that we are not going to do what we did back in 1997. We are not going to allow any administration to back us off from stopping the development of technology like the missile system that Iran currently possesses.

Mr. CROWLEY. Madam Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Madam Speaker, let me thank my friend for yielding me this time.

Madam Speaker, I agree with many of the comments that have been made on this floor about the dilemma we have now in Iran as a result of our policies in Iraq. I opposed the U.S. involvement in Iraq. I thought it was wrong. And as one of the consequences, it has caused us to lose focus on our war against terror and to make it more difficult for us to deal with Iran.

Having said that, I think this is an important bill that we need to move forward. It is an important effort to make it clear that Iran cannot be permitted to become a nuclear weapons power.

Madam Speaker, let me point out some of the proudest moments in U.S. history have been the use of sanctions. I think back about U.S. leadership and imposing sanctions basically against the Soviet Union which allowed people to be able to leave that country.

I think back about the U.S. leadership in South Africa when it was an apartheid country and how we imposed sanctions against South Africa and were accused of causing problems in doing that. But what we did was bring down the apartheid Government of South Africa without the necessary use of force.

So I think it is critically important that we stand united in our efforts to impose sanctions against Iran to make it clear that we cannot allow Iran to become a nuclear weapons power. Make no mistake about it, Iran is trying to do that. We know Iran is trying to do that. We know about the vote of the IAEA of 27–3 that referred Iran to the Security Council, that they are enriching uranium clearly to develop a nuclear weapon, that they have supported terrorist organizations, the Hezbollah and the Islamic Jihad. The Iranian President has made it clear that he wants a world without the United States and he wants to wipe Israel off the face of the map. These are serious threats that we need to take seriously.

Therefore, we need effective sanctions against Iran so they change their way. This legislation is an effort to strengthen the sanctions against Iran by removing the sunset, by taking away some of the discretion and removing the sanctions unless Iran changes its way.

Madam Speaker, I look at this as a way to engage the international community to work with us. We did not do that in Iraq, and that was one of the fatal flaws of our policy in Iraq is that we did not engage the international community.

This legislation says, look, we have a chance with Iran to get them to change their ways through the imposition of sanctions and isolating the country, but we do need the help of our friends around the world. We do need them to work with us. It is in the interest of the civilized world to prevent Iran from becoming a nuclear weapons power. We need their help. Working with them, we can add another proud history to America in its international leadership of saying yes, we are going to use our international power, our diplomatic skills, to change the direction of a country that otherwise would become even a more dangerous risk to the United States and the civilized world. I urge my colleagues to support the legislation.

Mr. PAUL. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, there has been a lot of talk here about what this bill is doing and that it does not authorize the use of force. As a matter of fact, the language in the bill says this does not authorize the use of force. But my contention is it is a contradiction to the bill itself because the bill itself does authorize the use of force. No, not tanks and airplanes and bombs yet, but we know that all these options are still on the table.

□ 1230

But what it does authorize is something that is equivalent to force, and that is sanctions. Sanctions are used as an act of war.

Also, this bill has money in it, and it is open-ended, an authorization of appropriation. There is authorized to be appropriated to the Department of State such sums as may be necessary to carry out this section. And what is this section talking about? Subsidies and funding of dissident groups to go in there and undermine the Iranian government.

Yes, we quote Ahmadinejad about his vitriolic statements, and they are horrible, but how do you think they interpret other statements when we say we are going to wipe their regime off the face of the Earth? We are going to have regime change. So from their viewpoint we are saying the same thing, and we should not be blinded to that and pretend, because our language is not quite as violent. We are saying the same thing, because look at the result of the violence in Iraq as a result of our efforts of regime change.

Now, one of the major authors of the Iraqi war, a leader of the neoconservative movement, came before the committee when this resolution was debated and when we had hearings on it. I want to read a quote from him because it clarifies this issue. The quote comes from Michael Ledeen, and he wants regime change. This is what he had to say. ''There is much that is praiseworthy in the Iran Freedom Support Act. I think it can be improved by more openly embracing a policy of regime change in Iran and allocating an adequate budget to demonstrate our seriousness in this endeavor. I know some Members would prefer to dance around the explicit declaration of regime change as the policy of this country, but anyone looking closely at the language, and that is what I have done, and content of the Iran Freedom Support Act and its close relative in the Senate can clearly see that it is, in fact, the essence of the matter. You can't have freedom in Iran, that is, we can't have our way, without bringing down the mullahs.''

That is an outright threat. That is the testimony of a neoconservative who led us and promoted and pushed the war in Iraq, and nothing would please him and others who are behind this type of resolution to see regime change. There is no denial of that.

The question is how do we do it? Are we going to do it pussyfooting around? Or are we going to use force and violence? We did, we used bombs for a long time against Iraq. But we had a bill in 1998 that said explicitly we are going to get rid of the Iraqi government, and it took a few years to get the war going.

Both parties are involved in this. It is not just this administration that has promoted this type of foreign policy, which, quite frankly, I see is not in the best interest of our country. This is why I am a strong advocate of minding our own business. Don't get involved in nation building. Don't police the world. Don't get involved in the internal affairs of the other nations. Otherwise, we have a big job ahead of us.

What about the fact that Kim Jong Il is still in power? We are talking to him. We talked to Qadaffi. Mao was in power, and he had nuclear weapons. What did we do; did we attack him? No. What did we do with Stalin? Stalin and Khrushchev had 30,000 nuclear weapons. Were we ready to use force and intimidation and yelling and screaming? And Khrushchev was ready to wipe us off the face of the Earth also.

But I am asking you to reconsider the fact that moving in this direction is the same thing as we did against Iraq, and it won't do us any good. It is going to cost us a lot of money, and it is going to cost a lot of lives, and it is un-American. It is not constitutional. It is not moral. We should not pursue this type of foreign policy. We should take care of ourselves, and we should be more friendly with nations. We should be willing to trade. And if you are concerned about the world, why not set a good example? When our house is clean, when we have a good democracy and a worthy Republic, and we do well, believe me, they will want to emulate us.

But attacking and intimidating other nations, the way we go at it now, literally backfires on us. What is it doing to the dissidents, those who would love to overthrow the Islamic radicals in Iran right now? It unifies them. Did we become unified in this country when we were attacked on 9/11? Do you think Republicans and Democrats were divided on 9/11 and 9/12? No, it brings them together. So this policy does exactly the opposite of what you pretend that you want to do, and that is encourage those people who don't like their government. But by doing it this way, you literally are doing the very opposite.

So I just plead with you to be more cautious. Negroponte says there is no rush. Take some time. They are not about to have a nuclear weapon. And

whether or not that is their plan or not probably at this moment is irrelevant. I mean, if we stood down all these nations and all these nuclear weapons in the past, why can't we practice more diplomacy to resolve our differences. I was talking to somebody the other day and they said, well, maybe in 10 years they might have a nuclear weapon, so we must act now. Get the bombs ready. They are talking about a nuclear attack on Iran in order to stop them from producing a nuclear bomb. It is time to step back and look at the policy. The policy of nonintervention and peaceful relations with the world and peaceful trade is the American way to go, and it will lead to peace and prosperity.

I yield the balance of my time to the gentleman from Ohio.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Ohio is recognized for 5¾ minutes.

Mr. KUCINICH. I want to thank the gentleman from Texas for his very calm and patient approach to this. I don't think the American people want our Nation set on a path of war with Iran, and I believe the American people are very concerned about the steps which set us on a path to war against Iraq. There are questions that have to be answered by this administration before Congress should rightfully even vote on this.

You know, it has been reported recently that U.S. troops are conducting military operations in Iran. In Iran. Now, if that is true, then apparently the administration has made a decision to commit U.S. military forces to a unilateral conflict with Iran, even before direct or indirect negotiations with the Government of Iran have been attempted, without U.N. support and without authorization from this Congress.

First things first here. Where are we right now? Are we already inside Iran? According to Seymour Hersh, in the New Yorker, there is evidence that suggests that we are. The presence of U.S. troops in Iran would constitute a hostile act against that country.

Now, put that in the context of this particular bill. At a time when diplomacy is urgently needed, this bill would escalate an international crisis that is already percolating by the probability or at least the possibility that this administration has already committed troops to Iran. What we are seeing here is an undermining of any attempt to negotiate with the Government of Iran, and we are seeing the undermining of any diplomatic efforts at the U.N.

I said this before and I will say it again. Any kind of saber rattling against Iran puts our troops in Iraq at jeopardy. The achievement of stability in transition to Iraqi security control will be compromised, reversing any progress that has been cited by the administration.

I am sure that many Americans are saying, you know, it is hard to believe that the United States could have already taken such an imprudent decision as committing troops to Iran, but we have had a number and variety of sources confirming this. Over a week ago Air Force Colonel Sam Gardner related on CNN that the Iranian Ambassador to the IAEA, Aliasghar Soltaniyeh, reported to him that Iranians have captured dissident forces who have confessed to working with U.S. troops in Iran. Earlier that week, Seymour Hersh reported that a U.S. source told him that U.S. Marines were operating in the Baluchi, Azeri and Kurdish regions of Iran.

Now, any kind of military deployment in Iran would and should constitute an urgent matter of national significance. And I think that the administration has an obligation to this Congress, before Congress would vote on this kind of a bill, to tell us exactly what is going on with the activities of American forces with regard to Iran.

Also, there are reports that the U.S. is fomenting opposition and supporting military operations in Iran among insurgent groups and Iranian ethnic minority groups, some of whom are operating from Iraq. The Party for a Free Life in Kurdistan, PEJAK, is one such group, and the other group is called the MEK, the Mujahedin e-Khalq. It is an Iranian antigovernment group which was listed as a terrorist group by the State Department since 1997. An article by Jim Lobe, published in antiwar.com, on February 11, 2005, claims that the Pentagon civilians in Vice President CHENEY's office are among those in the U.S. Government who support MEK. We also know from the Hersh article in the New Yorker which confirms that U.S. troops are establishing contact with antigovernment ethnic minority groups in Iran.

Now, U.S. support for insurgent activity in Iran would not be tolerable. The administration has claimed numerous times that the object of the so-called war on terrorism is to target lawless insurgent groups. It would be a breach of trust if the administration is involved in this. Iran does not present an imminent threat. Any setting the stage for an attack on Iran is setting the stage for a unilateral act of war.

I think that this country needs to move very slowly anytime we are setting the stage for conflict with another nation. Don't we have enough problems in Iraq to clean up without setting the stage for another conflict in Iran? We must use diplomacy. We must use our relationships with Russia and China and other nations in order to avert a conflict with Iran.

Mr. CROWLEY. Madam Speaker, I yield myself 1 minute.

Madam Speaker, I heard our colleague thank Mr. PAUL of Texas for being calm and patient. I don't know how much more patient we can be with a country that supports international terrorism as Iran does.

Let me point out, this bill does not authorize the use of force. It does not authorize the use of force. We can say it over and over again. That is clearly not getting through. But this country, we are talking about Iran, is bent on the destruction of our ally Israel, bent on the destruction of our ally Israel and the interests of the United States in that region.

This is a peaceful way to help resolve this issue. It will restrict access to reserves by the mullahs in Iran to pursue development of weapons of mass destruction and nuclear weapons. So, Madam Speaker, once again, I rise in strong support of this legislation. I hope my colleagues on both sides of the aisle see the wisdom of this legislation that is seen as well in the Senate, and the President understands the wisdom of this legislation and signs it into law.

I yield the balance of my time to my friend, Mr. PENCE.

The SPEAKER pro tempore. The gentleman from Indiana is recognized for 1 minute.

Mr. PENCE. I thank the gentleman from New York for yielding and for his strong leadership on the international stage today and at other times in his career.

To the gentlewoman from Florida who is in our thoughts and prayers today, ILEANA ROS-LEHTINEN, who authored the Iran Freedom Support Act, I express gratitude.

Mr. CROWLEY of New York just said it best. The bill we will consider today codifies U.S. sanctions on Iran and requires that they remain in place until Iran has verifiably dismantled its chemical, biological and nuclear weapons program. It does not, this legislation today does not authorize the use of force against Iran. It does a host of other things that represent economic sanctions. It supports independent human rights and peaceful prodemocracy forces within Iran.

But the Iran Freedom Support Act is the right bill at the right time. It is a strong diplomatic measure. The potential consequences of inaction could be catastrophic. Congress and this administration must act before it is too late, before our options are severely limited, and this diplomatic measure today, the Iran Freedom Support Act, is such a measure.

I ask my colleagues to render their overwhelming support of this legislation.

Ms. ROS-LEHTINEN. Madam Speaker, Iran is the full ticket—a defiant rogue state, defined by the State Department as the world's most active—state sponsor of terrorism. Its ambition to develop weapons of mass destruction capabilities has been deliberate, deceptive, and long in the making.

U.S. policy has to date pursued a patient course of diplomacy including working with our allies, heeding the findings of the International Atomic Energy Agency, and accepting ineffectual incentives.

However, diplomacy does not mean surrender and of the "constructive engagement", incentives, and inducements of the Iranian regime have been no more effective than Neville Chamberlain's famous failed policies of appeasement during World War II.

It is time for the U.S. and our allies to undertake the sacrifices required to deny Iran the political legitimacy, technology, materials, and financial resources to pursue its destructive policies—policies that threaten U.S and global security.

It is our hope that H.R. 282 will serve as leverage for cooperation from those allies who claim to be concerned about the growing Iranian threat but who continue to invest billions in Iran's energy sector and continue to assist Iran's nuclear and missile programs.

Ten years ago, the U.S. called on our European allies to take steps to deny Iran the financial resources to nuclear capabilities.

The U.S. also called on Russia and China to cease their support for Iran's nuclear and missile program.

These calls were ignored.

Then, four years ago, the Iran saga within the context of the IAEA begins.

According to multiple IAEA reports Iran's deceptions and breaches of its international obligations have dealt with the most sensitive aspects of the nuclear cycle.

By September of 2004, as Iran resumed large-scale uranium conversion, then Secretary of State Colin Powell called for the Iran case to be referred to the United Nations Security Council for sanctions to be imposed.

That was not to be. The response from the international community was to offer Iran yet more incentives and to increase its investments in Iran's energy sector.

Every step along the way, Iran has demonstrated contempt for the IAEA and has mocked the international community.

In fact, Iran's former nuclear negotiator recently boasted: "When we were negotiating with the Europeans in Tehran we were still installing some of the equipment at the Isfahan site . . . In reality, by creating a same situation, we could finish Isfahan."

That is but a microcosm of how concessions and inaction—inaction including the failure to implement U.S. laws such as the Iran-Libya Sanctions Act—have only served to embolden the Iranian regime and increase the threat Iran poses to U.S. national security interests and global stability.

Just in the last few months, Iran: Resumed its nuclear efforts, removing the IAEA seals on uranium conversion plants; announced it could successfully use biotechnology for its nuclear program, thereby improving its capacity to build nuclear weapons; called for Israel to be wiped off the map; Iran's Defense Minister said that it is "Iran's absolute right to have access to nuclear arms . . ."; Iran is identified by U.S. military commanders as the source of some of the IEDs being used in terrorist attacks in Iraq; Iran's leader announces that Iran would inflict "harm and pain" on the U.S.

Just over a week ago, Iran's so-called president announces that Iran has an indigenous capability to enrich uranium and that it continues to pursue a more sophisticated technology, P–2 centrifuges, that could speed Iran's path to nuclear weapons.

Just yesterday, Iran's Grand Ayatollah underscored that Iran would share nuclear technology with other Islamic nations.

This announcement was made during a meeting with Sudan's brutal leader where the Ayatollah praised the Sudanese regime's policies.

This clearly indicates that the Iranian threat is more than just about its nuclear pursuits. This is a repressive regime that denies the Iranian people the most fundamental freedoms.

It is a regime that, since the infamous day in November 1979 when the U.S. embassy was overrun by Iranian radicals and Americans were taken hostage and held for 444 days, has increasingly viewed terrorism as a legitimate means to further its ideological and strategic aims.

Iran provides Hezbollah with funding, safe haven, training, and weapons that have been estimated by some at more than $80 million per year.

Hezbollah has been linked to the 1983 attacks on the U.S. Marine barracks in Lebanon.

Hezbollah has also been linked to the bombing of the U.S. Embassy and the Embassy annex, in Beirut in 1984.

Iran is directly linked to the June 1996 truck bombing of the Khobar Towers U.S. military housing complex in Saudi Arabia.

Iran has used Hezbollah to assert a global reach that has extended into the Western Hemisphere. We witnessed the 1992 bombing of the Israeli embassy in Argentina and the July 1994 bombing of the AMIA Jewish Community Center, also in Buenos Aires.

In December 2001, Matthew Levitt, a former FBI counter-terrorism official, detailed the beginning of al-Qaeda's links with Iran.

Levitt noted: "According to U.S. intelligence reports, Osama bin Laden's operatives approached Iranian Ministry of Intelligence and Security, MOIS, agents in 1995 and again in 1996, offering to join forces against America."

He added: "In fact, phone records obtained by U.S. officials investigating the 1998 U.S. embassy bombings in Kenya and Tanzania revealed that 10 percent of the calls from the Compact-M satellite phone used by bin Laden and his key lieutenants were to Iran. "

Testimony from defendants in the Kenya and Tanzania U.S. embassy bombings, indicate that Al-Qaeda and Hezbollah, with Iranian assistance, have had strategic meetings throughout the years in Sudan and elsewhere.

This is just the tip of the iceberg.

There is still time to contain the threat posed by Iran and adopt short and long-term policies that will compel Iran to change its unacceptable behavior.

H.R. 282 provides such a response.

Briefly, this bill: Codifies U.S. sanctions on Iran and requires that they remain in place until Iran has verifiably dismantled its chemical, biological, and nuclear weapons programs; amends the Iran-Libya Sanctions Act, ILSA, including by enlarging the number of entities that would be subject to sanctions, limiting its application to Iran, and eliminating the expiration date of the law; requires that the names of all individuals, governments and companies that have invested a total of at least $20 million in Iran's energy sector be published in the Federal Register; denies U.S. assistance to countries that are invested in Iran's energy sector; authorizes the President to provide U.S. assistance to peaceful pro-democracy and human rights groups in Iran and for independent broadcasts into Iran.

We must use all available political and economic means to truly make Iran pay for its behavior, and to leverage for cooperation from our allies and convince them to deny Iran the resources to continue along this track.

We must act before it is too late and our options are severely limited.

I ask my colleagues to render their overwhelming support to this legislation.

Mr. McDERMOTT. Madam Speaker, the U.S. Chamber of Commerce, National Foreign Trade Council, Coalition for Employment Through Exports and USA*Engage yesterday distributed to members a very cogent description of some of the reasons to oppose H.R. 282. I recommend that members review it.

Hon. JIM McDERMOTT,
*House of Representatives,*
*Washington, DC.*
Re H.R. 282, Iran Sanctions Act.

DEAR CONGRESSMAN McDERMOTT: Our organizations write in opposition to the Iran Sanctions Act, H.R. 282, which has been placed on the House suspension calendar for this week. While we recognize the serious concerns raised by the current regime in Iran, we are concerned that the changes which have been proposed to the U.S. sanctions program would hinder, not help, our efforts to address the situation. Specifically, these changes would remove the vital flexibility of U.S. sanctions policy, drive a wedge between U.S. and our allies in the on-going joint efforts to influence the Iranian regime, increase the involvement of courts in U.S. foreign policy, and discourage foreign investment in the United States. We urge you to oppose passage of H.R. 282 when it comes up under suspension of the rules this week to allow for fuller and more informed consideration over the negative consequences of these changes to U.S. law.

In particular, we note the following concerns with the current bill as it was ordered reported by the House International Relations Committee on March 15:

The bill would remove the extremely useful periodic review of the Iran sanctions regime by removing the sunset provision included in the earlier Iran Libya Sanctions Act. Sunset provisions are vital to creating an effective sanctions regime as they permit Congress to review sanctions to ensure that they are effective and useful over time. Congress engaged in a useful debate over reforms in Iran when sanctions up for renewal in 2001 and it is important that Members allow for such a debate in the future.

H.R. 282 would make the United States more vulnerable to international commercial complaints and damage U.S. global financial leadership by greatly expanding the entities subject to sanctions to include insurers, creditors and foreign subsidiaries. The United States would undoubtedly face complaints and lawsuits from our trading partners questioning their legality. It would also stoke "economic nationalism," which may seriously disrupt vital U.S. business overseas.

The capital market sanctions contained in H.R. 282 would discourage foreign investment in the United States and could potentially damage U.S. business interests abroad. By requiring publication of the names of entities that have investments in violation of the sanctions, ordering a report by an office of the Security and Exchange Commission, and encouraging divestment of stocks, H.R. 282 sends a negative signal to foreign companies interested in investing in the United States. This bill encourages global companies to avoid investments in the United States by leaving them exposed to potential capital market sanctions. Foreign governments may also seek to retaliate against U.S. firms abroad based on their own political motivations.

H.R. 282 would hinder the flexibility of the President to conduct foreign policy. The bill would require the President to direct the Treasury Department to initiate investigations into the potential for sanctioning firms investing in Iran and would require the President to determine to impose sanctions

on such entities within 360 days. This provision would also apply retroactively, requiring sanctions determinations on pending investigations of prior investments within ninety days of enactment. If the President chose to waive the sanctions, which is possible under an inadequately narrow provision in this bill, he would be required to renew that waiver every six months. This policy of requiring investigations and sanctions determinations on each and every past and future investment in Iran by a person described in the Act would severely restrict the Administration's flexibility to conduct foreign policy in ways that can adapt to complex, changing circumstances.

Finally, we encourage Congress and the House International Relations Committee to rethink the sanctions regime in light of their serious unintended impact on the people of Iran and our own ability to forge vital international alliances. When we hear of reports like those raised in the March 15 hearing of the Committee on International Relations—about the difficulties that humanitarian organizations have had operating to relieve suffering by earthquake victims—it seems appropriate to take a closer look at whether there might be a better way for the United States to address the serious concerns raised by the policies of the Iranian government.

At the very least, we hope that there will be an opportunity to hold a fuller debate over the proposed radical changes to the Iran Libya Sanctions Act, and therefore respectfully request that you vote against H.R. 282.

Respectfully submitted,

USA*Engage.

Coalition for Employment Through Exports.

National Foreign Trade Council.

U.S. Chamber of Commerce.

Mr. BERMAN. Madam Speaker, several years ago we discovered that Iran was operating a secret program to enrich uranium and carry out other sensitive nuclear fuel cycle activities.

Iran's failure to report these activities to the International Atomic Energy Agency was a blatant violation of its obligations under the Nuclear Non-proliferation Treaty.

The more we have learned about Iran's nuclear program in the intervening months, the more obvious it's become that Tehran's true intention is not peaceful power generation, but the development of a nuclear arsenal that could threaten the United States, our allies in the Middle East, and any other part of the world within the range of Iran's increasingly sophisticated ballistic missiles.

Any seeds of doubt on the purpose of Iran's nuclear activities were dispelled once and for all by their outright rejection of a sensible proposal offered by our European allies and, more recently, Iran's resumption of uranium enrichment in defiance of the international community.

The election of Iranian President Ahmadinejad has made the urgency of preventing Iran from acquiring nuclear weapons that much greater.

His messianic world view, vocal support for "wiping Israel off the map," and close ties to Hezbollah, Hamas and other terrorist organizations make the prospect of a nuclear-armed Iran truly unimaginable.

Everyone hopes we can find a diplomatic solution to this crisis, and the IAEA's recent decision to refer Iran to the U.N. Security Council was a long-overdue step in the right direction.

But tough words must be backed by tough action, and we have got to keep the pressure on Russia and China to support meaningful measures that will cause the Iranian regime to reevaluate the wisdom of its current course.

And, through this legislation before us today, we must push our own Executive Branch to enforce the Iran-Libya Sanctions Act, legislation passed by Congress back in 1996 to deter investment in Iran's oil and gas sector.

By requiring the President to impose sanctions on foreign firms that continue to invest in Iran, we hoped to starve the Iranian regime of hard currency necessary to pursue nuclear weapons and support terrorism.

In the months after ILSA was signed into law, there were strong indications that it was having the intended deterrent effect.

But then, in an effort to avoid offending our allies, the Clinton Administration made a decision not to enforce the law—a shortsighted policy continued by President Bush.

H.R. 282 would close a legal loophole that has allowed the State Department to sit on investigations for years without making a determination, one way or the other, if a foreign firm has in fact made an investment in Iran.

Madam Speaker, this legislation won't make Iran's nuclear program go away, but it is an important step in the right direction, and—with 360 cosponsors—sends a clear signal that Congress is extremely concerned about this critical matter.

Mr. GENE GREEN of Texas. Madam Speaker, I urge my colleagues to join me today in supporting H.R. 282, the Iran Freedom Support Act.

I want to thank Ms. ROS-LEHTINEN and Mr. LANTOS for drafting this bill that has gathered great support from our colleagues to address the urgent and problematic situation in Iran.

This bill will extend and strengthen existing sanctions designed to cut off funds Iran could use for its illicit atomic programs.

Inspections by the International Atomic Energy Agency (IAEA) over the past three years have turned up evidence that Iran has been pursuing nuclear technology for nearly two decades. Despite recent rulings by the IAEA Board of Governors that found Iran to be in noncompliance with its Nuclear Nonproliferation Treaty safeguards agreement, and a presidential statement last month by the United Nations Security Council that called upon Iran to reinstitute its voluntary suspension of enrichment and reprocessing, Iran has stated that it will continue development of its nuclear program.

The U.S. and our allies cannot stand by and watch Iran develop nuclear capabilities, and this legislation is just a first step in what must be done to address this problem.

A state that has vowed to continue supporting terrorist activity against the West and the U.S., has openly stated that Israel must be wiped off the map, and has threatened to retaliate to international pressure and sanctions by giving nuclear technology to other states, must be dealt with before it has a robust nuclear program.

Iran's pursuit for weapons of mass destruction—and nuclear technology in particular—along with its outright support for international terrorism require a strong response from our government.

Passing H.R. 282 is a first step in addressing this urgent situation, and I ask my colleagues to join me in supporting this bill.

Ms. HARRIS. Madam Speaker, I rise in support of H.R. 282, the Iran Freedom Support Act. For more than two decades the Iranian regime has displayed its contempt for the rule of law by willingly and aggressively breaching its international obligations, in pursuit of nuclear weapons.

The incendiary remark made by Iranian President Ahmadinejad, that Israel is a "fake regime [that] can not logically continue to live," underscores the importance of this measure.

H.R. 282 denies technical assistance and financial resources to the regime of President Ahmadinejad, and strengthens sanctions against those who would facilitate the development of a covert nuclear program in Iran. This bill sends a clear and unambiguous message to Iran that their behavior is unacceptable.

The overwhelming 37–3 vote by which this measure passed the International Relations Committee exemplifies the bipartisan nature of the issue.

Madam Speaker, with the proliferation of nuclear weaponry at issue, there is neither room for error, nor for mixed signals. The price to be paid for inaction or indecision is beyond consideration. This legislation is a measured, responsible demonstration of our commitment to ensuring the freedom of Iranians and Americans alike.

Mr. SMITH of New Jersey. Madam Speaker, I am attaching an exchange of letters between Chairman HYDE and Chairmen DAVIS, THOMAS, MCKEON and OXLEY concerning the bill H.R. 282 "The Iran Freedom Support Act" for printing in the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
*Washington, DC, April 13, 2006.*

Hon. HENRY J. HYDE,
*Chairman, Committee on International Relations, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to consideration of H.R. 282, the Iran Freedom Support Act, which the Committee on International Relations ordered reported on April 13, 2006. In the bill as ordered reported by your Committee, section 206, specifically the provisions providing Senses of Congress urging U.S. government pension plan and thrift savings plan managers to take certain actions (section 206(c) and (d)) and the provision requiring certain disclosures by managers of U.S. government pension plans and thrift savings plans (section 206(e)) are within the jurisdiction of the Government Reform Committee.

I thank you for your agreement to support the removal of section 206(e) from the bill and to modify sections 206(c) and (d) with the addition of language recognizing the fiduciary duties of U. S. government pension plan managers, as you work to move this important legislation forward. Given the importance and timeliness of the Iran Freedom Support Act, and your willingness to work with us regarding pension issues, I will not request a sequential referral of this legislation to the Committee on Government Reform. However, I only do so with the understanding that this procedural route should not be construed to prejudice the Committee on Government Reform's jurisdictional interest and prerogatives on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. Furthermore, should these or similar provisions be considered in a conference with the Senate, I would expect Members of the Committee on Government Reform be appointed to the conference committee on these provisions.

Finally, I would ask that you include a copy of our exchange of letters in the Committee Report on H.R. 282 and in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

TOM DAVIS,
*Chairman.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
*Washington, DC, April 13, 2006.*

Hon. TOM DAVIS,
*Chairman, Committee on Government Reform, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 282, the Iran Freedom Support Act. I concur with your assessment that Section 206 of the bill, as ordered reported by the Committee on International Relations, which deals with United States Pension Plans, falls within the Rule X jurisdiction of the Committee on Government Reform—specifically Section 206(e), which requires certain disclosures by managers of U.S. government pension plans. In addition, the Senses of Congress contained in Sections 206 (c) and (d), urging U.S. government pension plan managers to take certain actions, are also within the jurisdiction of your Committee.

I thank you for your agreement to support moving this important legislation forward. Based on our discussions, this Committee will remove Section 206(e) from the bill, modify Sections 206 (c) and (d), and add language recognizing the fiduciary duties of pension plan managers. I appreciate your willingness to forego seeking a sequential referral of this legislation. I understand your willingness to do so does not in any way prejudice the Committee on Government Reform's jurisdictional interest and prerogatives on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to your Committee in the future. Should these or similar provisions be considered in a conference with the Senate, I will urge the Speaker to appoint members of the Committee on Government Reform to the conference committee.

As you requested, I will include a copy of our exchange of letters in the Committee Report on H.R. 282 and in the Congressional Record during the consideration of this bill.

Sincerely,

HENRY J. HYDE,
*Chairman.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON WAYS AND MEANS,
*Washington, DC, April 6, 2006.*

Hon. HENRY J. HYDE,
*Chairman, Committee on International Relations, Washington, DC.*

DEAR CHAIRMAN HYDE: I am writing regarding H.R. 282, the ''Iran Freedom Support Act,'' which the Committee on International Relations marked up on March 15, 2006.

As per the agreement between our Committees, to be included in a manager's amendment to H.R. 282, the amended bill would modify the language in Section 101(a) so that the import sanctions contained in Executive Order 12959 may remain in effect under the terms of the Executive Order but would not be codified by this bill, In addition, Sections 202(a) and 202(b) of the reported bill will remain in the amended version. These sections would change current law by striking the statutory option the President currently has to ban imports against both Iran and Libya.

Because all of these provisions have the effect of modifying and altering the application of an import ban, they fall within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. 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 or similar legislation.

I would appreciate your response to this letter, confinning this understanding with respect to H.R. 282, and would ask that a copy of our exchange of letters on this matter be included in your Committee report.

Best regards,

BILL THOMAS,
*Chairman.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
*Washington, DC, April 7, 2006.*

Hon. WILLIAM M. THOMAS,
*Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing regarding H.R. 282, the ''Iran Freedom Support Act,'' which the Committee on International Relations marked up on March 15, 2006.

As per the agreement between our Committees, I will include in the manager's amendment to H.R. 282 language which would modify the text in Section 101(a) so that the import sanctions contained in Executive Order 12959 may remain in effect under the terms of the Executive Order but would not be codified by this bill. In addition, Sections 202(a) and 202(b) of the reported bill will remain in the amended version. These sections would change current law by striking the statutory option the President currently has to ban imports against both Iran and Libya.

I concur that these provisions have the effect of modifying and altering the application of an import ban and, therefore, they fall within the jurisdiction of the Committee on Ways and Means. I appreciate your willingness to assist in expediting this legislation by foregoing action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee on Ways and Means with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

As you requested, I will be pleased to include a copy of this exchange of letters in the Committee Report on H.R. 282 and in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

HENRY J. HYDE,
*Chairman.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON FINANCIAL SERVICES,
*Washington, DC, April 7, 2006.*

Hon. HENRY J. HYDE,
*Chairman, Committee on International Relations, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 282, the Iran Freedom Support Act. This bill was ordered reported by the Committee on International Relations on March 15, 2006. Section 206, ''United States pension plans'', and section 207, ''Report by Office of Global Security Risks'', of the bill as ordered reported by your committee are within the jurisdiction of the Committee on Financial Services under clause 1(g) of rule X of the Rules of the House of Representatives.

Ordinarily, the Committee on Financial Services would be entitled to receive a sequential referral of the bill. However, I thank you for your agreement to support in moving this important legislation forward the removal of section 206(e) and section 207 from the bill and to modify section 206(b) by inserting the Secretary of State in lieu of the President. Given the importance and timeliness of the Iran Freedom Support Act, and your willingness to work with us regarding these issues, I will not seek a sequential referral of this legislation. However, I do so only with the understanding that this procedural route should not be construed to prejudice the jurisdictional interest of the Committee on Financial Services on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my committee in the future. Furthermore, should these or similar provisions be considered in a conference with the Senate, I would expect members of the Committee on Financial Services be appointed to the conference committee on these provisions.

Finally, I would ask that you include a copy of our exchange of letters in the Committee Report on H.R. 282 and in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

MICHAEL G. OXLEY,
*Chairman.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
*Washington, DC, April 7, 2006.*

Hon. MICHAEL G. OXLEY,
*Chairman, Committee on Financial Services, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 282, the Iran Freedom Support Act. I concur that the bill, as ordered reported by the Committee on International Relations on March 15, 2006, contains language which falls within the Rule X jurisdiction of the Committee on Financial Services. Specifically, Section 206, ''United States Pension Plans,'' and Section 207, ''Report by Office of Global Security Risks,'' of the bill are within your Committee's jurisdiction.

Our two committees have reached agreement that, in the interest of moving this important legislation forward, the text of the bill which we will place in the manager's amendment will remove Section 206(e) and Section 207 from the bill and will modify Section 206(b) by inserting the ''Secretary of State'' in lieu of ''the President.'' Given the importance and timeliness of the Iran Freedom Support Act, I appreciate your willingness to work with us regarding these issues and to forego sequential referral of this legislation. I understand that by doing so, it should not be construed to prejudice the jurisdictional interest of the Committee on Financial Services on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to your Committee in the future. Furthermore, should these or similar provisions be considered in a conference with the Senate, I will request the Speaker to name members of the Committee on Financial Services to the conference committee.

As you requested, I will be pleased to include a copy of this exchange of letters in the Committee Report on H.R. 282 and in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate

to call me. I thank you for your consideration.

Sincerely,

HENRY J. HYDE,
*Chairman.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON EDUCATION AND THE WORKFORCE,
*Washington, DC, April 6, 2006.*

Hon. HENRY J. HYDE,
*Committee on International Relations, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN, I am writing to confirm our mutual understanding with respect to the consideration of H.R. 282, the Iran Freedom Support Act. Section 206, United States Pension Plans, of the bill as ordered reported by your committee is within the jurisdiction of the Committee on Education and Workforce—specifically, section 206 (e), which requires certain disclosures by managers of private pension plans. In addition, the Senses of Congress contained in sections 206 (c) and (d) urge private pension plan managers to take certain actions and are also within the jurisdiction of the Committee on Education and the Workforce.

I thank you for your agreement to support the removal of section 206 (e) from the bill and to modify sections 206 ( c) and (d) with the addition of language recognizing the fiduciary duties of pension plan managers, as you work to move this important legislation forward. Given the importance and timeliness of the Iran Freedom Support Act, and your willingness to work with us regarding pension issues, I will not seek a sequential referral of this legislation. However, I do so only with the understanding that this procedural route should not be construed to prejudice the Committee on Education and the Workforce's jurisdictional interest and prerogatives on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my committee in the future. Furthermore, should these or similar provisions be considered in a conference with the Senate, I would expect members of the Committee on Education and the Workforce be appointed to the conference committee on these provisions.

Finally, I would ask that you include a copy of our exchange of letters in the Committee Report on H.R. 282 and in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
*Chairman.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
*Washington, DC, April 6, 2006.*

Hon. HOWARD P. ''BUCK'' MCKEON,
*Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 282, the Iran Freedom Support Act. I concur with your assessment that Section 206 of the bill, as ordered reported by the Committee on International Relations, which deals with United States Pension Plans, falls within the Rule X jurisdiction of the Committee on Education and Workforce—specifically Section 206(e), which requires certain disclosures by managers of private pension plans. In addition, the Senses of Congress contained in Sections 206 (c) and (d), urging private pension plan managers to take certain actions, are also within the jurisdiction of your Committee.

I thank you for your agreement to support moving this important legislation forward. Based on our discussions, this Committee will remove Section 206(e) from the bill, modify Sections 206 (c) and (d), and add language recognizing the fiduciary duties of pension plan managers. I appreciate your willingness to forgo seeking a sequential referral of this legislation. I understand your willingness to do so does not in any way prejudice the Committee on Education and the Workforce's jurisdictional interest and prerogatives on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to your Committee in the future. Should these or similar provisions be considered in a conference with the Senate, I will urge the Speaker to appoint members of the Committee on Education and the Workforce to the conference committee.

As you requested, I will include a copy of our exchange of letters in the Committee Report on H.R. 282 and in the Congressional Record during the consideration of this bill.

Sincerely,

HENRY J. HYDE,
*Chairman.*

Mr. CARDIN. Madam Speaker, I rise in strong support of H.R. 282, the Iran Freedom Support Act. This bill strengthens U.S. sanctions on Iran, and requires that they remain in place until Iran has dismantled its chemical, biological, and nuclear weapons programs.

Iran is actively seeking weapons of mass destruction, which poses a threat to the national security of the United States and to the world. Iran has repeatedly violated its obligations to the international community, specifically the 1973 Safeguards Agreement with the International Atomic Energy Agency (IAEA). In 2002 the world learned that Iran was illegally continuing to develop a secret nuclear program, which has led to years of negotiations with the international community. Last August, however, the Iranian government resumed its conversion of uranium. In February the IAEA voted 27 to 3 to report Iran to the United Nations Security Council for further action. In March the U.N. Security Council directed Iran to its nuclear activities. Iran defied the United Nations, and made an announcement that it had enriched uranium to reactor-grade levels, which is a precursor to the development of a nuclear bomb. This week the U.N. Security Council is meeting to evaluate Iran's behavior, and I urge the Security Council to use all the tools at its disposal to pressure Iran to meet its commitments to the IAEA.

I am pleased that the legislation today establishes mandatory sanctions for contributions to development of weapons, limits the President's flexibility to waive sanctions, authorizes funding to promote democracy activities in Iran, and supports efforts to strengthen the Nuclear Nonproliferation Treaty. Finally, this bill eliminates the sunset of sanctions against Iran, and requires them to remain in place until the President certifies that Iran has dismantled its WMD programs.

I am pleased that the United States has continued to work closely with the international community—including the European Union, Russia, and China—on this urgent matter. I urge the President to keep Congress fully and current informed on this matter, as called for in this resolution. I urge the international community to impose economic sanctions designed to deny Iran the ability to develop nuclear weapons.

We cannot allow a rogue nation such as Iran to obtain nuclear weapons. Iran has actively supported terrorist groups, such as Hezbollah in Lebanon and Palestinian Islamic Jihad. Iran has funded suicide bombers in Israel and militant organizations elsewhere. Many of these terrorist groups are seeking weapons of mass destruction (WMD) so that they can kill or injure thousands or even millions of people. The Iranian President has publicly expressed his hope for a world without America, his desire to wipe Israel off the map, and has denied the existence of the Holocaust.

Ms. LEE. Madam Speaker, although not a perfect bill, I plan to support H.R. 282 based on several important decisions I authored and that were included in the committee-passed bill. First, and most importantly, this bill includes my language explicitly stating that this bill in no way constitutes an authorization to use military force against Iran. Additionally, it includes my provision clarifying that none of the funds authorized for democracy promotion should be used to fund destabilizing activities against Iran. Moreover, in the report accompanying this legislation, I was able to include language aimed at ensuring that none of the funds authorized in this legislation are channeled to democracy promotion organizations that may in turn bankroll covert action against Iran.

My vote today in no way detracts from my vigilance regarding this administration and its reported interest in another preemptive strike—this time against Iran. I have and will continue to strongly oppose the so-called doctrine of preemption and believe we must engage Iran in smart and tough diplomacy regarding its nuclear programs.

Mr. FARR. Madam Speaker, I am very concerned about Iran's nuclear power program. I am extremely opposed to any attempts by the Administration to preemptively strike Iran. We must work multilaterally to bring Iran back to the negotiation table and into compliance with the Nonproliferation Treaty.

While the government of Iran continues to defy international pressure to conform to the NPT, unilateral military action against Iran is not the solution. The repercussions and unintended consequences of a U.S. military attack on Iran are terrifying to contemplate. I personally do not believe that a military strike on Iran would advance U.S. or regional security. I am afraid it could create a backlash against the U.S. that would be a more serious threat than a nuclear Iran. Congress has the constitutional responsibility to debate the commitment of troops or military action, and the obligation to the American people to have an up or down vote before the Administration takes any steps towards military engagement.

The solution to the Iranian problem lies in diplomacy. The Administration needs to work with other members of the U.N. Security Council and gain a strong coalition of support for a diplomatic solution. I urge my colleagues to join me in calling on the Administration to find peaceful means of ensuring Iran's compliance with the NPT.

Mr. HOLT. Madam Speaker, I rise today in strong support of Iran Freedom Support Act, H.R. 282. I am a cosponsor of this important legislation because I remain deeply troubled by the current regime and situation in Iran.

It is long past time for the House to address the security challenge posed to the world community and our allies in the Middle East by the current regime in Iran. The hateful and threatening comments made by the President of Iran against Israel cannot be tolerated. Further, the provocative actions taken by Iran to

further their nuclear weapons program must be stopped. A nuclear Iran would destabilize the region and threaten the United States and our allies. We must use every tool at our disposal today to end Iran's nuclear ambitions. Iran must change its way.

This important legislation would codify bilateral U.S. sanctions against Iran and strengthens third-party sanctions through amendments to the Iran-Libya Sanctions Act. H.R. 282 would make the removal of these sanctions contingent upon a Presidential certification that Iran no longer poses a threat to the national security of the United States, its interests, or allies. It would also require the Administration to report to Congress on countries cooperating (or not) with U.S. efforts to forge a multilateral Iran sanctions regime. The bill would also provide U.S. assistance to pro-democracy groups in Iran and to independent broadcasts into Iran from abroad.

I was troubled when I read the recent reports about the Administration seriously considering a nuclear attack on Iran. While I strongly oppose Iran's efforts to create a nuclear weapons program, it would be unconscionable to use nuclear weapons in an attempt to eliminate their program. The President must reassure the world that America remains a responsible world power. He must state unambiguously that the United States will never use nuclear weapons in a first strike against Iran or any other sovereign nation.

H.R. 282 is in keeping with United States priorities to address the multiple threats posed by the Iranian regime, as well as with our goal to bring peace and stability the people of the Middle East. I support this important legislation.

Mr. BLUMENAUER. Madam Speaker, I would like to include the following article, which I referenced on the floor, in the RECORD of the debate on H.R. 282, the "Iran Freedom Support Act."

[From the Asia Times, March 30, 2006]

NEO-CON CABAL BLOCKED 2003 NUCLEAR TALKS

(By Gareth Porter)

WASHINGTON.—The George W. Bush administration failed to enter into negotiations with Iran on its nuclear program in May 2003 because neo-conservatives who advocated destabilization and regime change were able to block any serious diplomatic engagement with Tehran, according to former administration officials.

The same neo-conservative veto power also prevented the administration from adopting any official policy statement on Iran, those same officials said.

Lawrence Wilkerson, then chief of staff to secretary of state Colin Powell, said the failure to adopt a formal Iran policy in 2002–03 was the result of obstruction by a "secret cabal" of neo-conservatives in the administration, led by Vice President Dick Cheney.

"The secret cabal got what it wanted: no negotiations with Tehran," Wilkerson wrote in an e-mail to Inter Press Service (IPS). The Iranian negotiating offer, transmitted to the State Department in early May 2003 by the Swiss ambassador in Tehran, acknowledged that Iran would have to address U.S. concerns about its nuclear program, although it made no specific concession in advance of the talks, according to Flynt Leverett, then the National Security Council's senior director for Middle East Affairs.

Iran's offer also raised the possibility of cutting off Iran's support for Hamas and Islamic Jihad and converting Hezbollah into a purely socio-political organization, according to Leverett. That was an explicit response to Powell's demand in late March that Iran "end its support for terrorism".

In return, Leverett recalls, the Iranians wanted the U.S. to address security questions, the lifting of economic sanctions and normalization of relations, including support for Iran's integration into the global economic order.

Leverett also recalls that the Iranian offer was drafted with the blessing of all the major political players in the Iranian regime, including Supreme Leader Ayatollah Ali Khomeini.

Realists, led by Powell and his deputy, Richard Armitage, were inclined to respond positively to the Iranian offer. Nevertheless, within a few days of its receipt, the State Department had rebuked the Swiss ambassador for having passed on the offer.

Exactly how the decision was made is not known. "As with many of these issues of national security decision-making, there are no fingerprints," Wilkerson told IPS. "But I would guess Dick Cheney with the blessing of George W. Bush."

As Wilkerson observes, however, the mysterious death of what became known among Iran specialists as Iran's "grand bargain" initiative was a result of the administration's inability to agree on a policy toward Tehran.

A draft National Security Policy Directive (NSPD) on Iran calling for diplomatic engagement had been in the process of interagency coordination for more than a year, according to a source who asked to remain unidentified.

But it was impossible to get formal agreement on the NSPD, the source recalled, because officials in Cheney's office and in under secretary of defense for policy Douglas Feith's Office of Special Plans wanted a policy of regime change and kept trying to amend it.

Opponents of the neo-conservative policy line blame Condoleezza Rice, then the national security adviser, for the failure of the administration to override the extremists in the administration. The statutory policymaker process on Iran, Wilkerson told IPS in an e-mail, was "managed by a national security adviser incapable of standing up to the cabal . . ."

In the absence of an Iran policy, the two contending camps struggled in 2003 over a proposal by realists in the administration to reopen the Geneva channel with Iran that had been used successfully on Afghanistan in 2001–02. They believed Iran could be helpful in stabilizing postconflict Iraq, because the Iraqi Shi'ite militants whom they expected to return from Iran after Saddam Hussein's overthrow owed some degree of allegiance to Iran.

The neo-conservatives tried to block those meetings on tactical policy grounds, according to Leverett. "They were saying we didn't want to engage with Iran because we didn't want to owe them," he recalled.

Nevertheless, U.S. ambassador to Afghanistan Zalmay Khalilzad (now envoy in Iraq) was authorized to begin meeting secretly in Geneva with Iranian officials to discuss Iraq. The neo-conservatives then tried to sandbag the talks by introducing a demand for full information on any high-ranking al-Oaeda cadres who might be detained by the Iranians.

Iran regarded that information as a bargaining chip to be given up only for a quid pro quo from Washington. The Bush administration, however, had adopted a policy in early 2002 of refusing to share any information with Iran on al-Oaeda or other terrorist organizations.

On May 3,2003, as the Iranian "grand bargain" proposal was on its way to Washington, Tehran's representative in Geneva, Javad Zarif, offered a compromise on the issue, according to Leverett: if the U.S. gave Iran the names of the cadres of the Mujahideen-e Khalq (MEK) who were being held by U.S. forces in Iraq, Iran would give the U.S. the names of the al-Oaeda operatives they had detained.

The MEK had carried out armed attacks against Iran from Iraqi territory during the Hussein regime and had been named a terrorist organization by the U.S. But it had capitulated to U.S. forces after the invasion, and the neo-conservatives now saw the MEK as a potential asset in an effort to destabilize the Iranian regime.

The MEK had already become a key element in the alternative draft NSPD drawn up by neo-conservatives in the administration.

The indictment of Iran analyst Larry Franklin on Feith's staff last year revealed that, by February 2003, Franklin had begun sharing a draft NSPD that he knew would be to the liking of the Israeli Embassy.

(Franklin eventually pleaded guilty to passing classified information to two employees of an influential pro-Israel lobbying group and was sentenced to 12 and a half years in prison.)

Reflecting the substance of that draft policy, ABC News reported on May 30, 2003, that the Pentagon was calling for the destabilization of the Iranian government by "using all available points of pressure on the Iranian regime, including backing armed Iranian dissidents and employing the services of the Mujahideen-e Khalq . . ."

Nevertheless, Bush apparently initially saw nothing wrong with trading information on MEK, despite arguments that MEK should not be repatriated to Iran. "I have it on good authority," Leverett told IPS, "that Bush's initial reaction was, 'But we say there is no such thing as a good terrorist.'" Nevertheless, Bush finally rejected the Iranian proposal.

By the end of May, the neo-conservatives had succeeded in closing down the Geneva channel for good. They had hoped to push through their own NSPD on Iran, but according to the Franklin indictment, Franklin told an Israeli Embassy officer in October that work on the NSPD had been stopped.

But the damage had been done. With no direct diplomatic contact between Iran and the U.S., the neo-conservatives had a clear path to raising tensions and building political support for regarding Iran as the primary enemy of the United States.

Ms. SCHWARTZ of Pennsylvania. Madam Speaker, I rise in strong support of the Iran Freedom Support Act.

Iran's continued pursuit of nuclear weapons, support for international terrorist organizations, and abhorrent human rights practices pose one of the greatest threats to global security.

Further, the Iranian government has made clear its intentions toward the United States. Six months ago, Iranian President Mahmoud Ahmadinejad stated that a world without the United States is a "possible goal and slogan". This is not a veiled threat and we must take him seriously.

Our greatest responsibility is the safety and security of the American people. As such, we must employ every option at our disposal to ensure that Mr. Ahmadinejad's stated goals remain unattainable.

The Iran Freedom Support Act takes a responsible and sensible approach—tightening and codifying economic sanctions against the Iranian regime. It will hinder Iran's ability to acquire nuclear weapons and fund terrorist groups and it will send a clear signal to the

Iranian regime that it will be held accountable for its threatening behavior.

The United States must also continue to push the United Nations Security Council for strong action to thwart Iran's nuclear ambitions. In the meantime, it is our job to take meaningful steps to eliminate the threats posed by Iran. And that is why I urge my colleagues to support this bill.

Miss. McMORRIS. Madam Speaker, I rise today in support of H.R. 282, the Iran Freedom Support Act. I applaud this bi-partisan effort by Congress to address the increasing threat posed to our country and world by Iran.

Many defense experts have predicted that we face no greater threat from a single country than from Iran. Iran's leaders, including Iranian President Mahmoud Ahmadinejad, have continuously called for the destruction of Israel, rejected overtures from the world community, including the United Nations, supported international terrorism, and continued to advance their nuclear program with the announcement on April 11 that Iran had successfully enriched fuel-grade uranium.

All of these actions are unacceptable. We would be remiss to ignore a country that perilously threatens our allies and the security of the world while simultaneously seeking to advance its unsupervised nuclear capabilities. We must not allow Iran to bully the world or our allies or fail to show Iran that we will take their irresponsible and careless behavior seriously.

H.R. 282 will help support democracy while taking a firm stance against the radical and reckless leaders of Iran and those that would support them. At this time, supporting democracy in Iran is an important ingredient to resolving this situation peacefully. One of my top priorities in Congress is to ensure our national security, and I support H.R. 282 as an important step in combating the rising risk of Iran.

Mr. DEFAZIO. Madam Speaker, I rise today in reluctant opposition to H.R. 282, the Iran sanction bill. If this bill was only about imposing targeted sanctions against the Iranian regime, or companies and countries who invest in Iran, I could support it. In fact, I voted in favor of the original Iran sanctions bill when it was approved in 1996, and I voted to extend the bill when it came up for renewal in 2001.

Unfortunately, the bill on the floor today does not just extend or expand sanctions against Iran and those doing business with that country; it also establishes a U.S. policy in favor of regime change in Iran. Therefore, I am extremely concerned that H.R. 282 is the first step in taking our country down the same misguided path that was taken with Iraq. The Iranian exile groups that would likely benefit from the provisions in this bill to support groups seeking regime change in Iran eerily echo Ahmad Chalabi's Iraqi National Congress. You may recall that Chalabi's INC worked with the Bush administration to mislead Congress and the American people about Iraq's supposed weapons of mass destruction in order to gain support for toppling Saddam Hussein using U.S. forces.

It is my hope that as this bill continues through the legislative process, it will be amended to focus on sanctions and diplomacy rather than U.S. sponsored regime change. I believe that sanctions should be targeted at foreign investment in Iran, which would force Iranian leaders to choose between a growing economy and their desire for nuclear weapons. Sanctions could also be targeted at Iran's leaders by freezing their assets and imposing travel bans. Targeted sanctions can ratchet up the pressure on Iran's leaders without harming or alienating the Iranian people.

Mr. SHAYS. Madam Speaker, when Iran will have a nuclear weapon is not the right question. Rather, we need to focus on when Iran will have the indigenous capability to produce nuclear fissile materials. This is the point of no return and should be our benchmark regarding the urgency of addressing Iran's behavior.

It is an undisputed fact Iran is pursuing nuclear capabilities. It is a fact Iran is the world's must egregious exporter of terrorism. And we all heard for ourselves when Iran's president threatened to "wipe Israel off the map" and when Ayatollah Khamenei, just yesterday, told another one of the world's worst human rights abusers, Sudan, that Iran would gladly transfer nuclear technology. When one considers these points together, it becomes clear how important it is we act today.

Some residents of Connecticut's Fourth Congressional district have already expressed concern to me about the United States' consideration of the use of force against Iran to eliminate its nuclear weapons program and end its state support of terrorism. Such action, while not off the table, must be an absolute last resort. That is why it is so critical our government utilize the tools at our disposal including economic and diplomatic sanctions and the appropriate distribution of foreign aid as suggested in this bill, to deter the threat Iran poses to global security. It is also appropriate for us impose pressure on the other nations of the world who prop up the Iranian government and the extremists at its helm by investing heavily in that nation.

While I understand the concern the Administration has expressed that by passing this bill we are tying its hands to conduct foreign policy, I would be more sympathetic if it were doing more to enforce the laws Congress has already passed.

The International Relations Committee states in the report accompanying this legislation that, "the laws which have been enacted, as enforced, and other steps taken by current and past Administrations, have proven inadequate . . . Specifically with respect to ILSA, the Committee is deeply dismayed that the current Administration, like the prior Administration, has not acted to sanction a single enterprise for investing in Iran, but has delayed its decisions on 'alleged' investments well past the point of failing the 'laugh test.'"

Given the extreme rhetoric of Iranian President Ahmadinejad, I do not expect this legislation will bring an immediate change to Iran's aggressive and ill-advised march to acquire nuclear capabilities. It does send an important message, however, that the United States will not stand by as Iran pursues its nuclear ambitions and threatens international security.

The bottom line is, in defiance of its assurances to the contrary, Iran remains committed to a nuclear weapons program. The United States must be unequivocal in its rejection of these ambitions.

I urge support of this legislation and appreciate the leadership of Chairman HYDE and Ranking Member LANTOS to bring it to the floor today.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. PENCE) that the House suspend the rules and pass the bill, H.R. 282, 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. PENCE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1245

## PROVIDING FOR CONSIDERATION OF H.R. 5020, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. PUTNAM. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 774 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 774

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5020) to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the

House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. PUTNAM. Madam Speaker, House Resolution 774 is a structured rule that provides for consideration of H.R. 5020, the Intelligence Authorization Act for Fiscal Year 2007. Madam Speaker, I am pleased to bring this resolution to the floor for its consideration. This is the fifth intelligence authorization bill that this House has considered since the tragic events of September 11, which changed this institution's outlook on intelligence. It has certainly changed our intelligence community's approach to collection and analysis.

H.R. 5020 is the first intelligence authorization that is based on a budget request fully determined by our new Director of National Intelligence, again reflecting the changes, reflecting the evolution, the progress of our approach to keeping America secure, protecting our citizens, protecting our forces abroad through an ever-changing architecture.

The DNI, created in H.R. 10, the Intelligence Reform and Terrorism Prevention Act of 2004, created this new Office of the Director of National Intelligence, a responsible authority that would oversee and orchestrate a coordinated effort by the entire intelligence community composed of 15 different intelligence agencies. This legislation today continues the sustained effort and long-term strategy to achieve optimum performance in human intelligence, signals intelligence, imagery intelligence, open-source intelligence, analysis, counterintelligence, counternarcotics, and counterterrorism.

This bill authorizes appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System. In addition to funding these agency activities, the legislation contains other noncontroversial intelligence community housekeeping matters that will help create a more efficient and effective intelligence community. The legislation reflects recent administrative action and formally includes the Drug Enforcement Administration in the intelligence community and authorizes its activities conducted within the National Intelligence Program. It also requires the DNI, the Director of National Intelligence, to conduct a regular strategic review of intelligence capabilities against threats, similar to the Quadrennial Defense Review, and limits the DNI's authority to hire civilian personnel in excess of the specifically authorized numbers to no more than 2 percent of the authorized amount of employees.

To more formally increase oversight, the bill specifically provides that reporting requirements contained in the classified annex will be considered as required by the underlying law. Additionally, it requires a comprehensive inventory of special access programs conducted within the National Intelligence Program to be provided to the committee in classified format. This provision was included in the House-passed bill for fiscal year 2006 as well.

The underlying bill also contains language offered by the ranking member, Ms. HARMAN, that expresses the sense of the Congress that the DNI should promptly examine the need for establishing and overseeing the implementation of a multilevel security clearance system across the intelligence community to leverage the cultural and linguistic skills of subject matter experts and individuals proficient in foreign languages that are deemed critical to our Nation's security.

I am pleased with the efforts of the House Permanent Select Committee on Intelligence. Chairman HOEKSTRA and his ranking member, Ms. HARMAN, have done yeoman's work, with the assistance of their committee, on a bipartisan basis to produce this bill. It is a perfect example of how Congress can achieve a bipartisan product that meets the needs of our Nation. I commend them for their hard work.

I urge the Members to support the rule and the underlying bill.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I want to thank the gentleman from Florida for yielding me the customary 30 minutes, and I yield myself 7 minutes.

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

Mr. MCGOVERN. Madam Speaker, H.R. 5020, the Intelligence Authorization Act for Fiscal Year 2007, deals with one of the most important aspects of our national security: our ability to gather and analyze intelligence effectively so that our policies are based on fact, not fantasy or obsessive desire, so that our Federal law enforcement agencies can defend us from the threat of attack, and so that our allies can rely on our resources for timely, coordinated operations in defense of freedom abroad.

I want to commend Chairman HOEKSTRA and Ranking Member HARMAN and members of the Intelligence Committee for authorizing 100 percent of the funding required for our counterterrorism operations. Regrettably, President Bush only included 78 percent of this funding in his budget request; so I thank the committee for correcting this dangerous shortfall.

The Intelligence Authorization Act traditionally receives strong bipartisan support and will likely receive that same support this year. But despite its many attributes, this bill could have and should have been better. This bill could have and should have required a dedicated funding line for the Privacy and Civil Liberties Oversight Board. When Congress passed the Intelligence Reform and Terrorism Prevention Act in December 2004 in response to the findings and recommendations of the 9/11 Commission report, it created this board to serve as a civil liberties watchdog on the potential erosion of the basic constitutional rights of the American people in a post-9/11 world.

Now, 15 months later, we find our concerns about basic civil rights to have been well founded, but the oversight board is barely up and running. The President did not nominate the members of the board for 9 months. The Senate took 5 months to confirm the chair and vice chair. And, once again, the President's budget failed to include a single penny for the board's operation in fiscal year 2007.

This could have and should have been fixed in committee. Congressmen HASTINGS, REYES, and HOLT offered an amendment to provide $3 million in dedicated funding for the oversight board, an amendment that should have had bipartisan support. But the majority chose to reject this funding and abandon their promise to the American people to safeguard their most basic freedoms and rights. And last night in the Rules Committee, the Republican leadership compounded this mistake by denying Congressman REYES the right to offer this same amendment for debate on the House floor.

And then we have the issue of the National Security Agency's spying on U.S. citizens. In committee, Representative ESHOO offered a carefully crafted amendment to withhold 20 percent of the NSA's budget until the executive branch provided the Intelligence Committee with the total cost of its surveillance program. That is all: just inform the committee of this one number. The Eshoo amendment was not looking for more operational details. It was not passing judgment on whether the NSA's domestic spying program is legal or not, even though that is a controversial matter in this House. All it was looking for is how many of our tax dollars are being spent on this surveillance program.

This is a question that should concern every single Member of this body on both sides of the aisle. But with just one exception, the Republican majority found it too much to ask and rejected the Eshoo amendment.

Yesterday in the Rules Committee, the Republican leadership went even further. The Republican Rules Committee denied Representatives SCHIFF, FLAKE, HARMAN, and INGLIS the right to offer their bipartisan amendment for debate. This amendment would have required a classified disclosure to the Intelligence and Judiciary Committees, the two committees with jurisdiction and oversight responsibilities over the NSA and the FISA process, on which U.S. citizens have been the subject of NSA electronic surveillance, and what criteria was used to target them. Such a classified report would allow Congress to understand the program and whether any current laws need to be amended to grant the President the authority he needs to carry out this program more effectively or make any changes to safeguard against abuse. In short, these two committees need this information in order to do their jobs, in order to carry out their oversight responsibilities.

This bipartisan amendment should have received bipartisan support from the Rules Committee, but it did not; not from the Republican majority on this Rules Committee and certainly not from the Republican leadership of this House.

It is outrageous, Madam Speaker. Many of us believe that when the President authorized the NSA surveillance of Americans, he broke the law, plain and simple. And when the Attorney General says that Congress somehow granted the authority for this program after September 11, he is just wrong.

We are talking about the most basic fundamental civil liberties that protect the American people, and the Republican leadership will not even let us debate it. What are they afraid of?

I would ask my Republican friends to re-read their Constitution. Congress was not designed to be a rubber stamp for the President. Congress was not designed to protect Members from difficult votes on controversial issues. Congress was not designed to protect the President's political rear end. But under this leadership that is exactly what Congress has become.

If my friends on the other side of the aisle believe that this President should have the ability to spy on Americans without a warrant and without going to the FISA court, then they should write that bill and bring it to the floor. They should at least show that level of respect for this House and for this Constitution.

I am willing to bet that the majority of my colleagues on both sides of the aisle believe that what the President is doing is wrong. But either way, the very least we could do is have a debate and a vote.

Madam Speaker, 25 amendments were brought to the Rules Committee last night. They dealt with issues ranging from how the NSA carries out surveillance of American citizens to how the Intelligence Committee and other relevant committees are briefed about weapons of mass destruction or the situations in Iran, North Korea, Iraq, and other hot spots. They dealt with how information is classified or reclassified, how national security whistle-blowers are protected or punished, and whether and how the amount of funds requested and appropriated for various intelligence-related activities are reported to Congress.

□ 1300

These are not trivial matters, Madam Speaker. Yet only five amendments, five amendments, Madam Speaker, plus the manager's amendment, were made in order under this highly restrictive rule.

Why is the Republican leadership so afraid to debate these issues? Why is it so afraid to debate, period? After nearly 4 months of a lackluster Congress, are we suddenly on some tight time clock so there is no time to debate matters affecting national security? Do we need to get out of town by Thursday afternoon? I am happy to stay in town on Friday if it means we can get a full debate on the Intelligence Authorization Act.

I am tired of restrictive rules. I am tired of stifling debate. I am tired of ignoring or running away from the big issues. I urge my colleagues to vote ''no'' on this restrictive rule and to support an open debate on important issues facing our national security and intelligence agencies.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I am glad that the gentleman acknowledged in the beginning of his remarks that this is a bipartisan bill that enjoyed unanimous support coming out of committee. As we move forward on the other issues of contention, we certainly look forward to that debate.

Madam Speaker, I am pleased to yield 5 minutes to one of this institution's experts on national security, a member of the Intelligence Committee, the distinguished gentlewoman from New Mexico (Mrs. WILSON), a graduate of one of America's fine service academies.

Mrs. WILSON of New Mexico. Madam Speaker, I thank the gentleman for the time.

Madam Speaker, we have had the good fortune in this country for the last 4½ years to have not had another terrorist attack on our soil, and it is not because they haven't tried. The reason for that success boils down to two things: the courage of our soldiers and the quality of our intelligence. Exceptional intelligence is the first line of defense for America in the long war on terrorism.

I intend to support this rule today, and I intend to support this bill. I think it is a good bill. It is one that moves us forward to restore our Nation's intelligence capabilities across the board, HUMINT intelligence, technical and tactical intelligence, and strengthens our global understanding and awareness and analysis of what is going on in the world. I intend to support it. I also think this rule is a pretty good rule, and I have to disagree on a couple of points with my colleague from Massachusetts.

My colleague from Massachusetts has said we should debate here an amendment that was debated in our committee offered by Ms. ESHOO, one that I was a Republican Member who supported. It asked for the cost of the program that the President has acknowledged exists, the terrorist surveillance program.

I believe that whenever a member of an oversight committee asks for the cost of a program, we should get that answer. That answer has now been provided to the committee in a classified letter that is available in the Intelligence Committee spaces.

The reason that we didn't need to debate Ms. ESHOO's amendment on the floor today is because we have already gotten the answer to her question, and it doesn't make sense to me to continue to have that debate here on the floor, even though I supported that amendment in committee. So I think we have gone beyond that, and I don't think we have to have that debate and discussion here today on the floor.

The second thing that he talks about is having a debate here on the floor on the Flake proposal with some of his colleagues from the Democratic side of the aisle on the Foreign Intelligence Surveillance Act. The question here for this body is how do we move forward with effective oversight of the National Security Agency program that the President has acknowledged exists.

Now, I believe that the President and the Congress share the same goal: we want to keep America safe and free. We have different responsibilities under our Constitution. The President has the responsibility for conducting our foreign affairs. He is the Commander in Chief. He makes sure that agencies follow the law and execute the programs which we have authorized.

The Congress appropriates funds. We establish agencies. We authorize programs, and we oversee implementation of those programs. We spy on our enemies. But we also oversee these programs to ensure that those very powerful tools are used within the constraints of our Constitution and the Bill of Rights. That is why I stood up and demanded that this Congress and our committees on intelligence conduct oversight of this program. That oversight is now under way.

I think as a responsible body we have to start out by getting the facts. That means hard work that is done largely in secret in the House Permanent Select Committee on Intelligence. That oversight is under way, and, for the most part, the National Security Agency has been very forthcoming.

We have to understand this program in its details before we make recommendations to this body about any changes in statute or continuing mechanisms for oversight. It would be premature to legislate today on changing the Foreign Intelligence Surveillance Act.

The reality is that technology is changing. The Foreign Intelligence Surveillance Act was put in place in 1978, the same year that I graduated from high school. I was one of the last classes at the Air Force Academy to get issued a slide rule. In 1978, the words ''cell phone'' and ''Internet'' were not even in the dictionary.

We may need to make some changes to the laws to continue to keep this country both safe and free, but we are not ready today to make those changes effectively. That debate on the floor today would be uninformed and premature.

I would ask this House to support this rule today and to also support the work, the continuing work, of the Permanent Select Committee on Intelligence as we do our duty under the Constitution to oversee these vital programs.

Mr. MCGOVERN. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, I want to respond to the gentlewoman from New Mexico, whom I have a lot of respect for.

First of all, the cost of the program that we were debating was only given to members of the committee that the President chose, not all members of the committee.

Secondly, I find it scandalous, quite frankly, that this Congress is abdicating its responsibility to put in place checks and balances on the President's domestic spying program. When you talk about enforcing and abiding by the Constitution of the United States, that is one of our responsibilities. I think what the President is doing is illegal. We should have a debate on this. The White House should be more forthcoming. Quite frankly, it is an outrage.

Madam Speaker, I yield 4 minutes to the ranking Democrat on the House Intelligence Committee, the gentlewoman from California (Ms. HARMAN).

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

Ms. HARMAN. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, Americans awoke today to deadly terrorist bombings in Egypt and a threatening new tape from al-Zarqawi, and today is our chance to debate a bill that authorizes funds and sets new directions in the fight to protect America. But this rule stifles debate about critical issues and I strongly oppose it.

Members of our committee offered responsible amendments to strengthen this bill, and we were shut out by the Rules Committee. As a result, Madam Speaker, there will be no amendments today about the unlawful eavesdropping on American citizens, the overhyping of Iran intelligence without adequate basis, and the double standard this administration applies to leaks.

Two amendments were filed that dealt with the President's NSA program. Congresswoman ESHOO's amendment, which is different from her request in committee that the budget for the program be disclosed to our committee, would have expressed the sense of Congress that all electronic surveillance, all eavesdropping of U.S. persons inside the U.S., must comply with the Foreign Intelligence Surveillance Act and the fourth amendment.

A bipartisan amendment offered by Representatives FLAKE, SCHIFF, ENGLISH and me states that FISA is the exclusive way to conduct surveillance of Americans on U.S. soil. FISA has been our policy since 1978, until this NSA program was implemented by the White House.

The American people want our government to track the communications of al Qaeda. Surely I do. But they also want our President to follow the law and the Constitution.

I have been briefed on the President's NSA program several times, and no one has convinced me why FISA cannot cover the entire program. The two amendments, the Eshoo amendment and the Flake-Schiff amendment, should have been made in order.

I am particularly outraged that Congressman BOSWELL's amendment to require quarterly classified assessments of Iran's nuclear program was rejected. What do we want to do in Iran? Do we want to repeat the mistakes of Iraq? Do we want to have intelligence that is totally wrong and base our national policy on totally wrong intelligence? I don't think so.

Chairman HOEKSTRA, chairman of our committee, said just this weekend, ''As decisions are being made on Iran, we don't have all the information that we would like to have.'' So why is it a bad idea to require our Intelligence community to update Congress every three months with accurate information so that at least Congress has information on which to base responsible decisions? The Rules Committee apparently thinks that is not a good idea.

Congressman REYES submitted an amendment to provide dedicated fund for the Privacy and Civil Liberties Board, which we will all recall was a key part of the intelligence reform bill that we passed almost two years ago.

Sure we want enhanced security, but we also want respect for American values and our Constitution. The whole idea was we would have this Board helping craft careful policy that enhanced security and also protected civil liberties. Well, that Board now has two confirmed members and no money, and in this bill we unfortunately do nothing about providing any money.

Finally, Congressman HOLT submitted an amendment to ensure that we don't have a double standard on leaks. None of us condones leaks of classified information. That is wrong. But why is it that people are prosecuted for leaks, unless you work in the White House, in which case the President or the Vice President can authorize you to leak classified information to favored reporters in order to discredit political enemies? A double standard is wrong.

This rule is inadequate. Sadly, this bill is inadequate. I ask for a no vote on the rule.

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

Madam Speaker, I would like to address three of the points that the distinguished ranking member made, and I would point out that we appreciate her bipartisan efforts in crafting this bill, the underlying bill that the rule addresses, that came out of the committee on a voice vote.

First, the program that she categorized, that has been categorized, I apologize, Madam Speaker, the program that has been categorized as an ''illegal eavesdropping program'' had in a previous press release been characterized in this way: ''As the ranking member on the House Intelligence Committee, I have been briefed since 2003 on a highly classified NSA foreign collection program that targeted al Qaeda. I believe the program is essential to U.S. national security and that its disclosure has damaged critical intelligence capabilities.''

That was the statement of the ranking member of the House Intelligence Committee as it relates to what has now been characterized by saying it is illegal eavesdropping.

Secondly, this question of Iran reports, the Iran crisis scares the dickens out of me. It is a very serious issue for this entire Chamber, for this entire Nation. It is a country that is not only engaged in what could be a speculative threat against its neighbors and the United States and the world as a whole, but are bringing in cameras to show that they are breaking IAEA seals, along with their red-hot rhetoric coming out of their President calling for the destruction of our ally, bragging about the uranium enrichment capabilities, talking about the difference between P–1 and P–2 centrifuges.

It is a very serious issue, one that all Members of Congress should make themselves aware of. As chairman of the policy committee, I was joined by my Energy Subcommittee in going to New York on Monday to receive such a briefing, the kind of briefing that every Member of Congress is entitled to. As members of the House Intelligence Committee, they are entitled to even higher-level briefings on the Iranian situation at their request.

So, the requirement, the responsibility, for us to engage the administration, to engage the Intelligence Community, to engage the appropriate persons who are tracking this crisis is on us. And it is not a mere every-90-day

exercise. It should be an ongoing exercise as developments come in through the media and through other open sources that call on us to further update our awareness of what is a very dangerous situation.

Thirdly, this idea of zero funding for the Civil Liberties Protection Board, that is an issue within the White House budget. It is not germane to the intelligence authorization bill, it is not an issue that we can fund, and it was ruled out of order for that reason. It is a matter for the appropriators who are dealing with the White House budget line, not for the Intelligence Community's overall budget.

□ 1315

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL) who is a member of the committee.

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

Mr. BOSWELL. Madam Speaker, today we will authorize the largest intelligence budget in our history. I am pleased to be part of this authorization, because I believe we have no higher purpose than to support the brave soldiers, sailors, airmen, marines, and the civilian intelligence officers of the front lines of our national security.

However, I am sad to say this. There is a lingering threat, spoken to by Ms. HARMAN, that we have not addressed, which we should have. Last night the Rules Committee dealt a blow to our ability to gather intelligence on Iran's nuclear and missile capability by denying an amendment that I had offered.

Now, if somebody else would like to offer that amendment, it is okay with me. We have got to do what is right. I would ask you, Mr. Chairman, if you are listening, that you might even think about doing that. But it would require the Director of National Intelligence to provide us quarterly written reports.

You know, people do best what we check. And if we were checking this, and they were coming to us in our committee, and it is a classified environment, it is safe, they could come there and we would have a chance to see if they are actually doing the job. We should have done that.

So it appears to me, and I am very disappointed to say this, that it appears to me that it was pure politics that my amendment was denied. And I am disappointed. When I joined this committee 5 years ago, I was under the impression that politics would not interfere with our intelligence work. But, apparently, not so.

If I might quote from the President's bipartisan, if you will, WMC Commission, cochaired by Judge Lawrence Silverman and former Senator Charles Robb: ''Across the board, the Intelligence Community knows disturbingly little about the nuclear programs of many of the world's most dangerous actors. In some cases it knows less now than 5 or 10 years ago.''

I just came across this thing from the Washington Times that our chairman was quoted as: We really do not know. We really do not know the status of Iran's nukes. We are getting lots of different messages from their leadership.

Well, maybe I should just rest my case there, but we may have lost the chance to offer this amendment. But I cannot overstate the seriousness of this threat to global security, which could come from a nuclear armed Iran. I wish we would have been able to address this issue in the bill, and I hope my colleagues will support my efforts to do so in the future.

Maybe somebody over there would like to offer the amendment. I do not care. It needs to be done. It should. We in Congress must be a better consumer of intelligence. It is a lesson we learned the hard way with regard to Iraq. It is a sham that this amendment was denied. It is a good bill, but it could have been better.

Madam Speaker, I urge my colleagues to vote ''no'' on the previous question.

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

Madam Speaker, I appreciate the gentleman's comments on the concern about Iran. As I said earlier, it is a huge issue and a major international crisis for all of us to be tracking on a very routine basis, especially those members of the Intelligence Committee who have access to a higher level of information than the rest of us.

Madam Speaker, I reserve the balance of my time.

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

Mr. KUCINICH. Madam Speaker, I want to thank all of those who served in gathering intelligence to protect the American people. It is regrettable that intelligence is often reshaped to fit doctrine instead of doctrine being reshaped in the face of the facts of intelligence.

This rule blocks several important amendments that the House should have had the opportunity to debate. I sponsored one of those amendments that would have resolved the concerns of media leaks by intelligence community agents.

Several high-profile classified leaks to the media have emerged in the last few years. These leaks have led to considerable release of information about secret programs related to our intelligence agencies. From these media leaks, we became aware of the efforts to manipulate intelligence, to falsify a cause for war against Iraq.

We became aware of the illegal NSA domestic wiretapping program without a court order. We became aware of the rumored CIA detention centers in Eastern Europe, and the CIA's extraordinary rendition program, used to transport suspects to other nations with less restrictive torture policies.

The House Intelligence Committee report for this bill states that leaks to the media damage our national security. In response, the CIA fired an agent who had unapproved contacts with reporters last week. I understand the concerns raised when intelligence leaks are reported in the media.

However, if this House had conducted effective oversight, we would not have been there in the first place. Our democracy was bolstered by these leaks, and the world is a safer place as a result. Absent these leaks, the current administration would see no limit to its dangerous policies and continue to inflict its failed war on terrorism without limitation.

To resolve this conflict I proposed an amendment that would remove barriers to intelligence agency employees communicating with certain committees of Congress. The purpose was to provide intelligence employees a more appropriate outlet than the media and give Congress better oversight capability.

This amendment provided an obstacle-free path for intelligence employees to report to key Members of Congress their concerns. By providing this outlet, the employees would not feel any need to leak information to the media. So we need to do everything we can to protect these who serve in intelligence who want to get information out to the American people.

They should do it through the Congress, but there is no provision for that in this bill. We need to protect this Nation, but we need to protect it with the truth, not with manipulated intelligence.

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

Madam Speaker, I want to address this issue of leaks briefly. Before presenting this rule to the House, I took it upon myself to read the bill. And because of the nature of the bill, it is only available in Intelligence Committee space. And all Members have the opportunity to review the material that we are going to be voting on later today.

In the context of this discussion about leaks, I was reminded that at the beginning of every Congress, upon our election, we, all Members of this House, have to sign something saying that we recognize that House rules prevent us from disclosing classified information.

In addition, when you go to read the bill that we are here today to consider, you sign another form reaffirming that you have taken this oath, this obligation to not disclose classified information. That is what Members of Congress have to do.

When you join the CIA, you sign a standard secrecy agreement that says that you are going to keep the things that you are working on secret to protect the interests of our Nation. You

are not going to go writing books about it, you are not going to make a movie about it, you are not going to cash in on this Nation's security.

When you have access to sensitive compartmented information, you sign yet another nondisclosure agreement, again to drive home the point to the employees who are guarding the very secrets that keep us safe and free that you cannot capitalize on America's secrets.

This was very clear to the leaker. This was made very clear to Members of Congress. There is no double standard. What the individual did was against the law, was a complete breach of the secrecy agreement that that individual signed upon becoming an employee and then having progressively higher levels of access to more and more sensitive information. It is abundantly clear that what she did was wrong.

Mr. KUCINICH. Madam Speaker, will the gentleman yield?

Mr. PUTNAM. I yield to the gentleman from Ohio.

Mr. KUCINICH. Madam Speaker, I would ask my good friend from Florida a simple question, that is, what happens when Congress is given false information in these briefings, having signed something that then they cannot disclose what they are told?

See, this is the problem here. I just wanted to respectfully share that with you. Thank you.

Mr. PUTNAM. Madam Speaker, reclaiming my time, I respect the gentleman's perspective.

That is why this bill is so important, number one; and number two, it is why it is so vitally important that our representatives on that committee, that our House Members on both sides of the aisle on the House Permanent Select Subcommittee on Intelligence, ask the correct questions, are given the proper orientation, dig into these issues, make this committee a priority, because they are the rest of this House's eyes and ears on those very sensitive issues.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Madam Speaker, that last discussion actually interested me. The question would be, what penalty would a Member of Congress face if, having left a classified briefing, that Member disclosed information that turned out to be false?

You know, in libel, truth is a defense. Perhaps when it comes to disclosing classified information that comes from this administration, falsity would be a defense on the grounds that if it was not true, who is going to be hurt?

The gentleman from Florida talked about oaths. I want to talk about one that I took, to uphold the Constitution of the United States, because the Rules Committee is interfering with my ability to do that. We have one of the most serious constitutional issues facing this country now that we have faced in a very long time: the assertion by the President of the United States that because of terrorism, he basically is freed from restraints.

He has announced by the way, remember, it is not directly relevant to this bill, but he has announced that as President he may order the imprisonment for an indefinite period of time of an American citizen, and that citizen has no recourse to any tribunal to disprove any charges against him, and there may not be any charges lodged.

That is one of the things he said. In that same breathtaking assertion of untrammeled power, he says he can order the wiretapping of any American citizen; and it has gone beyond, as was brought out in the questions by the Judiciary Committee of the Attorney General, even within America. I think that is a dangerous abuse of power.

I believe we are able to protect ourselves against terrorists, and we should protect ourselves against these murderous fanatics, but I believe we are able to do that while still observing the Constitution. And I want to be very clear. I want to give law enforcement power. I believe law enforcement, they are the good guys, but they are not the perfect guys.

You give the good guys power, but you give it to them in a series of balances and restraints. You do not give them untrammeled power. The President has announced that he has carried out a program of wiretapping invasion of the most private moments of any American, with nobody else given any involvement, no warrants.

Now the gentleman from California (Mr. SCHIFF) presented to the Rules Committee a very thoughtful amendment that would reaffirm that we want to go by the law of 1978, that would repudiate one of the most outrageous and, I am going to use the technical term here, ''cockamamie'' arguments I have ever heard; namely, that when all of us voted to justify, to authorize the force against the Taliban in Afghanistan, we were somehow authorizing warrantless wiretapping.

You know, I want to say to the people who say that, follow one of my rules. In a political debate, no matter how convenient it seems to you, please do not say anything that no one believes. It will not be helpful. No one believes that. But we now this have situation where the bill that includes some of the money that carries out the warrantless wiretapping is before us.

People may think warrantless wiretapping is fine. I think it is a violation of the Constitution. But they should not be controversial. Should not this House of Representative be able to vote on that subject?

The gentleman from California presented a bipartisan amendment dealing with wireless wiretapping, reaffirming what some of us think; that there should be restraint, repudiating the outrageous argument that the Afghan resolution okayed it. And you have, Madam Speaker, and your party, refused to allow the House to vote on it. That is the disgrace. That is the abuse of the Constitution.

We are not even going to be allowed to vote on an amendment that would deal with this central constitutional question. And I would just say in closing, we are now in the process of instructing the people of Iraq about how to ruin parliamentary democracy.

As they see you deny us the right to vote on this central constitutional question, I say again what I have said before: if anybody from the Iraqi Parliament is watching our procedures, please do not try this at home.

Mr. PUTNAM. Madam Speaker, the cultural differences in this House are intriguing. Hailing from the South, we would label ''cockamamie'' a theory where the President would conspire to break the law and invite Members of the other party in on the deal. We would call that a pretty cockamamie theory.

And so when the President, in an effort to keep America safe and to monitor members of al Qaeda who are communicating with people inside our borders, probably not checking the weather, probably not seeing how the Yankees or the Mets are doing, but plotting very dangerous, tragic, consequential events to destroy our way of life, to cause mayhem, to cause loss of life, we want to know what they are up to.

And the President, under this cockamamie theory, conspired to protect us, in the gentleman's words illegally protect us; but he did so in a way that brought in a team of lawyers, reviewed the program every 45 days, and invited members of leadership from both parties, from both Houses of the legislative branch, to be in on that discussion.

□ 1330

That is a cockamamie theory that he was conspiring to break the law in that regard. He was fulfilling his oath to protect this Nation.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. PUTNAM. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. First, I guess I didn't know we would get in great detail about what was cockamamier than what; but when I used that phrase, I was referring specifically only to one argument: the argument that the Afghanistan force resolution authorizes. That is all I said.

I repeat, anybody who makes that argument is, let's use a Southern expression, had too much moonshine. Beyond that, I understand the gentleman thinks it is okay for warrantless wiretapping. The question is not wiretapping, but warrantless.

But my question is this: Why can't the House of Representatives vote on it? By what right does the Rules Committee arrogate to itself the right to

extinguish debate? I expect that there will be differences.

Mr. PUTNAM. Reclaiming my time, I recognize that the gentleman's use of ''cockamamie'' was directed at another aspect of this debate. But I stand by my comment that the President of the United States did not conspire to engage in any illegal, inappropriate activity by, first, calling a team of lawyers and, second, calling the leadership of the opposite party.

Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Texas (Mr. THORNBERRY), another member of the House Intelligence Committee, another leader on national security issues for us.

Mr. THORNBERRY. Mr. Speaker, I appreciate the gentleman from Florida for yielding his time and his handling of this rule.

Actually, there were a number of statements made by my colleague from Massachusetts with which I fully agree. As a matter of fact, one of the challenges, I think, of bringing this bill to the floor is that we are all, in an age of terrorism, attempting to find the right place where we are effective against the terrorists who are trying to kill as many of us as possible, but also not lose sight of our Constitution and our freedoms and the fundamental nature of this society.

One of the key elements in trying to get that right is a whole area of government activity which we cannot talk about, and which the Intelligence Committee is charged with overseeing and helping shape. And so every year, our challenge is to bring a bill that oversees and helps shape those activities to this floor in a very public forum.

A number of the issues that we talk about have been reported extensively in various newspaper articles. And we know that some of it is right and some of it is wrong, and yet you can't come here and correct the factual misstatements and the improper impressions which people have.

I think it is important to affirm two things. Number one is that there is much in this bill which is largely agreed upon. Now, the nature of coming to the floor with this kind of bill is that we are going to spend most of our time talking about differences, or at least making up differences to talk about, when they didn't exist maybe a week or two ago. But the central direction, and most of the provisions of this bill, for the people who have taken the time to go read it, are largely agreed upon by both sides of the aisle.

The second thing that I think it is important to emphasize is that the members of the Intelligence Committee take their responsibilities very seriously. If you have any doubt about that, just listen again to the comments, for example, of the gentlewoman from New Mexico who was, one, standing up to insist upon a much greater role by this Congress in oversight of the terrorist surveillance program.

That oversight is under way. As she said, it is very important for us to understand the details and the procedures and the process and the specifics of this program before we come to the floor and decide about how various laws ought to be changed in different ways. But that is just one example.

There are many, many issues before the Intelligence Committee on which we attempt to exercise our oversight in a very serious and responsible way. We may not agree on all the details or where things ought to go, but this committee is not a rubber stamp for any administration, or any President, and at the same time we take very seriously the recommendations which were in the Commission on Weapons of Mass Destruction that our oversight needs to be strategic; not just following the headlines of the day hither and yon as reporters may write stories, but to follow strategic oversight in a way that makes this country safer. That is always going to be our goal.

Of course, any rule which brings an intelligence authorization bill to the floor has got to be somewhat restrictive, because there is so much that we simply cannot talk about on the floor without damaging the country's security.

I think this is a good rule. It frames debate on key issues. I think it should be supported as well as the bill.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT) who was also shut out of being able to offer an amendment in the Rules Committee last night.

Mr. HOLT. Mr. Speaker, I thank the gentleman. I rise in opposition to this rule. A number of amendments were denied to some very responsible Members of this body. One amendment would have required the President or the Vice President, if they intend to declassify intelligence documents, to inform the congressional Intelligence Committees and the originating agencies ahead of time.

As we have learned in the last month through court filings, the President, without informing, much less consulting our committee, elected to secretly and selectively declassify portions of the 2002 national intelligence assessment about Iraq's weapons of mass destruction. Now, by sworn statement, we know that this was done to rebut critics of the administration who questioned the rationale for the war.

The American people deserve to have the full facts. This amendment that I offered but we were denied the opportunity to debate on the floor would have ensured that any future classification efforts would have been disclosed. It would have exposed what the ranking member of our committee called the double standard of leaks.

Another amendment that I would have offered would have required any inquiries about intelligence employees or contractors made by nonintelligence community government officials, such as the President, the Vice President, the White House staff, would be reported to the congressional Intelligence Committees together, so that the propriety of such an inquiry could be considered. Had my amendment passed, it would have given Congress the opportunity to say clearly whether outing a career intelligence officer for gratuitous reasons would be tolerated.

Now, the gentleman from Florida said with regard to this bill before us, all Members will have the opportunity to review the material before us. No, not so. Even the cost of the unwarranted surveillance program will be provided only to a few Members.

The gentlewoman from New Mexico said that she has been informed, but I can tell you 425 other Members of this body have not been informed even about the cost of this program. And they cannot and they will not be informed, yet they are asked to vote on what is one of the most significant changes in intelligence collection in American history.

The checks and balances spelled out in this document, which I refer to my friend from Florida, known as the Constitution of these United States, this hallowed document, those checks and balances, are eroded. The debate here, allowed by the Rules Committee, or the lack of it, makes a mockery of this hallowed document.

Amendments by Representatives BOSWELL, REYES, ESHOO, HARMAN, FLAKE, FRANK, KUCINICH, MALONEY, SCHIFF, SHAYS and others have been denied. We have been denied the opportunity to debate significant issues on the floor.

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

The gentleman from New Jersey is a very capable member of the Intelligence Committee, and surely he is not suggesting that covert actions of the United States Government should be made available to every single Member of Congress. Surely the gentleman is not suggesting that every classified program that this United States is engaged in should be available to every single Member.

I would invite the gentleman to respond. Would the Manhattan Project have been available to every single Member who asked about its cost, the number of employees, where the activity was going on, how many people were involved? Would the gentleman have suggested that every Member of Congress would have been clued in on that, even when the Vice President wasn't?

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

Mr. PUTNAM. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Speaker, I think it certainly would not be asking too much that every member of the Intelligence Committee had access to this and far from it, if I may complete the answer, just as the President has decided he can pick and choose which laws apply to him.

These are significant issues that need to be debated here on the floor.

Mr. PUTNAM. Reclaiming my time, I think the gentleman, by his answer, has answered the question that clearly we have an Intelligence Committee specifically for the purpose of being our eyes and ears, because we do not empower every single Senator and every single House Member with every single detail of every activity going on in the intelligence community, and there are very strong reasons for that. So, clearly, that would not be the proper course of action.

Under longstanding committee tradition, the chair and the ranking member of both Houses were brought into a different level of awareness on certain activities that were going on. Under Democratic and Republican control, that was the case.

As a result of the terrorist surveillance program, the Senate created an entire new subcommittee to deal with the issue, and the House expanded access to that information to 11 Members, an unprecedented number of Members going beyond the historical, under the Democratic model, four Members who had been given access to those types of programs and activities.

Mr. HOLT. Mr. Speaker, if the gentleman will further yield, the gentleman says unprecedented number. Yes, an unprecedentedly small number.

We on the Intelligence Committee have a responsibility to review these issues on behalf of all 435 Members of the House of Representatives. I am not for a moment suggesting that all things need to be discussed here on the floor or in open. Of course, it is necessary so that we preserve national secrets.

Mr. PUTNAM. Mr. Speaker, relaiming my time, the gentleman had suggested that the other 420 Members of the House had not had access to the information, and that is precisely how it is set up, that they would not have access to that information. That is why we have talented Members like yourself on the committee, and that is why we have expanded access to information about that program to more members of the committee than ever before.

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

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY), who also was shut off being able to offer an amendment.

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding and for his leadership on the Rules Committee.

As we can tell by the debate, there were a number of critical issues, the warrantless wiretaps and many others, that were denied by this restrictive rule.

It has become clear to me that the Republican leadership of this House simply does not care about protecting the civil liberties of the American people.

Last night, in a bipartisan effort, Congressman SHAYS and I went before the Rules Committee for the fifth time, seeking the opportunity to debate an amendment that would create the Privacy and Civil Liberties Board as envisioned by the 9/11 Commission. This morning, we learned for the fifth time in a row that the Rules Committee has denied this House even the opportunity to debate this important amendment that is supported unanimously by the 9/11 Commission and by the 9/11 families.

This is just the latest in a series of actions by the Republican House leadership to deny us the opportunity to have a full debate on the protection of our civil liberties, and I want to make sure that people listening know the track record of this House.

When we were considering the intelligence reform bill that enacted many of the 9/11 Commission's recommendations, it was this House that refused to include a committee-approved, bipartisan amendment to create this board in any legislation passed by the House of Representatives. It was this House that stripped the Privacy and Civil Liberties Oversight Board's subpoena power, bipartisan makeup, and qualifications requirements during conference negotiations. All of these provisions had passed the Senate, a vote of 96–2, but the House of Representatives struck it out.

□ 1345

It is this House that has refused amendments by members of the Intelligence Committee to require a budget line for this board and the authorization we are voting on today backing up the President's action to defund the board in his budget. And it is this House that denies our repeated attempt to even debate an amendment that would give the board the power and authority that it needs to do the job. I hope the American people are watching, because this House refuses to do anything to protect the civil liberties of the American people.

And I would like to quote from the 9/11 Commission report where they said, ''If our liberties are curtailed, we lose the values that we are struggling so hard to defend.''

Again, they have spoken out many times in support of this Civil Liberties and Privacy Board that would provide balance and restraint to the National Intelligence Reform Act, and I urge my colleagues to have a strong ''no'' vote on this restrictive rule.

Mr. PUTNAM. Mr. Speaker, setting aside the fact that the amendment the gentlewoman refers to is not germane to this bill, I point out to the gentlewoman that the amendment that she refers to creates a commission that, A, already exists; and, B, the chair and vice chair have already been confirmed by the Senate, and the members have been appointed.

Mr. Speaker, I am pleased to yield 2½ minutes to another member of the House Intelligence Committee, the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. I thank the gentleman.

I want to help clear up a couple of confusing issues here. First of all, when we talk about the resolution of force that was passed by the House of Representatives, both Republicans and Democrats, we were talking about our response to the attacks on this country after 9/11. We were talking about morphing the force; being able to have liquidity and being able to take the capability of this country and go after terrorists, who don't confine themselves to the border of one country.

You talk about the resolution of force, and you mention the country of Afghanistan as if it was only limited to the boundaries of Afghanistan. It is a falsehood to say so to the American people. It is not right. It is wrong. We took the resolution of force and said, you, the President, you have got to manage the intelligence, you have got to manage the Armed Forces, you have got to go after terrorists all around the world like a cancer that metastasizes itself. You have to go where they are. You have to be able to listen to them calling into the United States. You have to break up their terrorist cells. The American people expect you to do so.

There has been a lot of talk and a lot of rhetoric of people on this committee about a point that we debated ad nauseam in committee, which is that the President somehow didn't inform the committee. That is a falsehood. The President fully informed the committee to the letter of the law. The 1947 Intelligence Act established that the President shall inform the committee, but the establishment language of the act says that the President and the Congress shall establish the procedures.

So what were the procedures established under Truman? That it was okay for the President to inform the Gang of Eight, the House and the Senate, and limit it to four on each side. It is okay to do that. And Truman did it, and Carter did it, and Reagan, and Clinton, and this President did it, and he abided by the law. And to say so otherwise is to ill inform the American people. It is misguided, and it is false.

Mr. MCGOVERN. Mr. Speaker, let me, before I introduce our next speaker, let me just respond by saying what has the American people concerned is that we have a set of procedures in place, the so-called FISA procedures, which allow the President to put anybody under surveillance here in the United States providing that he gets a warrant. And he can even get a warrant after he puts somebody under surveillance. The question is why can't he follow the procedures in place? In my opinion, he is breaking the law.

And I would also say that the other question is, why in the world, given the controversy on this issue, can't this Congress have an up-or-down vote on this issue? If the majority thinks that the President should be able to put anybody under surveillance he wants

without a warrant, fine. Then write the bill and bring it to the floor, let us debate it and pass it up or down.

I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank my friend on the Rules Committee, ranking member, for allowing me to interject in this discussion at this point, because I am stunned to hear now that there are people still defending the President's right to have illegal spying on Americans when actually we didn't know about it until the leaks occurred. He wasn't telling everybody regularly about it. What we are dealing with now is some spurious claims. And I am interested that the authorization for the use of military force was supposed to allow domestic wiretapping on Americans.

Ladies and gentlemen, we already have a couple of systems dealing with terrorism surveillance. One is called the Foreign Intelligence Surveillance Act. There is plenty of room here for us to survey spying. If we want to take care of spying, let us do that, but we are talking about spying on Americans where there is no connection with foreign intelligence. No question about it at all.

And so Sandra Day O'Connor declared to that kind of an argument that in the case of combatants captured in the battlefield, it is clear that a state of war is not a blank check for the President when it comes to the rights of the Nation's citizens. So what we debate on the rule here today is whether or not there should have been an allowance for the Schiff amendment, and all we are saying is that there should have been.

Mr. PUTNAM. Mr. Speaker, may I inquire as to the remaining time.

The SPEAKER pro tempore (Mr. REHBERG). Both sides have 2½ minutes.

Mr. PUTNAM. I have no further speakers, Mr. Speaker, and I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I will be asking Members to vote ''no'' on the previous question. If the previous question is defeated, I will amend the rule to allow the House to consider the Boswell amendment on Iran nuclear programs. This amendment was offered in the Rules Committee last night, but was defeated on a straight party-line vote. It is yet another example of what I believe is the abuse of power by the Republican-dominated Rules Committee.

Mr. Speaker, this amendment requires the Director of National Intelligence to submit reports to Congress on Iran's weapons of mass destruction every 90 days. It requires these reports to include an assessment of Iran's nuclear programs, an evaluation of intelligence sources, a summary of new intelligence for any information that would increase confidence in overall assessment.

Mr. Speaker, we are deeply concerned over the ominous situation in Iran with regard to the potential for nuclear weapons in that country, and I think most Members of this body would agree that it is absolutely critical that we continue to monitor the situation very closely and receive frequent updates on Iran. We need to have constant and accurate updates on this very serious situation. There is too much at stake here for us to do less.

Have we learned nothing from what we experienced with regard to the misleading intelligence and the false intelligence on Iraq? Have we learned nothing from the fact that this Congress did not do its job; did not take its oversight responsibility seriously; did not ask the questions; did not hold the administration accountable?

Mr. Speaker, this should not be a controversial issue. Chairman HOEKSTRA and Ranking Member HARMAN have worked in a bipartisan way. This should have been worked out in a bipartisan way. I cannot imagine why anybody would be opposed to this amendment.

Members should be aware that a ''no'' vote will not prevent consideration of the intelligence bill and will not affect any of the amendments that are in order under this rule, but a ''no'' vote will allow us to add this important amendment that seeks to fully understand the depth of the nuclear situation in Iran.

I would again urge my colleagues on both sides of the aisle to vote for this. This should be a bipartisan vote. There is no reason, there is no reason to vote this down unless somehow you do not want to hear the information; unless somehow you do not want to demand this administration be accountable and inform the Members of this Congress.

On the issue of nuclear weapons in Iran, it should be every Member of this Congress, quite frankly, who should have access to relevant material. We need to learn our lesson. We are in a mess right now in Iraq. We are involved in a quagmire that has cost over 2,500 lives, hundreds of billions of dollars, and we know the intelligence was wrong. Let us do it right this time. Let us not rush into a war unnecessarily. Let us demand from this administration some accountability and some truth.

Vote ''no'' on the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. PUTNAM. Mr. Speaker, my friend from Massachusetts had me with Iran and lost me with Iraq. Everything that he said regarding the seriousness of the threat from Iran, a nuclear-capable Iran, is unacceptable to our interests. Everything he said is absolutely correct.

And I can save him the vote on the previous question by asking him to turn to page 22 of the public version of the intelligence authorization bill, where it says, under the subheading Reporting Regarding Iran and North Korea, ''The committee has conducted regular and ongoing oversight of these efforts and expects the DNI to ensure that the Intelligence Community continues to provide timely, detailed, and frequent reporting on the current intentions and capabilities on Iran and North Korea's nuclear, chemical, biological, radiological, and missile programs, as well as the Intelligence Community's capabilities to understand and evaluate these programs. In particular, the committee is interested in receiving, on an ongoing basis current assessments of Iran and North Korea's nuclear, chemical, biological weapons, and missile programs; information on new intelligence developed, including intelligence collected from both open and clandestine sources; and full discussion of any gaps in knowledge, dissents, caveats, and other information that would tend to reduce confidence in the overall assessment. The committee believes these reports will provide timely information to help better inform Congress as it is asked to make decisions regarding U.S. policy towards Iran and North Korea.''

The reporting requirement is in the bill. Mr. Speaker, this is a very important issue. I urge the gentleman, I urge the Congress to support the rule, support the underlying bill, and support the hardworking men and women.

The material previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 774—RULE ON H.R. 5020, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007

At the end of the resolution, add the following:

SEC. 2. Notwithstanding any other provision of this resolution the amendment specified in section 3 shall be in order as though printed after the amendment numbered 6 in the report of the Committee on Rules if offered by Representative Boswell of Iowa or a designee. That amendment shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

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

AMENDMENT TO H.R. 5020, AS REPORTED

OFFERED BY MR. BOSWELL OF IOWA

At the end of title III (page 16, after line 10), insert the following new section:

**SEC. 308. IRAN INTELLIGENCE OVERSIGHT.**

(a) SHORT TITLE.—This section may be cited as the ''Iran Intelligence Oversight Act''.

(b) FINDINGS.—Congress finds the following:

(1) The development of nuclear weapons and the long-range missiles capable of delivering them by the Islamic Republic of Iran threatens the national security of the United States and its allies.

(2) Denying these capabilities to Iran is among the most important national security interests of the United States.

(3) Iran's avowed hostility towards the United States and Israel, Iran's stated commitment to develop all elements of the nuclear fuel cycle, Iran's continued defiance of international efforts to account for its nuclear program, Iran's development of long-range ballistic missile technology, and Iran's

three decades of support for international terrorist organizations raise grave suspicions about the purpose of its nuclear and missile programs.

(4) The United States Government's current intelligence on Iran may not be sufficient to assess the capabilities and intentions of Iran with a high degree of certainty.

(5) The bipartisan Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, co-chaired by Judge Lawrence Silberman and former Senator Charles S. Robb, reported in 2005 that ''across the board, the Intelligence Community knows disturbingly little about the nuclear programs of many of the world's most dangerous actors. In some cases, it knows less now than it did five or ten years ago''. This statement aptly describes the challenge faced by policy-makers in the United States with regard to Iran's weapons ambitions.

(6) If the President and Congress are to develop an effective policy to counter the weapons programs of Iran, such a policy must be based on accurate and timely intelligence to the extent that it is possible to collect such intelligence.

(7) Under section 502(a)(2) of the National Security Act of 1947 (50 U.S.C. 413a(a)(2)), the intelligence community must ''furnish the congressional intelligence committees any information or material concerning intelligence activities . . . which is within their custody or control''.

(8) Regular reports to Congress on the intentions and capabilities of Iran with regard to Iran's nuclear program, in addition to the continuing requirement to ensure that the congressional intelligence committees are kept fully and currently informed of all intelligence activities, will assist Congress in the development of effective policy to counter the weapons programs of Iran.

(c) QUARTERLY INTELLIGENCE BRIEFINGS TO CONGRESS ON IRAN.—

(1) REPORT.—Not later than 30 days after the date of the enactment of this Act, and at least every 90 days thereafter, the Director of National Intelligence shall submit to the relevant committees a report, in classified form, on the current intentions and capabilities of the Islamic Republic of Iran with regard to the nuclear program of Iran, including—

(A) an assessment of nuclear weapons programs;

(B) an evaluation, consistent with existing reporting standards and practices, of the sources upon which the intelligence is based, including the number of sources and the reliability of each source;

(C) a summary of any new intelligence gathered or developed since the previous report, including intelligence collected from both open and clandestine sources; and

(D) a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the overall assessment.

(2) ACCESS TO REPORT.—Each report submitted under paragraph (1) shall be made available to all members of the relevant committees and to all staff of the relevant committees with appropriate security clearance. Other members of the Senate or the House of Representatives may review the reports by following security procedures established by each of the relevant committees.

(3) RELEVANT COMMITTEES.—In this section, the term ''relevant committees'' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

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THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

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

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

PARLIAMENTARY INQUIRY

Mr. McGOVERN. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. McGOVERN. My parliamentary inquiry, Mr. Speaker, is: Isn't it accurate that the language that the gentleman just referred to in the bill is discretionary, whereas what we are talking about is statutory language that would require reporting every 90 days so that we don't make the same mistake we did in Iraq?

The SPEAKER pro tempore. The Chair cannot respond to that inquiry. It is not the province of the Chair to interpret the substance of the bill.

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

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

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

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 774 will be followed by 5-minute votes on adopting House Resolution 774, if ordered; suspending the rules and adopting House Concurrent Resolution 365; and suspending the rules and passing H.R. 282.

The vote was taken by electronic device, and there were—yeas 228, nays 194, not voting 10, as follows:

[Roll No. 102]

YEAS—228

| | | |
|---|---|---|
| Aderholt | Crenshaw | Green (WI) |
| Akin | Cubin | Gutknecht |
| Alexander | Culberson | Hall |
| Bachus | Davis (KY) | Harris |
| Baker | Davis, Jo Ann | Hart |
| Barrett (SC) | Davis, Tom | Hastings (WA) |
| Bartlett (MD) | Deal (GA) | Hayes |
| Barton (TX) | DeLay | Hayworth |
| Bass | Dent | Hefley |
| Beauprez | Diaz-Balart, L. | Hensarling |
| Biggert | Diaz-Balart, M. | Herger |
| Bilirakis | Doolittle | Hobson |
| Bishop (UT) | Drake | Hoekstra |
| Blackburn | Dreier | Hostettler |
| Blunt | Duncan | Hulshof |
| Boehlert | Ehlers | Hunter |
| Boehner | Emerson | Hyde |
| Bonilla | English (PA) | Inglis (SC) |
| Bonner | Eshoo | Issa |
| Bono | Everett | Istook |
| Boozman | Feeney | Jenkins |
| Boustany | Ferguson | Jindal |
| Bradley (NH) | Fitzpatrick (PA) | Johnson (CT) |
| Brady (TX) | Flake | Johnson (IL) |
| Brown (SC) | Foley | Johnson, Sam |
| Brown-Waite, Ginny | Forbes | Jones (NC) |
| Burgess | Fortenberry | Keller |
| Burton (IN) | Fossella | Kelly |
| Buyer | Foxx | Kennedy (MN) |
| Calvert | Franks (AZ) | King (IA) |
| Camp (MI) | Frelinghuysen | King (NY) |
| Campbell (CA) | Gallegly | Kingston |
| Cannon | Garrett (NJ) | Kirk |
| Cantor | Gerlach | Kline |
| Capito | Gibbons | Knollenberg |
| Carter | Gilchrest | Kolbe |
| Castle | Gillmor | Kuhl (NY) |
| Chabot | Gingrey | LaHood |
| Chocola | Gohmert | Latham |
| Coble | Goode | LaTourette |
| Cole (OK) | Goodlatte | Leach |
| Conaway | Granger | Lewis (CA) |
| | Graves | Lewis (KY) |

Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—194

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

NOT VOTING—10

Baca
Evans
Fattah
Hastings (FL)
Millender-McDonald
Moore (WI)
Osborne
Ros-Lehtinen
Scott (GA)
Shuster

□ 1419

Mr. COOPER and Mr. RANGEL changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Ms. ESHOO. Mr. Speaker, on rollcall No. 102, I inadvertently cast a "yea" vote when I intended to cast a "nay" vote.

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 227, nays 198, not voting 7, as follows:

[Roll No. 103]

YEAS—227

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

NAYS—198

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

NOT VOTING—7

Bono
Evans
Hastings (FL)
Millender-McDonald
Moore (WI)
Osborne
Ros-Lehtinen

□ 1432

Ms. WATERS changed her vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## URGING THE GOVERNMENT OF CHINA TO REINSTATE ALL LICENSES OF GAO ZHISHENG AND HIS LAW FIRM AND REVISE LAW AND PRACTICE IN CHINA SO IT CONFORMS TO INTERNATIONAL STANDARDS

The SPEAKER pro tempore (Mr. REHBERG). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 365.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 365, 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 421, nays 0, answered ''present'' 1, not voting 10, as follows:

[Roll No. 104]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
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)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
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
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
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Paul

NOT VOTING—10

Evans
Gallegly
Hall
Hart
Hastings (FL)
Millender-McDonald
Moore (WI)
Osborne
Ros-Lehtinen
Sullivan

□ 1440

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## IRAN FREEDOM SUPPORT ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 282, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 282, 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 397, nays 21, not voting 14, as follows:

[Roll No. 105]

YEAS—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
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 (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
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
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—21

Baldwin
Blumenauer
Boyd
DeFazio
Duncan
Flake
Hostettler
Jones (NC)
Kucinich
Leach
McDermott
McGovern
McKinney
Oberstar
Obey
Olver
Paul
Rahall
Snyder
Stark
Taylor (MS)

NOT VOTING—14

Beauprez
Boehner
Buyer
Evans
Gillmor
Hastings (FL)
Lewis (CA)
Mica
Millender-McDonald
Moore (WI)
Osborne
Ros-Lehtinen
Sweeney
Tiahrt

□ 1449

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

## ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEE OF THE HOUSE

Mr. CLYBURN. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 778) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 778

*Resolved*, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—Mr. Berman (to rank immediately ahead of Mrs. Jones of Ohio).

The resolution was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. HOEKSTRA. 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. 5020.

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

There was no objection.

## INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The SPEAKER pro tempore. Pursuant to House Resolution 774 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5020.

□ 1453

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5020) to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. REHBERG in the chair.

The Clerk read the title of the bill.

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

The gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

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

Mr. Chairman, I first wish to announce that, subsequent to reporting the bill, the committee has modified the classified annex to the bill with respect to the authorized level of funding for certain programs with bipartisan agreement between myself and the ranking member.

The classified annex containing the modified schedule of authorizations is and was available for review by all Members of the House, subject to the rules of the House and the Permanent Select Committee on Intelligence under the procedures described in my announcement to the House on April 6, 2006.

Mr. Chairman, the House Permanent Select Committee on Intelligence has a reputation for conducting its business in a bipartisan manner. With the intelligence authorization legislation before us today, I can say that we have clearly hit that mark again. I look across the aisle to my colleague and friend, the committee's ranking Democrat member, Ms. HARMAN, and say thank you for once again helping to craft a very good bipartisan piece of legislation that will allow the talented, dedicated and patriotic men and women of our Nation's intelligence community, our first line of defense, to protect America, its people and our friends around the world.

Mr. Chairman, this bill is all about national security. It is about authorizing the intelligence resources, capabilities and operations necessary for us to know about foreign threats and to defend ourselves in an increasingly dangerous world. It is about rebuilding, reshaping and indeed fixing a community that was decimated by the budget cuts of the 1990s.

Because of these cuts, on September 11, 2001, we were without a robust human intelligence capability and without a robust analytic capability that may have helped prevent or minimize these attacks on the United States. This bill continues a many-year effort to transform, build up and recreate an intelligence community that can know and respond to threats.

There will be those here today who will not share our concerns about the many threats against which our intelligence community must operate. There will be those who do not agree with the necessary activities of our intelligence community. There will be even be those who actually accuse our dedicated intelligence professionals of violating, if not the law, then the spirit of American values. This as they go about a business to protect you and me.

To those who would and will take such positions, I say: you are wrong. The threats are real. The professional

dedication, the discipline, the expertise and the extraordinary respect for the civil liberties of all Americans that the honorable men and women of our intelligence community exhibit is real. To them we owe a great debt. To them we must make our best collaborative efforts to provide the resources and authorities that H.R. 5020 authorizes.

Finally, because of them, we have the responsibility to rise above any partisan politics in order to come together and pass this national security bill.

This is the first intelligence budget request that was fully determined by the new Director of National Intelligence, or the DNI. Although the Office of the DNI is still in its formative stages, I am pleased that the promise of the Intelligence Reform and Terrorism Prevention Act of 2040, the legislation that created the DNI, is beginning to bear fruit, and that incremental but real improvements have been made since the standup.

It was our intent to better unify the disparate pieces of the intelligence community; to create a more cohesive whole that is greater than the sum of the parts. That goal is a work in progress, and we will continue to support the DNI's efforts to create a more effective intelligence community.

We will support that effort, but we also provide the necessary oversight, and this bill provides some mechanisms to make sure that we get the intelligence community that the ranking member and I envisioned when we worked so hard at passing that legislation.

Mr. Chairman, as you also know, much of this legislation is classified and can't be discussed here on the floor. We must be very careful to ensure that today's debate does not involve classified information. That said, I do want to discuss, at an unclassified level, some specific items contained in the authorization bill before us.

The first is our continuing support for an effective Director of National Intelligence that can, as I mentioned earlier, bring together all of the agencies of the intelligence community. We need an effective and efficient DNI that fully coordinates and sets the direction for the high-fidelity capabilities of the intelligence community.

In this legislation we are sending a strong signal that the vision of the 2004 intelligence reform legislation was about building a qualitatively better intelligence establishment and not building a bureaucracy.

This bill continues to pursue improvements to our core intelligence for human intelligence, intelligence analysis, infrastructure and counterintelligence capabilities. Improvements in these areas are absolutely critical to gaining the upper hand in the war against worldwide terrorism. We have, for example, made recommendations for improved HUMINT training and associated support. We have recommended additional funding for analytical tools. And we have put a great deal of emphasis on increasing counterintelligence programs and personnel, because, in case you have not been looking, there are many nations and nonstate actors actively trying to steal America's secrets.

This bill also puts a renewed and continued emphasis on overhead imagery architecture. As many know, last year there were some decisions that were made that included terminating a part of the Future Imagery Architecture program. This was a tough decision. It had its positive aspects. It also had its negative downside. We are now in a late-to-need race to ensure we do not have future capabilities gaps. I am concerned that the current approach has not adequately addressed this problem. So this legislation vigorously pursues one of a very limited number of options.

Finally, I would like to also address a provision that was mentioned in one of the amendments that was proposed by the minority for today. I want to reinforce to my colleagues on the intelligence committee that we remain very, very committed to active oversight and reporting by the intelligence community on the progress that they are making in Iran. We have provisions in the bill for Iraq. We have got some of that language for Iran and other hot spots around the world. But as the ranking member and I have discussed, as the rule was being debated, the spirit of the amendment is one that we embrace. We may have some technical or drafting differences, but the intent of that amendment is one that we will stay focused on. We believe it is inherently important for us to focus on those kinds of issues and to do this in a bipartisan basis.

□ 1500

The issues and the threats that we are facing, al Qaeda, radical Islam, Iran, North Korea, as well as future threats that are on the horizon that we are only beginning to think about, require us to continue to work in a bipartisan basis.

I recognize that we had some disagreements on the bill. We have got disagreements between Republicans and Democrats. We have got disagreements within each side of the aisle. But the important thing is that we continue to focus on working in a bipartisan basis to keep America safe. That is the request that our colleagues on both sides of the aisle have placed to us, and I hope that we will continue in working in that direction.

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

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

Mr. Chairman, in my 12 years in Congress, in my 8 on the Intelligence Committee, I have always supported intelligence authorization bills, but never in my 12 years and never in my nearly 4 decades involved in public policy have I been as concerned as I now am about our Nation's security.

Just this week bin Laden and Zarqawi issued new threats against the United States and our allies, yet we do not know what they are plotting. We do not even know where they are. Despite 4½ years of effort and the expenditure of tens of billions of taxpayer dollars, we still do not have a handle on al Qaeda, a threat that is metastasizing and growing ever more dangerous.

We are losing soldiers in Iraq, in part because we never had intelligence dominance. We still do not have it. The so-called war on terror outside Iraq is essentially an intelligence war, but we did not know that home-grown terrorists were going to blow themselves up on London's subways. We did not know about Madrid, Bali, Casablanca, Istanbul or Dahab, Egypt. We do not know if America will be hit tomorrow or where.

Iran is making noisy threats, but we do not know if Ahmadinejad poses a real danger or if he is bluffing, because our intelligence on Iran is weak. And again we are hearing the drumbeat for war, without a clear idea of where the targets are, whether we can hit them effectively, or what would happen the day after.

We have taken our eye off over-the-horizon threats, the networks of Muslim extremists growing in Europe, Africa and Latin America, the threat of loose nukes from the former Soviet Union and the rising power of China.

Here at home our intelligence reorganization is a slow start-up, and the CIA is in free fall. The Director of National Intelligence, a position Congress created to integrate the activities of the entire Intelligence Community after 9/11, has not taken command yet of that community. Meanwhile at CIA, our premier intelligence organization, 300 years of experience have either been pushed out or left in frustration, and morale is dangerously low.

The DNI is giving away authority to the Pentagon, which is happy to receive it, as it expands its own role in intelligence-gathering abroad and here at home. The efforts to integrate homeland intelligence between the FBI and DHS is still uneven.

And our borders, airports, seaports remain vulnerable. As we speak, the House Homeland Security Committee on which I serve is trying to report a strong port security bill. I hope that effort succeeds. We surely need it.

Given all this, what does this bill do, and as important, what does it not do? It funds an NSA program that in my view violates a clear statute passed by Congress. It fails to require that the program be fully briefed to Members of the Intelligence Committee.

I surely support, and I have said this over and over again, the capability to monitor al Quaeda. I want to know what their plans are so we can disrupt them before they harm us. But I do not support violating the law or the Constitution. Enhanced security without respect for law gives away the very values we are fighting to defend, and I believe that the program I am talking

about can and must fully comply with the Foreign Intelligence Surveillance Act and with our Constitution.

The bill also fails to give clarity to the issue of leaks. Leaks of classified information are wrong, but it is also wrong to have a double standard. When career professionals blow the whistle on controversial activities, it is illegal, a firing offense, but when the President and Vice President authorize the selective leaking of classified information to discredit criticism, it is defended as a prerogative of the Presidency, part of the President's inherent authority.

This bill includes a provision that gives arrest powers to the protective officers at CIA and NSA in order to help them protect agency officials. This provision, in my view, has been somewhat misconstrued in the press as granting new warrantless surveillance powers to these agencies. It does not. It simply gives these protective details the same authority that the Capitol Police, the Secret Service and other Federal authorities have. But, like all new powers, they are susceptible to abuse without strong oversight, and so it would be my hope that we will include more safeguards before this provision becomes law.

I do want to say to the chairman of the committee that I appreciate the bipartisanship which the majority has shown in accepting some initiatives raised over many years by committee Democrats. For 2 years committee Democrats have registered strong opposition to the practice of funding counterterrorism through supplemental budgets. We fought this reckless practice in committee and on the floor.

This year, again, the President's budget provided 22 percent less than what is needed for counterterrorism operations. On a bipartisan basis we are now authorizing 100 percent of the Intelligence Committee's counterterrorism funding needs for 2007 in this base bill, and that is something the majority agreed to, and I applaud them for that.

Second, for years our Intelligence Community has been denied the service of many patriotic Americans from versus ethnic backgrounds, Iraqi Americans, Iranian Americans, who want to serve, but who cannot get security clearances. Committee Democrats offered an amendment to last year's bill to require a multitier system of clearances so that these Americans, despite the fact that they may have relatives in these countries, can get clearances up to a certain level to help us with language and cultural issues. That language is in this bill, and I commend the majority for including it.

On a personal level, Chairman HOEKSTRA and I have made a major effort to work together to put America first. I am grateful for that and for him. I appreciate your kind words, PETER, and I thank you. We will continue to try to do our best to get the best possible legislation enacted.

Mr. Chairman, this bill, in my view, misses an enormous opportunity to send a message to the White House, and that message is that surveillance of Americans must comply with our law and our Constitution; that intelligence on Iran is not good enough; that protection of privacy and civil liberties must be part of our effort to improve intelligence gathering, not an afterthought; and that we will not tolerate a double standard on leaks of classified information.

I hope this debate, Mr. Chairman, will assure me that this bill is adequate. The dedicated women and men of the Intelligence Community not only deserve our full support, but our best effort to enact funding legislation that truly upholds America's values and America's principles.

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

Mr. HOEKSTRA. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. THORNBERRY), who is the chairman of the oversight subcommittee assigned with the responsibility of making sure that the reshaping and the rebuilding of the intelligence community under the Office of the Director of National Intelligence is a successful launch and does rebuild the community into what we need after what we inherited in the 1990s.

Mr. THORNBERRY. Mr. Chairman, I thank Chairman HOEKSTRA for all of his work in this area.

Mr. Chairman, there is no perfect bill that comes across this floor. And particularly in the area of intelligence, there is no perfect amount of information that tells us everything that we want to know. But rather than use this bill to send a message to the White House, I think that the committee generally has come together to try to fashion a bill that makes our country safer.

It is not perfect, it does not do everything that I would like it to do, but the members of this committee on both sides of the aisle take their job very seriously, and realize how much is at stake, and have generally avoided the kinds of partisan rhetoric that we sometimes see.

The chairman and ranking member have assigned the oversight subcommittee with strategic oversight. That means we are not to follow the headlines of the day, but the distinguished gentlemen from Alabama (Mr. CRAMER) and I have worked very well together, I think, to try to find those strategic issues, focusing on them. That really make a difference in the long run.

As the chairman mentioned, one of our areas of focus is to make sure that this new DNI office gets started on the right foot; is not just another bureaucracy, but truly brings the intelligence community together so there is not the duplication, not the stovepipes, not the gaps that we have seen in the past.

And it is important for folks to know that we did not just pass a bill, the intelligence reform bill, and walk away from it. We are engaged day after day in trying to work with the administration and with the agencies to make sure that it is a success.

This bill includes a requirement for a strategic planning process that is a part of that effort to make it a success. In addition to that, the oversight subcommittee has focused on reducing unnecessary paperwork burdens, reports and studies that often require many manhours, many dollars to prepare, but then come to nothing, where no one up here reads them.

Rather, we are trying to focus on information exchanges that matter, and particularly in the area of metrics, so that, for example, when we talk about Iran, we can quantify the quality differences, the quantity differences that come from sustained efforts in human and technical intelligence.

I think this bill does help make the country safer, and I suggest that Members support it.

Ms. HARMAN. Mr. Chairman, I appreciate that sending messages to the White House is not all we should do here, but there are very few ways to send those messages.

I yield 2 minutes to a senior member of our committee, also a member of the Armed Services Committee, the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the ranking member for yielding me time on this important issue.

I agree with my colleague from Texas that very few pieces of legislation are perfect. It is not that we are looking for perfection, we are looking for an effort that gives us the cooperation, an effort that gives us the ability to hold people accountable for doing their jobs.

Earlier today we heard that one of the amendments, the amendment that has been proposed by my colleague, the gentleman from Iowa (Mr. BOSWELL), had been ruled out of order, and that amendment required a quarterly report to Congress on the nuclear program of Iran. The report would be submitted every 90 days and would include an assessment of nuclear weapons programs; an evaluation on the sources upon which the intelligence is based; a summary of any new intelligence that had been gathered since the previous report; and a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce the confidence in the overall assessment.

People may wonder why would we want to include an amendment like that. Well, the reason goes back to why we are in Iraq today. The reason goes back to our lack of oversight and the issues of WMD, weapons of mass destruction.

The reason is because we have not done our job as a Congress in holding the administration accountable in WMD, in the issue of Abu Ghraib, and the issue of the leaking of the Valerie Plame outing, and many other different issues.

□ 1515

Our Founding Fathers had the idea that the best democracy, the best form

of government, would be one that would be a balanced approach. We haven't done our job in balancing that by oversight.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to my distinguished colleague from New York (Mr. MCHUGH) who in the past year has sat through seven briefings on Iran in the Intelligence Committee.

Mr. MCHUGH. Mr. Chairman, I thank the distinguished chairman of the Intelligence Committee for his work, his effort, and all Members', to bring this product to the floor here today.

I certainly associate myself with the comments of previous speakers about perfection. I am one of the newer members of the committee, I have to be very frank. As a long-term member of the Armed Services Committee, I was shocked at the condition, or lack of positive condition of our intelligence resources coming out of the 1990s. Let us be honest about it. Congress, particularly the administration, did a terrible job in maintaining the kind of infrastructure programs and resources necessary to do adequate intelligence.

The good news is I think this bill continues the recent efforts, particularly since post-9/11, to try to rebuild those communities. It has not been an easy job, and it has been a bipartisan one, and I can hope that will continue.

With respect to this bill, I would say that it does, indeed, help meet the President's goal of growing our analytic cadre by 50 percent. It continues efforts that were begun with the Intelligence Reform Act to rebuild the community.

As I said, after it was literally devastated by what I would categorize as irresponsible budget cuts in the 1980s, the passage of this bill would provide the DNI with the necessary resources to best identify practices for analysis, and will fund use of experts from across the spectrum, academia, the private sector, to supplement the intelligence community expertise.

More than that, it will support fundamental assessment of the community's analytic resources, and that can serve as the ''yellow pages'' for intelligence community analysts, and it will serve as well to illustrate what skills and expertise the community still needs as we continue that very, very important challenge. In addition, H.R. 5020 provides our intelligence community with resources and authorities necessary to win the war on terror.

It shakes off the last vestiges of the Deutsch doctrine, which tied our hands for all intelligence officers. It is a long road back. This bill takes us a long way down that path and I strongly support its passage.

Mr. CRAMER. Mr. Chairman, I now yield 3½ minutes to the gentlewoman from California (Ms. ESHOO), a member of the committee.

Ms. ESHOO. Mr. Chairman, I thank our distinguished colleague for yielding.

Mr. Chairman, this bill provides the brave men and women of our intelligence community with the tools they need to conduct their constant silent struggle to guarantee our national security. They deserve it. They place their lives on the line every day, and they should have these resources provided to them.

What I am deeply disappointed about in this bill is that we are not using this opportunity to crack down on the administration's reckless and unlawful abuses in the field of intelligence gathering.

For the first time in our Nation's history, we are living under an administration that asserts it has the right, without statutory or judicial review, to eavesdrop on the electronic communications of American citizens. The NSA wiretapping program, revealed last December and acknowledged by the President himself, represents for the first time ever the completely warrantless surveillance of U.S. citizens, an unheard of breach of our rights guaranteed under the Constitution.

We have learned from news reports that the Counter-Intelligence Field Activity, CIFA, part of the Department of Defense, has illegally collected and retained information on Americans, including several in my district in California. Worse, they did this on the basis of protected first amendment activity, notably the exercise of free speech about military recruiting at the University of California at Santa Cruz.

When I learned of this, I was able to investigate and learn that the reports had been improperly entered into and retained in a Department of Defense database. I objected, and the DOD has promised in writing to correct the situation and issue guidance to employees to prevent future abuses. I am pleased with their attention to the problem, and I hope that we have turned the corner with CIFA.

This has not been the case with the President's NSA wiretapping program. Not only does the program fall outside the statutory guidelines of the Foreign Intelligence Surveillance Act, but the President continues, in my view, to violate the law by failing to brief the full Intelligence Committee about the program.

Our Nation was founded on the premise of three coequal branches of government, providing checks and balances on the abuse of power by any one body. Yet this administration continues to act without regard for congressional or judicial guidelines. This is not only un-American, it is dangerous, and we have a responsibility to put an end to it.

I offered an amendment to this bill in committee which sought only to determine the cost of the President's program. It was a reasonable and measured attempt at meaningful oversight. It didn't seek operational details or names of targets, but just the most basic oversight questions, what is in the budget. It was defeated. When the vote is cast on this, Members are voting in the dark.

I offered another amendment last night which was rejected by the Rules Committee. That was even more benign. It simply expressed the sense of Congress that all electronic surveillance must comply with the Constitution and FISA.

This bill has shortcomings, Mr. Chairman, and I regret that it does because I think that it is not good for our country.

Mr. HOEKSTRA. Mr. Chairman, I yield 2½ minutes to our distinguished colleague from New Mexico (Mrs. WILSON) who has responsibility as chairwoman of the Tactical and Technical Subcommittee.

Mrs. WILSON of New Mexico. Mr. Chairman, I rise in support of the bill we hope to pass this afternoon, because it continues to rebuild America's global intelligence capability and implemented intelligence reform.

I think we have to be honest with ourselves and the American people that the intelligence challenge that we face today is much more difficult than the challenge that we faced during the Cold War. The Soviet Union was powerful but predictable. They were knowable, understandable. Al Qaeda is deadly but amorphous, adaptive, parasitic, and suicidal.

The intelligence challenge, the bar, is much higher than it used to be. This bill helps us move forward to meet that challenge.

In the area of technical and tactical intelligence, this bill raises the standards for program planning. In the area of broad missions like ballistic missile technical collection, we require agencies to work together to come up with a comprehensive plan to gather the information needed and not duplicate programs.

We require agencies to plan not only for a technical program, but for the life cycle of that program: the tasking, the processing, the exploitation and dissemination, the training of personnel, and those kinds of efforts that have to be put in place.

Thirdly, we know we have serious deficiencies in some technical programs in our technical architecture. There is one essential program that has not been successful, and the way forward is fraught with risk. We put the resources and authorize them in this bill to develop long-term comprehensive solutions to the technical architectures we need to keep this country safe.

I ask my colleagues to support this legislation.

Mr. CRAMER. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Chairman, I rise in support of the 2007 Intelligence Authorization Act. I believe that good intelligence is the best defense against terrorism. As we continue to fight this war on terror, I believe we must give the intelligence community the resources it needs to

keep our families and communities safe.

As a member of the House Permanent Select Committee on Intelligence, I support this legislation because I believe that it provides intelligence officials with key resources as they work to protect our country.

The bill improves the U.S. human intelligence activities, boosts U.S. counterintelligence programs and personnel, and increases funding for counterterrorism programs by 22 percent to achieve full funding, something the President's budget did not do.

But I do have some reservations about this bill as well. This legislation, supported by the Bush administration, moves a large number of intelligence agents and analysts from the FBI's new national security branch, currently under the authority of the Director of National Intelligence, to the Department of Justice. I do not believe this move is good for our country's security.

The agents in this new FBI branch specialize in collecting and analyzing domestic intelligence. They work to penetrate terrorist cells currently operating in the United States to thwart another attack on our soil.

After the horrific attacks of 9/11, Congress created the Director of National Intelligence, known as the DNI, to ensure better coordination and communication between the 15 intelligence agencies. The DNI was created to connect the dots, something that did not happen before 9/11.

It is the Department of Justice's job to investigate and indict criminals for breaking our laws.

I fear that shifting a large number of agents and analysts from the DNI to the Department of Justice will keep the status quo. If we want to change the culture, change the system that failed us before 9/11, and effectively break up terrorist cells in our country, the FBI's new security branch must stay under the DNI, the Director of National Intelligence.

Mr. HOEKSTRA. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS), our distinguished colleague who is the chair of our subcommittee responsible for rebuilding human intelligence capabilities.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I rise in strong support of H.R. 5020, the Intelligence Authorization Act of 2007, and I applaud Chairman HOEKSTRA for presenting a bill that addresses the funding needs for the global war on terrorism and ongoing intelligence operations in Iraq.

Mr. Chairman, as chair of the Terrorism, Human Intelligence, Analysis and Counterintelligence Subcommittee, I have been directed to ensure that the intelligence community has the resources necessary to complete the thousands upon thousands of intelligence operations conducted each year in direct support of our Nation's diplomatic and military efforts worldwide, all during a time of war.

Although the risks involved in intelligence operations are inherently high, they are significantly greater when conducted against blood-thirsty insurgents and radical extremists, both of which accept that the mass murder of innocent men, women and children is justifiable.

When faced with an enemy that is so brutal and remorseless, we must ensure that the intelligence community has the personnel and the operational tools needed to collect, analyze, and disseminate the type of intelligence that allows us to disrupt the activities of such an enemy. H.R. 5020 does this as it provides the resources needed to increase human intelligence operations, enhance analytical capabilities, and sustain intelligence collection platforms.

Insightful, accurate and timely intelligence has always been the key to understanding the plans and intentions of our adversaries. It is not a secret that some of these adversaries have little respect for human rights or the internationally accepted rule of law. They are determined to destroy growing democracies and strip their citizens of the liberties we as Americans often take for granted.

They are committed to bringing the war back to the homeland, where our families and friends might be subjected to similar horrors as were experienced on 9/11. We cannot and we will not let this happen. We cannot appear irresolute in our goal to ensure our political and military leaders have the best intelligence possible while we are waging this war.

It is our duty to ensure that the Nation is protected, and H.R. 5020 strives to guarantee that the right type of intelligence is provided to our leaders so that they may protect our Nation. It is also our duty to provide resources to improve the ability of our servicemembers and intelligence officers as they confront terrorism worldwide and combat insurgents in Iraq and Afghanistan.

Authorizing any amount less than the full funding requested for the global war on terrorism or operations in Iraq would place members of our armed services and our intelligence community under greater peril than they are today. Not authorizing the full amount would be tantamount to compromising our national security.

I urge my colleagues to support this legislation, and, once again, I congratulate my chairman on his outstanding effort.

Ms. HARMAN. Mr. Chairman, how much time remains on each side?

The CHAIRMAN. The gentleman from Michigan (Mr. HOEKSTRA) has 12½ minutes remaining. The gentlewoman from California (Ms. HARMAN) has 14 minutes remaining.

Ms. HARMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. CRAMER), who is ranking member on our new Oversight Subcommittee, on which Mr. THORNBERRY is doing, I think, a superb job attempting to oversee activities of our intelligence.

□ 1530

Mr. CRAMER. Mr. Chairman, I thank the gentlewoman from California, and I want to congratulate you on your leadership in this committee, along with the chairman as well. I have been on this committee for several terms now, and as the chairman stated and the ranking member stated, we bend over backwards to work in a bipartisan way. This hasn't been easy, and this hasn't been an easy year. And I say to both of you, congratulations for trying to help us work through this very difficult year.

This is not a perfect bill, and I am disappointed that several of the amendments were not allowed in order. I think the chairman is, too. I think there are some of the issues that were ruled out, particularly Mr. BOSWELL's issue, that we can work through together, and so I look forward to the chairman and ranking member's leadership.

I do stand in support of H.R. 5020. This bill does address many of the issues surrounding the way in which the intelligence community is being restructured. I say to my friend, the gentleman from Texas (Mr. THORNBERRY), thank you for the leadership you have enjoyed with me and with this full committee over the Oversight Subcommittee. We haven't always had an Oversight Subcommittee, and this makes sense that we now have the opportunity, particularly as we have stood up the DNI, to engage the new people at the DNI, the new leaders at the DNI that we are looking to to lead this country into a new era of intelligence management that we haven't had. This is our opportunity to hold their feet to the fire.

The stand-up of the DNI has been slow, and it has been frustrating, but we have been working together, Mr. THORNBERRY and I, to bring information back to the full committee from the DNI and the relevant agencies. We have taken on the tough issues, interrogation, detention operations, information sharing, overall management structure of the DNI, and we have done this in ways that the committee hasn't worked before. We have done it by having briefings; we have done it by going to their turf, their sites, sitting with their personnel, leaving the country, talking to our people in sensitive parts of the world that are doing brave and noble things for this country, and then we have brought that information back into the subcommittee and into the full committee as well. This is the way I enjoy working.

Also in this bill there is an investment in an analytical initiative that draws on the expertise resident at three centers, the Missile and Space Intelligence Center, which just happens to be in Huntsville, Alabama, my home district; the National Air and Space Intelligence Center in Dayton, Ohio; and at the National Ground Intelligence Center in Charlottesville, Virginia. These centers collaborate and they

work to analyze weapons that we bring back that could be threats to this country and to our aircraft and to our personnel as well. So those people in those locations get a reinvestment in their work through this bill.

All in all, I think this is a good bill, and I urge my colleagues to support it.

Mr. HOEKSTRA. Mr. Chairman, I yield 2½ minutes to my colleague from the great State of Michigan (Mr. ROGERS), who chairs our policy committee on the Intelligence Committee, responsible for identifying and understanding the threats that we face as a Nation.

Mr. ROGERS of Michigan. Thank you, Mr. Chairman. I want to compliment you, your staff, and that of both the ranking member and the majority on a job well done on this bill.

The challenges that we face came from the 1990s, and many of the problems the ranking member even pointed out were a different direction set, a different policy set from where they wanted our intelligence services to go. They went so far as to say back then that we don't even want you to talk to somebody who is a bad character or may be an embarrassment to the United States. So they did the honorable thing; they shut down their human operations. They followed the law and the policies of the United States. If you would have asked an intelligence official back then, they would have told you it was a bad idea. We shouldn't have done it.

Today, through the leadership of this committee and this chairman, and the folks who are out in the field today trying to rebuild our human intelligence, it is nothing short of miraculous. These people are incredibly talented, and I think we miss that sometimes. We miss it in the halls here and in the debates in committee. And by the way, we have debated ad nauseam many of the issues brought up today on these things, as we should in that context. But these are great people who could do a myriad of other things: make more money. A lot of them came to the CIA, and they took pay cuts because they believe in what they are doing. And they are risking their lives today for this country and for our safety.

I had the great privilege to reenlist a young soldier in a very remote part of the world in a small, dinky little room with all the windows taped up and with a small American flag hanging behind us because that is all we could find, because he believed. He said, yeah, this is hardship, but I believe in my country more than I believe in anything.

So when we talk about the problems of intelligence and the policies of the past, let us not forget one thing: when you bump into somebody whose morale is low, it isn't because of the work that they are doing. They are off the charts excited about making a difference for their country. It is because policymakers back here use words like ''illegal wiretap,'' even though they have never been briefed into the program at all and have no concept of what it is; because they say ''Abu Ghraib'' like it paints everybody who has ever been involved in an interrogation as doing something wrong and breaking the law.

Shame on us if we allow this to continue to happen and affect the morale of people who are risking their lives on work that is so precious to our safety, security and liberty. We ought to applaud them today, and this bill, I think, does that.

Mr. Chairman, again I want to applaud you and thank you for your work. And I want to caution all the Members of this Chamber: we shouldn't be more worried about winning in November than we should be about winning the war on terror. We should stand with these people, tell them we are proud of them, tell them we are proud of the work they are doing, and thank you for signing up to defend the greatest Nation on the face of the Earth.

Let this squabbling go by. We know that the folks who have come down on this floor, and it has shocked me today, Mr. Chairman, that some would even come out here after getting the full brief and describe a program in terms that they didn't describe it in the privacy and the security and with the confidence of previous briefings. This is the wrong time to do that.

Let us continue to work together. We have done it so well in those committees. I look forward to working with you, Mr. Chairman, and I look forward to standing up for the very people who risk their lives today defending this great country and going after probably the toughest enemy we have ever seen.

Ms. HARMAN. Mr. Chairman, I would just say to my friend Mr. ROGERS that all of us on this committee put America first, though we may disagree about precisely what this bill should include.

It is now my pleasure to yield to the gentleman from New Jersey (Mr. HOLT), the ranking member on our policy committee, 3½ minutes.

Mr. HOLT. Mr. Chairman, I thank my colleague, the ranking member, the gentlewoman from California, for affording me a few minutes to comment on this bill.

I agree with many of my colleagues that there are some very important and positive features of this bill. The dedicated and often brave members of the intelligence agencies have earned and deserve our support, but this bill weakens our freedoms.

There are a number of points, and I hardly know where to begin, but the basic point is that the bill fails to address what I believe are some of the core oversight challenges facing our committee and this body. There are under way some of the greatest changes in intelligence collection in American history, and it deserves our careful oversight.

This bill turns a blind eye, really, to misuses of executive power that threaten our liberties and the constitutional balance of powers which we are sworn to protect. And I say this advisedly. I don't mean to overstate the matter.

The bill does not provide funding for privacy and civil liberties oversight. There has been some mention of that. The bill also does not address this really important issue of domestic spying. Make no mistake, all of us in Congress support intercepting communications of terrorists set on doing us harm, doing Americans harm anywhere in the world, but there are multiple examples of how innocent people are ensnared.

The Muslim American lawyer Brandon Mayfield, we have spoken about him on the floor; Christian peace activists; others who have been falsely labeled as terrorist coconspirators and domestic security threats based on their political beliefs or simple mistaken erroneous information. This is what happens when there are no checks and balances.

To date, there has been no independent audit of the NSA program, the domestic spying surveillance program, to determine whether similar abuses have occurred. That is our role, but we have been stonewalled in our efforts. Eavesdropping on Americans must comply with FISA, that is what I maintain. If the other side disagrees, let us have it out here on the floor. At least let us have it out in committee.

The President says FISA, the Foreign Intelligence Surveillance Act, doesn't apply to him. However, the President doesn't get to pick and choose which laws he will follow and which ones he won't.

The administration still refuses to brief all members of the Intelligence Committee on this program. The National Security Act requires him to do that. The failure to brief the full committee compromises our oversight responsibility, violates the law, I think, and makes a mockery of the checks and balances that we are sworn to protect.

In another case, the Iraq NIE, the National Intelligence Estimate, the information that was leaked, we now know for purely political purposes to try to discredit a public servant. We are talking about the protection of intelligence for its proper use. Classified information should never be misused as a political weapon through selective declassification and leaking to attack opponents a particular point of view. No, I am not flogging a dead horse, I am talking about the principles that we are supposed to protect.

Mr. Chairman, the bill also provides no meaningful protections for national security whistleblowers. Members of the national intelligence community can sometimes be discouraged or even intimidated from raising concerns within their agencies.

Mr. Chairman, I recommend that we vote against this bill.

Mr. HOEKSTRA. I yield 2½ minutes to a great member of the committee, someone who understands that the Civil Liberties and Privacy Board is funded out of the budget of the Executive Office of the President and does

not come out of the Intelligence Committee authorization bill, the gentleman from Alabama (Mr. EVERETT).

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

Mr. EVERETT. Mr. Chairman, I thank the gentleman from Michigan, and I do rise in support of the intelligence authorization bill for fiscal year 2007. Chairman HOEKSTRA is to be congratulated and commended for his efforts in drafting this important legislation to meet the intelligence needs of the country.

There are many great things in this bill for the warfighter and for the intelligence community; however, I would like to focus on a very important reconnaissance and surveillance program, the U–2. Recently, a program budget decision was released by the Air Force to retire the U–2 by 2011. This transition flight plan would replace the U–2 with the Global Hawk UAV that is not yet capable of taking on this mission. This plan is premature, and after further review it appears that the Air Force now shares my concerns. The bill before us prevents the retirement of the U–2 unless the Secretary of Defense can certify that there will be no loss of intelligence collection capabilities.

Just to make a point, I am associated with the U–2 all the way back to the 1950s when it made its first flight. It has been upgraded continuously over the years with a large variety of mature intelligence collection sensors. The U–2 is, in fact, the force behind our long-range stand-off intelligence capabilities today.

The last U–2 left the production line in 1989. Its airframe is engineered for 75,000 hours. The U–2 provides critical multisensor intelligence through all phases of conflict, including peacetime, the war on terror, low-intensity conflict, and high-scale hostilities. The U–2 has even provided photographs to FEMA in support of the Hurricane Katrina and other national disasters. The U–2's modular payload design allows the aircraft to be reconfigured to perform various missions and can perform them until 2050 at the rate we are now using them.

Mr. Chairman, intelligence is the first line of defense and necessary for the security of the Nation. Our warfighters, to be successful on the battlefield, have to have this intelligence. I urge all my colleagues to support this bill, and again I congratulate the chairman and our ranking member for us being able to get this bill to the floor.

In particular, I'd like to focus on a very important Reconnaissance and Surveillance Program: the U–2.

Recently, a Program Budget Decision was released by the Air Force to retire the U–2 by 2011. This "transition flight plan" would replace the U–2 with the Global Hawk UAV that is not yet capable of taking on this mission. This plan is premature, and after further review, it appears the Air Force now shares some of my concerns. The bill before us prevents the retirement of the U–2 unless the Secretary of Defense can certify that there will be no loss of intelligence collection capabilities.

Just to make a point about the capability of the U–2, although the origins of the aircraft go back to the 1950s, it has been upgraded continuously over the years with a large variety of mature intelligence collection sensors. The U–2 is, in fact, the force behind our long-range, stand-off intelligence capabilities today.

The last U–2 left the production line only in 1989. Its airframe is engineered for 75,000 hours, yet our fleet of operational aircraft averages only 10,000 hours. The U–2 provides critical multi-sensor intelligence through all phases of conflict, including peacetime, the war on terror, low-intensity conflict and large-scale hostilities. The U–2 has even provided photographs to FEMA in support of Hurricane Katrina and other natural disasters. The U–2's modular payload design allows the aircraft to be reconfigured to perform various missions, and can perform them until 2050 at the rate we are using them today.

The Bill rightly directs that the Secretary of Defense must certify that there will be no loss of intelligence capabilities in transitioning from the U–2 to the Global Hawk, and that the collection capabilities reach parity, before a final decision is made. This will help ensure that the "persistent stare" goal in the Quadrennial Defense Review is met.

Mr. Chairman, intelligence "is" the first line of defense and necessary for the security of this Nation, and for our war fighters to be successful on the battlefield. I urge my colleagues to vote in favor of this legislation.

□ 1545

Ms. HARMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, the intelligence authorization bill before us today is a bit of a mixed bag. It does, on the positive side, direct the Director of National Intelligence to better conform to the committee's intent that the Director of National Intelligence be a coordinator of intelligence, that it not create an additional layer of bureaucracy, and that it strengthen the community's capability to penetrate hard targets.

It does, at the Democrats' insistence, provide full funding for counterterrorism programs instead of going along with the President's 22 percent cut. It does contain report language requiring that the Department of Defense inspector general audit the controversial activities of the Department of Defense Counterintelligence Field Activities, or CIFA.

But there are concerns that remain unanswered, and among these concerns are the continued insistence of this administration to limit access to information about the President's domestic surveillance program. After weeks of debate, the program remains limited to only a select group of the already select Intelligence Committee. We should not expect members charged with the oversight to write a blank check to the President to conduct intelligence activities under a shroud of secrecy from the very group that was established on behalf of this Congress to do oversight. Members of this full House look to the members of the Select Committee on Intelligence for advice, and in this case the President has limited that committee in full from being able to get the information necessary to be able to advise and lead on these issues.

The Intelligence Reform and Terrorism Prevention Act of 2004 established the Director of National Intelligence with strong statutory budget authorities to enable that office to reach across the whole community and to reallocate resources and personnel to respond to emerging threats. The administration appears to be on a path to dismantle this critical budgetary authority, piece by piece.

The 2007 budget request of the President moves significant resources and personnel permanently out of the management and control of the Director of National Intelligence. Most of those transfers move intelligence assets to the control of the Secretary of Defense and the Attorney General.

We should keep in mind over the last 2 years the military intelligence program has grown by 25 percent while the national intelligence program has actually shrunk by almost 1 percent. Both press reports and the Quadrennial Defense Review evidence the Pentagon's intention to expand special operations activities worldwide to engage in operations traditionally reserved for the Central Intelligence Agency and the State Department.

In the committee I proposed an amendment that would protect the authorities of the Director of National Intelligence, at least pending a Federal review and some answers from the administration with respect to its intentions in this regard. That failed, but I understand that the Senate is believed to have this issue in its sights, under consideration, and I should hope it is for the purposes of being in line with my amendment.

Allowing the Department of Defense to creep into the intelligence areas, especially when the result would be to avoid oversight, is problematical in the least. I have strong reservations about this bill, and I ask Members to consider these before they vote on this measure.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. RENZI), a distinguished member of the committee.

Mr. RENZI. Mr. Chairman, I appreciate your work and the ranking member's work on this bill.

I want to also go back to some things that were said earlier concerning civil liberties and the Republican Party, in its effort to try to balance civil liberties post-September 11. It is unfair and unwise to enter into the CONGRESSIONAL RECORD the misleading information that this is the first time in history that terrorist surveillance was conducted outside of FISA. Every one of you over there knows that President Clinton conducted terrorist surveillance outside of FISA, and he was justified in doing so by Jamie Gorelich at

the Justice Department based on an argument of Article II of the Constitution. It is not the first time in history outside of FISA it has been conducted.

This legislation also, as the gentlewoman from New Mexico talked about, goes to restore and rebuild our capabilities that were very much slashed during the 1990s. It was a time when our intelligence officers declined by 30 percent. It was a time when a number of CIA sources worldwide were cut by 40 percent. The number of intelligence reports that our intelligence community was able to produce was cut in half.

If you remember back during the Reagan administration when President Reagan had to rebuild our military, this is very much like how our history stands right now in trying to restore and rebuild our intelligence capability. There was a time when our intelligence officers were hamstrung by the Deutsch guidelines, when poor management and a lack of urgency at the top did not allow our intelligence agents to function properly in the field. That has changed.

This intelligence authorization bill allows us to gather more information globally at more locations than we had in the recent past. When famine strikes in Africa, when the saber-rattling in Venezuela is conducted, when the narcoterrorists along the Mexican border begin control, this intelligence bill acts.

I want to once again thank the chairman. As a Member from Arizona, we need the kind of increases that our agents are asking for, particularly on our Mexican border.

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

Mr. Chairman, I am the longest-serving member currently on this committee. I love this committee; I love the issues we consider. My district is the place where most of our intelligence satellites are made. It is the location of the Air Force Space and Missiles Command, which just opened a state-of-the-art complex and develops and fields our satellite and missile capabilities.

I was there in El Segundo 2 days ago, and I am immensely proud of the work of SMC and the people who do the work, both in uniform and civilians.

Mr. Chairman, I have traveled the corners of the earth with our committee members. They are my friends. I am very fond of them on a bipartisan basis and I have been very moved by some of the comments made about this bill. A lot of what they say I truly and sincerely agree with. I think this bill is a lot better than it would have been because there has been bipartisan cooperation. I appreciate that. And I appreciate the personal effort that Chairman HOEKSTRA made to work with me and work with the minority.

What has upset me today, and I do not think anyone has missed it, is what I view as callous, partisan behavior by the Committee on Rules at a level that I have not felt and experienced, at least with respect to the Intelligence Committee. Members on our side offered responsible amendments. All of them were shown to the majority; and in one case, the Boswell amendment, the majority collaborated with us on adjusting the language so it was mutually acceptable. Then at the last minute, for no good reason other than pure partisanship, the Boswell amendment was made out of order.

That experience has prompted me to revisit some of the things that still bother me. The NSA program bothers me. It is not that I do not support the capability; surely I do. I have made that clear. But I do not support any part of that program being outside of FISA, because I believe, based on information that I have, that it can fully comply with FISA. There is no reason to exempt that program.

Mr. RENZI was just talking about the actions of President Clinton that he claimed were outside of FISA. My understanding is that at the time, physical searches were not covered by FISA, and later FISA was amended to cover it. That is the right way to go, and that is what I would hope our committee would end up doing.

Mr. Chairman, it is a tough call whether to support the bill at this stage. I hope and expect that I will support the conference report. I think the conference report will be better than the bill we pass in this House, because I think that the other body and the conference will consider and make decisions about some of these issues we have not addressed adequately here.

In closing, it is always on my mind that dedicated men and women are serving overseas taking tough risks for our freedom. I love them and I have been there to tell them that. This bill has to honor them, which means this has to be the best bill we can field. I do not think it is the best bill we can pass. I will make a decision about my vote later in this debate. I know that some members on our committee will support it and some will oppose it and I respect their views, as I do the views of the majority.

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

Mr. HOEKSTRA. Mr. Chairman, I ask unanimous consent at this point to include for the RECORD an exchange of letters with other committees of jurisdiction and the executive branch with respect to this legislation. I appreciate the willingness of those committees to work with us on this legislation.

The CHAIRMAN. The gentleman's request to insert matter at this point is already covered by his request for general leave in the House.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
*Washington, DC, April 25, 2006.*

HON. PETER HOEKSTRA,
*Chairman, House Permanent Select Committee on Intelligence, Washington, DC.*

DEAR MR. CHAIRMAN: On April 6, 2006, the House Permanent Select Committee on Intelligence reported H.R. 5020, the ''Intelligence Authorization Act for Fiscal Year 2007.'' As you know, the bill includes provisions within the jurisdiction of the Committee on Government Reform.

In the interests of moving this important legislation forward, I agreed to waive sequential consideration of this bill by the Committee on Government Reform. However, I did so only with the understanding that this procedural route would not be construed to prejudice the Committee on Government Reform's jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future.

I respectfully request your support for the appointment of outside conferees from the Committee on Government Reform should this bill or a similar bill be considered in a conference with the Senate. Finally, I request that you include this letter and your response in the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

TOM DAVIS.

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HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
*Washington, DC, April 25, 2006.*

Hon. TOM DAVIS,
*Chairman, Committee on Government Reform, U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on Government Reform's jurisdictional interest in H.R. 5020, the ''Intelligence Authorization Act for Fiscal Year 2007,'' and your willingness to forego consideration of H.R. 5020 by the Government Reform Committee.

I agree that the Government Reform Committee has a valid jurisdictional interest in certain provisions of H.R. 5020 and that the Committee's jurisdiction will not be adversely affected by your decision to not request a sequential referral of H.R. 5020. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

PETER HOEKSTRA,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
*Washington, DC, April 26, 2006.*

Hon. PETER HOEKSTRA,
*Chairman, House Committee on Intelligence, U.S. House of Representatives, Washington, DC.*

DEAR CHAIRMAN HOEKSTRA: I write to confirm our mutual understanding regarding H.R. 5020, the ''Intelligence Authorization Act for Fiscal Year 2007.'' This legislation contains subject matter within the jurisdiction of the Committee on the Judiciary. However, in order to expedite floor consideration of this important legislation, the Committee waives consideration of the bill. The Committee on the Judiciary takes this action with the understanding that the Committee's jurisdictional interests over this and similar legislation are in no way diminished or altered. I also wish to confirm our

mutual agreement that the authorization of the Drug Enforcement Agency's (DEA) Office of National Security Intelligence within the National Intelligence Program in no way impairs or affects the Committee on the Judiciary's jurisdiction over law enforcement and information sharing activities of all components of the DEA, including those carried out by this Office.

The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the Congressional Record during consideration of H.R. 5020 on the House floor. Thank you for your attention to these matters.

Sincerely,

F. JAMES SENSENBRENNER, Jr.
*Chairman.*

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HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
*Washington, DC, April 26, 2006.*

Hon. F. JAMES SENSENBRENNER,
*Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter of April 26, 2006, regarding H.R. 5020, the Intelligence Authorization Act for Fiscal Year 2007. As you noted, elements of the bill as reported fall within the jurisdiction of the Committee on the Judiciary. I will support the request of the Committee on the Judiciary for conferees on these provisions.

In addition, the bill reflects action on the part of the Administration to include specified elements of the Drug Enforcement Administration within the Intelligence Community. As you know, I intend to offer a manager's amendment to the bill to clarify that the DEA's membership in the Intelligence Community is specifically limited to the DEA's Office of National Security Intelligence, the authorization for which has been requested within the National Intelligence Program, the program for which we have jurisdiction. I will be glad to work with you on a continuing basis to ensure that this designation is not construed in any way to limit the conduct of oversight by the Committee on the Judiciary with respect to law enforcement and information sharing activities of all components of the DEA, which I fully recognize are within the jurisdiction of the Committee on the Judiciary.

I appreciate your willingness to forego consideration of the bill in the interest of expediting this legislation for floor consideration. I acknowledge that by agreeing to waive consideration of the bill, the Committee on the Judiciary does not waive any jurisdiction it may have over provisions of the bill or any matters under your jurisdiction.

Finally, I will include a copy of your letter and this response in the Congressional Record during consideration of the legislation on the House floor. Thank you for your assistance in this matter.

Sincerely,

PETER HOEKSTRA,
*Chairman.*

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DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION, OFFICE OF CONGRESSIONAL AFFAIRS,
*Washington, DC, April 25, 2006.*

Hon. PETER HOEKSTRA,
*Chairman, Permanent Select Committee on Intelligence, Washington. DC.*

DEAR CHAIRMAN HOEKSTRA: Thank you for supporting a portion of Drug Enforcement Administration (DEA) joining the Intelligence Community (IC). This is in response to your staff inquiry regarding the organizational relationship between the Office of National Security Intelligence and the Central Tasking Management System (CTMS).

As you know, DBA has created the Office of National Security Intelligence at DEA headquarters to oversee and coordinate the three major functions necessary for the Office of National Security Intelligence integration into the IC: all-source analysis, a Central Tasking Management System, and liaison with IC members. All-source analysis of drug trafficking investigative and other information will enhance the intelligence available to policy makers in the law enforcement and intelligence communities. The CTMS will allow DBA to notify IC partners of pertinent drug information related to national security.

We appreciate your interest in the organizational structure of the Office of National Security Intelligence. Please contact us again if you have additional questions, or need additional information.

Sincerely,

ERIC J. AKERS,
*Chief, Office of Congressional Affairs.*

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

In closing, I appreciate again the work of the ranking member, my colleagues on both sides of the aisle, and the staff on both sides of the aisle, to pull together a bill which I think addresses the priorities that we established at this committee really beginning a year and a half ago: that we were going to stay focused on rebuilding an intelligence capability to match the threats that America faces today.

This legislation puts in the necessary fences that will ensure that this committee has the oversight over the standup of the Office of the Director of National Intelligence. We all want this process to work. We would all like it to go faster because of the significant threats that we face as a Nation. But standing up the Office of the DNI will be the responsibility of monitoring, and that will be the responsibility of our oversight subcommittee.

Our policy committee is going to continue to monitor and evaluate the threats that we face as a Nation. Whether it is al Qaeda, radical Islam, the affiliated groups to al Qaeda, Iran, Iraq, North Korea, China, we want to make sure that we as a committee have a good grasp of making sure that the intelligence community is structured to go after these threats and provide us as policymakers with the information that we need to be successful.

The third thing that we are going to do is to make sure that we thoroughly take a look at what we can accomplish to stop leaks, the devastating leaks from within the community and outside of the community that damage our capabilities and give those who want to attack us insight as to what our plans, intentions and capabilities are.

And then for my colleagues who have talked about the TSA program and other activities, it is the responsibility of this committee, it is the responsibility of the members of this committee to make sure that we do effective oversight, to make sure that the executive branch operates within the parameters that we have established, the legal parameters that we have established for it to operate within.

Mr. Chairman, I yield the balance of my time to the gentleman from Kansas (Mr. TIAHRT) to close the general debate on our side.

Mr. TIAHRT. Mr. Chairman, I thank the gentleman from Michigan (Mr. HOEKSTRA) for yielding me this time, and I apologize for being late.

Mr. Chairman, this legislation before us provides funding resources and authorization to support our intelligence community, and I think it is coming at a very important time so we can protect our Nation from attack.

Following September 11, 2001, our economy suffered a $2 trillion loss. That does not really address the nearly 3,000 lives lost as a by-product of the terrorist attacks. Certainly that carries greater weight.

We have held hearings, appointed commissions and watched documentaries about this tragedy. It is clear during the 1990s, our government reduced the human intelligence capabilities and let our infrastructure fall into disrepair. This bill, which is so important, continues to rebuild our intelligence community.

First, it provides full funding for the global war on terror instead of piecemealing in increments through supplementals and emergency bills.

Second, the legislation provides much-needed new buildings and rehabilitates other capital investments that deteriorated during the 1990s under the last administration.

And finally, it begins a long process of training agents, recruiting recourses, and hiring the support personnel needed to achieve the human intelligence capability that we need to protect ourselves, our families, and our economy.

Mr. Chairman, I strongly urge my fellow colleagues to support this bill. I would like to say this is an important step in the right direction to allow our new Director of National Intelligence to have the voice that he needs to coordinate our activities, to break down the stovepipes and to continue the process of doing an excellent job of protecting this Nation, as they have done since September 11, 2001.

Mr. MORAN of Virginia. Mr. Chairman, almost 2 years ago, the 9/11 Commission reported that our intelligence community failed our Nation because of its aversion to share information, lack of oversight and limited imagination in how to deal with emerging sources of information. Since that final report was issued, Congress has authorized an overhaul of intelligence agencies, but progress has not met with our expectations. We all experienced what can happen with inadequate intelligence on 9/11, so the path that is being taken should serve as a brilliant warning sign that much more needs to be done.

When the House of Representatives votes on this year's Intelligence Authorization, I will vote against the bill. In doing so, my opposition is not because Congress shouldn't fund intelligence activities, but rather I believe that

it is disingenuous for this body to act as if the intelligence community is not the source of great concern. The resistance to change, the absence of leadership and partisan politics have tempered positive evolution and hurt our Nation. Indeed, in the place of real progress, the intelligence community has been a source of a number of controversial and classified programs that the public has since learned about. Last year, we were made aware that:

The President initiated an illegal program to secretly intercept international phone calls, including intercepting calls of American citizens, without fully briefing the House and Senate Intelligence Committees. This new spy program subverts the congressionally approved standard and no one comprehends the full scope of the program;

The United States government operated a secretive program known as "extraordinary rendition" that shipped accused terrorist suspect to other countries for imprisonment and interrogation, all to avoid U.S. laws prescribing due process and prohibiting torture;

The White House selectively declassified information and offered it to preferred reporters to discredit political adversaries;

Intelligence officials sat on a report contradicting the Administration's claim that mobile laboratories in Iraq were developing weapons, while the President announced to the Nation that "we have found the weapons of mass destruction"; and

Last week the CIA fired lifelong federal employee Mary McCarthy for disclosure, offering the misimpression she was fired for a leak she never knew anything about.

These instances are only the most grievous, but they highlight this administration's contempt for accountability and put the unassailable standing of our civil liberties in doubt. And when given the opportunity, the White House has dragged its feet to appoint the staff, fund and begin the work of the Privacy and Civil Liberties Oversight Board which is intended to safeguard our citizens from unnecessary government intrusion. .

I understand the formidable challenge that is being undertaken and I applaud the many brave and good hearted people who work to secure our nation every day. Unfortunately, the White House and the leadership of these agencies are undercutting reform by failing to deliver greater communication, transparency and accountability. We are reminded repeatedly with reports that the CIA is losing key personnel because of the politicization of the agency, or when the 9/11 Commission gives "D" grades to government-wide information sharing and intelligence oversight reform.

The American public looks to Congress to safeguard our civil liberties, and to ensure that intelligence is good and intelligence reform is meaningful. I'm afraid that in the last year there has been increasing evidence that this institution has failed to do its job. Mr. Chairman, instead of passing a reauthorization bill today that does little to address the nation's concern we should reexamine what we can do to ensure our intelligence agencies can do their job and instill our constituent's faith in our intelligence community.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of H.R. 5020, the Intelligence Authorization Act for fiscal year 2007.

In supporting this bill, I want to emphasize to Chairman HOEKSTRA that the Defense Appropriation Subcommittee will do what it can to work with the House Permanent Select Committee on Intelligence in the weeks and months ahead. We intend to follow through with a fiscal year 2007 Department of Defense Appropriations bill that supports the major areas of emphasis addressed in the authorization bill now before us.

I intend to work closely with Chairman HOEKSTRA and the HPSCI to provide the funds necessary to strengthen U.S. intelligence collection and analysis, improve the technical means that support the Intelligence Community, and strengthen the organization of the Intelligence Community. I also stand ready to work with his Committee as we carefully scrutinize the fiscal year 2007 budget request to ensure that funding is used as effectively and as efficiently as possible to obtain the best return for the American taxpayer.

While I support this measure, I must also advise that some areas of difference between the Authorization and Appropriations bills may arise. Of course, we intend to try to minimize any such issues. However, the committees have different institutional roles, responsibilities, and processes, and while I fully respect the role of the Chairman of the authorizing committee, I know he appreciates my role as well.

In an increasingly constrained spending environment, the Appropriations Committee may find it necessary to reduce the overall funding available for the Department of Defense Appropriations bill. We will have to make hard choices on how best to address those constraints.

I offer my congratulations to Chairman HOEKSTRA for his work on this legislation, and my support for final passage.

□ 1600

The CHAIRMAN. All time for general debate has expired.

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

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

H.R. 5020

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

***SEC. 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2007".*

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

*Sec. 1. Short title; table of contents.*

*TITLE I—INTELLIGENCE ACTIVITIES*

*Sec. 101. Authorization of appropriations.*
*Sec. 102. Classified Schedule of Authorizations.*
*Sec. 103. Personnel ceiling adjustments.*
*Sec. 104. Intelligence Community Management Account.*
*Sec. 105. Incorporation of reporting requirements.*

*TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM*

*Sec. 201. Authorization of appropriations.*

*TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS*

*Sec. 301. Increase in employee compensation and benefits authorized by law.*
*Sec. 302. Restriction on conduct of intelligence Activities.*
*Sec. 303. Clarification of definition of Intelligence Community under the National Security Act of 1947.*
*Sec. 304. Delegation of authority for travel on common carriers for intelligence collection personnel.*
*Sec. 305. Retention and use of amounts paid as debts to Elements of the Intelligence Community.*
*Sec. 306. Availability of funds for travel and transportation of personal effects, household goods, and automobiles.*
*Sec. 307. Purchases by elements of the intelligence community of products of federal prison industries.*

*TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY*

*Subtitle A—Office of the Director of National Intelligence*

*Sec. 401. Clarification of delegation of transfer or reprogramming authority.*
*Sec. 402. Clarification of limitation on co-location of the Office of the Director of National Intelligence.*
*Sec. 403. Additional duties of the Director of Science and Technology of the Office of the Director of National Intelligence.*
*Sec. 404. Appointment and title of Chief Information Officer of the Intelligence Community.*
*Sec. 405. Leadership and location of certain offices and officials.*
*Sec. 406. Eligibility for incentive awards of personnel assigned to the Office of the Director of National Intelligence.*
*Sec. 407. Repeal of certain authorities relating to the Office of the national counterintelligence Executive.*
*Sec. 408. Membership of the Director of National Intelligence on the transportation security oversight Board.*
*Sec. 409. Temporary inapplicability to the Office of the Director of National Intelligence of certain financial reporting requirements.*
*Sec. 410. Comprehensive inventory of special access programs.*
*Sec. 411. Sense of Congress on multi-level security clearances.*
*Sec. 412. Access to information by staff and members of the congressional intelligence committees.*
*Sec. 413. Study on revoking pensions of persons who commit unauthorized disclosures of classified information.*

*Subtitle B—Central Intelligence Agency*

*Sec. 421. Enhanced protection of Central Intelligence Agency intelligence sources and methods from unauthorized disclosure.*
*Sec. 422. Additional exception to foreign language proficiency requirement for certain senior level positions in the Central Intelligence Agency.*
*Sec. 423. Additional functions and authorities for protective personnel of the central intelligence agency.*
*Sec. 424. Protective services for former officials of the intelligence community.*
*Sec. 425. Strategic review process.*

*Subtitle C—Defense Intelligence Components*

*Sec. 431. Enhancements of National Security Agency training Program.*
*Sec. 432. Codification of authorities of national security agency protective personnel.*

*Subtitle D—Other Elements*

*Sec. 441. Clarification of inclusion of Coast Guard and Drug Enforcement Administration elements in the Intelligence Community.*

*Sec. 442. Clarifying amendments relating to Section 105 of the Intelligence Authorization Act for Fiscal Year 2004.*

*TITLE V—OTHER MATTERS*

*Sec. 501. Aerial reconnaissance platforms.*
*Sec. 502. Elimination of certain reporting requirements.*
*Sec. 503. Technical amendments to the National Security Act of 1947.*
*Sec. 504. Technical clarification of certain references to joint military intelligence Program and tactical intelligence and related Activities.*
*Sec. 505. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.*
*Sec. 506. Technical amendment to the Central Intelligence Agency Act of 1949.*
*Sec. 507. Technical amendments relating to the multiyear National Intelligence Program.*
*Sec. 508. Technical amendments to the Executive Schedule.*
*Sec. 509. Technical amendments relating to redesignation of the National Imagery and Mapping Agency as the national Geospatial-Intelligence Agency.*

## *TITLE I—INTELLIGENCE ACTIVITIES*

### *SEC. 101. AUTHORIZATION OF APPROPRIATIONS.*

*Funds are hereby authorized to be appropriated for fiscal year 2007 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:*

*(1) The Office of the Director of National Intelligence.*

*(2) The Central Intelligence Agency.*

*(3) The Department of Defense.*

*(4) The Defense Intelligence Agency.*

*(5) The National Security Agency.*

*(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.*

*(7) The Department of State.*

*(8) The Department of the Treasury.*

*(9) The Department of Energy.*

*(10) The Department of Justice.*

*(11) The Federal Bureau of Investigation.*

*(12) The National Reconnaissance Office.*

*(13) The National Geospatial-Intelligence Agency.*

*(14) The Coast Guard.*

*(15) The Department of Homeland Security.*

*(16) The Drug Enforcement Administration.*

### *SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.*

*(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2007, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 5020 of the One Hundred Ninth Congress.*

*(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.*

### *SEC. 103. PERSONNEL CEILING ADJUSTMENTS.*

*(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2007 under section 102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.*

*(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall promptly notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.*

### *SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.*

*(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2007 the sum of $990,000,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2008.*

*(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1,539 full-time personnel as of September 30, 2007. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.*

*(c) CLASSIFIED AUTHORIZATIONS.—*

*(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2007 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for research and development shall remain available until September 30, 2007.*

*(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2007, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.*

*(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2007 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year as the Director of National Intelligence considers necessary.*

### *SEC. 105. INCORPORATION OF REPORTING REQUIREMENTS.*

*(a) IN GENERAL.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill H.R. 5020 of the One Hundred Ninth Congress, or in the classified annex to this Act, is hereby incorporated into this Act, and is hereby made a requirement in law.*

*(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—*

*(1) the Select Committee on Intelligence of the Senate; and*

*(2) the Permanent Select Committee on Intelligence of the House of Representatives.*

## *TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM*

### *SEC. 201. AUTHORIZATION OF APPROPRIATIONS.*

*There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2007 the sum of $256,400,000.*

## *TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS*

### *SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.*

*Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.*

### *SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.*

*The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.*

### *SEC. 303. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.*

*Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking ''other'' the second place it appears.*

### *SEC. 304. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.*

*(a) DELEGATION OF AUTHORITY.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—*

*(1) by inserting ''(1)'' before ''The Director'';*

*(2) in paragraph (1), by striking ''may only delegate'' and all that follows and inserting ''may delegate the authority in subsection (a) to the head of any other element of the intelligence community.''; and*

*(3) by adding at the end the following new paragraph:*

*''(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.''.*

*(b) SUBMITTAL OF GUIDELINES TO CONGRESS.—Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).*

*(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—*

*(1) the Select Committee on Intelligence of the Senate; and*

*(2) the Permanent Select Committee on Intelligence of the House of Representatives.*

### *SEC. 305. RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.*

*(a) IN GENERAL.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:*

*''RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY*

*''SEC. 1103. (a) AUTHORITY TO RETAIN AMOUNTS PAID.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, the head of an element of the intelligence community may retain amounts paid or reimbursed to the United States, including amounts paid by an employee of the Federal*

*Government from personal funds, for repayment of a debt owed to the element of the intelligence community.*

*''(b) CREDITING OF AMOUNTS RETAINED.—(1) Amounts retained under subsection (a) shall be credited to the current appropriation or account from which such funds were derived or whose expenditure formed the basis for the underlying activity from which the debt concerned arose.*

*''(2) Amounts credited to an appropriation or account under paragraph (1) shall be merged with amounts in such appropriation or account, and shall be available in accordance with subsection (c).*

*''(c) AVAILABILITY OF AMOUNTS.—Amounts credited to an appropriation or account under subsection (b) with respect to a debt owed to an element of the intelligence community shall be available to the head of such element, for such time as is applicable to amounts in such appropriation or account, or such longer time as may be provided by law, for purposes as follows:*

*''(1) In the case of a debt arising from lost or damaged property of such element, the repair of such property or the replacement of such property with alternative property that will perform the same or similar functions as such property.*

*''(2) The funding of any other activities authorized to be funded by such appropriation or account.*

*''(d) DEBT OWED TO AN ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term 'debt owed to an element of the intelligence community' means any of the following:*

*''(1) A debt owed to an element of the intelligence community by an employee or former employee of such element for the negligent or willful loss of or damage to property of such element that was procured by such element using appropriated funds.*

*''(2) A debt owed to an element of the intelligence community by an employee or former employee of such element as repayment for default on the terms and conditions associated with a scholarship, fellowship, or other educational assistance provided to such individual by such element, whether in exchange for future services or otherwise, using appropriated funds.*

*''(3) Any other debt or repayment owed to an element of the intelligence community by a private person or entity by reason of the negligent or willful action of such person or entity, as determined by a court of competent jurisdiction or in a lawful administrative proceeding.''.*

*(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by adding at the end the following new item:*

*''Sec. 1103. Retention and use of amounts paid as debts to elements of the intelligence community.''.*

***SEC. 306. AVAILABILITY OF FUNDS FOR TRAVEL AND TRANSPORTATION OF PERSONAL EFFECTS, HOUSEHOLD GOODS, AND AUTOMOBILES.***

*(a) FUNDS OF OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE.—Funds appropriated to the Office of the Director of National Intelligence and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.*

*(b) FUNDS OF CENTRAL INTELLIGENCE AGENCY.—Funds appropriated to the Central Intelligence Agency and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.*

*(c) TRAVEL AND TRANSPORTATION EXPENSES DEFINED.—In this section, the term ''travel and transportation expenses'' means the following:*

*(1) Expenses in connection with travel of personnel, including travel of dependents.*

*(2) Expenses in connection with transportation of personal effects, household goods, or automobiles of personnel.*

***SEC. 307. PURCHASES BY ELEMENTS OF THE INTELLIGENCE COMMUNITY OF PRODUCTS OF FEDERAL PRISON INDUSTRIES.***

*Section 404 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2632) is amended—*

*(1) by striking ''by the Central Intelligence Agency'' and inserting ''by an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))''; and*

*(2) by striking ''the Director of the Central Intelligence Agency determines that the product or service'' and inserting ''the head of that element determines that the product or service (including a surveying or mapping service)''.*

## *TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY*

### *Subtitle A—Office of the Director of National Intelligence*

***SEC. 401. CLARIFICATION OF DELEGATION OF TRANSFER OR REPROGRAMMING AUTHORITY.***

*Section 102A(d)(5)(B) of the National Security Act of 1947 (50 U.S.C. 403–1(d)(5)(B)), as added by section 1011(a) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3643), is amended in the second sentence by striking ''or agency involved'' and inserting ''involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)''.*

***SEC. 402. CLARIFICATION OF LIMITATION ON CO-LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.***

*Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403–3(e)) is amended—*

*(1) in the heading, by striking ''WITH'' and inserting ''OF HEADQUARTERS WITH HEADQUARTERS OF'' ;*

*(2) by inserting ''the headquarters of'' before ''the Office''; and*

*(3) by striking ''any other element'' and inserting ''the headquarters of any other element''.*

***SEC. 403. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.***

*(a) COORDINATION AND PRIORITIZATION OF RESEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE COMMUNITY.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—*

*(1) in paragraph (3)(A), by inserting ''and prioritize'' after ''coordinate''; and*

*(2) by adding at the end the following new paragraph:*

*''(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.''.*

*(b) DEVELOPMENT OF TECHNOLOGY GOALS.—Such section is further amended—*

*(1) in subsection (c)—*

*(A) in paragraph (4), by striking ''and'' at the end;*

*(B) by redesignating paragraph (5) as paragraph (6); and*

*(C) by inserting after paragraph (4) the following new paragraph:*

*''(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community; and''; and*

*(2) by adding at the end the following new subsection:*

*''(e) GOALS FOR TECHNOLOGY NEEDS OF INTELLIGENCE COMMUNITY.—In carrying out subsection (c)(5), the Director of Science and Technology shall—*

*''(1) systematically identify and assess the most significant intelligence challenges that require technical solutions; and*

*''(2) examine options to enhance the responsiveness of research and design programs of elements of the intelligence community to meet the requirements of the intelligence community for timely support.''.*

*(c) REPORT.—(1) Not later than June 30, 2007, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.*

*(2) The report shall include—*

*(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;*

*(B) goals for advanced research and development and a strategy to achieve such goals;*

*(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;*

*(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and*

*(E) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.*

*(3) The report may be submitted in classified form.*

***SEC. 404. APPOINTMENT AND TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.***

*(a) APPOINTMENT.—*

*(1) IN GENERAL.—Subsection (a) of section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended by striking ''the President, by and with the advice and consent of the Senate'' and inserting ''the Director of National Intelligence''.*

*(2) APPLICABILITY.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to any nomination of an individual as Chief Information Officer of the Intelligence Community that is made on or after that date.*

*(b) TITLE.—Such section is further amended—*

*(1) in subsection (a), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';*

*(2) in subsection (b), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';*

*(3) in subsection (c), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''; and*

*(4) in subsection (d), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''.*

***SEC. 405. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.***

*(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—*

*(1) by striking ''ESTABLISHMENT.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the'' and inserting ''(1) ESTABLISHMENT.—The''; and*

*(2) by adding at the end the following new paragraphs:*

*''(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.*

*''(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.''.*

*(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—*

*(1) by redesignating paragraph (9) as paragraph (13); and*

*(2) by inserting after paragraph (8) the following new paragraphs:*

*''(9) The Chief Information Officer of the intelligence community.*

*''(10) The Inspector General of the intelligence community.*

*''(11) The Director of the National Counterterrorism Center.*

*''(12) The Director of the National Counter Proliferation Center.''.*

***SEC. 406. ELIGIBILITY FOR INCENTIVE AWARDS OF PERSONNEL ASSIGNED TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.***

*(a) IN GENERAL.—Subsection (a) of section 402 of the Intelligence Authorization Act for Fiscal Year 1984 (50 U.S.C. 403e–1) is amended to read as follows:*

*''(a) AUTHORITY FOR PAYMENT OF AWARDS.—(1) The Director of National Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Office of the Director of National Intelligence in the same manner as such authority may be exercised with respect to personnel of the Office.*

*''(2) The Director of the Central Intelligence Agency may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency in the same manner as such authority may be exercised with respect to personnel of the Agency.''.*

*(b) REPEAL OF OBSOLETE AUTHORITY.—Such section is further amended—*

*(1) by striking subsection (c); and*

*(2) by redesignating subsection (d) as subsection (c).*

*(c) CONFORMING AMENDMENTS.—Such section is further amended—*

*(1) in subsection (b), by striking ''to the Central Intelligence Agency or to the Intelligence Community Staff'' and inserting ''to the Office of the Director of National Intelligence or to the Central Intelligence Agency''; and*

*(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence or Director of the Central Intelligence Agency''.*

*(d) TECHNICAL AND STYLISTIC AMENDMENTS.—That section is further amended—*

*(1) in subsection (b)—*

*(A) by inserting ''PERSONNEL ELIGIBLE FOR AWARDS.—'' after ''(b)'';*

*(B) by striking ''subsection (a) of this section'' and inserting ''subsection (a)''; and*

*(C) by striking ''a date five years before the date of enactment of this section'' and inserting ''December 9, 1978''; and*

*(2) in subsection (c), as so redesignated, by inserting ''PAYMENT AND ACCEPTANCE OF AWARDS.—'' after ''(c)''.*

***SEC. 407. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.***

*(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—*

*(1) by striking subsections (d), (g), (h), (i), and (j); and*

*(2) by redesignating subsections (e), (f), (k), (l), and (m) as subsections (d), (e), (f), (g), and (h), respectively.*

*(b) CONFORMING AMENDMENTS.—That section is further amended—*

*(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking ''subsection (f)'' each place it appears in paragraphs (1) and (2) and inserting ''subsection (e)''; and*

*(2) in subsection (e)(2), as so redesignated, by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.*

***SEC. 408. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.***

*Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:*

*''(F) The Director of National Intelligence, or the Director's designee.''.*

***SEC. 409. TEMPORARY INAPPLICABILITY TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE OF CERTAIN FINANCIAL REPORTING REQUIREMENTS.***

*The Director of National Intelligence shall not be required to submit an audited financial statement under section 3515 of title 31, United States Code, for the Office of the Director of National Intelligence with respect to fiscal year 2005 or 2006.*

***SEC. 410. COMPREHENSIVE INVENTORY OF SPECIAL ACCESS PROGRAMS.***

*Not later than January 15, 2007, the Director of National Intelligence shall submit to the congressional intelligence committees (as defined in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7))) a classified report providing a comprehensive inventory of all special access programs under the National Intelligence Program (as defined in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6))).*

***SEC. 411. SENSE OF CONGRESS ON MULTI-LEVEL SECURITY CLEARANCES.***

*It is the sense of Congress that the Director of National Intelligence should promptly establish and oversee the implementation of a multi-level security clearance system across the intelligence community to leverage the cultural and linguistic skills of subject matter experts and individuals proficient in foreign languages critical to national security.*

***SEC. 412. ACCESS TO INFORMATION BY STAFF AND MEMBERS OF THE CONGRESSIONAL INTELLIGENCE COMMITTEES.***

*Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the members and staff of the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate accounts for and access to the Intelink System (or any successor system) through the Joint Worldwide Intelligence Communications System (or any successor system). Such access shall include access up to and including the level of sensitive compartmented information and shall be provided in the sensitive compartmented information facilities of each Committee.*

***SEC. 413. STUDY ON REVOKING PENSIONS OF PERSONS WHO COMMIT UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.***

*(a) STUDY.—The Director of National Intelligence shall conduct a study on the feasibility of revoking the pensions of personnel in the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) who commit unauthorized disclosures of classified information, including whether revoking such pensions is feasible under existing law or under the administrative authority of the Director of National Intelligence or any other head of an element of the intelligence community.*

*(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report containing the results of the study conducted under subsection (a).*

***Subtitle B—Central Intelligence Agency***

***SEC. 421. ENHANCED PROTECTION OF CENTRAL INTELLIGENCE AGENCY INTELLIGENCE SOURCES AND METHODS FROM UNAUTHORIZED DISCLOSURE.***

*(a) RESPONSIBILITY OF DIRECTOR OF CENTRAL INTELLIGENCE AGENCY UNDER NATIONAL SECURITY ACT OF 1947.—Subsection (d) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended—*

*(1) in paragraph (3), by striking ''and'' at the end;*

*(2) by redesignating paragraph (4) as paragraph (5); and*

*(3) by inserting after paragraph (3) the following new paragraph:*

*''(4) protect intelligence sources and methods of the Central Intelligence Agency from unauthorized disclosure, consistent with any direction issued by the President or the Director of National Intelligence; and''.*

*(b) PROTECTION UNDER CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by striking ''section 102A(i)'' and all that follows through ''unauthorized disclosure'' and inserting ''sections 102A(i) and 104A(d)(4) of the National Security Act of 1947 (50 U.S.C. 403–1(i), 403–4a(d)(4))''.*

*(c) CONSTRUCTION WITH EXEMPTION FROM REQUIREMENT FOR DISCLOSURE OF INFORMATION TO PUBLIC.—Section 104A(d)(4) of the National Security Act of 1947, as amended by subsection (a), and section 6 of the Central Intelligence Agency Act of 1949, as amended by subsection (b), shall be treated as statutes that specifically exempt from disclosure the matters specified in such sections for purposes of section 552(b)(3) of title 5, United States Code.*

*(d) TECHNICAL AMENDMENTS TO CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended—*

*(1) in the subsection heading, by striking ''OF DCI'';*

*(2) by striking ''section 102A(i)'' and inserting ''sections 102A(i) and 104A(d)(4)'';*

*(3) by striking ''of National Intelligence''; and*

*(4) by inserting ''of the Central Intelligence Agency'' after ''methods''.*

***SEC. 422. ADDITIONAL EXCEPTION TO FOREIGN LANGUAGE PROFICIENCY REQUIREMENT FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.***

*(a) ADDITIONAL EXCEPTION.—Subsection (g) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended—*

*(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';*

*(2) in paragraph (2), by striking ''position or category of positions'' each place it appears and inserting ''individual, individuals, position, or category of positions''; and*

*(3) by adding at the end the following new paragraph:*

*''(3) Paragraph (1) shall not apply to any individual in the Directorate of Intelligence or the Directorate of Operations of the Central Intelligence Agency who is serving in a Senior Intelligence Service position as of December 23, 2005, regardless of whether such individual is a member of the Senior Intelligence Service.''.*

*(b) REPORT ON WAIVERS.—Section 611(c) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3955) is amended—*

*(1) in the first sentence, by inserting ''individuals or'' before ''positions''; and*

*(2) in the second sentence, by striking ''position or category of positions'' and inserting ''individual, individuals, position, or category of positions''.*

***SEC. 423. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.***

*(a) PROTECTION OF CERTAIN PERSONS.—Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—*

*(1) by striking ''and the protection'' and inserting ''the protection''; and*

*(2) by striking the semicolon and inserting '', and the protection of the Director of National Intelligence and such personnel of the Office of*

*the Director of National Intelligence as the Director of National Intelligence may designate;''.*

*(b) AUTHORITY TO ARREST.—*

*(1) Chapter 203 of title 18, United States Code, is amended by adding at the end the following:*

***''§3065. Powers of authorized personnel in the Central Intelligence Agency***

*''(a) The Director of the Central Intelligence Agency may issue regulations to allow personnel designated to carry out protective functions for the Central Intelligence Agency under section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) to, while engaged in such protective functions, make arrests without a warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have probable cause to believe that the person to be arrested has committed or is committing that felony offense.*

*''(b) The powers granted under subsection (a) may be exercised only in accordance with guidelines approved by the Attorney General.''.*

*(2) The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by adding at the end the following:*

*''3065. Powers of authorized personnel in the Central Intelligence Agency.''.*

***SEC. 424. PROTECTIVE SERVICES FOR FORMER OFFICIALS OF THE INTELLIGENCE COMMUNITY.***

*(a) IN GENERAL.—Title III of the National Security Act of 1947 (50 U.S.C. 409a et seq.) is amended by inserting after section 303 the following new section:*

*''PROTECTIVE SERVICES FOR FORMER OFFICIALS OF THE INTELLIGENCE COMMUNITY*

*''SEC. 304. (a) IN GENERAL.—Subject to subsection (b), the head of an element of the intelligence community may not provide personnel for the protection of a former official of an element of the intelligence community unless—*

*''(1) there is a specific and credible threat to such former official arising from the service of such former official to the United States; and*

*''(2) such head of an element of the intelligence community submits to the Director of National Intelligence notice of the intention to provide such personnel and an assessment of—*

*''(A) the threat to such former official; and*

*''(B) the level of protective services necessary to protect such former official based on such threat.*

*''(b) EXCEPTION FOR RECENT TERMINATION OF EMPLOYMENT.—The head of an element of the intelligence community may provide personnel for the protection of a former official of an element of the intelligence community without a specific and credible threat to such former official for not more than one year after the termination of the employment of such former official if such former official requests such protection.*

*''(c) THREAT ASSESSMENT UPDATES.—Not later than 180 days after the date on which the head of an element of the intelligence community begins providing personnel for the protection of a former official of an element of the intelligence community, and at least every 180 days thereafter until such head of an element of the intelligence community determines that there is no longer a threat to such former official, such head of an element of the intelligence community shall submit to the Director of National Intelligence an updated assessment of the threat to such former official and the level of protective services necessary to protect such former official based on such threat.*

*''(d) TERMINATION OF PROTECTIVE SERVICES.—If the head of an element of the intelligence community that is providing personnel for the protection of a former official of an element of the intelligence community pursuant to subsection (a) determines that there is no longer a threat to such former official, such head of an element of the intelligence community shall cease providing personnel for the protection of such former official not later than 30 days after determining such threat no longer exists.*

*''(e) REPORT.—Not later than 7 days after the date on which the head of an element of the intelligence community begins providing personnel for the protection of a former official of an element of the intelligence community, the Director of National Intelligence shall submit to the congressional intelligence committees notice of the provision of personnel for the protection of such former official.''.*

*(b) TABLE OF CONTENTS.—The table of contents of such Act is amended by—*

*(1) striking the second item relating to section 301;*

*(2) striking the second item relating to section 302;*

*(3) striking the items relating to sections 304, 305, and 306; and*

*(4) inserting after the item relating to section 303 the following new item:*

*''Sec. 304. Protective services for former officials of the intelligence community.''.*

***SEC. 425. STRATEGIC REVIEW PROCESS.***

*Section 102A(f) of the National Security Act of 1947 (50 U.S.C. 403–1(f)) is amended by adding at the end the following new paragraph:*

*''(9) Not later than September 30, 2007, and every four years thereafter, the Director of National Intelligence shall, in consultation with the heads of the elements of the intelligence community, manage and oversee the conduct of a strategic review of the intelligence community to develop intelligence capabilities required to address threats to national security. Such review shall analyze near-term, mid-term, and future threats to national security and shall include estimates of the allocation of resources and structural change that should be reflected in future budget requests.''.*

***Subtitle C—Defense Intelligence Components***

***SEC. 431. ENHANCEMENTS OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.***

*(a) TERMINATION OF EMPLOYEES.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking ''terminated either by'' and all that follows and inserting ''terminated—*

*''(i) by the Agency due to misconduct by the employee;*

*''(ii) by the employee voluntarily; or*

*''(iii) by the Agency for the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the employee under this subsection; and''.*

*(b) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of such section is amended by striking ''(1) When an employee'' and all that follows through ''(2) Agency efforts'' and inserting ''Agency efforts''.*

***SEC. 432. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.***

*(a) PROTECTION OF CERTAIN PERSONS.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:*

*''SEC. 20. (a) The Director is authorized to designate personnel of the Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.*

*''(b) Nothing in this section shall be construed to impair or otherwise affect any authority under any other provision of law relating to the performance of protective functions.''.*

*(b) AUTHORITY TO ARREST.—*

*(1) Chapter 203 of title 18, United States Code, as amended by section 423 of this Act, is amended by adding at the end the following:*

***''§3066. Powers of authorized personnel in the National Security Agency***

*''(a) The Director of the National Security Agency may issue regulations to allow personnel designated to carry out protective functions for the Agency to—*

*''(1) carry firearms; and*

*''(2) make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have probable cause to believe that the person to be arrested has committed or is committing that felony offense.*

*''(b) The powers granted under subsection (a) may be exercised only in accordance with guidelines approved by the Attorney General.''.*

*(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 203 of title 18, United States Code, as amended by section 423 of this Act, is amended by adding at the end the following:*

*''3066. Powers of authorized personnel in the National Security Agency.''.*

***Subtitle D—Other Elements***

***SEC. 441. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION ELEMENTS IN THE INTELLIGENCE COMMUNITY.***

*Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—*

*(1) in subparagraph (H)—*

*(A) by inserting ''the Coast Guard,'' after ''the Marine Corps,''; and*

*(B) by inserting ''the Drug Enforcement Administration,'' after ''the Federal Bureau of Investigation,''; and*

*(2) in subparagraph (K), by striking '', including the Office of Intelligence of the Coast Guard''.*

***SEC. 442. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.***

*Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—*

*(1) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and*

*(2) by inserting ''or in section 313 of such title,'' after ''subsection (a)),''.*

***TITLE V—OTHER MATTERS***

***SEC. 501. AERIAL RECONNAISSANCE PLATFORMS.***

*(a) LIMITATION ON TERMINATION OF U–2 AIRCRAFT PROGRAM.—The Secretary of Defense may not begin the process to terminate the U–2 aircraft program until the Secretary certifies in accordance with subsection (b) that there would be no loss of national or Department of Defense intelligence, surveillance, and reconnaissance (ISR) capabilities in transitioning from the U–2 aircraft program to the Global Hawk RQ–4 unmanned aerial vehicle platform.*

*(b) REPORT AND CERTIFICATION.—*

*(1) STUDY.—The Secretary of Defense shall conduct a study of aerial reconnaissance platforms to determine whether the Global Hawk RQ–4 unmanned aerial vehicle has reached mission capability and has attained collection capabilities on a par with the collection capabilities of the U–2 Block 20 aircraft program as of April 1, 2006.*

*(2) REPORT.—The Secretary shall submit to the congressional committees specified in subsection (c) a report containing the results of the study. The Secretary shall include in the report the Secretary's determination as to whether the Global Hawk RQ–4 unmanned aerial vehicle—*

*(A) has reached mission capability; and*

*(B) has attained collection capabilities on a par with the collection capabilities of the U–2 Block 20 aircraft program as of April 1, 2006.*

*(3) CERTIFICATION.—The Secretary shall include with the report the Secretary's certification, based on the results of the study, as to whether or not there would be a loss of national or Department of Defense intelligence, surveillance, and reconnaissance capabilities with a transition from the U–2 aircraft program to the*

*Global Hawk RQ–4 unmanned aerial vehicle platform.*

*(c) SPECIFIED COMMITTEES.—The congressional committees specified in this subsection are the following:*

*(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.*

*(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.*

***SEC. 502. ELIMINATION OF CERTAIN REPORTING REQUIREMENTS.***

*(a) INTELLIGENCE SHARING WITH UN.—Section 112 of the National Security Act of 1947 (50 U.S.C. 404g) is amended by striking subsection (b).*

*(b) IMPROVEMENT OF FINANCIAL STATEMENTS FOR AUDITING PURPOSES.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—*

*(1) by striking section 114A; and*

*(2) in the table of contents in the first section, by striking the item relating to section 114A.*

*(c) FINANCIAL INTELLIGENCE ON TERRORIST ASSETS.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—*

*(1) by striking section 118; and*

*(2) in the table of contents in the first section, by striking the item relating to section 118.*

*(d) COUNTERDRUG INTELLIGENCE.—The Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306) is amended—*

*(1) by striking section 826; and*

*(2) in the table of contents in section 1(b), by striking the item relating to section 826.*

***SEC. 503. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.***

*The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:*

*(1) In section 102A (50 U.S.C. 403–1)—*

*(A) in subsection (c)(7)(A), by striking ''section'' and inserting ''subsection'';*

*(B) in subsection (d)—*

*(i) in paragraph (3), by striking ''subparagraph (A)'' in the matter preceding subparagraph (A) and inserting ''paragraph (1)(A)''; and*

*(ii) in paragraph (5)(A), by striking ''or personnel'' in the matter preceding clause (i); and*

*(C) in subsection (l)(2)(B), by striking ''section'' and inserting ''paragraph''.*

*(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking ''subsection (h)'' and inserting ''subsection (i)''.*

***SEC. 504. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.***

*Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—*

*(1) in subsection (c)(3)(A), by striking ''annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities'' and inserting ''annual budget for the Military Intelligence Program or any successor program or programs''; and*

*(2) in subsection (d)(1)(B), by striking ''Joint Military Intelligence Program'' and inserting ''Military Intelligence Program or any successor program or programs''.*

***SEC. 505. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.***

*(a) AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is amended as follows:*

*(1) In section 1016(e)(10)(B) (6 U.S.C. 458(e)(10)(B)), by striking ''Attorney General'' the second place it appears and inserting ''Department of Justice''.*

*(2) In section 1061 (5 U.S.C. 601 note)—*

*(A) in subsection (d)(4)(A), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''; and*

*(B) in subsection (h), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''.*

*(3) In section 1071(e), by striking ''(1)''.*

*(4) In section 1072(b), by inserting ''AGENCY'' after ''INTELLIGENCE''.*

*(b) OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:*

*(1) In section 2001 (28 U.S.C. 532 note)—*

*(A) in subsection (c)(1), by inserting ''of'' before ''an institutional culture'';*

*(B) in subsection (e)(2), by striking ''the National Intelligence Director in a manner consistent with section 112(e)'' and inserting ''the Director of National Intelligence in a manner consistent with applicable law''; and*

*(C) in subsection (f), by striking ''shall,'' in the matter preceding paragraph (1) and inserting ''shall''.*

*(2) In section 2006 (28 U.S.C. 509 note)—*

*(A) in paragraph (2), by striking ''the Federal'' and inserting ''Federal''; and*

*(B) in paragraph (3), by striking ''the specific'' and inserting ''specific''.*

***SEC. 506. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.***

*Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking ''authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)'' and inserting ''authorized under subsections (c), (d), (e), and (f) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a)''.*

***SEC. 507. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.***

*(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—*

*(1) in the subsection heading, by striking ''FOREIGN''; and*

*(2) by striking ''foreign'' each place it appears.*

*(b) RESPONSIBILITY OF DNI.—That section is further amended—*

*(1) in subsections (a) and (c), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and*

*(2) in subsection (b), by inserting ''of National Intelligence'' after ''Director''.*

*(c) CONFORMING AMENDMENT.—The heading of that section is amended to read as follows:*

***"SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.".***

***SEC. 508. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.***

*(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:*

*''Director of the Central Intelligence Agency.''.*

*(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:*

*''General Counsel of the Office of the Director of National Intelligence.''.*

***§ 509. Technical amendments relating to redesignation of the National Imagery and Mapping Agency as the national Geospatial-Intelligence Agency***

*(a) TITLE 5, UNITED STATES CODE.—(1) Title 5, United States Code, is amended by striking ''National Imagery and Mapping Agency'' each place it appears in a provision as follows and inserting ''National Geospatial-Intelligence Agency'':*

*(A) Section 2302(a)(2)(C)(ii).*

*(B) Section 3132(a)(1)(B).*

*(C) Section 4301(1) (in clause (ii)).*

*(D) Section 4701(a)(1)(B).*

*(E) Section 5102(a)(1) (in clause (x)).*

*(F) Section 5342(a)(1) (in clause (K)).*

*(G) Section 6339(a)(1)(E).*

*(H) Section 7323(b)(2)(B)(i)(XIII).*

*(2) Section 6339(a)(2)(E) of such title is amended by striking ''National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency''.*

*(b) TITLE 44, UNITED STATES CODE.—(1)(A) Section 1336 of title 44, United States Code, is amended by striking ''National Imagery and Mapping Agency'' both places it appears and inserting ''National Geospatial-Intelligence Agency''.*

*(B) The heading of such section is amended to read as follows:*

***"§ 1336. National Geospatial-Intelligence Agency: special publications".***

*(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:*

*''1336. National Geospatial-Intelligence Agency: special publications.''.*

*(c) HOMELAND SECURITY ACT OF 2002.—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121(f)(2)(E)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.*

*(d) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''National Imagery and Mapping Agency'' each place it appears and inserting ''National Geospatial-Intelligence Agency''.*

*(e) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.*

*(f) OTHER ACTS.—(1) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.*

*(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.*

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109–438. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109–438 offered by Mr. HOEKSTRA:

In section 421, strike subsection (c) (page 29, lines 15 through 23).

Page 29, line 24, redesignate subsection (d) as subsection (c).

Amend paragraph (1) of section 441 (page 39, line 8) to read as follows:

(1) in subparagraph (H), by inserting ''the Coast Guard'' after ''the Marine Corps'';

Page 39, line 15, strike the final period and insert a semicolon.

Page 39, after line 15, insert the following new paragraphs:

(3) by redesignating subparagraph (L) as subparagraph (M); and

(4) by inserting after subparagraph (K) the following new subparagraph:

''(L) The Office of National Security Intelligence of the Drug Enforcement Administration.''.

The CHAIRMAN. Pursuant to House Resolution 774, the gentleman from Michigan (Mr. HOEKSTRA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, this is the manager's amendment to the bill. It contains two provisions. The first strikes the provision of the committee's amendment relating to the Freedom of Information Act at the request of the Committee on Government Reform. The second specifically clarifies that the new membership of the Drug Enforcement Administration in the intelligence community is limited to the DEA's Office of National Security Intelligence. This clarification was requested by the Department of Justice and the DEA. I do not believe that either of these changes are controversial. I urge Members to support the amendment.

I reserve the balance of my time.

Ms. HARMAN. Mr. Chairman, I will support this amendment, but I rise to note that the chairman has agreed to modify a provision, and I appreciate the modification that he has made, and that relates to the CIA Director's responsibility under the Freedom of Information Act. The minority felt that the provisions were restricting FOIA requests, and the majority agreed to accommodate us and struck the language, and I would like our colleagues to know that that accommodation has been made. It makes the manager's amendment a better amendment, and I support the manager's amendment.

Mr. HOEKSTRA. If the gentlewoman has no additional speakers, I will yield back the balance of my time.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. FOSSELLA

Mr. FOSSELLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109–438 offered by Mr. FOSSELLA:

At the end of the bill, add the following (and conform the table of contents accordingly):

**TITLE VI—COMMUNICATION OF INFORMATION CONCERNING TERRORIST THREATS**

**SEC. 601. IDENTIFICATION OF BEST PRATICES.**

(a) STUDY.—The Secretary of Homeland Security and the Director of National Intelligence shall conduct jointly, or contract with an entity to conduct, a study of the operations of Federal, State, and local government entities to identify best practices for the communication of information concerning a terrorist threat.

(b) CONTENTS.—

(1) IDENTIFICATION OF BEST PRACTICES.—The study conducted under this section shall be focused on an analysis and identification of the best practices of the information sharing processes of the following government entities:

(A) Joint Terrorism Task Forces, which are operated by the Federal Bureau of Investigations with the participation of local law enforcement agencies.

(B) State Homeland Security Fusion Centers, which are established by a State and share information with Federal departments.

(C) The Homeland Security Operations Center, which is operated by the Department of Homeland Security for the purposes of coordinating information.

(D) State and local law enforcement agencies that collect, utilize, and disseminate information on potential terrorist attacks.

(E) The appropriate elements of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a), involved in the sharing of counter-terrorism information.

(2) COORDINATION OF GOVERNMENT ENTITIES.—The study conducted under this section shall include an examination of methods for coordinating the activities of Federal, State, and local entities in responding to a terrorist threat, and specifically the communication to the general public of information concerning the threat. The study shall not include an examination of the sources and methods used in the collection of the information.

(c) OBTAINING OFFICIAL DATA.—In conducting the study, the Secretary, in conjunction with the Director, with due regard for the protection of classified information, may secure directly from any department or agency of the United States information necessary to enable the Secretary to carry out this section. Classified information shall be handled through established methods for controlling such information.

(d) TEMPORARY DUTY OF FEDERAL PERSONNEL.—The Secretary, in conjunction with the Director, may request the head of any department or agency of the United States to detail to temporary duty personnel within the administrative jurisdiction of the head of the department or agency that the Secretary may need to carry out this section, each detail to be without loss of seniority, pay, or other employee status.

(e) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary, in conjunction with the Director, shall submit to Congress a report that contains—

(A) a detailed statement of the findings and conclusions of the study, including identification of the best practices for the processing, analysis, and dissemination of information between the government entities referred to in subsection (b)(1); and

(B) recommendations for a formalized process of consultation, communication, and confidentiality between Federal, State, and local governments, incorporating the best practices of the various entities studied, to facilitate communication and help prevent the unauthorized dissemination of information and criticism of decisions concerning terrorist threats.

(2) CLASSIFIED INFORMATION.—To the extent determined appropriate by the Secretary, in conjunction with the Director, the Secretary may submit a portion of the report in classified form.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2007.

**SEC. 602. CENTERS OF BEST PRACTICES.**

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Director of National Intelligence, shall make grants for the establishment and operation of 3 centers to implement the best practices, identified by the study conducted under section 601, for the processing, analysis, and dissemination of information concerning a terrorist threat (in this section, each referred to as a ''Center'').

(b) LOCATION OF CENTERS.—In carrying out subsection (a), the Secretary, in consultation with the Director, shall make grants to—

(1) the State of New York for the establishment of a Center to be located in New York City;

(2) the State of Michigan for the establishment of a Center to be located in Detroit; and

(3) the State of California for the establishment of a Center to be located in Los Angeles.

(c) PURPOSE OF CENTERS.—Each Center shall—

(1) implement the best practices, identified by the study conducted under section 601, for information sharing concerning a terrorist threat;

(2) coordinate the communication of these best practices with other metropolitan areas;

(3) coordinate with the Secretary and the Director to develop a training curriculum to implement these best practices;

(4) provide funding and technical assistance to other metropolitan areas to assist the metropolitan areas in the implementation of the curriculum developed under paragraph (3); and

(5) coordinate with the Secretary and the Director to establish a method to advertise and disseminate these best practices.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants under this section—

(1) $10,000,000 for fiscal year 2007 for the establishment of the Centers; and

(2) $3,000,000 for each of fiscal years 2008 through 2012 for the operation of the Centers.

(e) REPORT TO CONGRESS.—Not later than March 31, 2010, the Secretary, in consultation with the Director, shall submit to Congress a report evaluating the operations of the Centers and making recommendations for future funding.

The CHAIRMAN. Pursuant to House Resolution 774, the gentleman from New York (Mr. FOSSELLA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

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

First, let me thank the chairman and the ranking member for allowing me to bring this amendment forward in the Rules Committee.

One of the essential elements of government responsibility is to communicate effectively to the American people, especially in time of a potential terrorist attack or a natural disaster.

On October 6 of 2005, New York City was made aware of several reports that terrorists were planning a large-scale attack on the subway systems. That evening, as New Yorkers watched the news, they had to struggle with two conflicting messages about the day's events. City officials, led by the mayor and the police commissioner, announced that a credible threat was aimed at New York City subway system, and stated that the threat was specific enough to warrant an immediate and overwhelming response.

However, the news also reported that officials in Washington were down playing the severity of the threat. A spokesman for the Department of Homeland Security described it as ''specific, yet noncredible.'' Other antiterrorism officials stated that the information gathered about the plot was not verifiable.

New York officials first learned of the threat earlier in the week. The information gained from a reliable informant indicated that the people in Iraq were plotting with people in the United States to hide bombs in baby strollers, briefcases and packages and set them off in the city's subways.

But the Department of Homeland Security had a different take. They released to law enforcement agencies an unclassified bulletin on the threat to the subway system, indicating that the FBI and Department of Homeland Security had doubts about the credibility of that threat. Yet the document also stated that a team of operatives, ''some of whom may travel to or who may be in the New York City area,'' might attempt an attack on or about October 9, 3 days after this warning. It also said that the terrorists might use remote-controlled or timed explosives hidden inside or underneath baby carriages and briefcases or suitcases.

Vetting and verifying information is one thing. Having our government sending out conflicting messages to the American people when conflict can be avoided is another.

I have always and will continue to be supportive of all efforts by antiterrorism forces at the Federal, State and local levels, but it pained me, and I am sure many others, to watch the confusion that unfolded that October.

The trend continued weeks later in Maryland. Officials responded to a bomb threat in the I–95 tunnel under Baltimore Harbor, which the closing of resulted in stopping of thousands of cars for hours along a major transportation corridor. However, Baltimore's mayor and police commissioner said they learned of the tunnel closure and the bomb threat from the news media. This is not the way the system should work.

Bear in mind, since 9/11, law enforcement at all levels has responded to a variety of threats every day such as a misplaced bag, a suspicious package or unknown substance. In general, these agencies and the men and women who work for these agencies are dedicated, responsible, diligent, and respond very well to these potentially dangerous situations.

But what clearly needs to be done and to be improved is how different levels of government interact with each other when these threats are elevated. We need to get everyone on the same page and, when a credible threat occurs, inform the public in a coordinated way. In short, what is needed is a 911 call center for first responders. To achieve that, my amendment works in the following ways:

It authorizes a study to be conducted by the Secretary of Homeland Security and the Director of National Intelligence to identify the problems and the success of terrorist threat information sharing between the Federal, State and local levels of government.

Number 2, in addition to identifying the best practices, it will recommend a formalized process between the Federal, State and local levels of government for communicating threats to the public in a coordinated way.

Once complete, the study will be made available to all Federal, State and local government entities involved in terrorist intelligence gathering.

Finally, based on the results of the study, three centers of best practices will be created; staffs of the centers tasked with developing techniques to teach State and local governments how to improve their information sharing and planning techniques in conjunction with the Federal Government.

The center's staff will ensure the results of the study are incorporated in the daily workings of homeland security preparedness and responsive activities through all levels of government.

And finally, let me just say it is a fact that not every city can dedicate resources to terrorism. On the one hand, we have New York City where more than 1,000, about 1 in every 40, police officers in New York City are dedicated to antiterrorism duties. The reality is New York City faces a threat every single day. New York can be Exhibit A. But for other municipalities developing advanced techniques on fighting the war on terrorism, it is not so important. They don't have the resources, the manpower to dedicate. This amendment is not limited to just New York. The other centers of best practices, a suggestion would be in Detroit and Los Angeles, and can disseminate and share their techniques with other cities, whether it be Topeka or Peoria.

The sad fact is that the same terrorist scenarios, if they occurred in five different States, there could be five different sets of responses to the American people. We need, at a minimum, a level of coordination on communicating threats to the public. This amendment, I believe, will achieve that goal. The American people deserve it.

I yield back the balance of my time.

Ms. HARMAN. Mr. Chairman, I move to strike the last word, and rise in support of the Fossella amendment. I think it is an excellent amendment, and I think the explanation by Mr. FOSSELLA was excellent.

We had meltdowns, as he well describes, both in New York and Baltimore recently. I think local officials acted responsibly. The information they had showed direct threats to their municipalities, so they had no choice.

We can improve this. We not only need to share information better horizontally, a point we have been making in this committee and one of the reasons we set up the Director of National Intelligence, but we need to share it better vertically. Some of the best ideas are in our hometowns, and some of the best people trying to keep us safe are in our hometowns. I think the Fossella amendment will help us, through the establishment of centers of excellence, develop best practices to share information horizontally and vertically and get best information to those in our hometowns who are trying to protect us.

This is a great idea. I am kind of embarrassed we didn't have it in the base bill. It shows that when this House works together, we bring good information to the floor, and we improve legislation. I only wish that we had been able to bring some other good amendments to the floor to improve this legislation. I say to Mr. FOSSELLA, I strongly support you.

Mr. FOSSELLA. Would the gentlewoman yield?

Ms. HARMAN. Yes, I would be happy to yield to the gentleman.

Mr. FOSSELLA. I would just like to thank the gentlewoman for her efforts and that of your staff, especially Chairman HOEKSTRA, that of Chairman PETER KING and his staff and Rob O'Connor. But I thank the gentlewoman for her comments and strong support.

Mr. HOEKSTRA. Will the gentlewoman yield?

Ms. HARMAN. I would be happy to yield to the gentleman.

Mr. HOEKSTRA. I would like to thank the gentlewoman for her comments. I don't have time on this amendment. I also would like to indicate our side's support of this amendment. And this is something that you and I have talked about before. And again, we have gone through this the way it should be gone through. Appreciate your help.

Ms. HARMAN. Well, I agree. And just reclaiming my time, this is how this House should be working. This is bipartisan collaboration at work. It is going to make our cities safer, and it is going to send a message to the American people of one team, one fight, which is the message they want to hear.

I yield back, Mr. Chairman.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from New York (Mr. FOSSELLA).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. LEE

Ms. LEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 109–438 offered by Ms. LEE:

At the end of the bill, add the following new section:

**SEC. 510. REPORT ON AUTHORIZATION TO OVERTHROW DEMOCRATICALLY ELECTED GOVERNMENTS.**

Not later than 120 days after the date of the enactment of this Act, the President shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing any authorization granted during the 10-year period ending on the date of the enactment of this Act to engage in intelligence activities related to the overthrow of a democratically elected government.

The CHAIRMAN. Pursuant to House Resolution 774, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

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

Let me first thank our ranking member of the committee, my colleague and friend from California, Congresswoman JANE HARMAN, for her support of this amendment and for her leadership.

Mr. Chairman, this amendment is very simple and noncontroversial. It merely requires the President to submit a report to the House and Senate Intelligence Committees describing any authorization granted over the last 10 years to engage in intelligence activities related to the overthrow of a democratically elected government.

Mr. Chairman, we all know that democracy promotion is at the top of this administration's agenda, and I believe that there is no question that supporting democracy should be a nonpartisan issue that we all agree on because it is at the core of our Nation's values. It is, quite simply, fundamental to who we are as a people and what we stand for as a Nation. That is why we must support democratic movements as they take place across the world. Nothing less than our values are on the line if we don't. That is why we must be vigilant and safeguard against any actions that would undermine or threaten our ability to support democratic efforts.

It is clear that actions that undermine democracies also undermine our credibility in the world and, therefore, our ability to be viewed as a serious and legitimate agent of democracy. So if promoting democracy is to remain a critical pillar of our foreign policy, we must ensure that our ability to be this voice for people's movements throughout the world is not damaged by contrary actions. Who will believe us if our actions are inconsistent with our words? How successful will we be in achieving our goals?

So today I offer this amendment to support and protect our efforts toward promoting democracy and to help ensure that our actions are consistent with our values. Toward that end this amendment will help Members of this body stay well informed about our Nation's actions related to these types of overt or covert intelligence activities which is especially critical at this moment. This amendment will help increase transparency in the process by requiring a report that is organized and comprehensive over the past 10 years. It will also help provide this information in an organized fashion so Members do not need to sort through voluminous records or seek information on a country-by-country basis.

It is also critical to point out that that amendment in no way compromises the confidential and sensitive nature of the information as it requires the report to be delivered to the House and Senate Intelligence Committees and for Members to review it in a confidential and secure setting.

So, Mr. Chairman, I want to conclude by thanking again our ranking member for her support, and want to strongly urge all my colleagues here to stand up for democracy and to stand up for transparency by supporting this amendment.

I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I would like to claim the time in opposition to the amendment.

I will not oppose the amendment, but I do want to just have a couple of clarifying comments. We should not presume and we are not presuming by accepting the amendment that any such authorization to overthrow democratically elected governments has ever happened or been authorized.

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But we think it would be helpful to have this 10-year history to clarify that. The reporting requirements are very much appropriate. So with that clarification, we are inclined to accept the amendment.

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

Ms. LEE. Mr. Chairman, I want to thank the chairman for his support and want to make sure that it is on the record that we have talked and agreed with regard to the intent of this amendment.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN), ranking member of the committee.

Ms. HARMAN. Mr. Chairman, I thank the gentlewoman for yielding to me. I commend her for her courageous voice in Congress, she knows I do, on many important issues.

I also want to commend our chairman for saying that he will accept this amendment. He should know, and the gentlewoman surely does know, that we have worked together over the years to describe this issue in a manner acceptable to many in the committee. She and I have had conversations on the floor in past years about this issue. This year she is offering her concerns in the form of legislation, and I think this legislation is really very good. I think the goals of democratization and transparency are both good goals. Our President says he supports democratization. It surely is one of our major foreign policy goals.

I am for, and I mince no words about this, the robust use of intelligence to find out the plans and intentions of people who are plotting to do us harm. I do not think this amendment in any way compromises that, and I think the fact that the report is to be prepared and will be delivered to our committee in a classified form makes absolutely certain that we are not advertising to our enemies how we deploy our resources.

So, again, I want to commend the gentlewoman for offering this amendment and offer my strong support for it.

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

I want to thank the gentlewoman for her leadership and for her support. And, yes, we have talked over the years about this and wanted to come to some bipartisan agreement and solution. So I think this is a very modest yet very important amendment, and I want to thank again our chairman and ranking member for their support.

Let me also thank our staffs on both sides of the aisle. Especially I want to thank my chief of staff, Julie Nixon, for her support and leadership, and both the minority and majority staff for, again, helping us to figure out the appropriate language to accomplish the goals that we want to accomplish. I thank them for their support.

Ms. WATERS. Mr. Chairman, I rise to support the Lee amendment, which would require the President to submit to Congress a report describing any authorization in the past 10 years to engage in intelligence activities related to the overthrow of a democratically-elected government.

In February of 2004, our government was a party to a coup d'etat that overthrew President Jean-Bertrand Aristide, the democratically-elected President of Haiti. Former soldiers and other heavily-armed thugs took over several Haitian cities and then marched into Haiti's capital, while opposition groups representing Haiti's wealthy elites staged confrontational demonstrations throughout the country. Early in the morning on February 29, U.S. Marines and Embassy officials entered President Aristide's home and told him to leave immediately or he and thousands of other Haitians would be killed. President Aristide was flown aboard a U.S. plane to the Central African Republic and left there.

The Bush administration had been working with the wealthy Haitian elites who hated President Aristide to force him to step down. The International Republican Institute, which is affiliated with the Republican Party, funneled U.S. taxpayer dollars to the Aristide-haters; and Roger Noriega, President Bush's former Assistant Secretary of State for Western

Hemisphere Affairs, conspired with sweatshop-owner Andre Apaid to organize, train and finance the opposition.

Congress has a right to know why the Bush administration allowed a small minority of wealthy elites and a group of heavily armed thugs to overthrow a democratically-elected government. More importantly, Congress has a right to know whether U.S. intelligence agencies and operatives were directly involved in this coup d'etat.

I urge my colleagues to support the Lee amendment and demand that Congress uncover the truth about the coup d'etat in Haiti.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. PRICE OF NORTH CAROLINA

Mr. PRICE of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109–438 offered by Mr. PRICE of North Carolina:

At the end of title III, add the following new section:

**SEC. 308. ACCOUNTABILITY IN INTELLIGENCE CONTRACTING.**

(a) REPORT ON REGULATIONS GOVERNING INTELLIGENCE COMMUNITY CONTRACTING.—

(1) REPORT REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report on regulations governing covered contracts under the National Intelligence Program and, at the discretion of the Director of National Intelligence, the Military Intelligence Program.

(2) MATTERS COVERED.—

(A) The report required by paragraph (1) shall include a description of any relevant regulations prescribed by the Director of National Intelligence or by the heads of agencies in the intelligence community, including those relating to the following matters:

(i) Types of functions or activities that may be appropriately carried out by contractors.

(ii) Minimum standards regarding the hiring, training, security clearance, and assignment of contract personnel.

(iii) Procedures for conducting oversight of covered contracts to ensure identification and prosecution of criminal violations; financial waste, fraud, or abuse; or other abuses committed by contractors or contract personnel.

(B) The report also shall include a description of progress made by the Director of National Intelligence in standardizing the regulations described in subparagraph (A) across the different agencies of the National Intelligence Program to the extent practicable.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be in unclassified form, but may contain a classified annex if necessary.

(b) ACCOUNTABILITY REQUIREMENTS FOR CONTRACTS AWARDED BY INTELLIGENCE COMMUNITY AGENCIES.—

(1) INFORMATION ON INTELLIGENCE ACTIVITIES TO BE PERFORMED.—Each covered contract in an amount greater than $1,000,000 shall require the contractor to provide to the contracting officer for the contract, not later than 5 days after award of the contract, the following information regarding intelligence activities performed under the contract:

(A) Number of persons to be used to perform such functions.

(B) A description of how such persons are trained to carry out tasks specified under the contract relating to such functions.

(C) A description of each category of activity relating to such functions required by the contract.

(2) UPDATES.—The information provided under paragraph (1) shall be updated during contract performance as necessary.

(3) INFORMATION ON COSTS.—Each covered contract shall include the following requirements:

(A) Upon award of the contract, the contractor shall provide to the contracting officer cost estimates of salary, benefits, insurance, materials, logistics, administrative costs, and other costs of carrying out intelligence activities under the contract.

(B) Before contract closeout (other than closeout of a firm, fixed price contract), the contractor shall provide to the contracting officer a report on the actual costs of carrying out intelligence activities under the contract, in the same categories as provided under subparagraph (A).

(c) ACCOUNTABILITY REQUIREMENTS FOR CONTRACTING AGENCIES OF THE INTELLIGENCE COMMUNITY.—

(1) REPORT REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report containing the information described in paragraph (2) on contracting activities in the intelligence community.

(2) MATTERS COVERED.—The report required by paragraph (1) shall include the following information:

(A) A list of contracts awarded for intelligence activities by each agency in the intelligence community during the one-year period preceding the date of submission of the report.

(B) A description of the activities to be performed by contractors in fulfillment of each contract on the list under subparagraph (A), including whether such activities are classified or unclassified.

(C) The number of personnel carrying out work under each such contract.

(D) The estimated cost of performance of the work required by each such contract.

(d) RETENTION OF INTELLIGENCE COMMUNITY PROFESSIONALS.—

(1) REPORT REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Director of National of Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report on hiring, promotion, and retention of intelligence community professionals.

(2) MATTERS COVERED.— The report required by paragraph (1) shall include the following:

(A) Recommendations regarding any bonuses, benefits, or other inducements that would help the intelligence community to hire, promote, and retain its professional workforce in order to compete effectively against the attraction of private sector opportunities.

(B) Recommendations regarding any policy changes, including changes to policies governing the awarding of security clearances, that may promote hiring, promotion, and retention of the intelligence community professional workforce.

(C) A description of any additional authority needed from Congress to implement the recommendations under subparagraphs (A) and (B).

(3) FORM OF REPORT.—The report required by paragraph (1) shall be in unclassified form, but may contain a classified annex if necessary.

(e) DEFINITIONS.—In this section:

(1) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) COVERED CONTRACT.—The term ''covered contract'' means—

(A) a prime contract with any agency or office that is part of the intelligence community;

(B) a subcontract at any tier under any prime contract with an office or agency referred to in subparagraph (A); or

(C) a task order issued under a task or delivery order contract entered into by an office or agency referred to in subparagraph (A, if the work to be performed under the contract, subcontract, or task order includes intelligence activities to be performed either within or outside the United States.

The CHAIRMAN. Pursuant to House Resolution 774, the gentleman from North Carolina (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, since the 9/11 attacks, the budgets of U.S. intelligence agencies and the scope of their operations have increased, and they have increasingly turned to private sector contractors to help do their work. Experts both within and outside the intelligence community have warned that the expanded use of private contractors is posing some major challenges. According to the Washington Post, the Director of National Intelligence, Mr. Negroponte, has himself expressed concern about this issue.

It is an important matter. About half of the intelligence community's budget is reportedly now spent through contracts awarded to private sector firms. So we are talking about several billion dollars in contracts each year.

While the intelligence community has addressed some of the questions about how private contractors are being used and how they should be used, there needs to be a deeper examination and discussion of these issues both in the community and in Congress. My amendment would solicit information from the Director of National Intelligence and, I hope, would spur such dialogue.

It would also ask the director to provide suggestions on how to help him recruit and retain top-notch personnel, too many of whom we are now losing to private sector opportunities. Over and over again, we see the government invest thousands of dollars in training and obtaining top-level security clearances for intelligence personnel, only to lose them to lucrative jobs in the private sector. I know Representative

JOHN TIERNEY and others have been interested in this issue, and I appreciate their support for my amendment.

I have worked with the Intelligence Committee majority and minority to draft this amendment in a way that will give Congress the information it needs to conduct proper oversight without posing an undue reporting burden on the intelligence community. I believe we have achieved a good balance with my amendment, and, as I have indicated to the chairman, I am happy to continue working with him and the ranking member to further improve the language as the legislation moves forward.

I urge my colleagues to support this amendment and help us shed some light on an important and largely unnoticed shift in the way we gather intelligence.

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

Mr. PRICE of North Carolina. I yield to the gentleman from Alabama.

Mr. CRAMER. Mr. Chairman, I would like to make a point for the benefit of the members of the committee. Mr. THORNBERRY and I have been aggressively involved in standing up to DNI and we have been concerned, the committee has been concerned, that we do not establish a new set of regulations and reporting requirements for our intelligence agencies.

Would your amendment have that kind of impact? Could you explain that to us?

Mr. PRICE of North Carolina. Mr. Chairman, I appreciate the question. My amendment, in fact, does not establish new regulations for the intelligence community nor does it prohibit contractors from carrying out any type of work. It simply requires contractors and the intelligence community to provide Congress with more information so we can do our job effectively. It is not about more regulations. It is about information, about what practices and policies are already in effect.

As for the reporting requirements, this amendment would require reports on private contracting. We have crafted the amendment to minimize the additional burden on the agency. The vast majority of what we are requesting is information that the agency either has or should have already, but it is a matter of assembling that information and making it available to the appropriate committees of the Congress.

Mr. CRAMER. If you would continue to yield, I think you clearly raise issues that we need to continue to address, and this is information that we should continue to have. I would support your amendment and would urge my colleagues in the committee to do the same thing.

Mr. PRICE of North Carolina. Mr. Chairman, I thank my colleague for his support, and I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I would like to claim time in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Chairman, again, I believe that with some of the dialogue we have had before, we will not oppose the amendment, but I just want to add some clarification.

I am very appreciative of the efforts of the gentleman from North Carolina to work closely with the committee to perfect his original amendment. The intent of this amendment, as I understand it, is to improve contractor management, civilian retention, and to eliminate fraud, waste, and abuse across the intelligence community. These are the goals that the Intelligence Committee has embraced and we fully support.

The amendment as written requires numerous duplicative and onerous reports that will only increase costs in personnel overhead at the intelligence community agencies, and particularly within the Office of the Director of National Intelligence, an issue that the ranking member and I and other members of the committee have been very, very concerned about.

As Mr. CRAMER has also identified, the Oversight Subcommittee has been working in a way to try to reduce the number of reports. This amendment, we believe, as an example, within 90 days of enactment of the legislation, there would be a requirement for the delivery of a report on hiring, promotion, and retention of all intelligence community professionals. The text does not define intelligence professional; so the amendment basically would ask for this report on every career field within the intelligence community. This may simply not be necessary. It would potentially be overly burdensome. Since it also applies to parts of the Defense Department that are part of the military intelligence program, our friends at the House Armed Services Committee have expressed some concerns about this. But based on the discussions that we had before the amendment came up indicating Mr. PRICE's willingness to work with us on refining this amendment once we are in conference, we are inclined to accept the amendment and to move on.

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

Mr. PRICE of North Carolina. Mr. Chairman, I thank the chairman and once again assure him that we indeed do stand ready to work on refining this language so we get the information we need in the Congress but that we do not impose undue reporting requirements.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. HARMAN), ranking member.

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding.

And I agree that there is more to explore about this subject in conference. But outsourcing is a big deal, and it is probably a bigger deal than any of us on the committee knows.

Oversight of the intelligence community in today's world means oversight of contractors. We have outsourced more and more of the community, and I think that more serious thought needs to go into the impact of this.

The good thing about the Price amendment is that it does not mandate any particular solution. It just requires the DNI to examine the problem in a meaningful way. It essentially calls for an inventory of contracts and of rules regarding what duties may be outsourced. And I think giving us full information will allow better policy.

I applaud the gentleman for introducing this amendment and urge our colleagues to support it.

The CHAIRMAN. All time has expired on the proponent's side.

Mr. HOEKSTRA. Mr. Chairman, again I am looking forward to working in conference in a bipartisan way to work out any concerns or any additional issues that may arise with this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. PRICE).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 109–438 offered by Mr. ANDREWS:

At the end of the bill, add the following new section:

**SEC. 510. REPORT ON INTELLIGENCE RELATING TO INSURGENT FORCES IN IRAQ.**

Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Director of National Intelligence shall submit to Congress a report, in classified form, on intelligence relating to the disposition of insurgent forces in Iraq fighting against Coalition forces and the forces of the Government of Iraq, including—

(1) an estimate of the number of insurgent forces;

(2) an estimate of the number of insurgent forces that are—

(A) former members of the Ba'ath Party; and

(B) members of al Qaeda or other terrorist organizations;

(3) a description of where in Iraq the insurgent forces are located;

(4) a description of the capability of the insurgent forces; and

(5) a description of how the insurgent forces are funded.

The CHAIRMAN. Pursuant to House Resolution 774, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

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

Mr. Chairman, there are many different views in the House as to how we should prosecute the war effort in Iraq. There are many different views as to

what we should do next. But I believe there is only one view about the constitutional responsibility of this branch of government, and that is that we have the solemn and grave responsibility of oversight.

It is our job on behalf of our constituents to ask questions about the direction, the efficacy, and the future of American policy in Iraq. In order to appropriately answer those questions, it is important that certain facts be adduced and be available to the Members on a regular basis. Because of the sensitive nature of those facts, it is important that the facts be available on a classified basis so that those who are prosecuting the war and the related intelligence activities are not compromised in any way.

The purpose of my amendment is to serve the twin goals of promoting fact-based oversight while maintaining the confidentiality and security of sources and methods of intelligence gathering.

My amendment says this: on a quarterly basis, the relevant intelligence authorities would be responsible for producing for the House a classified report that would set forth the best intelligence estimates as to the number of resistance fighters in Iraq. These categories would be broken down according to the various sources of the disruption and violence that we are seeing: former regime elements, insurgents from outside of the country, groups associated with terrorist organizations around the world, and so forth.

I am not suggesting that the only metric of the success of our policy would be the diminution of such forces, but I am suggesting that a critical metric of the success or failure would be the metric of that reduction. Similarly, if we are having trouble pinpointing the number in each category, that alone is a relevant fact that would help us understand the nature of the problem that we face and the nature of remedies to those problems.

So this report would produce an important metric for review by the Members as to the progress or lack thereof with respect to defeating the resistance in Iraq.

I want to reemphasize that this report is quarterly and it is classified. This would be handled much in the same way that the intelligence budget is handled, where Members who have properly executed the proper oath would have access to the information on a quarterly basis, would have the opportunity to review it, would be bound by the appropriate rules of confidentiality in discussing what they have seen, but would be able to form a more factual basis for an evaluation of the success or lack thereof of our policies in Iraq.

□ 1630

Again, I believe that this amendment serves the many different views we have with the prosecution of this policy in Iraq. For those who would call for an expeditious withdrawal, for those who would call for staying the course, for all those in between, this would be fact-based information that I think would enrich our debate and further advance our constitutional responsibility of oversight.

Mr. Chairman, I would respectfully urge adoption of the amendment, and I thank you for this opportunity to explain it.

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

Mr. HOEKSTRA. Mr. Chairman, I rise to claim the time in opposition to the amendment.

Mr. Chairman, I will not oppose the amendment. I think this information is very consistent with the type of information that the Intelligence Committee receives on a regular basis, but we need to make sure that we continue receiving it in the future.

Again, we will be inclined to accept this amendment.

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

Mr. ANDREWS. Mr. Chairman, I thank my friend from Michigan and my friend from California for their cooperation, and I yield back the balance of my time.

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

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. RENZI

Mr. RENZI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 printed in House Report 109–438 offered by Mr. RENZI:

At the end of the bill, add the following new section:

**SEC. 510. SENSE OF CONGRESS REGARDING UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.**

(a) FINDINGS.—Congress finds the following:

(1) The Supreme Court has unequivocally recognized that the Constitution vests the President with the authority to protect national security information as head of the Executive Branch and as Commander-in-Chief.

(2) The Supreme Court has recognized a compelling government interest in withholding national security information from unauthorized persons.

(3) The Supreme Court has recognized that secrecy agreements for government employees are a reasonable means for protecting this vital interest.

(4) The Supreme Court has noted that ''It should be obvious that no one has a 'right' to a security clearance''.

(5) Unauthorized disclosures of classified information relating to national security are most damaging when they have the potential to compromise intelligence sources and methods and ongoing intelligence operations.

(6) Potential unauthorized disclosures of classified information have impeded relationships with foreign intelligence services and the effectiveness of the Global War on Terrorism.

(7) Media corporations and journalists have improperly profited financially from publishing purported unauthorized disclosures of classified information.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should utilize the constitutional authority of the President to the fullest practicable extent, where warranted, to classify and protect national security information relating to intelligence activities and information and to take effective action against persons who commit unauthorized disclosures of classified information relating to intelligence activities and information contrary to law and voluntary secrecy agreements.

The CHAIRMAN. Pursuant to House Resolution 774, the gentleman from Arizona (Mr. RENZI) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Arizona.

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

Mr. Chairman, within our Nation's media organizations there exists a great number of professionals who provide America with information of substance and great importance. The media's role is vital to this Nation. They provide checks and balances of power and oversight of our political activity, and I want my words today to be respectful, particularly of those true professional journalists who have a hard time choosing in the battle to get their story and the need to protect our Nation.

Yet amongst the journalistic profession there are a few, a small few, who disclose our most sensitive intelligence sources and methods to our enemies. They even boldly have justified their actions recently by claiming themselves to be whistleblowers.

Yet it is not the role of a reporter working with a disgraced or disgruntled politically motivated former government employee or those who are on the verge of retirement to determine when to reveal our national secrets.

Some reporters explain that the information that they are disclosing is illegal. If you suspect it to be illegal, then notify the FBI or the intelligence committees. If you feel that there will be inactivity or political coverup, then inform both Republicans and Democrats. But do not publish classified information for personal gain.

My amendment expresses the sense of Congress that the President ought to use his full authority, where warranted, not to overclassify information, but to protect national security information and take effective action against those persons who have betrayed this Nation during wartime by publishing current, ongoing operational disclosures of classified information.

We all want to protect our frontline agents. It is vital to the war on terror. It is also vital that those nations who we conduct joint operations with are able to trust us, not to ask our agents in the field whether or not we can even keep a secret.

I understand our publishers and their need to get the story, but I also understand that it is their right that by free speech they also safeguard this Nation and help contribute to our victory in this war on terror.

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

Ms. HARMAN. Mr. Chairman, I rise in opposition to this amendment, though I may not oppose it. I really rise for the purpose of entering into a colloquy with the amendment's sponsor.

Mr. Chairman, there is much that is good in this amendment. All of us, certainly this Member, oppose the leaks, unauthorized leaks, of classified information. That is the wrong thing to do. All of us who serve on the Intelligence Committee not only took the general oath as Members of Congress, but I believe we signed a second oath as members of the committee, and I have no reason to believe that any one of us ever, not for a nanosecond, has compromised classified information, nor would we. I am sure the amendment's author agrees.

I think it is important to say that the Congress wants those who leak in an unauthorized fashion to be prosecuted. I think that is a fair thing to say. I am also in full agreement that the President should use the fullest extent of his power to properly classify information and to protect classified information.

But two things are on my mind, and one of them relates to the language here. One thing on my mind, as I stated earlier, is we should not have a double standard. If we are against leaks of classified information, we should be against leaks of classified information everywhere, and I don't believe, and I am not asking the sponsor, unless he would like to comment, that it is proper for the President or the Vice President to use inherent power to authorize their own aides to discuss what was classified information with selected reporters.

But the question I want to ask the sponsor is this: there is one section of this amendment that I think is overly broad, and it is clause (7) of the findings, where it says, ''Media corporations and journalists have improperly profited financially from publishing purported unauthorized disclosures of classified information.'' That may be conjecture. I don't personally think that is true.

I would like to ask the amendment's sponsor whether he will work with us as this bill goes to conference to modify this language so that it can be absolutely accurate and convey on a bipartisan basis the view that unauthorized leaks are wrong, but that our findings are completely factual on the point.

Mr. RENZI. Mr. Chairman, if the gentlewoman will yield, I appreciate the dialogue with the ranking member and have great respect, as she knows, for her command of this subject matter.

In recent weeks we have almost seen a glorification, a self-glorification, almost a self-indulgence with this issue. In my opinion, with the rewards that have gone with the Pulitzer Prize, the money that goes with it, the trophies, the whole idea of leaking information and making it part of the marketplace was the motive for why I had that language put in.

If you are asking if I am willing to work with you, absolutely. From day one I want to work with you on it, and I would ask the chairman to look at it as it relates to the conference. But I think we need to send a message to the publishers in America that they have got to help us in this war on terror, and the motivation cannot be an ambition that is out of the realm of asking our media outlets to be reasonable. I would just offer that to the ranking member.

Ms. HARMAN. Mr. Chairman, reclaiming my time, I appreciate the gentleman's sincerity. You know, I enjoy working with you, but I doubt, and that is why I said we need more facts here, I don't think we should allege this unless it is factually based. I doubt the motivation in many of these cases was financial. I doubt it.

I understand that books have been written and prizes have been garnered based on publishing classified information, but we have a strong tradition of freedom of the press and a strong constitutional amendment, the first amendment, that protects freedom of speech. So I think we should be very careful in making claims like this.

What I am seeking is just a commitment that we will review this language and make sure that we all feel it is factually based.

Mr. RENZI. Mr. Chairman, if the gentlewoman will yield further, I appreciate the gentlewoman from California and her comments. I only would point out that books on these are in the millions and millions of dollars. I don't mean to limit it to just awards. But taking and listening to your initiative, I would also ask that the chairman look at his leadership role on this and his ideas and be able to formulate the final opinion along with you. I appreciate that.

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

Mr. RENZI. Mr. Chairman, I yield such time as he may consume to our chairman, the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank my colleague from Arizona. My commitment is to work with the ranking member and with the gentleman from Arizona on making sure that this language, we move it to somewhere that we are all agreeable. I think we can find that common ground.

I just want to say I rise to support the gentleman from Arizona's amendment today. We need to set the record straight about our national security. Specifically, Congress must speak with a single voice, clear and unwavering, about the value of our intelligence information and about who makes decisions regarding its use. We need to speak now.

This amendment says the right things. We are at war. Every day our Armed Forces and intelligence services do battle with an enemy whose sole purpose is to kill Americans. This point sounds fairly basic. It is. But the point bears repeating as long as some individuals here in Washington behave as if they have forgotten that we are at war.

Our government has a vital interest in protecting sensitive national security information during a time of war. The United States Supreme Court has recognized this vital interest in preserving secrecy. This interest is not merely some speculative opinion. It is the law of the land. This amendment makes that point.

The Constitution places the responsibility and authority to protect national security with the President of the United States. The President does so as the head of the executive branch and Commander in Chief. The U.S. Supreme Court has recognized this fact as law. The gentleman's amendment again makes that point.

Under our system of laws, the President must decide what sensitive national security information can be shared with the public and what must remain closely guarded. The President does not make these decisions lightly. He is elected by the American people to exercise his judgment in this regard and to make such decisions with the best interests of the American people in mind. Ultimately he is accountable to the people at the voting booth.

We have worked with the President and disagreed with his opinions and directions, most recently the decision to declassify over 48,000 boxes of documents that were obtained in Iraq. The position of the intelligence community and the executive branch for an extended period of time was to hold that information. After working with the executive branch, that information is now in the process of being declassified and released to the American people. That is a good decision.

But we went through a process. Individuals who disclose sensitive national security information without authority undermine the rule of law. These people substitute their judgment for that of the President, and they exercise that authority when legally it does not even belong to them. These individuals may act for self-determined reasons, not in the best interests of the American people, but in their own interests. I think that is what makes it different. Unless they are prosecuted, they remain unaccountable to the American people for their actions.

Mr. RENZI. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I thank the gentleman from Arizona for yielding.

Mr. Chairman, I support his amendment and share his concern about the destructive consequences of unauthorized disclosures or leaks. This was one

of the strategic oversight areas which the chairman and ranking member assigned to the Oversight Subcommittee at the beginning of this Congress.

We have held several hearings, including an open hearing, to discuss this problem. One of the results is that we have found that there are a limited number of tools that the agencies have to deal with those inside the agencies who choose to violate the law and disclose classified materials.

One of the things that is in this bill is to request information from the Director of National Intelligence on other tools, administrative or contractual avenues perhaps, with which we can help encourage people to follow their oath and to obey the law.

□ 1645

I think what is in the bill, as well as what is in the gentleman from Arizona's amendment, work very well together to convey the seriousness with which we take this problem.

I applaud the gentleman's amendment and support it.

Mr. RENZI. Mr. Chairman, I continue to reserve the balance of my time.

Ms. HARMAN. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, we have no further speakers and I do appreciate the comments of the amendment's sponsor on his amendment. I do intend to support the amendment and then to work with him and our chairman on some modifications of that amendment in the conference.

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

Mr. RENZI. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, I very much appreciate the ranking member and her kindness on the issue. I just want to wrap up by saying that the leaks are absolutely vital to our victory against the Islamofascists who very much want to establish a worldwide caliphate. It is that real.

The leaks have got to stop to protect our frontline agents. They have got to stop in order to rebuild the trust between our nations and our allies. I would urge my colleagues to support this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. RENZI).

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

RECORDED VOTE

Mr. RENZI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 366, noes 56, answered ''present'' 1, not voting 9, as follows:

[Roll No. 106]

AYES—366

Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
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
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—56

Abercrombie
Ackerman
Baldwin
Blumenauer
Conyers
Costello
Delahunt
DeLauro
Dingell
Doggett
Farr
Filner
Frank (MA)
Grijalva
Gutierrez
Hinchey
Inslee
Jackson-Lee (TX)
Johnson, E. B.
Kucinich
Larson (CT)
Lee
Lewis (GA)
Lynch
Maloney
Markey
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Moran (VA)
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Pastor
Payne
Rangel
Sánchez, Linda T.
Scott (VA)
Serrano
Slaughter
Solis
Stark
Tierney
Towns
Udall (NM)
Waters
Watson
Watt
Woolsey
Wu

ANSWERED ''PRESENT''—1

Capuano

NOT VOTING—9

Case
Evans
Ford
Hastings (FL)
Millender-McDonald
Miller, George
Moore (WI)
Ros-Lehtinen
Schakowsky

□ 1713

Messrs. STARK, MEEHAN, OWENS, Mrs. MALONEY, Ms. MCCOLLUM of Minnesota, Mr. LYNCH, Ms. DELAURO, Messrs. LARSON of Connecticut, WATT, INSLEE, RANGEL, TIERNEY, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCOTT of Virginia, Mr. TOWNS, Ms. SOLIS, Mr. PASTOR, Ms. JACKSON-LEE of Texas, and Mr. COSTELLO changed their vote from ''aye'' to ''no.''

Ms. BEAN, Mr. DAVIS of Illinois and Mr. WAXMAN changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no other amendments, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KUHL of New York) having assumed the chair, Mr. REHBERG, Chairman of the Committee of the Whole House on the State of the Union, reported that that

Committee, having had under consideration the bill (H.R. 5020) to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 774, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

□ 1715

The SPEAKER pro tempore (Mr. KUHL of New York). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Speaker, I offer a motion to recommit

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SCHIFF. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Schiff moves to recommit the bill, H.R. 5020, to the Permanent Select Committee on Intelligence with instructions to report the same back to the House forthwith with the following amendment:

At the end of title III (Page 16, after line 10), add the following new section:

**SEC. 308. NSA OVERSIGHT ACT.**

(a) SHORT TITLE.—This section may be cited as the ''NSA Oversight Act''.

(b) FINDINGS.—Congress finds the following:

(1) On September 11, 2001, acts of treacherous violence were committed against the United States and its citizens.

(2) Such acts render it both necessary and appropriate that the United States exercise its right to self-defense by protecting United States citizens both at home and abroad.

(3) The Federal Government has a duty to pursue al Qaeda and other enemies of the United States with all available tools, including the use of electronic surveillance, to thwart future attacks on the United States and to destroy the enemy.

(4) The President of the United States possesses the inherent authority to engage in electronic surveillance of the enemy outside of the United States consistent with his authority as Commander-in-Chief under Article II of the Constitution.

(5) Congress possesses the authority to regulate electronic surveillance within the United States.

(6) The Fourth Amendment to the Constitution guarantees to the American people the right ''to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures'' and provides that courts shall issue ''warrants'' to authorize searches and seizures, based upon probable cause.

(7) The Supreme Court has consistently held for nearly 40 years that the monitoring and recording of private conversations constitutes a ''search and seizure'' within the meaning of the Fourth Amendment.

(8) The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) and chapters 119 and 121 of title 18, United States Code, were enacted to provide the legal authority for the Federal Government to engage in searches of Americans in connection with criminal investigations, intelligence gathering, and counterintelligence.

(9) The Foreign Intelligence Surveillance Act of 1978 and specified provisions of the Federal criminal code, were expressly enacted as the ''exclusive means by which electronic surveillance . . . may be conducted'' domestically pursuant to law (18 U.S.C. 2511(2)(f)).

(10) Warrantless electronic surveillance of Americans inside the United States conducted without congressional authorization may have a serious impact on the civil liberties of citizens of the United States.

(11) United States citizens, such as journalists, academics, and researchers studying global terrorism, who have made international phone calls subsequent to the terrorist attacks of September 11, 2001, and are law-abiding citizens, may have the reasonable fear of being the subject of such surveillance.

(12) Since the nature and criteria of the National Security Agency (NSA) program is highly classified and unknown to the public, many other Americans who make frequent international calls, such as Americans engaged in international business, Americans with family overseas, and others, have a legitimate concern they may be the inadvertent targets of eavesdropping.

(13) The President has sought and signed legislation including the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107–56), and the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458), that have expanded authorities under the Foreign Intelligence Surveillance Act of 1978.

(14) It may be necessary and desirable to amend the Foreign Intelligence Surveillance Act of 1978 to address new challenges in the Global War on Terrorism. The President should submit a request for legislation to Congress to amend the Foreign Intelligence Surveillance Act of 1978 if the President desires that the electronic surveillance authority provided by such Act be further modified.

(15) The Authorization for Use of Military Force (Public Law 107–40), passed by Congress on September 14, 2001, authorized military action against those responsible for the attacks on September 11, 2001, but did not contain legal authorization nor approve of domestic electronic surveillance not authorized by chapters 119 or 121 of title 18, United States Code, or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

(c) REITERATION OF CHAPTERS 119 AND 121 OF TITLE 18, UNITED STATES CODE, AND THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 AS THE EXCLUSIVE MEANS BY WHICH DOMESTIC ELECTRONIC SURVEILLANCE MAY BE CONDUCTED.—

(1) EXCLUSIVE MEANS.—Notwithstanding any other provision of law, chapters 119 and 121 of title 18, United States Code, and the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which electronic surveillance may be conducted.

(2) FUTURE CONGRESSIONAL ACTION.—Paragraph (1) shall apply until specific statutory authorization for electronic surveillance, other than as an amendment to chapters 119 or 121 of title 18, United States Code, or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), is enacted. Such specific statutory authorization shall be the only exception to paragraph (1).

(d) DISCLOSURE REQUIREMENTS.—Not later than 14 days after the date of the enactment of this Act, the President shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report in classified form identifying the United States persons who have been the subject of electronic surveillance not authorized to be conducted under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) or chapters 119 or 121 of title 18, United States Code, and the basis for the selection of such persons for such electronic surveillance.

(e) ELECTRONIC SURVEILLANCE DEFINED.—In this section, the term ''electronic surveillance'' has the meaning given the term in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)).

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

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of the motion.

Mr. SCHIFF. Mr. Speaker, the motion to recommit is based on bipartisan legislation that I introduced, along with Representatives FLAKE, HARMAN and INGLIS, dealing with the NSA surveillance program. And the basic premise of this legislation is that the Government must have all the tools it needs, it must have all the authority it needs to pursue al Qaeda using every tool in the toolbox.

But the premise is also that we are a Nation of laws, and that whereas the Commander in Chief has the authority to eavesdrop and surveil off American shores, when it comes to the electronic surveillance of Americans on American soil, Congress has the authority to regulate that surveillance. And, in fact, Congress has regulated that surveillance through title III and through the Foreign Intelligence Surveillance Act; and, in fact, those two laws form the exclusive authority to surveil Americans on American soil.

Now, we have learned, both through a disclosure in The New York Times and through the disclosures of the present administration, that there is an NSA surveillance program that, among others things, surveils conversations between Americans or people on U.S. soil and people overseas who may be affiliated with al Qaeda. Other than a small number of us, we don't know much about the contours of this program.

Recently when the Attorney General testified in the Judiciary Committee, I asked about the limiting principle of this program: Was it restricted only to these international calls? What if the Attorney General decided tomorrow or

the administration decided tomorrow that it had the inherent authority as Commander in Chief to tap purely domestic calls between two Americans; did it feel it would need to go to court for that authority? And the Attorney General said he would not rule it out. He would not rule out having the pure authority, without going to court, to tap the calls between two Americans on American soil.

So what is the limiting principle if this program can change from day to day without the input of Congress? The only limiting principle is the good faith of the executive, which when the executive shows it is infallible might be a sufficient limiting principle. But the executive is no more infallible than we are here in Congress, and so we have a role to play.

And this motion to recommit says that that role is the following: that, first, when we pass a law, like FISA and Title III, where we say the exclusive means of domestic eavesdropping is under these provisions with court approval, we mean what we say; that, second, the authorization to use military force that we voted on in the immediate aftermath of 9/11 did not create an exception to the authority to eavesdrop on Americans on American soil; that, third, if the President believes that FISA or existing law is insufficient to the task, he should come to Congress through his representatives and ask us to amend the law.

And this is what is most disturbing about what has happened so far. When the administration did come in the context of the PATRIOT bill and asked us to change FISA, we made changes to FISA. When one of the Republican Senators asked the administration, do you need us to change FISA more; is there a problem with FISA; is it not keeping pace with the terrorists or technology? The answer from the administration was, no, FISA is working just fine. The more truthful answer would have been, no, because we don't feel bound by FISA. We feel we can do what we choose to, what we feel we must, without consulting with Congress.

So this bill says, importantly, that if the administration feels that existing law is not enough, it should come to us and ask for amendment. And, finally, it asks the administration to report to Congress on the extent to which Americans have been surveilled on American soil so we can do our job as a coequal branch of government.

Mr. Speaker, I yield to my colleague, the ranking member from California.

Ms. HARMAN. I thank the gentleman for yielding and commend him and Messrs. FLAKE and INGLIS for their bipartisan leadership on this issue.

Mr. Speaker, every Member of this body supports tracking the communications of al Qaeda. That is not the issue. The issue is whether the electronic surveillance of Americans must comply with law and the fourth amendment. I believe it must. And as one of the few in this body who has been briefed on the highly classified program we are talking about, I believe it can. This program can and must comply with FISA. That is what the amendment says. The President believes his inherent authority trumps Article I of the Constitution, and I respectfully disagree.

Recommitting this bill and adding this provision will make a good bill stronger and will honor the sacrifice and dedication of those who serve us so courageously in the field.

Mr. HOEKSTRA. Mr. Speaker, I am opposed to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleagues on the other side of the aisle for this motion to recommit so that we can talk about this issue.

The language that is being used to describe the President and the executive branch is absolutely outrageous. Today we have heard the charges ''unlawful, reckless, abusive, infallible, without consulting with Congress.'' For 4½ years, Republicans and Democrats have been brought into this program.

Immediately when this program was started, to protect Americans both here and abroad, the leadership, on a bipartisan basis, was informed on the program. They consistently on a quarterly or a 4-month basis met with the executive branch, met with the Vice President and the people operating this program, and they came back united and said this program is legal, it is limited, the safeguards are in place to protect American civil liberties, it is effective, it is making a difference, and it is necessary.

And only when someone leaked it to the press all of a sudden did it become all of these other things that you have ascribed to the President. The President has reached out. The President has worked with Congress to make sure that we address these concerns.

America is at war. We were at war when this program started. We continue to be at war. Bin Laden was on tapes this weekend. Zarqawi is on a tape. We have bombings in Egypt, and troops in Iraq and Afghanistan. This continues to be the same thing that on a bipartisan basis people said needed to be done. It is legal, it is limited, it is necessary, and it is making a difference.

Mr. Speaker, I yield to my colleague from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Thank you, Mr. Speaker.

I have to say to my colleague from California that I really don't understand. For over 3 years, the ranking member of the Intelligence Committee and the minority leader of this House, Ms. PELOSI, have gone along with this and accepted limited briefings without insisting that the Intelligence Committee be informed and that oversight happen.

In January of this year, Ms. HARMAN said, ''This program is essential to U.S. national security, and its disclosure has damaged critical national intelligence capabilities.'' But now that effective oversight is taking place, because I demanded it, and this committee, the Intelligence Committee, is conducting effective oversight, you want a report.

Mr. SCHIFF has proposed not a benign piece of amendment, but a specific report on by-name targets, not only to the Intelligence Committee, but to the Judiciary Committee, an unprecedented release of sources and methods of intelligence that you know would compromise ongoing operations critical and vital to the security of this country.

The oversight of this program is proceeding. This committee went to the NSA on the 8th of April. We are going again on Friday. The Director of National Intelligence and the Deputy Director have briefed this committee, and continuing information comes in as we speak.

We will do our job as the Intelligence Committee, and we will also protect the security of the United States in the process. I urge my colleagues to oppose this motion to recommit.

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

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

There was no objection.

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

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

RECORDED VOTE

Mr. SCHIFF. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 195, noes 230, not voting 7, as follows:

[Roll No. 107]

AYES—195

| | | |
|---|---|---|
| Abercrombie | Cardoza | Doggett |
| Ackerman | Carnahan | Doyle |
| Allen | Carson | Edwards |
| Andrews | Case | Emanuel |
| Baca | Chandler | Engel |
| Baird | Clay | Eshoo |
| Baldwin | Cleaver | Etheridge |
| Bean | Clyburn | Farr |
| Becerra | Conyers | Fattah |
| Berkley | Costa | Filner |
| Berman | Costello | Flake |
| Berry | Cramer | Frank (MA) |
| Bishop (GA) | Crowley | Gonzalez |
| Bishop (NY) | Cuellar | Gordon |
| Blumenauer | Cummings | Green, Al |
| Boren | Davis (AL) | Green, Gene |
| Boswell | Davis (CA) | Grijalva |
| Boucher | Davis (FL) | Gutierrez |
| Boyd | Davis (IL) | Harman |
| Brady (PA) | Davis (TN) | Herseth |
| Brown (OH) | DeFazio | Higgins |
| Brown, Corrine | DeGette | Hinchey |
| Butterfield | Delahunt | Hinojosa |
| Capps | DeLauro | Holden |
| Capuano | Dicks | Holt |
| Cardin | Dingell | Honda |

Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mollohan
Moore (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—230

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

NOT VOTING—7

Evans
Ford
Hastings (FL)
Millender-McDonald
Miller, George
Moore (WI)
Ros-Lehtinen

□ 1746

Mr. SKELTON changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. KUHL of New York.) The question is on the passage of the bill.

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

RECORDED VOTE

Ms. HARMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 327, noes 96, not voting 9, as follows:

[Roll No. 108]

AYES—327

Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—96

Abercrombie
Ackerman
Andrews
Baldwin
Becerra
Blumenauer
Boyd
Brady (PA)
Capuano
Conyers
Costello
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Duncan
Eshoo
Farr
Fattah
Filner
Frank (MA)
Grijalva
Gutierrez
Harman
Hinchey
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kilpatrick (MI)
Kind
Kucinich
Larson (CT)
Lee
Lewis (GA)
Lofgren, Zoe
Lynch
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Moran (VA)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Reyes
Rothman
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Scott (VA)
Serrano
Sherman

| | | |
|---|---|---|
| Slaughter | Towns | Waxman |
| Solis | Velázquez | Weiner |
| Stark | Visclosky | Wexler |
| Tauscher | Waters | Woolsey |
| Thompson (CA) | Watson | Wynn |
| Tierney | Watt | |

NOT VOTING—9

| | | |
|---|---|---|
| Davis, Tom | Millender-McDonald | Radanovich |
| Evans | Miller, George | Ros-Lehtinen |
| Ford | Moore (WI) | |
| Hastings (FL) | | |

□ 1758

Messrs. GUTIERREZ, WYNN and DOGGETT changed their vote from ''aye'' to ''no.''

Mr. CUMMINGS changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TOM DAVIS of Virginia. Mr. Speaker, on rollcall vote No. 108, final passage of the Intelligence Authorization Act, I am recorded as not voting. Although I was present in the Chamber, my vote was not recorded.

I intended to vote ''aye'' and would like to be recorded as such.

## PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LAHOOD. Mr. Speaker, when a Member of the House offers the motion to recommit and is asked the question whether they oppose the bill and say that they do in order that they can offer the motion, is it a violation of the rules of the House that that Member then votes for the bill and contradicts his statement that he was against the bill when he offered the motion to recommit? Is that a violation of House rules?

The SPEAKER pro tempore. The Chair would state to the gentleman from Illinois that the Chair takes a Member who makes that statement on the floor at his word.

Mr. LAHOOD. Is it a violation of the House rules for a Member to have the prerogative to offer the motion to recommit and state at that time that they are opposed to the bill, and then vote for the bill, which is what occurred here on the House floor on the intelligence authorization bill?

The gentleman from California offered the motion to recommit. He was asked by the Chair if he opposed the bill. He said he opposed the bill. And he is recorded as voting for the bill. Is that a violation of the House rules?

□ 1800

The SPEAKER pro tempore (Mr. KUHL of New York). Again, for the gentleman from Illinois, at the time that a Member makes his statement that he opposes the bill, the Chair takes him at his word. But it is not necessarily a violation of the House rules for a Member to vote one way or another.

Mr. LAHOOD. Well, Mr. Speaker, I think in the future, the leadership on the other side should instruct their Members about what the rules of the House are, that if a Member wants to offer a motion to recommit, that is well within their right to do it, but they have to vote against the bill.

Let me ask another parliamentary inquiry.

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

Mr. LAHOOD. Is it possible, then, for the Chair to instruct a Member that wants to vote against the bill that offered the motion to recommit, that they in fact, according to House rules, have to vote against the bill? Can the Chair instruct a Member that perhaps does not know the rules of the House that when they stand up to offer a motion to recommit and they are opposed to the bill, that in fact they have to vote against the bill?

They cannot have it both ways, can they, Mr. Speaker?

The SPEAKER pro tempore. The gentleman will suspend.

Mr. LAHOOD. My parliamentary inquiry is, Mr. Speaker, can they have it both ways?

The SPEAKER pro tempore. The gentleman from Illinois will suspend.

Mr. LAHOOD. Can they have it both ways?

The SPEAKER pro tempore. The gentleman will suspend.

As previously indicated to the gentleman from Illinois, the Chair takes a Member at his word when assessing his qualification to offer the motion. But it is not the province of the Chair to instruct a Member how to vote thereafter.

Mr. HOYER. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute.

The SPEAKER pro tempore. Without objection, the gentleman from Maryland is recognized.

There was no objection.

Mr. HOYER. Mr. Speaker, the gentleman from Illinois, in my opinion, is casting aspersions on the character and motives of a Member. That is clearly against the rule. But what I want to stand and say is that clearly, as we know, DUNCAN HUNTER offered a resolution on the floor of this House in response to Mr. MURTHA's press conference, that mischaracterized Mr. MURTHA's position, but, more importantly, we had some hours of debate on that resolution, and Mr. HUNTER, of course, voted ''no'' on that resolution.

Furthermore, I would say to the gentleman from Illinois that a Member may well be opposed to a bill, I say to my friend, and want the opportunity to offer an amendment, but when that amendment fails, the situation has changed. The circumstances have changed. And the circumstances that have changed is then that Member is left with either supporting a bill that he may not think was perfected as he thought it should be but on which the majority of the House disagreed. At that point in time, I say to my friend, the situation has changed.

And so for any one of us 435 to judge our 435th Member who sees a different situation confront him is, in fact, as I respectfully tell my friend, against the rules of the House of Representatives.

## AUTHORIZING THE CLERK TO MAKE CHANGES IN ENGROSSMENT OF H.R. 5020, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5020, the Clerk be authorized to make such technical and conforming changes as necessary to reflect the actions of the House.

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

There was no objection.

## RULES OF THE HOUSE

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois is recognized.

There was no objection.

Mr. LAHOOD. Mr. Speaker, my response to my friend from Maryland is that I cast no aspersions on any Member. You know better than that. But we have rules around here, and people need to know what the rules are. When the Rules Committee folks come down here and criticize the majority because they do not particularly like the way the Rules Committee operates, then I think it is perfectly proper for Members to realize that if they want to offer the motion to recommit because they have a grievance, because they did not get their amendment, that is well within their right to do it; but they ought to do it under the rules of the House. That is my only point.

I cast no aspersions on Mr. SCHIFF. I have great admiration and respect for him. But I just think all the Members ought to know what the rules are around here.

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

Mr. LAHOOD. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

Because the irony is Members are put in a position where they have no alternative by the Rules Committee because their amendments are not made in order, which may well have been supported by the overwhelming majority of the House of Representatives, and that is the position that Members are put in on a regular basis. The situation, I suggest to the gentleman, does, in fact change when an amendment is defeated, and a Member then has a new judgment to make. That was my point.

Mr. LAHOOD. I take your point.

MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. McDERMOTT. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. McDermott 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. 4297 be instructed—

(1) to agree to the following provisions of the Senate amendment: section 461 (relating to revaluation of LIFO inventories of large integrated oil companies), section 462 (relating to elimination of amortization of geological and geophysical expenditures for major integrated oil companies), and section 470 (relating to modifications of foreign tax credit rules applicable to large integrated oil companies which are dual capacity taxpayers), and

(2) to recede from the provisions of the House bill that extend the lower tax rate on dividends and capital gains that would otherwise terminate at the close of 2008.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Washington (Mr. McDERMOTT) and the gentleman from Louisiana (Mr. McCRERY) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

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

Mr. Speaker, I rise on behalf of my Democratic colleagues to offer a motion to instruct the House conferees who are negotiating with Senators in a conference committee to work out differences on H.R. 4297, Tax Cut Reconciliation.

We have an opportunity to stand up for America's middle class, and I urge every Member to support the two key provisions in our Democratic motion: one, closing tax loopholes for oil companies; and, two, dropping the provision to extend tax holidays for the super rich beyond 2008.

The timing of this conference committee could not be more urgent. And the time has come for this House to prove to the American people that they, and not the oil companies, come first.

All across this country, Americans are looking for a pump that has gasoline in it for under $3 a gallon, and nothing has happened here. The time has come for the Republicans to stop being the party of the 1 percent and to govern on behalf of all the American people.

Today's gas prices are so high, you almost need a space shuttle to see the top. We are getting near $4 in some parts of this country, and by all indications, the oil companies fully intend to keep raising prices at the pump. Record-shattering quarterly profits, one after another, but underinvestigating in new refinery capacity quarter after quarter. This crisis is not about supply and demand. It is about a handful of oil companies refusing to supply the demand in order to drive up the prices.

This Nation needs more than energy independence from the Middle East. It needs energy independence from oil companies who are willing to crush the American middle class. Today, oil prices are forcing American families to choose between basic necessities or more debt to pay the oilman. And how we have paid, and paid, and paid.

Net income of oil companies has nearly tripled in the last 4 years. Earnings per share are up 50 percent, but the dividends are only up 10 percent. And oil companies on average have doubled their purchases of U.S. Treasury bonds. They are financing the Federal budget deficit even as it soars higher because of energy prices. That is the definition in my book of a double dip.

Now, the Senate wants oil companies to pay their fair share in corporate taxes, nothing more, nothing less. Republicans, however, in the House want the oil companies to continue to cook their books, using perfectly legal but completely immoral loopholes their lobbyists have fed the Republicans in the House. The Senate is right, and the House should stop defending oil companies and start protecting the American people. It is also a time to represent all the American people, not just the top 1 percent.

We have a war we cannot pay for. We have a deficit we cannot control. We have a growing number of Americans going into poverty, cuts in student loans and cuts for needy families. And the Republicans think the answer is to extend tax holidays for the wealthy in capital gains and dividend cuts.

Over half of this benefit goes to people earning over $1 million a year, most of whom drive into the gas station and they do not even look at the pump to see what it costs. They have extended their wealth while America has expanded its debt. This is not sound fiscal policy for the American people. It is reckless profiteering Republicans are providing the wealthy in this country.

The tax holiday continues for another 2 years, but the Republicans want to reward the rich by adding another 2 years; 2008 is not enough, they want to go out to 2010.

Now, the American middle class is struggling to make ends meet, and House Republicans are scrambling to reward their friends just months ahead of the election. In today's Washington Post, the majority leader of the House, Republican, says we will stop any attempt to deal with the oil companies and control their profits.

It is time to put the American people first, ahead of oil companies, ahead of special interests, ahead of the super rich. This motion to instruct is a call to restore the American middle class to its rightful place in the center of domestic policy. And I urge every Member to make America the only special interest we care about.

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

GENERAL LEAVE

Mr. McCRERY. 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 the subject of the motion under consideration.

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

There was no objection.

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

Mr. Speaker, the Democratic motion to instruct conferees is, I believe, ill thought out in terms of energy policy, in terms of tax policy, and certainly in terms of the cost to the average American. In addition, Mr. Speaker, the motion to instruct conferees includes a number of provisions that many believe are critical to a meaningful tax reconciliation bill. In such a case when a Member tries to tie the hands of conferees on this many provisions, this Member believes that it is certainly ill advised in general.

As far as the specifics of the motion to instruct, Mr. Speaker, I said that I thought it was ill advised in terms of energy policy. Right now my constituents are concerned about the price of gasoline at the pump. Now, we all know there are lots of reasons for the price of gasoline going up. We all should know that among those reasons and probably the principal reason is the law of supply and demand.

□ 1815

If supply stays the same and demand goes up, generally speaking the price goes up. If supply goes down and demand stays the same, price goes up. If supply goes down and demand goes up, the price goes up even further. Certainly, with the effects of Hurricanes Katrina and Rita, with increased demand from China, India and other developing nations around the world, we can see that there is indeed less supply and more demand.

Now, also I think a commonly held and commonly believed law of economics is if you tax something, you get less of it, well, that is what this motion to instruct would have our conferees do. We are going to tax oil more, and if you tax oil more, you are going to get less of it. That exacerbates the problems that we are experiencing right now with the price of gasoline. If you tax the supply more, you are going to get less supply, but you are not going to do anything on the demand side. So that would make things worse at the pump, not better.

Mr. Speaker, on the issue of the capital gains and dividend tax, we believe that those two provisions are principal reasons that our economy has continued to grow over the last several years, that several million jobs have been created in this country over the last several years. In fact, the stock market has reached its highest point in 6 years

partly because we believe in these two very important provisions.

These provisions on capital gains and dividends allow corporations to make sound decisions, to plan their decisions on the allocation of their profits to shareholders, and we know that those decisions, having been made on that basis of cash, are transparent. We don't have to worry about accounting games. We don't have to worry about corporate fraud. It is cash. We know it. If they give a dividend, we know they have got the cash. This provision encourages corporations to do that. So not only is it good tax policy, it is good policy in terms of transparency of corporate activity.

It is good tax policy also because it lessens the double taxation of corporate profits. Right now when corporations make a profit, they pay the corporate income tax rate on those profits. Then when they send some of those profits back to shareholders in the form of dividends, the shareholders have to pay tax on the dividends. So that income, that corporate income, is taxed twice.

At least by lowering the rate of taxation on those dividends, we have lessened the double taxation of corporate income, and that, I would submit, is good tax policy and should be continued.

As far as my friend from Washington's characterization of capital gains and dividends being for the super rich, well, the data just does not bear out that characterization. The Joint Committee on Taxation data show nearly 60 percent of Americans receiving capital gain or dividend incomes have incomes of $100,000 or less. That is not super rich. One in five taxpayers, 20 percent of taxpayers with capital gains, and one in four, 25 percent of taxpayers with dividends, have incomes below $50,000 a year. That certainly is not the super rich.

So, Mr. Speaker, I would submit that the gentleman's motion to instruct conferees should be soundly defeated. Give our conferees the flexibility to deal with our Senate colleagues and produce a meaningful tax reconciliation 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, I will enter into the RECORD the Federal Reserve study article that is in the Wall Street Journal which says ''Did the Dividend Tax Cut Work?'' No. Absolutely not. It ''didn't boost market's aggregate value,'' and it has been a dud.

[From the Wall Street Journal, Dec. 6, 2005]

DID THE DIVIDEND-TAX CUT WORK?

(By Karen Richardson)

When President Bush slashed the tax on dividends in 2003, supporters hailed the move as a way to stimulate the economy and boost the stock market.

At least for the stock-market part of that plan, the jury is still out. A group of Federal Reserve Board economists concludes that the tax cut, which slashed the dividend-income tax on stocks to 15% from about 30%–38%, was a dud when it came to boosting the stock market when it was announced and passed in 2003—a time period, they say, that the stock market should have reacted most strongly.

Nor did the tax cut lead to a significant increase in the amount of money companies paid out to investors as a proportion of their earnings, the study adds.

''We fail to find much, if any, imprint of the dividend tax cut news on the value of the aggregate stock market,'' the economists—Gene Amromin, Paul Harrison, Nellie Liang and Steve Sharpe—wrote in a paper they presented in October.

Administration supporters point to the 2003 tax cuts on dividend income and long-term capital gains (also reduced to about 15% from about 20%) as successful center pieces of President Bush's economic policy. White House officials already are lobbying for an extension of the tax cut, which expires in 2008. The White House budget office, in a memo to the Senate in November, said the extensions are ''necessary to provide certainty for investors and business and are essential to sustaining long-term economic growth.''

The Fed economists' paper compares U.S. stock-market returns with those of European stocks over various ''key periods'' in 2003. The economists tracked stock performance during a few days in early January, after the Bush administration officially announced the tax-cut proposal, and two weeks in the latter half of May, when the tax bill was being discussed in the Senate and was eventually signed into law by the president May 28.

While those ''event windows'' are small, they are sufficient to capture the stock market's reaction to news of the tax cuts, the economists say. ''The markets should have absorbed the tax-cut news within a month, if not a week or a few days, afterward, since markets are somewhat efficient in responding to news,'' says co-author Mr. Sharpe.

Theoretically, U.S. stocks should have performed better than European stocks because U.S. investors, who hold far more U.S. stocks than European stocks, would benefit from the tax cut and presumably drive up stock prices with their new expected windfall. Instead, the economists found that the S&P Euro 350, which covers about 70% of Europe's market capitalization, performed similarly to or better than U.S. stocks tracked in the S&P 500.

The authors assumed that the anxiety of the impending war in Iraq was the main influence on all stock markets around the world over those periods. So by comparing European stocks with U.S. stocks, they aimed to control for major world events. Thus, ''any effect of the dividend tax should have resulted in a differential in performance,'' according to Mr. Sharpe.

Still, the economists didn't address other factors that might have contributed to a rise in European stocks or a drop in the U.S. market during the review periods.

For example, in the U.S., a stock-market rally in early January that some observers at the time said might have been driven by the tax-cut news ended after a few days when aluminum giant and Dow Jones Industrial Average component Alcoa Inc. reported bearish fourth-quarter results. Also, a terrorist bombing in Saudi Arabia in mid-May rattled the U.S., along with concerns about the weak dollar. Meanwhile, some Europe firms were reporting strong earnings.

While more companies paid out dividends in 2003, they didn't increase their average total payouts to shareholders as much as they have in the past. The authors found that 66% of S&P 1500 firms increased their total payouts to shareholders that year—through some combination of dividend payouts and share-repurchase programs—compared with the average of 89% that did so in the period of 1993 to 2002.

''The dividend tax cut did prompt a substitution from repurchases to dividends, but the effect on total payouts was much more muted,'' the authors conclude.

Other market observers see it differently. The dividend tax-cut has ''definitely'' helped to stimulate the stock market, and has contributed to the slow but steady increase of dividend payouts this year, says Howard Silverblatt, equity market analyst at Standard & Poor's.

According to Mr. Silverblatt's research, the tax cuts on both dividends and long-term capital gains will result in individual investors saving a total of $114 billion from 2003 to 2008. ''We believe a lot of that will filter back into the stock market,'' he says, pointing out that investors often reinvest their windfalls in other stocks.

Also, a Thomson Financial model shows that dividend tax cuts should theoretically result in higher stock-market returns each year, while, not surprisingly, higher tax rates should lower returns. However, Michael Thompson, director of research at Thomson Financial, cautions that attributing stock-market gains to one isolated factor risks being ''intellectually dishonest.''

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Mr. Speaker, this vote is going to be scored by the American people, and it is going to speak volumes about whether people just talk or whether they act. We know what is happening at the gas pump. The average price is $2.92. A gallon of gas today is 71 cents more than a year ago.

There were two announcements today on profits: Conoco, quarterly up 13 percent; Valero Energy Corporation, the Nation's biggest independent oil refiner, said Tuesday its first quarter profit jumped 60 percent as revenues surged from higher product margins and greater refining volume.

Exxon, as we know, decided to give a $60 million compensation package and a $98 million pension payout to its former CEO, but can't do anything about these sky-high prices.

Well, what is before us? Yesterday the President said, ''Record oil prices and large cash flows also mean that Congress has got to understand that these energy companies don't need unnecessary tax breaks.'' That is exactly what these provisions are.

Don't obscure and talk about windfall profit taxes. We will talk about that some other day. These are three provisions that passed the Senate that clearly are a tax break, a loophole, and closing it would generate $5 billion.

Mr. MCDERMOTT has quoted the headline from The Washington Post. ''GOP,'' that means the House GOP, ''blocks measures boosting taxes on oil company profits. Provisions passed by the Senate would raise about $5 billion.'' So there is a clear choice today.

I did look at the report on contributions to candidates by the oil and gas

industry in this cycle. The top 20 are all Republicans. People are going to have to decide what interests they are going to support.

Mr. MCCRERY, you said ''tie the hands.'' There are 100 provisions. This is three plus one. Tie the hands? No. What we are trying to do is to speak up for the people of this country.

I close with this: you always talk about one aspect in terms of capital gains and dividends. What you don't say is that every analysis we have seen indicates that this extension that you are insisting on, about 40 to 50 percent, and some say a little more than 50 percent, would go to people making over $1 million a year.

So tomorrow when people vote, they are going to have a clear choice. It is going to be the vast majority of the American people who go to the gas pump and know how much they are paying and are hurting; or people for whom that increase to three bucks a gallon and more doesn't really matter.

So, as I said at the beginning, I don't know which interest group is going to score this. I know how the American people are going to score this.

Mr. MCCRERY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER), a distinguished member of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, I want to refer for a moment to how the seniors of our country feel about this. I stand firmly against today's motion to instruct.

I recently received an e-mail from a senior citizen in Chico, California, in my northern California district, underscoring the importance of tax relief for capital gains and dividend income. I quote: ''Please do what you can to see that the 15 percent tax rate on dividends is extended, and, when the time is right, to see that it is made permanent. I am one of the retired who are not rich and not poor, but over time have saved enough and invested enough so that I am comfortable. I depend on the money from investments to put me in the 'comfortable' area. The President urges people to save for their retirements. It is only fair that the fruits of those efforts are given their due.''

These comments highlight a part of the debate frequently ignored. A majority of seniors benefit from reduced capital gains taxes and dividend tax rates.

They also track with the study by the nonpartisan Tax Foundation which states, ''As stock ownership becomes more universal in America, stock owners are becoming increasingly middle-class.'' It continues. ''A sizable percentage of taxpayers who claim dividends or capital gains are over age 55, and the majority of taxpayers over age 55 claim some form of capital gains or dividend income.''

Again, Mr. Speaker, I urge my colleagues to reject the motion to instruct conferees and in so doing support the extension of capital gains and dividend rates.

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

Mr. Speaker, while the gentleman from California was talking, Exxon's profits went up $160,000. They are making profit this quarter at $80,000 a minute, and the Republicans don't want to do anything.

Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman from Washington, and I join with the distinguished gentlemen from Washington and Michigan, and I associate myself with their remarks.

I thank Representative MCDERMOTT for bringing forward a practical, pragmatic and effective solution that joins with the Senate in recognizing what we can do immediately to rectify this situation.

I say to my colleague from California who receives letters from the elderly, I would like to give him the scores of my e-mails and letters from the elderly who make daily choices between heating and cooling their homes; providing themselves with transportation money that they need to get back and forth to their doctors for their appointments, where they then, because of this administration and Republican control of Congress, have to become refugees of their own health care system and travel to Canada in order to get prescription drugs. If ever there was a need for relief and a focus on a matter that needs urgent attention, it is here in this pragmatic proposal that has been put forward.

You have to be aghast when you look at the policy. At least the President has come forward and recognized apparently what our colleagues on the other side of the aisle have not, that there is a need to roll back these excessive tax cuts. He stated so yesterday. We applaud him for that.

But we are confounded by an administration policy that Thomas Friedman best described in terms of its international perspective as ''leave no mullah behind.'' We find ourselves in the confounding situation where we see profits going abroad to the very nations, including Saudi Arabia, Iran and the Sudan, who in turn fund the madrassas and fund the very people that are working against our men and women in the field and serving this country so valiantly.

Here at home the domestic policy becomes ''leave no oil executive behind.'' In the reports that come out daily, CEOs are granted $400 million, while we cut LIHEAP provisions to the very needy in the Northeast and across this great Nation of ours, people who are struggling to make ends meet. ''Leave no oil executive behind'' becomes the hue and cry we hear from the other side of the aisle.

In my district, and as I am sure everyone did going home this past week, in talking to a number of people, most notably rock-rib Republicans like John Mitchell, the former mayor of South Windsor, who happens to be the past president of the Independent Connecticut Petroleum Dealers.

□ 1830

He said to me, JOHN, you know I care deeply about the people that are being impacted daily by these costs. And he says, I got to tell you, I have been in business for more than 30 years, and I have never witnessed anything like this before.

He said, I have been a Republican all my life. He says, but I will be damned if I am going to stand by and watch what is happening to this country and watch what is happening at the gas pumps and what is happening to home heating oil.

He said, there is no reason. There are no corollary between supply and demand that is going on here. He says, what this amounts to is nothing more than fear and arbitrarily raising prices based on greed.

I was further joined by Gene Gilford, the executive director, who also had the same thing to say with respect to what is going on here.

Mr. MCDERMOTT has proposed very logical amendments, amendments that the Senate has already embraced that make sense, that only go a small way in terms of the help that we need. Other measures that the Democrats have put forward wait for brave Republicans to come forward and sign discharge petitions so that we can even have an open and honest debate about the escalating prices at the gas pump, and what is happening to our senior citizens and all of our citizens across this country as they deal with the high cost of heating and cooling their homes this past winter and as we approach yet another summer season.

So I ask my colleagues on the other side to join us in supporting this measure. Embrace your President, and provided an opportunity to join the very practical and pragmatic provisions that Mr. MCDERMOTT has put forward, and then join in signing with Mr. STUPAK and others in the vote for the Free Act and the Pump Act that Democrats have been proposing.

Mr. MCCRERY. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I get a big kick out of my colleagues on the other side of the aisle, for whom I have great respect.

You know, I remember when Jimmy Carter was President of the United States, we had those gas lines that went all of the way around the block, and people carrying gas cans to get 3 gallons.

They said, we are going to become energy independent. We are not going to rely on the Saudis, or we are not going to rely on the Middle East or anybody else. That is what the Democrats in charge said they were going to do. That was back in the 1970s. In the 1970s.

And we drill for oil in California. And we drill for oil in Texas. And we drill for oil in Oklahoma. And we drill for oil in Kansas. All of those are very densely populated areas of the United States. We are all concerned about the environment and everything.

And yet I have been up to the ANWR in Alaska. There is nothing up there. Alaska is three and a half times the size of Texas, and we can get between 1 and 2 million barrels of oil a day, which would reduce the problem of supply and demand, and yet almost all of my Democratic colleagues who are down here hollering to high heaven tonight about the energy prices, they voted against it.

They sold out to the environmental people saying, oh, my gosh we cannot drill in the ANWR, which is 5,000 miles from nowhere. We cannot drill in the ANWR because we want to protect some animal that is not up there.

Then they came down here and have the unmitigated gall to tell the American people the reason the price of gasoline is so high is because of the Republicans, when they have, since the 1970s, not done a darn thing to deal with the energy problem, even when they were in the majority for 40 years.

It really bothers me. It bothers me a great deal. We have got a 500-year supply of natural gas in the ground in this country, in the continental States of the United States, and yet we have not drilled. Do you know why? Because the environmental nut cases have your party in their iron grip. You will not drill for it. You can do it in an environmentally safe way.

We can put natural gas in almost every car in America that is being produced today. It would be environmentally safe, would not hurt the environment in one way, would not hurt the atmosphere in one little bit, and yet you will not allow us to drill for it. Why not? Because you sold out to the environmentalists. And then you come down here and say, oh, my gosh, we are responsible for the high gas prices. The fact of the matter is before you start criticizing the Republicans, you ought to look in our own house. You ought to get with the program.

If we are going to be energy independent, what we are going to have to do is start drilling in the United States so we can do it in an environmentally safe way.

We ought to drill in the ANWR. We passed an energy bill in this House that would produce at least 1 million barrels of oil a day, and it went to the Senate, and your Democrat colleagues, the environmental nut cases took it out of the bill. And Senator STEVENS from Alaska was beside himself. He is the Senator from up there. And yet you guys who are complaining about high gas prices today killed it. You killed it.

And so if I were talking to the American people tonight, I would say, if you want lower gasoline prices, if you want lower natural gas prices, if you want to see the United States move towards energy independence, then elect people who will drill for those products here in the United States where we have quite a bit of them, a pretty good supply.

And yet they will come down here tonight and blame everybody because they want your vote in November. But they got to earn it. They have got to do what is necessary to make us energy independent and quit just talking about it.

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

Madam Speaker, I will enter into the RECORD at this point an article from the Wall Street Journal dated January 31 that talks about Exxon's excess profits, and also the one from The New York Times from April 13 about the Exxon chairman's retirement package of $398 million.

[From the Wall Street Journal, Jan. 31, 2006]

EXXON POSTS ANOTHER RECORD PROFIT

(By Jeffrey Ball)

Exxon Mobil Corp., the world's biggest publicly traded oil company by market value, racked up another record profit, saying its fourth-quarter earnings surpassed $10 billion, a result likely to intensify political heat on the energy industry.

Amid high oil, gasoline and natural-gas prices, Exxon said its net income surged to $10.71 billion, up 27% from $8.42 billion a year earlier and 8% above Exxon's third-quarter result of $9.92 billion, which itself was a company record. Exxon said fourth-quarter revenue was $99.66 billion, up 20% from $83.37 billion a year earlier.

The Exxon result amounted to a profit of about $80,842 per minute during the quarter. It was one of the biggest quarterly profits of any company in history. Though a handful of other companies have posted higher quarterly profits, those were largely accounting adjustments, while Exxon's result came mainly from operations.

Net income per share was $1.71, compared with $1.30 a share a year earlier. Exxon's results included a special gain of $390 million related to a lawsuit. The result surpassed the predictions of a Wall Street that expects boom times in the oil patch. At 4 p.m. in New York Stock Exchange composite trading, Exxon's shares rose $1.82, or 3%, to $63.11.

The biggest driver of Exxon's surging profit was high energy prices amid the world's increasing thirst for oil and natural gas. The company's ''upstream'' earnings—income from producing and selling crude oil and natural gas—rose 44% from a year earlier. Exxon's ''downstream'' earnings—what the company makes from refining crude oil into finished products like gasoline and heating oil and selling them—rose 2% from a year earlier. Higher prices for those products were partly offset by lower production volumes following the hurricanes that temporarily shut down a big chunk of the U.S. refining infrastructure.

Exxon, of Irving, Texas, was the latest major U.S. energy company to report roaring fourth-quarter results because of high energy prices. Exxon's profit soared even though the company produced less fossil fuel. Total oil-equivalent production in the fourth quarter fell 1% from a year earlier; the company said. Oil production rose 2.5% as increased output from West Africa, Azerbaijan and the North Sea offset declines from mature fields, continuing below-normal production in the Gulf of Mexico as a result of the hurricanes and other factors. Natural-gas production fell 5.8%.

Exxon's record take is likely to ratchet up calls in Washington for a crackdown on energy-industry profits. President Bush today is to deliver his State of the Union address to a nation pinched by high energy costs. Sunday, the average U.S. price of regular unleaded gasoline averaged $2.34 a gallon. While that price was down from the peak after last year's hurricanes, it was up about 24% from a year earlier and up 6.6% from a month ago, according to AAA, the motoring club.

The Senate has passed two provisions that would effectively raise the tax bills of major oil companies. One would reduce their ability to trim tax bills through an inventory-accounting method known as ''last-in, first-out,'' which ties the cost of goods sold to the cost of the most-recent purchases. The other would bar them from claiming credits against U.S. tax bills for the taxes they pay in some oil-rich countries. Oil-company officials say they consider the two a threat. Some analysts doubt the measures will pass the House.

Exxon has been trying to pre-empt a backlash. Exxon said it is boosting spending on finding and producing stores of oil and natural gas. Capital and exploration spending in the quarter was $5.3 billion, up 26% from a year earlier, a sizable rise by industry standards.

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[From the New York Times, Apr. 13, 2006]

EXXON CHAIRMAN GOT RETIREMENT PACKAGE WORTH AT LEAST $398 MILLION

(By Jad Mouawad)

Last year's high oil prices not only helped Exxon Mobil report $36 billion in profit—the most ever for any corporation—they also allowed Lee R. Raymond to retire in style as chairman of Exxon Mobil.

Mr. Raymond received a compensation package worth about $140 million last year, including cash, stock, options and a pension plan. He is also still entitled to stock, options and long-term compensation worth at least another $258 million, according to a proxy statement filed by Exxon with the Securities and Exchange Commission yesterday.

The total sum for Mr. Raymond's golden years comes to at least $398 million, among the richest compensation packages ever. The record was the payout of $550 million to Michael D. Eisner, the former head of Walt Disney, in 1997.

Exxon's board also agreed to pick up Mr. Raymond's country club fees, allow him to use the company aircraft and pay him another $1 million to stay on as a consultant for another year. Mr. Raymond agreed to reimburse Exxon partly when he uses the company jet for personal travel. ''It begs the old question again, When is enough, enough?'' said Brian Foley, an executive compensation consultant in White Plains. ''This looks like a spigot that you can't turn off.''

Mr. Raymond, 67, spent 43 years at Exxon, including 12 as chairman. He orchestrated the merger between Exxon and Mobil in 1999, making it the largest oil company in the world as well as the most profitable. He was widely recognized for his financial acumen and focus on cost-cutting, whether in good times or bad. Some of the company's recent success, of course, can also be attributed to the doubling of oil prices over the last two years, higher refining margins and record high demand.

While Exxon showed record earnings, the total return to shareholders over the last five years averaged just under 8 percent a

year, about the same as the industry average.

''The numbers reflect the long-term nature of Mr. Raymond's leadership at the corporation, and a long and distinguished career,'' Mark Boudreaux, a spokesman for Exxon, said. ''The compensation committee considered his performance and the fact he guided the company to industry-leading earnings for multiple years.''

Exxon's proxy filing also showed that Rex W. Tillerson, the current chairman and chief executive, received $13.4 million in 2005, about a third more than what he got the previous year. That includes $1.67 million in salary; a $1.25 million bonus, restricted shares worth $8.75 million, and an incentive payout of $1.73 million. He also realized $2.3 million by exercising stock options he held.

Mr. Raymond owns 3.26 million restricted shares worth a total of $183 million as of December 31.

Those shares produced a separate windfall of $3.1 million in cash dividends. Mr. Raymond also owns 4.15 million options that hold a potential value of $69.6 million.

Upon retiring at the end of last year, Mr. Raymond opted to collect his pension benefits as a one-time lump sum instead of receiving annuities. That amounted to $98.4 million.

The company also paid $210,800 for Mr. Raymond's country club fees, financial planning and tax assistance services. It also provided two years of protection for Mr. Raymond and his wife, including paying for a security system for his principal residence, security personnel, a car and a driver.

Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Madam Speaker, I rise in support of the motion to instruct conferees. I wish to thank my colleague from Washington for yielding, and, more importantly, for his leadership on this important issue.

Madam Speaker, President Bush reminded the American people last week that he is a decider. His decisions affecting our economy, gas prices in particular, decidedly favor the wealthiest of his base. Thanks to terribly misguided economic priorities, oil and gas CEOs get two tax breaks for the price of one.

Subsidies worth $16.5 billion in the energy bill make it possible for oil and gas companies to lavish obscene compensation on their CEOs, who then, in turn, get to claim another break on capital gains and dividends.

This belies both the need for permanent rate cuts and the industry's argument that market forces instead of price fixing are responsible for gas approaching $4 a gallon. Do not take my word for it. IRS data show that for the 90 percent of all taxpayers who made less than $100,000, dividend cuts benefited only 1 in 7, and capital gains reductions helped just 1 in 20. While congressional leaders seem prepared to allow a stealth middle-class tax increase, which will negatively impact 19 million families, they are insisting on extending the dividends and capital gains cuts which will shower benefits on only 234,000 families in the main.

We can thank our President and congressional majority for these terrible choices and for the disastrous results.

Therefore, Madam Speaker, I urge my colleagues to support the McDermott motion to restore sanity to our economic and energy policies, and so that they reflect the real values, needs and priorities of middle-class families and consumers.

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

Mr. MCDERMOTT. Madam Speaker, I yield 2 minutes to the gentlemen from New York (Mr. HIGGINS).

Mr. HIGGINS. Madam Speaker, I thank the gentleman from Washington for yielding me time, and support his motion to instruct.

Madam Speaker, the American people and the people from western New York are at the center of the energy policy disaster. The House majority told the American people that upon passage of the energy bill, that it would reduce our dependence on foreign oil, and it has not. They told us that it would reduce gas prices at the pump, and it certainly has not. They told us this bill, with its incentives to Big Oil, would promote the development of alternative energy sources, and it has not.

The President told the American people in January that they were addicted to oil and signed a bill 5 months previous to that that provided huge subsidies, some $15 billion in tax giveaways, to the very companies who are feeding that addiction.

Madam Speaker, I urge support of this motion to put real muscle in this Nation's energy policy to promote real alternatives to foreign oil that promotes alternative energy sources and provides real relief to real Americans who every day are paying way too much for gasoline at the pump.

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

Mr. MCDERMOTT. Madam Speaker, I yield 4 minutes to the gentlewoman from South Dakota (Ms. HERSETH).

Ms. HERSETH. Madam Speaker, I thank the gentleman for yielding me time.

Before I address some of the specific provisions of the motion to instruct, which I urge my colleagues to support, I do need to take a moment to respond to Mr. BURTON, the gentleman from Indiana, who spoke moments ago.

In my opinion, we need to elect people who will make a true commitment to developing renewable energy in this country. His statements toward all of us on this side of aisle, respectfully, were overinclusive. I am someone who has supported a balanced and diversified energy policy and an approach to meeting the needs of this country that includes domestic oil and gas exploration.

But even using the best estimates of our percentage of the world's reserves of our domestic oil supply, we simply cannot drill our way out of this problem. And step number one should be a true commitment to renewable energy, not step number one being where we can drill next.

In recent days we have heard a lot of rhetoric from our colleagues on the other side of the aisle regarding the need to provide relief for those facing severe hardships due to today's sky-high energy prices. Now, I agree with the need to act. We should have acted last fall when we confronted the same problem. This is probably the most pressing concern on the minds of my constituents in South Dakota right now, who, as rural citizens, drive further to work, drive further to get their kids to school, drive further to get to the doctor. We had farmers who had the most expensive harvest last fall because of fuel prices, who are now facing the prospect of the most expensive spring planting season for the same reason. So I am sincerely hoping that my colleagues ultimate actions on the other side of the aisle will reflect and match their words.

We have learned that House Republican conferees have been objecting to Senate-passed provisions in the tax reconciliation package that would strip unnecessary oil company tax breaks from the bill. This includes some changes to arcane inventory laws and other reasonable changes that Big Oil simply does not need in this time of record profits and record prices, as my colleagues have noted.

So adopting these Senate provisions would raise nearly $5 billion in Federal revenue over 5 years. That is very good in this tight budgetary environment, and it is an important reason to do it, but it is not the primary reason to do it.

The primary reason to do it is that Big Oil is making record profits, profits made on the backs of taxpayers who are truly struggling to fill their tanks. And those same taxpayers should not be subsidizing them with unnecessary tax breaks that the oil companies clearly do not need.

Madam Speaker, I oppose this whole reckless tax package, because at a time of record deficits in this country, we simply cannot afford to pass a budget bill that actually makes the deficit worse.

This motion to instruct by my colleague from Washington is an opportunity to inject a small amount of sanity and fiscal discipline into what has otherwise been a broken and misguided process. The Senate saw the wisdom of including these provisions and the folly of continuing to grant more than $5 billion in tax breaks to huge oil companies at a time of record profits and record prices. Even President Bush said yesterday that at least $2 billion of the subsidies to Big Oil through special tax breaks lavished by the Republican Congress on the oil companies is unnecessary.

I only hope that the conferees from this Chamber also see the correctness of the President's statement and the Senate approach to these provisions, agree to this motion, and to recede to

the Senate provisions in the bill. It will benefit all Americans as both energy consumers and taxpayers.

Madam Speaker, I urge my colleagues to support the motion.

□ 1845

Mr. MCCRERY. Madam Speaker, the gentlewoman from South Dakota said step one should be something, and I would submit to the gentlewoman that the energy bill we passed was a much better approach than step one. It was step one, two, three, four and five. We don't need to do just one thing. We need to do a number of things to increase supply in this country, to reduce demand, and to wean ourselves from dependence on foreign oil. The energy bill that we passed just recently does that. It will take some time.

But we addressed in that bill her step one, our step one, as she characterized it, and several other steps. In our bill we did include some provisions that would encourage more exploration and production in this country of oil and gas, but we also included provisions that would increase our refining capacity for gasoline that is part of the supply problem.

Her party has chosen for their own reasons, over the last number of years, to consistently block measures, other measures designed to increase production in this country. The gentleman from Indiana earlier spoke of some of those. Our bill encouraged increased production, not as robustly as we would have liked to. We would have liked to have included exploration of ANWR, for example. We would have liked to have included greater exploration and production of offshore capacity in this country that we know we have. But we did address that step one, our step one, as she characterized it.

But we also included provisions encouraging conservation of fuels. That is an important element of getting this supply-and-demand situation under control. We did also include about $3 billion in that bill for renewable fuels. So we took a multifaceted approach in our energy bill that we did pass and got signed by the President, to address this very vexing problem of supply and demand of the primary energy source for this country.

Whether we like it or not, oil and gas is going to be the primary energy source for this country for a long time. Yes, we should pursue renewable fuels. Yes, we should pursue research into fuels that we can use other than oil and gas, but that is going to take time. We all know that. So in the meantime, we ought to be doing those things, but also encouraging an increase in the supply here in this country of oil and gas. We have tried to do that.

This bill, as I stated earlier, would exacerbate the problem of supply. It would exacerbate the pressure on prices at the pump. A $4.3 billion tax increase on oil is not going to lower the price at the pump. If anything, it is going to increase prices at the pump when you raise taxes on the supply. That is what this motion to instruct would have us do, $4.3 billion retroactive tax increase.

This accounting provision that is the subject of this provision of the opposing party is used by every corporation that has inventory, not just the oil and gas industry; every corporation that has inventory in any industry uses this accounting system. Last in, first out, LIFO accounting system.

This provision proposed today on the floor by the Democrats would say the oil and gas industry would be the exception. They would be the only industry that could not use this standard accounting system.

Is that fair? I don't think so. If you think that is a commonsense way to do the accounting of inventory, let us apply it to all industries in this country. We don't hear the Democrats proposing that. Why? Because they know it would not make much sense from an accounting standpoint.

If you apply this provision to the oil and gas industry, it amounts to a retroactive huge tax increase on that industry at the very time that we need to be lowering their costs, not raising their costs. The other provision that we haven't talked about too much this evening applies to foreign tax credit rules. They are calling it a loophole.

Well, what this so-called loophole does for the oil and gas industry, that also applies to other industries across America, reduces the level of double taxation of profits of our American companies gained overseas with their overseas operations.

Is it right for an American company who is doing business, say, in Europe, to pay the tax in Germany and then have to turn around and pay tax on the very same income here in the United States? Surely, surely we don't think that is fair. Surely, we don't think that puts our domestic corporations in an equitable position vis-a-vis their world competitors.

Surely, we must realize that if we double-tax American companies' income derived from overseas operations, we are putting them at a disadvantage in the world market. We are guaranteeing they are going to lose market share to foreign companies. Should that be the policy of this Congress? I certainly hope not, but that is what this one provision and the gentleman's motion to instruct would accomplish.

Now, getting back to dividends and capital gains, the IRS preliminary data from 2004, which is the first year we have since the passage of a lower dividend rate, shows us that dividends paid by corporations in 2004 over 2003 increased by 30 percent. That should be proof positive that the change in the law we made produced the desired result.

Corporations started paying more out in dividends. That has salutary effects not only for the senior citizens that Mr. HERGER talked about earlier who depend on dividend income in their retirement, it also has a salutary effect on corporate management, corporate accountability. These are very sound tax policy provisions that this Congress wisely enacted a couple of years ago, and we certainly should extend them 2 more years to give certainty to those corporate planners who are trying to plan their corporation's ability to raise money and to distribute or allocate their profits to their shareholders.

Madam Speaker, I would submit that this motion to instruct should be defeated for a number of reasons, and would hope that the House would soundly reject this tomorrow when we have a chance to vote on it.

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

Mr. MCDERMOTT. Madam Speaker, it is always interesting to listen to my good friend from Louisiana defend the Republican Party. It is the party of 1 percent that he is over there defending. As I listen to him, I was reminded of a remark that President Reagan was often fond of saying. He would say, well, there you go again. If he were here today, he would say exactly that, and he would be absolutely right.

The Republicans are running a do-nothing Congress. It is not even a do-nothing, it is they cannot do anything. They come out here and admit that with gas prices where they are, they can't do a thing about it. Can't do a thing about it. It is hopeless.

So the American people are stuck with the Republicans, and the people should remember that as the election comes, because the Republicans stood out here today and said they cannot do anything.

We went after the oil companies to get some of that money to do things with that this society needs, but the Republicans are only interested in the 1 percent. The other 99 percent are on their own luck. There has been a lot of energy here tonight telling us how big oil companies should continue to fleece the people at the pumps. But that is what big oil companies have a right to do, and we all should pay more. They want to be sure that we continue to have the American millionaires have 2 more years of a comfortable tax holiday.

Now, people can talk about numbers out here, but I want to talk about a couple of people, one of whom is the Exxon chairman who just retired. They gave him $398 million. This is a guy making $1.6 million every year, okay? I mean, that is just for starters.

Now, as he retired, they said we know you are going to play golf when you are retired; we will pick up your golf fees. They will pay his golf fees forever at $210,000 a year. I mean, they are going to let him use the corporate airplane for the rest of his life, and they are going to keep him on for a year at $1 million as a consultant.

Then there is Joe Public. He is at the pump tonight, or he is watching us talk about this, having just come from

the pump, or Sally Public, either one of them has been to the pump today, and they have watched that thing go around at $3 a gallon and realized the average income in this country is $40,000. Forty thousand dollars.

Now, the Exxon president, or the executive that I just talked about, is going to get a $32,000 tax break from this bill that my friend says is going to somehow cripple the economy.

What is fair about that? The average person has to buy gasoline to get to work, take their kids to school, heat the house. If you live where I do, you do not need so much heat as you do in other parts of the country, and down where the gentleman from Louisiana lives, you do not need much heat. But other places they have to use a lot of heat in the wintertime. They are still paying 4 bucks a gallon for it, or are going to be paying 4 bucks a gallon.

The average person, you talk about these capital gains; oh, well, everybody gets capital gains, yes. The Exxon chief will take $32,000 in tax breaks away on average, and the average $40,000 person in this country is going to get 7 bucks. That is the average. That is 2 gallons of gas.

Now, is that fair? Is that what you think America is all about? Is that what the Republicans say? Well, you know, the gas prices are going up. I guess it is supply and demand. I don't know. I don't know how come the oil companies are making all this extra money. We shouldn't be able to cut down how much money they make. They should just be able to make more money. They are taking it out of the hides of the working people in this country.

Now, we don't want people on welfare, no, sir. We don't want people on welfare. You can't buy a house in many places or find a place to live in many cities because the prices are so high.

When I was in New Orleans just about 4 or 5 weeks ago, I asked the president of Tulane Medical School, if I could do one thing for you, what would it be? He said, do you know what it would be? Bring some housing downtown, because all my nurses have to live 70, 80 miles away and drive into work every day, and all the workers in the hospitality industry have to live out of town. They are all paying 4 bucks a gallon for gasoline, driving all the way from Baton Rouge all the way down.

That is not just in Louisiana. It is all over this country. You are sitting here telling us that we cannot do anything, that Big Oil has to be protected. Well, they will just go down in a pile.

Then the real interesting part is to come out here and blame the environmentalists. Here we have got global warming, absolutely clear, and everybody is tackling the environmentalists saying, oh, they are the ones who are creating the problem. We have got to get off oil.

The President, I got to say, occasionally the President is right. I don't say that very often on the floor, but I will say the President was right when he said we are addicted to oil. Boy, this Congress is addicted to oil. When we cannot close three loopholes and take back $5 billion that we could use for home heating oil or student loans or Medicare or Medicaid or all the things that this society needs, we can't take that and use it for the public good, there is something very wrong in this society.

□ 1900

And if the people are going to have a choice in November, they are going to say, well, Republicans stood by and watched the deficit go up out of sight, and they watched the oil prices go up out of sight, and they said, well, we don't know what to do. Nothing we can do about that. We have to keep passing tax breaks to the 1 percent in this society who are doing very well.

The President gets out there and tries to tell everybody that things are going well in this country economically, but the people don't believe it. You know why? Because it isn't going well for most people. They are stuck with $3- and $4-a-gallon gas. They have no way to avoid that. It is hard to ride your bike 70 miles into town to get to work. Now, you can do it, but it really takes a lot of effort. Most people aren't able to change from a car with a gasoline engine to a bicycle, so they are stuck. They can't walk to work. They are stuck in this society. In our city they are talking about raising the rates on the mass transit because of the cost of gasoline. So even those riding the bus are going to get socked by this.

When we come out here and offer a modest motion to something that the Republican Senate went along with, you know how bad it is. And that is the irony of ironies, to have me up here arguing for three amendments that have been approved by the Republican Senate. If I will go along with that, I will take anything to make it better for the American people. But not the Republicans in the House. Oh, no, no, no, must not touch the oil companies. Huh-uh. We can't take a single dime away from them or the whole thing will come unraveled.

And they want to be sure that America's millionaires are comfortable for at least two more years of tax holidays.

Meanwhile, the rest of us get to pay for their fiscal recklessness.

They can't do anything about gasoline prices, and won't fight to make oil companies pay their fair share in taxes—fair share—like the rest of us do.

They can't do anything about the rise in poverty in America, where one in five children—1 in 5—lives in poverty today.

They can't do anything about helping Middle Class kids have access to student loans to pay for college.

They can't do anything about a prescription drug benefit that benefits the drug companies and confounds senior citizens.

They can't do anything about controlling special interests, because they are the Party of special interests. Republicans are the Party of One Percent.

If you're a fat cat, Republicans are inviting you to dinner, and they are serving the American Middle Class.

We have an opportunity to do something that benefits the American people, all of them. The oil companies ought to pay their taxes like everyone else. And millionaires will just have to manage with only two more years on tax holiday.

We have an opportunity to take a stand for the 99 percent of the American people who have been left out of a Republican nation.

The American people should be first in line, not first to pay.

It's time we do something about it.

Pass this Motion to Instruct. Make this the day we tell the oil companies to supply the demand, and stop demanding more tax subsidies to enrich only themselves.

I urge my colleagues to vote for this and do something for the American middle class.

The SPEAKER pro tempore (Mrs. DRAKE). 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 Washington (Mr. MCDERMOTT).

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

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

The yeas and nays were ordered.

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

## BLOCKING PROPERTY OF ADDITIONAL PERSONS IN CONNECTION WITH NATIONAL EMERGENCY WITH RESPECT TO SYRIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–100)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order blocking property of persons in connection with the terrorist act in Beirut, Lebanon, on February 14, 2005, that resulted in the assassination of former Lebanese Prime Minister Rafiq Hariri and the deaths of 22 others, and other bombings or assassination attempts in Lebanon since October 1, 2004, that are related to Hariri's assassination or that implicate the Government of Syria or its officers or agents. I issued this order to take additional steps with respect to the national emergency declared in Executive

Order 13338 of May 11, 2004, concerning certain actions of the Government of Syria. In Executive Order 13338, I determined that the actions of the Government of Syria in supporting terrorism, continuing its occupation of Lebanon, pursuing weapons of mass destruction, and undermining United States and international efforts in Iraq constituted an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and declared a national emergency to deal with that threat.

The United Nations Security Council, in Resolution 1595 of April 7, 2005, established the international independent investigation Commission (the ''Commission''), reiterated its call for the strict respect of the sovereignty of Lebanon, and reaffirmed its unequivocal condemnation of the February 14, 2005, terrorist bombing that killed Lebanese Prime Minister Rafiq Hariri and 22 others. The Commission's charter included identifying the bombing perpetrators, sponsors, organizers, and accomplices. United Nations Security Council Resolution (UNSCR) 1636 of October 31, 2005, called upon all States to provide necessary assistance to the Commission concerning its investigation into the February 14, 2005, terrorist bombing and to freeze the assets of those persons designated by the Commission or the Government of Lebanon as suspected of involvement in this terrorist act, upon notification of such designation to, and agreement of, the Committee of the Security Council established by UNSCR 1636. United Nations Security Council Resolution 1644 of December 15, 2005, condemned other terrorist attacks in Lebanon since October 2004 and reaffirmed that all those involved in these attacks must be held accountable for these crimes, and in doing so, authorized the Commission to extend its technical assistance to Lebanese authorities with regard to their investigations regarding the terrorist attacks perpetrated in Lebanon since October 1, 2004.

In view of UNSCR 1636, my new order takes additional steps with respect to the national emergency declared in Executive Order 13338 by blocking the property and interests in property of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be, or to have been, involved in the planning, sponsoring, organizing, or perpetrating of the terrorist act on February 14, 2005, that resulted in the assassination of former Prime Minister Rafiq Hariri and the deaths of 22 others, or any other bombing, assassination, or assassination attempt in Lebanon since October 1, 2004, that is related to Hariri's assassination or that implicates the Government of Syria or its officers and agents, or to have obstructed or otherwise impeded the work of the Commission. The order further authorizes the Secretary of the Treasury, after consultation with the Secretary of State, to designate for blocking those persons determined to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, any such terrorist act, bombings, or assassination attempts, or any person designated pursuant to this order, or to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person designated pursuant to this order.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the United Nations Participation Act, as amended (22 U.S.C. 287c), as may be necessary to carry out the purposes of my order. The order was effective at 12:01 a.m. eastern daylight time on April 26, 2006.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 26, 2006*.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## IRAQ FORUM

Ms. WOOLSEY. Madam 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. Madam Speaker, the carnage and the bloodshed continue in Iraq. Things are getting worse, not better. April is indeed the cruelest month for 63 American soldiers who won't be making it home. In fact, it is the deadliest month so far in the year 2006.

We are coming up on the 3-year anniversary of the President's infamous aircraft carrier flight suit stunt, and I am still looking for someone who can answer this question: How is it possible that we have lost more than 2,000 of our troops after this mission was supposedly accomplished?

Today's big headline? The President has a new spokesman. As if the same talking points, the same platitudes, the same wretched ideas coming out of a different mouth is going to make a lick of difference. The White House doesn't have a PR problem, it has a policy problem. Do they actually think two out of every three Americans are unhappy with the President's performance because of his Press Secretary? Are they that dismissive of the intelligence of the people they are sworn to serve?

It is as if the administration were our landlord in a house that was being condemned, with a foundation crumbling and every corner infested with vermin, and when we register our complaints, they go ahead and change the drapes. There will be a new talking head at the briefing room podium, but the administration's approach remains stubbornly resistant to change.

The other big news of the day is that Secretaries Rice and Rumsfeld dropped in on Iraq, and from this visit we learn that there may be a troop reduction by the end of the year. But that strikes me as a cosmetic, contrived move that is driven by the political calendar. It is clearly not enough.

Remember, this President, who says he doesn't believe in timetables, made it perfectly clear that he intends to keep our troops in Iraq for at least as long as he is in office. And there is every reason to believe that the construction of permanent military bases has begun. This is exactly the open-ended, long-term occupation that fuels the rage of the insurgency.

I, for one, am not willing to stay silent on the sidelines. I will do everything in my power to make the case that the troops should come home now. I will continue to explore alternatives to our current Iraq policy, and I will continue to shine a spotlight on conditions on the ground in Iraq.

To that end I invite my colleagues to join me tomorrow morning as I convene a forum that will help put a human face on the Iraq conflict. We will hear from an impressive panel of witnesses, including:

A Georgetown professor, who spent the bulk of his career with the CIA, where he was considered one of the Agency's preeminent counterterrorism experts.

We will hear from a Shia Iraqi woman, a civil engineer married to a Sunni, who has lived through the invasion and the occupation and then fled to Jordan after her son was briefly detained as a political prisoner.

A marine who served in the Iraq war and was discharged last year due to his post-traumatic stress disorder.

A young American doctor, half Iraqi, half Jewish, who recently returned to Iraq, where she lived as a young child. She has put her medical practice on hold to raise awareness about the devastating impact the war is having on the people in Iraq.

I will also be joined by several of my colleagues, the gentleman from New York (Mr. HINCHEY), the gentleman from Maine (Mr. ALLEN), the gentleman from Massachusetts (Mr. MCGOVERN), the gentleman from North

Carolina (Mr. JONES), and the gentlewomen from California, Ms. LEE and Ms. WATERS, among other Members of the House of Representatives. We will engage in a dialogue with these panelists, and we will offer our own thoughts on Iraq.

I had a similar forum last fall, which was focused more on shifting policy direction and brainstorming about how we might carry out a military exit strategy. That will be a component of tomorrow's discussion, but my intent tomorrow is to present firsthand accounts from people who have lived through this war and can speak authoritatively about its human cost.

We hear virtually every day from the White House, the civilian leadership at the Pentagon, and the military commanders. I think it is important that we give a platform to those who have stared this war directly in the eye, outside of the Green Zone, without a security detail or an armored limousine. I hope you can join me tomorrow.

## THE CITIZENS SPEAK OUT ON ILLEGAL ENTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, this House must have the will to secure our borders from unlawful, illegal entry into this sovereign Nation by other nations. Many of my fellow Texans have written me about this problem, and I am going to read a few of those tonight.

David in Splendora, Texas, writes: ''I totally disagree with the guest worker program. If the government allows an amnesty program for the illegals, then every person crossing the border would qualify. Also, the borders need to be more secure. I work with immigrants here in Houston, and it amazes he how they can go back and forth to Mexico. The immigrants who have their family in other countries are sending their money there, and they do not even spend it here anyway.''

Tim, in Groves, Texas, writes: ''Vicente Fox and Mexico are not our friends. The Mexicans are laughing at their neighbors to the north while their illegal countrymen clog our streets and harass U.S. citizens with marches and demonstrations. Why aren't they demonstrating in Mexico for jobs and better pay? That is the source of their problems. Our legislators are afraid of enacting tough laws on these people while American citizens pick up the tab.''

Donald, in Nederland, Texas, agrees and writes: ''When did Vicente Fox become head of American immigration policy? Fox has no business telling the United States what to do with its citizens who illegally enter the United States. We can't control Mexico's immigration laws, and all attempts to handle the illegal entry of millions of Mexicans into the United States have fallen on deaf ears. They came to America to work in many fields hired by business interests, and when their visas expired, they didn't return home as required by law. Businesses then allow them to continue working at salaries below those needed by American workers who they replaced.''

□ 1915

''Employers who hire illegal foreign workers should be required to make sure their employees leave the country when their visas expire or be fined and pay the government's expense for returning them to their home country when they are caught. Amnesty by any other name, guest worker, is still amnesty; get illegals out of America.''

Michael in Crosby, Texas, writes, ''Sir, I implore you to be as tough as necessary to halt this wave of illegal immigration, and to seal up our borders. It honestly worries me about the reports on C–SPAN of the border incursions by Mexican military personnel, and the possibility of smuggling a weapon of mass destruction into our country via the border with Mexico.''

Randy in LaPorte, Texas, writes, ''I am an American and my wife is a legal alien. We have worked for many years to get citizenship for her and it is hard and expensive and takes a long time. It makes me see sick to see the Mexican flag in our streets and demanding rights from the U.S. Some in our government talk of a path for citizenship for them, and this makes me just sick. I hope you can pass immigration laws that will protect Americans and not protect illegal aliens.''

Ernest in Dayton, Texas, writes, ''As I watch the demonstrations by the illegal immigrants, I am appalled by the fact that they are carrying a Mexican flag and not the American flag. This myth that no one will work the jobs that illegals work is exactly that, it's a myth. Congress can be blamed for taking the jobs away from qualified 16- and 17-year-olds. I went to work at a butcher shop at 12 years of age and I have worked ever since. Guest worker program, my hind leg. It is nothing more than an amnesty program. The politicians in this country created the situation. It is important they get off their high horse and do the work of the United States and not special interest groups.''

He goes further to point out, Madam Speaker, ''You need to come to the Exxon station on highway 90 in Liberty, Texas, and bring the INS with you and see how many illegals you can round up at that one location.''

Finally, Madam Speaker, Jean in Kingwood, Texas, writes, ''I felt compelled to write today after days of hearing about the Mexican protests and the Mexican flag waving going on in our country. First, let me say for a very long time I felt immigration has been out of control but that the politicians in America consider it a way to gain votes and will not touch the issue. I am outraged that we are in such a state as we are now.

''Recently, I had to take a job in order to supply health insurance for my family because my husband lost his job. Then it wasn't long after that that I had to go to the emergency room. I went to the emergency room at 4:45 p.m. and didn't leave until 5:01 a.m. the next day. I cannot tell you the number of immigrants with three or more children in that waiting room. I wondered if any of them actually had health care insurance, and how much free health insurance they received on their visit. Here I am working so I can supply health insurance to my family, yet the illegals and those that have no health insurance walk in and obtain free health care.

''Everyone in America knows the stats on this and the stress being placed on our system because of those that are able to obtain free health care just by walking into the emergency room.''

Madam Speaker, this House had better listen to the American citizens, and we need to be more concerned about what they think than those who have illegally invaded and colonized our Nation think.

Madam Speaker, that's just the way it is.

## REPUBLICAN ENERGY BILL

Mr. STUPAK. Madam Speaker, I ask unanimous consent to proceed out of order.

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Madam Speaker, today the Speaker of the House, Mr. HASTERT, announced that he will be bringing an energy package to the floor as soon as next week. As a member of the Committee on Energy and Commerce, I must express my concerns that this legislation has not been reviewed, had a hearing, or even been seen by members of the committee with the proper jurisdiction. In fact, the contents of this legislation are not available to be reviewed by the American people, let alone my colleagues who will be required to vote on the bill.

All that anyone knows about this bill that is supposed to be on the floor next week is a one-page press release the Speaker put out. Yet we will be forced to vote on this bill as soon as we get back next week. This sounds like the Vice President's secret energy task force. And what have we seen since then? The price of gas has almost doubled and the profits of the oil companies have almost tripled since those secret meetings in the White House that no one seems to know anything about. But we know gas prices continue to go up and nobody knows why.

The American people deserve real answers and real solutions to these high

gas prices. Consumers are currently paying an average of $2.91 per gallon for gasoline. Last summer it was $2.25. Why the almost 70-cent increase? This summer, as the real driving season begins, Americans are expected to pay even more at the pump than last summer.

But in the meantime, look at these profits. Look at ExxonMobil, one of the larger oil companies in this country. Look at their profits. You can take all of the net income of the oil companies, their profits in the last year was $113 billion in profits.

While the majority party has put out a one-page press release talking about things they would like to do, Democrats have real solutions that could be brought to the House floor today that would have an immediate effect and lower the price of gasoline for all Americans.

For example, there are currently no Federal laws against gas price-gouging. The only way the Federal Trade Commission can attempt to prosecute unfair pricing is by using the antitrust laws or the monopoly laws of this country. To date, in the entire history of the Federal Trade Commission, not one, not one case has ever been brought before the courts to prosecute for price gouging. Because the Federal Government does not have a clear definition or standard of what price gouging is, the FTC cannot do little more than make a study of the current gas price situation. Americans are tired of studies and want real answers.

Last September I introduced a bill to increase the Federal Government's ability to prosecute price gougers. My bill, the FREE Act, the Federal Response to Energy Emergencies, will provide the Federal Trade Commission and the Department of Justice with the authority to investigate and prosecute those who engage in predatory pricing from oil companies all of the way down to distributors, with an emphasis on those who profit the most.

The FREE Act, our legislation that could be on the floor tomorrow, will also allow each State attorney general to go into Federal district court to prosecute unfair pricing practices.

When we talk about unfair price practices, we talk about everything in the chain and distribution and supply of oil and gasoline. Take a look at this here, from the time it comes out of the ground, refineries to distributors and retailers, taxes, all of the way to the consumer. We should be able to investigate every aspect of it. If you look at what the Republicans have been proposing, you only get to do an investigation when the President declares a national emergency and it is only for the distributors and retailers, not the refinery who has a 255 percent increase in the cost of refining a gallon of gasoline in a year, nor even the crude oil producers who went up 46 percent in the last year.

When we introduced our bill to increase the Federal Government's ability to prosecute price gougers, we included everybody. We want to make sure that the American people are protected from the time it comes out of the ground until you put it in your vehicle. Our legislation expands the Federal Trade Commission's authority to more aggressively pursue market manipulations such as geographic price settings or territorial restrictions put forth by the refineries.

Why has gas gone up? In the last 12 months, from September 2004 to September 2005, it has gone up 255 percent. Is that price gouging? We happen to think it is, but we need a clear definition. Right now there are 28 States with different standards as to price gouging. That is why it is so important to have a Federal standard.

Our bill also imposes tough civil penalties up to triple the damages on excess profits.

Madam Speaker, we are trying to fight high gas prices. Democrats stand ready, willing and able to do our job.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

(Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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## THE GATHERING STORM OF VENEZUELA'S HUGO CHAVEZ

Mr. MACK. Madam Speaker, I ask permission to take my Special Order at this time.

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. MACK) is recognized for 5 minutes.

Mr. MACK. Madam Speaker, while freedom is on the march in many places around the world, a resurgence of Socialist, Communist and anti-freedom governments and movements in Latin America represent an emerging threat to freedom and the United States.

The instigator is Venezuela's Socialist President Hugo Chavez, who is using state-owned oil money to underwrite his iron-fisted control of the Venezuelan people, and to back his alliances with leftist leaders and causes throughout Latin America.

With Chavez sitting on top of 6.5 percent of the world's proven oil reserves, and buoyed by oil at roughly $75 a barrel, Chavez has assumed the identity of a modern-day Simon Bolivar, who attempted to unify Latin America in the 1800s. Oil is Chavez's ATM to finance a ''Bolivarian revolution'' that abuses Presidential power in Venezuela and fans the flames of Socialists, and regional instability.

In an interview last year, Chavez was clear in his motives. ''I am a revolutionary. I have to support the left wing movements in Latin America. We have to change Latin America.'' That is exactly what he is doing at the expense of freedom, security and prosperity.

Democratic institutions are eroding rapidly in Venezuela. The legislative branch is controlled by Chavez, made up entirely of Chavez allies. The judicial branch is controlled by Chavez. The National Electoral Council is controlled by Chavez. It is no longer impartial. The Electoral Council addresses the interests of Chavez and the government, not civil society.

The council is no longer acting in conformity to the law, and many question the reliability of the electronic voting machines in Venezuela.

Chavez, a former paratrooper, sees the military as an instrument of social transformation. And now he is openly recruiting and arming civilians to join his newly created militia under the false suspicion that the United States is going to invade Venezuela.

The public prosecutor, the Office of the Comptroller, and the People's Advocate are all controlled by Chavez. President Chavez has packed the Supreme Court with his supporters, and justices are biased in his favor. Make no mistake, the independence of the judiciary has been compromised.

Human rights and fundamental freedoms are under threat. Discrimination on political grounds is growing and members of the human rights community are often charged with treason and as coup plotters. Acts of violence and prosecution of human rights defenders are growing.

Those active in the defense of democracy in Venezuela are being prosecuted and imprisoned without due process. Leaders of the political opposition group Sumate are being prosecuted for accepting a small grant from the National Endowment for Democracy under a judicial system where the nation's courts have been packed with Chavez cronies.

Freedom of expression is under siege. Chavez is snuffing out a free press and free speech with new laws that impose jail terms for journalists for gravely offending the President or the government. The media is now subject to surveillance, censorship, and intimidation.

And to ensure the unfettered ability to spread his anti-freedom messages throughout the region, Chavez last year launched his own television network, Telesur. Telesur announced a formal alliance with Al-Jazeera, bolstering Chavez's Socialist-Based propaganda with the resources and reach of pro-terrorist programming.

Chavez is taking control over private banks and confiscating large parcels of private property. And to make matters worse, Chavez is planning a new assault on the private sector in Venezuela by taking major steps towards nationalizing Venezuela's oil industry

that could hurt American oil companies, reduce production, and put further pressure on already high global oil prices.

He has already seized private oil fields if companies do not convert operating contracts to joint ventures in which the Chavez government assumes a majority stakeholder share. In free countries, that is called extortion.

Elsewhere in Latin America, Nicaragua, Bolivia, and Argentina, Chavez is forging alliances with Socialist groups and narcoterrorists. In Nicaragua, former Sandinista leader Daniel Ortega announced that local governments in Nicaragua that are friendly to Sandinista's cause would receive low-cost oil from Chavez.

Venezuela has been flagged as a major transit country for illegal drug shipments to the United States and Europe. In fact, more than one-third of all cocaine that reaches the U.S. travels through Venezuela from Chavez's allies' countries.

What is worse, at the same time Chavez is cracking down on freedom within Venezuela and exporting his Socialist revolution throughout Latin America, he has embarked on an alarming military build-up.

Chavez is receiving military and intelligence assistance and training from Fidel Castro's government; and he has tried to acquire nuclear technologies from Iran, and reports suggest that Iran has actively sought uranium supplies inside Venezuela.

I have introduced a resolution that addresses these problems and expresses our support for the people of Venezuela to restore democratic institutions. I urge my colleagues to join me in fighting for freedom for the Venezuelan people.

Mr. Speaker, Hugo Chavez seeks nothing less than absolute authoritarian power. He despises freedom. He is determined to alter the balance of power in the Western Hemisphere, and he is leveraging his nation's oil supply to do all he can to achieve his dream of a unified, socialist Latin America.

After all, it was Chavez himself who, with Fidel Castro by his side said, "Fidel, 'I think you were always right: It's socialism or death.' "

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.)

□ 1930

## WE NEED ACTION NOT JUST TALK

The SPEAKER pro tempore (Mrs. DRAKE). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, when you become President and Vice President of the United States, but you have spent your life in the oil industry, I suppose it isn't surprising that decisions that you might make when you are President and Vice President would result in your enriching yourself more from the industry in which you had spent your life.

It may not be surprising that gasoline now in this country is well over $3 a gallon, and imported oil over $70 a barrel, two-thirds of what we consume in making that gasoline coming from the most undemocratic places in the world, Saudi Arabia, Kuwait, Venezuela, Colombia, Nigeria.

It is interesting, if you look at the President and the Vice President, the President spent his life in Midland, Texas, really drilling that community dry, and then he and his family founded the Zapata Oil Company and made relationships with oil companies in Mexico.

The President that we have now had investments in Bahrain prior to his becoming President of the United States. And the Vice President, of course, was the CEO of Halliburton, which got all of those noncompetitively bid contracts in Iraq.

We watched the former President Bush become a major partner in the Carlisle Group, getting big money from all the oil-producing countries in the Middle East and huge investments and speaking fees from these very same places. Is that merely coincidence?

Yesterday, at long last then we see President Bush make a cameo appearance before the Renewable Fuels Association, and he gave a speech that many people had been waiting years to hear. He said in the speech we needed an investigation of why prices are going up the way they have over the last year. I would like to respectfully suggest to the President we need more than an investigation. We need new energy, new energy leadership by the President and Vice President. We don't need any more studies, and we don't need any more investigations.

The President said that every car can run on 10 percent ethanol. Well, where is his action plan to do it? That is what many of us have been arguing, not just this year, not just last year, going back to the beginning of his administration when we pushed for a renewable energy title as part of the farm bill, and his administration has barely funded it, and they fought it every step of the way inside this Chamber.

Now, the President said that with small changes some cars can run on E–85, a blend of 85 percent ethanol and 15 percent gasoline. Mr. President, there are more than 5 million cars, trucks, vans on the road that will run on 85 percent ethanol right now. Every major manufacturer has announced major efforts to produce more E–85 vehicles. DaimlerChrysler announced two more just this week. Guess what, Mr. President? The drivers can't get the fuel for the cars they have bought. What are you doing to help America develop the infrastructure for these new fuels?

The President talks about increased research for new forms of energy, but what are we doing with the research we already have? Where are the Federal standards requiring Federal buildings to use more solar energy? How about the White House itself? How many Federal facilities are putting wind generators on their own property to develop energy? How many of our military bases are converting to biodiesel and to ethanol? When will the Chevy Suburbans that escort the Presidential motorcades actually use E–85 as an example of what can be done? I encourage the President to put a gas pump right over there at the White House.

The President can talk about not buying oil to place in the Strategic Petroleum Reserve to help hold the price of gasoline down by a penny or two, but why is he letting America continue her addiction to imported oil? Wouldn't a good way to break with the past be to rename the Strategic Petroleum Reserve as the Strategic Fuels Reserve and start filling it with stocks of ethanol and biodiesel that can be rotated through the fuel supply system to help make these new fuels a bigger part of our energy mix? I introduced H.R. 3345 last year to do just that. I invite the President's endorsement of that effort.

We need real action for today and tomorrow, not more of these false promises. We really don't need to build any more oil refineries when we are trying to move to new sources of energy. That would be like building more horseshoe factories when the automotive age was dawning.

We need to mandate that oil companies use their exorbitant properties to put E–85 and biodiesel pumps in the ground right now across this country and to use some of their profits to do that.

We need to help our country, not just let these companies enrich themselves and their top executives more. Then the millions of vehicles that are already on the road could help lead America to a new energy future.

We need a President that gives us some action, not just talk.

We need legislation like the Biofuels Energy Independence Act, H.R. 388, my bill to provide additional financing for the marketing, production, and distribution of biofuels, as well as the establishment of a biofuels feed stock reserve held by our farmers.

We need legislation like H.R. 1398, my bill to require that by 2010 gasoline be blended with at least 10 percent ethanol, and that diesel be blended with at least 5 percent biodiesel. We need standards that give us quantifiable goals against which we can measure progress, and to which we can hold ourselves accountable.

In short, Mr. President, while we appreciate your kind words and good wishes, we are begging for your active support in the form of realistic budget requests, speedy implementation action by agencies, and a commitment to making a difference not 10 years from now when your administration has its place in history but in the remaining days that you have to make a difference that can be felt in every

American home, every American business, and every American community.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

(Mr. RAMSTAD addressed the House. His remarks will appear hereafter in the Extensions of Remark.)

COMMEMORATING MILITARY SERVICE OF FOUNDERS OF STATE OF GEORGIA AIR NATIONAL GUARD FIGHTER AIRCRAFT WING, 54TH FIGHTER WING.

Ms. MCKINNEY. Madam Speaker, I ask unanimous consent to address the House out of order for 5 minutes.

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

Ms. MCKINNEY. Madam Speaker, I rise today to commend, celebrate and commemorate the military service of Brigadier General ''Big John'' Collins, Lieutenant General Cuthbert A. ''Bill'' Patillo, Major General Charles C. ''Buck'' Patillo and Major General Joel B. ''Bill'' Paris.

These four generals were, in the year 1946, founders of the first State of Georgia Air National Guard Fighter Aircraft Wing, the 54th Fighter Wing.

Big John Collins is a friend of mine. This friendship began when my efforts resulted in him getting his long overdue war medals. Big John had tried for 20 years to get his medals. And he was a pilot. Bill and Buck Patillo are identical twin brothers who, along with Bill Paris, flew Republic Aircraft Corporation P–47 Thunderbolt fighter aircraft. These four pilots formed a tight ''Diamond'' attack formation.

These four pilots were ordered to fly at air shows around the State of Georgia to boost enlistments in the Georgia National Guard. The idea was a great success; so successful, in fact, that the increase in Georgia enlistments came to the attention of the National Guard Bureau at the U.S. Air Force headquarters at the Pentagon. This work of these four pilots was the foundation upon which the U.S. Air Force Thunderbirds Precision Flying Team was created to rank along with the Blue Angels Precision Flying Team of the U.S. Navy. Air Force Chief of Staff General Hoyt Vandenberg credited the Georgia Air National Guard with being the founders of the Air Force Thunderbirds Precision Flying Team.

All four of these pilots are alive today. They are healthy, and they are happy to have their service recognized in this way. Although the Patillo twins now live in Valrico, Florida, near McDill Air Force Base, I am proud to say that they were born in my district in Decatur, Georgia. Bill Paris was born in my home State and still lives in Georgia, in Alpharetta. Big John Collins, my friend, was born in Oklahoma, raised in Bradenton, Florida, but saw the light and found his way to Georgia where he has lived since 1939. I think he found our sweet Georgia peaches too irresistible to leave.

Bill Paris was a leading fighter pilot ace destroying nine Japanese aircraft. Bill Patillo destroyed a Japanese version of the German ME 262 rocket-powered fighter, one of only three of such fighters destroyed worldwide in World War II. Plus Bill destroyed five other Japanese aircraft. Buck Patillo destroyed five Japanese aircraft. And big John Collins, my constituent who has now become my friend, shot down three Japanese fighter aircraft. Sergeant James Campbell shot down two Japanese fighter aircraft. Sergeant Donald Schopp shot down one Japanese fighter, making a total of six enemy fighters downed on one mission. Plus one Japanese war ship exiting Simpson Harbor at full speed was destroyed. Big John Collins led an attack on Tobera Air Drome, destroying numerous Japanese aircraft on the ground.

Bill and Buck Patillo, Bill Paris and Big John Collins collectively received the following combat medals: 4 Silver Stars, 9 Distinguished Flying Crosses, 9 Legion of Merits, 36 Air Medals, 5 Distinguished Service Medals, 9 Presidential Unit Citations, 4 Government of the Philippines, 2 Croix de Guerre with Palm, US SWPA medal with 9 major campaign battle stars, 121 various noncombat service medals.

Sixty years after the conclusion of World War II, all Americans should renew and rededicate their honor for the noble sacrifices, valorous deeds and enduring accomplishments of military veterans of what has become known as the greatest generation.

I would also like to commend my sister colleague, Congresswoman MARCY KAPTUR, who just spoke, who fought hard to get a memorial on the Mall for them, the greatest generation, including for my four Georgia pilots.

Congratulations to them all for a job well done.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 5 minutes.

(Mr. OWENS 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 Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER 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 Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes as the designee of the minority leader.

Ms. WASSERMAN SCHULTZ. Madam Speaker, Members of the House, it is a pleasure to be here tonight as the 30-something Working Group takes the floor each night to talk about our concerns, both as it relates to our generation and our generation's perspective, and also as it relates to the issues that are important to America.

I can tell you that our thanks goes out to our minority leader, Ms. PELOSI and Mr. HOYER. We have been given the privilege to come to the floor and talk about the concerns of all Americans. And, boy, Mr. RYAN, who I am pleased that you have joined me once again tonight, we have been spending quite a bit of time together in the last 14 months since I joined you in the United States Congress, and it has truly been an honor and a pleasure.

There is sure a lot to talk about. We are facing so many different crises, so many different crises of the confidence of Americans, that it is hard to know where to begin sometimes when we take the floor each night. But I know that the thing that is most on the minds of at least the constituents that I represent, and I am certain the ones that you do, because no matter where we go now, particularly in the last 2 weeks when we were home, gas prices and the energy crisis, because there is no other term you can apply to it, that we are in right now is foremost on the minds of Americans. It is virtually impossible for many Americans to be able to afford to get themselves around their communities. Even when they have mass transit, we are literally stuck in the present. We are stuck in neutral, and it is time to shift into overdrive when it comes to looking towards the future and pursuing alternative energy sources.

I mean, when is there going to be some leadership on the Republican side of the aisle here? When is there going to be, instead of political scrambling at the last minute, which is what we have seen in the last several days when now we know they have reached the point of no return in terms of being forced to respond to what is going on with gas prices, when are we going to see some leadership step up? When are we going to see some backbone?

It is just astonishing to me that I guess our Republican colleagues are willing to ignore the concerns of their constituents, ignore the plight that they are facing. You can't turn on the news anywhere in this country and not see a reporter sticking a microphone in one of our constituents' faces and saying, you know, how are you able to afford to fill up your tank? It is mind-boggling.

I yield to the gentleman.

Mr. RYAN of Ohio. So many of our constituents rely on travel to make a living. And I was talking to a gentleman last night who worked for a lab, who was doing a lot of traveling between the labs. And he is charging 30, 40 bucks a day, and that is just the cost of doing business. And trucking, you know, people in the trucking industry are having a difficult time. But average people, as you said, just trying to make a living and get to work, are having a difficult time.

I think this comes down to a couple of different issues, Madam Speaker. This comes down to leadership. And this comes down to, again, and I hate to say it, but the secretive way in which this administration and this Congress do business.

□ 1945

And the leadership, the President, here we are talking about alternative energies. How long have we been talking about figuring out how we are going to find alternative energy sources and what we are going to do and everything else? But yet this Republican majority has not been able to come up with any kind of vision. And the really terrible part was when the President was here for the State of the Union and he said we are going to come up with an alternative energy program that will cut in half by 2025.

Ms. WASSERMAN SCHULTZ. To end the addiction to oil

Mr. RYAN of Ohio. To end our addiction to oil by 2025, if we get around to it, and it will only be in half. And there is not the urgency that I think our constituents are feeling right now. Let us do something. You have the ability as President, especially after 9/11. He could have marshaled our country and put us in another direction to say we want to reduce our dependency on foreign oil, we want to reduce the cost of gas, and we want to move in another direction. He could have done that because we were all ready to do whatever he wanted us to do. We would have walked to work. We would have rode bikes. We would have done whatever the President asked us to do. But he did not challenge us to do anything.

Ms. WASSERMAN SCHULTZ. And you sort of scratch your head and wonder who is it that he is listening to? Who is it that he is hearing? Because it is certainly not the average American.

I am a mini van mom, as you heard me say here on this floor. I drive a mini van and I am schlepping my kids all over the place, soccer and baseball and dance class and all that stuff, and let me tell you it is no less than $50 to fill up my minivan every single time I need to fill up. And fuel economy is one thing and one could argue, okay, DEBBIE, you should drive a smaller car, you should do what you can, take some ownership and some accountability and try to consume less gas. But when you have three kids, I have twin almost 7-year-olds and a 2½-year-old. There is only so small a vehicle that you can drive with all the stuff and getting your kids around and having to carpool and throw other kids in the car with you. I mean some of the external advice is just not doable. So when you need to drive a vehicle of a certain size, out of necessity, it is going to cost you $50.

Mr. RYAN of Ohio. I have a Pontiac Vibe. You could not handle your kids in the little Vibe because I barely fit in the thing myself. I have to sit in the back seat and drive from the back seat so my legs fit all right. But, yes, exactly. It is that kind of lack of compassion, lack of understanding of what average people go through, a total disconnect; kind of like when the Vice President said a few years ago, conservation, that is a good personal virtue to have, but as a Nation it is not really a good policy. Wait a minute. It is not maybe the be-all, end-all, but it is a piece of this puzzle that we need to put together to figure out how we are going to do this.

And I think it is important for us to share not only the costs that you have there, and I will let you show that, but then I want to talk a little bit about back to 2001 when this whole thing was concocted and all this was happening. So go ahead.

Ms. WASSERMAN SCHULTZ. Absolutely. Let us do that. Because the thing that astonished me was that only yesterday did the President make a statement about doing something. And believe me, that statement was only a token statement. He laid out some four-point plan where he is going to try to hold suddenly the oil companies accountable. Holding them accountable? I mean, give me a break. It is a little late in the game now that we are 6 months from an election. Is that not convenient? Is that not nice?

I will tell you I have only been here about 14 months and I am less senior than you. You have been here for at least a couple of years before me. During the time that you have been here, that I have been here, where has the outrage been? Where has the outrage been?

We are only going back to 2002, but in 2002 the summer gas prices, the average price of a gallon of gas was $1.39. You could hear a pin drop, it was so quiet, the reaction from the administration. Okay. No outrage from $1.39 a gallon. Then $1.57 a gallon, a third more, just a summer later. No end in sight. No proposal. No initiative to ease the burden and head this problem off at the pass. A summer later, 2004, $1.90. Now we are approaching almost $2, almost, but one-and-a-half times the cost from the summer before that. No end in sight. No proposal to stem the tide. No proposal to urge the oil companies to diversify or pursue alternative energy sources.

Go to 2005, last summer. Now, last summer was when you really knew that the pressure began to rise. I mean, the boiling point was reached last summer. Last summer was when I really thought okay, there is no way that they can ignore this anymore; yet ignore they did. They reached $2.37 a gallon as the average price of a gallon of gas. And simultaneously last year, in my first year in Congress, two energy bills, two energy bills passed that gave 16 billion, with a ''b'', dollars away to the oil companies.

What we talked about last night I will reiterate again: The United States Government owns the areas in which we allow the oil companies to drill. Whether it is the drilling rights that we grant them in the gulf, in bodies of water, or on land, we own them. And they are supposed to pay us royalties and make tax payments to us in exchange for their being able to drill there. Those two bills that we passed last year, Mr. RYAN, forgave those taxes, essentially gave the oil companies those rights for free. And we have a chart that we will put up. Hopefully we will be able to get access to it. It is stuck in an office, but we will get that chart up here in the hour after next. RECORD profits, both individual quarterly profits that the oil companies made and historical record profits. We are giving tax breaks to companies that are making record profits and providing no relief, no assistance, no urgency to the American people who are struggling to get themselves to their jobs, to get their kids to school? Where is the outrage? It is just of the oil companies, for the oil companies, by the oil companies. That is the kind of policy that is made here.

And before I yield to you, to add insult to injury, on top of that legislation, forgiving the taxes, if you recall, one of those energy bills was one of the bills that the Republican leadership held open the vote for 40 minutes, twisting the arms of our Republican colleagues who knew that bill was the wrong thing to do, who knew we should be doing something about an energy policy, who had their arms wrenched behind their backs. And we watched our vote board that hangs above us, that lights up above us, the Christmas lights, red to green, green to red, all

over the map for 40 minutes until they got their way. Forty minutes. The rubber-stamp Republican Congress did the bidding of their leadership and the bidding of the President and the bidding of the oilmen in the White House. It is disgusting.

Mr. RYAN of Ohio. When the average person hears that their tax dollars that they work hard to make and they send the Republican Congress down here to spend on Medicare and defense and all the other things, when they hear that $16 billion of that went to subsidize the oil companies when they have the highest profits that they have ever had, that is the outrage. And I think the American people are outraged. The Republican bobble-head Congress here who will say yes to whatever President Bush wants, I do not feel the outrage yet from them. And I think this is what our friend, former Speaker Newt Gingrich, said about the Republican Congress, that they are seen by the country as being in charge of a government that cannot function. This is what is happening here. When you have the leader of the Republican revolution that has turned into a devolution saying the government just cannot function, they do not know how to run the government, you are facing it every day at the pumps, Madam Speaker, and the American people are facing this every single day at the pumps.

I want to talk just for a second, because I thought it was interesting that the President said with great enthusiasm that he wants to hold the oil companies accountable. So, Madam Speaker, I have a suggestion. Now, let me share some information with our colleagues here. We have heard a lot about this too. When they were trying to decide what they were going to do for the energy bills years ago in 2001, the Vice President was having meetings that no one knew about, and he was having them with the oil executives, which should not surprise anybody, figuring out that the President and the Vice President both came out of the oil industry. So what has recently happened is that a White House document came out that showed that executives, and this is a third-party validator, this is the Washingtonpost.com, a great newspaper here in town. The White House document shows that executives from big oil companies met with the Vice President's energy task force in 2001, something long suspected by environmentalists but denied as recently as last week by industry officials.

Now, here is what the document says, just so we can get into it. Because this sounds just like Katrina, this sounds just like the war, this sounds just like the Medicare bill, this sounds just like every piece of legislation that has come out of this Congress that the President has pushed. It has been done under a cloud of deceit, Madam Speaker, misleading statements to not only the United States Congress and Members of the United States Congress, but to the American people, Mr. DELAHUNT. But to the American people.

And let me share, as recently as just last week, this document that came from the White House, obtained by the Washington Post, shows that officials from ExxonMobil, Conoco before its merger with Phillips, Shell Oil Company, and BP America, Incorporated, met in the White House complex with CHENEY's aides who were developing a national energy policy, part of which became law. So you would think, well, the Vice President's staff is meeting with BP Oil executives.

Last week in a joint hearing of the Senate Energy and Commerce Committee, the CEO of ExxonMobil, Chevron, and ConcocoPhillips said their firms did not participate, Mr. DELAHUNT, in the 2001 task force. We have got somebody telling us a falsehood, someone misleading us.

So if the President wants to hold the oil companies accountable, let me recommend, Madam Speaker, that people can be fined or imprisoned for up to 5 years for making ''any materially false, fictitious, or fraudulent statement or representation to Congress.'' So everyone denied they had anything to do with this meeting in front of a Senate panel of the Energy and Commerce Committee, and they were there, and we have got all these gas prices and we are wondering about price gouging and everything else, Madam Speaker, and the oil companies are saying, well, we are not price gouging. Well, you know what? Maybe we just do not believe you, because you have a track record here of misleading statements, secrecy. And it hurts me to say that people in Youngstown, Ohio are forced to foot the bill here.

Ms. WASSERMAN SCHULTZ. I yield to Mr. DELAHUNT.

Mr. DELAHUNT. Well, I can assure you, Mr. RYAN and Ms. WASSERMAN SCHULTZ, there will not be any oversight. There will be no investigation because this Congress simply will not do it.

If there is one theme that has characterized the 6 years of this administration and the 6 years of control of the House of Representatives and the United States Senate by the Republican Party, it is a lack of transparency, is secrecy, is a refusal to be held accountable. And much of the responsibility comes right here to this institution.

Now, let me just divert for one moment and cite the example of accountability and oversight in the case of the war in Iraq.

□ 2000

Both the decisionmaking process that led us to intervene militarily in Iraq and what has happened since the so-called major combat phase was announced.

Mr. RYAN of Ohio. ''Mission accomplished.''

Mr. DELAHUNT. It was announced by President Bush as he flew in and landed on that aircraft carrier saying the mission was accomplished.

I happened to be the senior Democrat on a subcommittee of the International Relations Committee, that in that particular capacity I, along with other Members, Democratic Members, have requested again and again and again an opportunity to ask some questions about the whole array of issues, the fraud and the corruption that has absolutely gone wild. It is the Wild West. Everybody that has come back from Iraq that has been in a position to observe and witness the corruption by contractors, by Iraqis, by Americans, by other foreign nationals says it is unlike anything we have ever seen.

Well, you know how many hearings we have had? Let me rephrase that. Something unusual happened today, more than 3 years after the end of the so-called combat phase. The House International Relations Committee had a hearing on Iraq, and witnesses from the administration actually appeared and testified. I am not even going to comment on that hearing, but I would commend Members from both sides of the aisle to go and to read the transcript in the CONGRESSIONAL RECORD, because we had an opportunity to ask some questions. Clearly, clearly, at least on the Democratic side, no one was satisfied with the answers, but we had the opportunity.

Madam Speaker, this is 3 years after March and May of 2003; 3 years later.

Now, an effort was made by some of our colleagues saying, well, we have had hearings. Well, we have had hearings, but I don't know where we had them, because we certainly haven't had them in a room that the American people can observe what the answers were.

Ms. WASSERMAN SCHULTZ. If the gentleman would yield for 1 second, there is a little bit of irony here. Today is April 26, 2006, and we are about 6 months from the election. Isn't it interesting that today, suddenly 6 months before the election, as the heat is intensifying, and elections get closer, and the concern increases on the part of our Republican colleagues about the likelihood of their losing quite a few seats as a result of their not doing what they should have been doing, it becomes more and more of a likelihood and a reality that hearings are beginning to be held, the President is rolling out plans to address the energy crisis and gas prices?

You know, the American people are a little bit smarter than that. They get it. They get when scrambling is going on, when people are trying to, hmmm, I guess the best way to put it is to save their tuchases. That is a Yiddish term, for those of you that don't know what it means.

Mr. DELAHUNT. I think we know what it means.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. DELAHUNT. But the reality of it is it isn't even the issues themselves, because they stonewalled on the 9/11

Commission until public pressure compelled them to agree to have an independent commission; they would not release the e-mails and other documents in terms of both before Katrina landed on the Gulf States and afterwards from the White House, and they refused to do an independent commission there; and in Iraq we have had no hearings until today.

I thought it was interesting that, like I said, some of the Republican Members said, well, we have had hearings. Well, the subcommittee that has jurisdiction, of course, is the Middle East Subcommittee, and the ranking member Mr. ACKERMAN went through his own records and looked all through the year 2003 to see how many hearings even peripherally might have been related to Iraq. None. None.

In 2004, in all of 2004, that particular subcommittee had one hearing related to Iraq, but it was about the United States and the Iraqi marshlands, an environmental response.

In June of 2005, the next year, there was a hearing on Iraq's transition to democracy. Nothing about all of the other obvious issues that were begging out to be addressed; the competence of the civilian leadership and the role of Secretary Rumsfeld and the disagreements with the military that have performed so well in terms of their service in Iraq.

Ms. WASSERMAN SCHULTZ. I was just going to suggest that you put some of the comments from the generals up on the easel.

Mr. DELAHUNT. Do you know what? We really do have some heroes in this country, people who will speak out and tell the truth and who are not afraid of laying it on the line. If I could indulge you, Mr. RYAN, and you, Ms. WASSERMAN SCHULTZ, I think we have got to recognize what these nonpoliticians, who were leaders in Iraq, the men and women who served this country, had to say about the competence of Secretary Rumsfeld and the civilian leadership in the Department of Defense. If you would indulge me.

Back in March of this year, Major General Paul Eaton, who was responsible, by the way, for the training of the Iraqi security forces, had this to say in reference to the Defense Secretary. Now, these are his words; not my words, but his words. ''He has shown himself incompetent strategically, operationally and tactically, and is far more than anyone responsible for what has happened to our important mission in Iraq. Mr. Rumsfeld must step down.''

That was a Marine general, highly decorated, well-respected and regarded by his colleagues and peers, Paul Eaton.

Ms. WASSERMAN SCHULTZ. While you are putting up the other very damning commentary from the myriad of generals that have called for either Secretary Rumsfeld's resignation or for the President to ask for that resignation, I think it is important to point out that in the face of that unprecedented pressure and unprecedented nonpolitical motivation, because certainly the motives of retired generals could not be questioned, the status quo is being preserved, a steadfast, benign status quo, and that is just yet another example of the bobblehead, rubber-stamp Republicans.

Mr. DELAHUNT. Not a single hearing. I would think, Madam Speaker, if there was a genuine desire on the part of this House to examine in depth the truth of what is happening in Iraq and in the real world, we would have those generals, Madam Speaker, come before the appropriate committees of this House and inquire of them why they make these statements, such as the statement last Thursday by retired Army General John Batiste, again Defense Secretary Don Rumsfeld. Again, I am quoting this American hero.

''We went to war with a flawed plan that didn't account for the hard work to build the peace after we took down the regime. We also served under a Secretary of Defense who didn't understand leadership, who was abusive, who was arrogant, who didn't build a strong team.''

Now, you know, Ms. WASSERMAN SCHULTZ, that the Defense Secretary has come here on the floor of this House, Madam Speaker, in this well, and behind closed doors has briefed us, but we never hear from those generals. We never hear from the generals, Madam Speaker.

Why? Why can't we have a hearing and invite Paul Eaton, a former general in the United States Marine Corps, and Retired Army General John Batiste? Why can't we do that? Is that asking too much, Madam Speaker? Is that asking too much, to let the American people hear for themselves? If there is an answer to that, will someone please give it to me? We haven't had the exercise of any oversight on Iraq ever. Ever.

Ms. WASSERMAN SCHULTZ. You know what else I noticed in the last 14 months since I have been here in my experience is that we haven't had a single Republican come to the defense of these generals or agree, step forward and agree with them. My belief in terms of our role here as public servants is that sometimes you can't be afraid to stand alone. You have to be willing to stand up for the courage of your convictions, even when no one is behind you, because you are the one that has to wake up and look at yourself in the mirror in the morning and know you have done the right thing, and you are only with yourself at the end of the day when you put your head on that pillow.

What I have noticed is not a single colleague of ours on the Republican side of the aisle has stepped forward and said, yes, it is time for Secretary Rumsfeld to resign; it is time for some fresh blood, for some new ideas, for some acknowledgment that it is not going in the right direction.

Why? Because this is what we have on the other side of the aisle in this Chamber. We have bobblehead Republicans. We have people who just shake their head up and down and up and down and are willing to just rubber-stamp whatever it is that they are asked to support, or oppose, for that matter. It is astonishing.

Mr. DELAHUNT. But don't we owe it to the American people, Madam Speaker, to hear directly in the United States Congress at a full committee hearing from General Paul Eaton, from Army Major General John Batiste, and also from Marine Lieutenant General Gregory Newbold? Again speaking about the leadership of Donald Rumsfeld, these are his words. ''My sincere view is that the commitment of our forces to this fight was done with a casualness and swagger that are the special province of those who never had to execute these missions or bury the results.''

□ 2015

Those are very, very powerful words. This is a very tragic and special moment in American history, Madam Speaker. We are at war. We have lost thousands of men and women in this war. The American taxpayers have spent hundreds of billions of dollars in this war.

And, Madam Speaker, why can't we hear from those generals in a public forum? Why? Well, I am not going to reach a conclusion as to what the answer is.

Ms. WASSERMAN SCHULTZ. I know the answer. For the same reason that there has been no accountability, for nothing that Congress should have been exercising its role of oversight of this administration. Where were the independent hearings as far as Katrina? Where were the hearings for the culture of corruption? Where is the Ethics Committee and its total lack of operation in investigating case after case of Members on the other side of the aisle who have violated and been accused of violating the public trust? Where has the outrage been?

The answer is the same, Mr. DELAHUNT. They do not care, on the Republican side of the aisle, to exercise Congress' oversight role. They have ceded, willingly, the legislative branch's oversight role, ceded the authority to the executive branch.

And you know, I have been a legislator for 13 years, it is almost 14 years now. It is the thing that I believe we should most jealously guard, our oversight role, the system of checks and balances, our ability to hold the administration, the executive branch, accountable, even when it is our own administration.

I mean, there certainly was not any hesitation on the part of this Republican Congress to hold the administration accountable and have plenty of hearings from the most minute and unimportant to the significant when there was a Democratic President. But

oh, no, as soon as there is a Republican President, we do not need to ask him any questions, we are just going to let them do whatever they want.

Why? Because they are perfectly happy to be a rubber-stamp Republican Congress. I think the American people are sick and tired of not having people here that serve in the Congress that they send here to stand up and do the right thing, express outrage, understand what they are going through.

I mean, I do not know how some of the constituents, the citizens in America, are tolerating their Member that they have elected staying silent on all of these important issues. I do not get it.

Mr. DELAHUNT. You know, I think it is important to understand that in a democracy, if we are going to enjoy the full measures of citizenship, that those in power, those elected representatives of the people have to act in a transparent way and have to exercise that responsibility to hold accountable all those representatives of government transparency.

I mean, we can have disagreements, and we can do it in a very respectful fashion. But if we do not have the information, if we do not have the facts, if we never hear the truth, then we are doing a disservice to the American people, because we are denying them the opportunity to enjoy the full measure of being an American citizen.

Ms. WASSERMAN SCHULTZ. Well, you know, it is getting ready to happen again tomorrow. We are going to watch them deliberately squander yet another opportunity.

Do you remember several months ago when the Jack Abramoff scandal broke, and he was exposed, and indicted and arrested, and decided to plead guilty and began implicating people who he worked with and who he collaborated with? There were calls from the Republican leadership that they were going to do something about this, make the process more transparent, restore ethics to undergird the American public's confidence in this system.

And that was all supposed to culminate in tomorrow's legislation that we will hear in this body, what the Republican version of lobbying and ethics reform is, Mr. DELAHUNT.

We are all about third-party validators in the 30-something Working Group. I have third-party validators just initially to compare Republican proposals on lobbying reform with the proposals that are coming out of the United States Senate, from the Republican leadership there versus the proposals coming out of the Republican House.

And this was on the front page of USA Today just a couple of days ago, on April 24, just on Monday, the two proposals coming out of the two Republican-led Chambers. Look at the differences, Mr. DELAHUNT, that we have here.

This is the difference between the lobbying legislation the Senate and the House of Representatives, the gift limits that are proposed in the legislation coming from the Senate.

And, again, this is right off the front page of USA Today. The Senate version of the bill would say that Members could receive no gifts from lobbyists to Members or their aides. None. A ban.

The House version of the bill tomorrow, we would have no change from the $50 limit that is current law. That is transparency? That is a restoration of America's confidence that Members are up here doing the job that they were elected to do? Status quo. That is the reform that we are going to consider tomorrow.

The lobbying ban. Right now, former Members have a 1-year ban before they can come and represent clients in front of Congress and contact their former colleagues and advocate on behalf of those clients. The Senate would double that time to 2 years, at least, so that there would be some distance between the time of service that a Member was here and the people that they served with.

And so the idea behind a 2-year ban, Mr. DELAHUNT, is that at least some of the issues that that Member was voting on, that the Members that they were working with, that there is some distance between that time, and that way hopefully you are not going to have undue influence occur. The Senate doubled that to 2 years.

In the House, again this is off the front page of USA Today, there would be no change. The current 1-year time limit would still remain in place.

Let us look at congressional travel. Travel sponsored by lobbyists, again off the front page, in that same graph on the front page of USA Today. The Senate legislation that deals with travel by Members sponsored by lobbyists would say that they have to have preapproval in order for a Senator to travel with lobbyists, on a lobbyist-sponsored trip. The Senate legislation said that that would have to be preapproved by their Ethics Committee.

You know, interesting proposal. There are several ways you can do it. We will go one step further in our proposal, which we will go through in a second. But the House version, this is funny; it is so sad that it is funny. The House proposal tomorrow that we are considering on travel says suspend travel until December 15.

What are they hoping, that we get past the election and people will forget? Or maybe we get past the election and it will not matter anymore and they can just go back to taking trips to Scotland and playing golf when they are supposed to be doing the people's business?

I am not sure who they are trying to kid. It is just truly unbelievable, Mr. DELAHUNT. Their nerve is amazing. So I just wanted to outline that is the difference between the Republican proposals.

Now, I want to just take a minute and go through what the Democrats would do. You know we hear so much that, you know, all the Democrats do is criticize and, you know, we do not have a plan for this, that, or the other thing, which of course we spend each night here trying to outline the plans that we do have, and debunk that oft-repeated myth, which is truly mythological, because we have numerous plans which we will continue to outline.

But let us look at the House Democrats' lobbying and ethics reform proposal, where we would truly crack down and get tough on the culture of corruption and cronyism that exists here. It is called the Honest Leadership and Open Government Act. If that is what we are considering tomorrow, which I truly wish we were, then the gift limits that Democrats proposed would be a ban on gifts including meals, tickets, entertainment, travel from lobbyists and nongovernmental organizations that retain or employ lobbyists. Because, you know, what we could debate, we could have a legitimate debate, I think, Mr. DELAHUNT, on whether or not particularly nongovernmental organizations should be able to sponsor Member travel, those educational trips that I have taken in the time I have been here, once or twice, that are truly helpful.

But, you know, unfortunately, you know that old expression where they talk about the one bad apple spoils it for the whole bunch. In order to restore Americans' confidence in their government, a change like we are proposing, just a total ban would do that. You got to go that far. But that is not what we are considering tomorrow. We are considering just holding off on travel until December 15, squeezing our eyes shut and hoping the problem goes away.

A lobbying ban. We House Democrats would propose, do propose, a 2-year ban for former lawmakers, executive branch officials and senior staff, that they could not represent clients and contact former colleagues for 2 years. It would eliminate floor and gym privileges for former Members who are now lobbyists.

It would require Members and senior staff to disclose outside job negotiations, because the K Street Project, the infamous K Street Project where you have the revolving door of negotiations going on, while staff, while Republican staff are still here working for the public, negotiating lucrative private deals to leave here and then, you know, within a year, representing clients and lobbying their former colleagues.

And the pressure that the K Street Project applies for those private firms to hire those Republican staffers, we would end that practice in the Honest Leadership and Open Government Act.

And finally, these are just highlights. Actually this proposal is far more comprehensive than what is outlined here. Travel sponsored by lobbyists. We would prohibit lobbyists from planning or participating in congressional travel.

It would require Members to pay the full charter cost when using corporate jets for official travel and to disclose relevant costs in the CONGRESSIONAL RECORD. Literally, the piece of the legislation we are going to consider tomorrow, the only change, is corporate travel; in other words, when a Member is using the private plane provided by a lobbyist. Sometimes, you know, a Member needs to get somewhere quicker than commercial travel allows them to. The proposal tomorrow only prohibits the lobbyists from traveling with the Member on the plane.

They can still do it exactly as they do it now, but they cannot go with the Member. That is the accountability that is provided for in this bill. It is a joke.

You know the American people are not going to buy it. You know, the finger in the dike for the next 6 months and hoping that that gets them through. I mean, I am hopeful that that does not work. It appears that the American people finally get it and that they will be behind us in moving this country in a new direction. Sorry I took so long. That has been growing inside me.

Mr. DELAHUNT. Thank you for that exposition. I just want to return to the original theme. We are connecting the dots, because I think really what is required is an openness that heretofore has been missing. And I honestly believe that the dreadfully low polling numbers for the institution would be changed dramatically.

□ 2030

In other words, rather than 23 percent of the American people approving the performance of Congress, 23 percent as opposed to two-thirds of the American people disapproving of the performance of Congress, can only change with transparency and aggressive oversight.

By aggressive oversight, we don't simply mean partisanship and partisan attacks. We mean putting it all out on the table, letting men like these three generals and many others. I think of the former AID director, the Agency for International Development, who is currently at Georgetown University doing a professorship, who recently made a statement saying that the reconstruction effort in Iraq is plagued by incompetence and turf battles within the administration. It would be healthy.

It would be healthy for us, for the institution, because you said something earlier about the confidence of the American people. If we are going to change those poll numbers, we have to come together, assume our responsibilities and become aggressive about holding the executive branch accountable, holding ourselves accountable, as you just pointed out, and reviewing the performance of the judiciary.

We could debate about it, but let the American people hear directly, without the filter of partisanship, whether it be Democratic or Republican. Let them hear directly as to the observations of those that are involved in whatever the issue is.

I mean, I would suggest that in the aftermath of the passage of the so-called prescription drug benefit program, that aggressive oversight would have entailed bringing before the appropriate committee of Congress those who are involved in hiding from the United States House of Representatives and the U.S. Senate what the estimates were in the administration of the cost of that particular plan.

We should have all been outraged. We should have demanded to hear from the participants, but we didn't. We failed, I would suggest. And know what we have today? We have the lowest rating, I believe, since I have been here, by the American people, according to a poll that I just saw before coming over here, of the performance of the United States Congress. We are a democracy. We have got to become institutionalist once more.

We have got to defend the prerogative of the Congress, whoever is in the White House.

I will tell you what I have learned, Ms. WASSERMAN SCHULTZ, is that when one party controls all of the levers of power in a democracy, accountability just disappears. I am not saying that is peculiar to Republicans. Maybe it is innate just in human nature. We don't want to embarrass our President, if he is of the same party, but we have got to restore a sense of pride in the institution. That is not happening here today.

One hearing, one legitimate hearing on Iraq in 3 years? Meanwhile, thousands of military personnel have died, and we are spending close to $1 trillion already, and more in the pipeline. It is not right. That is why the American people are losing confidence in the U.S. Congress.

Ms. WASSERMAN SCHULTZ. There are lots of reasons, Mr. DELAHUNT, some of the ones you outlined, but many more reasons why the American people are losing confidence in our ability to make sure that we respond to their concerns. Here are some key facts that I pulled together that just might explain why people are so frustrated, aside from the major issues that we have been outlining here tonight.

Just for example, median income, median family income has dropped every year of the Bush administration. Median wages have dropped 6 percent from 2000 to 2004 according to the Federal Reserve Board. A typical middle-class family, and this is the 30-something Working Group, and we just want to provide some highlights of the things that this generation is struggling to deal with, the typical middle-class family is working longer than in 2001 just to pay the bills.

Health care costs have skyrocketed, with a typical family paying $632 more for health insurance, compared with 2000. The number of Americans without health insurance has increased by 6 million, while the number living in poverty has increased by 4.5 million since 2000. Gas prices are 62 percent higher than in 2001. Housing is the least affordable it has been in 14 years.

In my community alone, and I know your community is expensive as well, the average price of a house in south Florida is more than $300,000. Now how is a young couple, just starting out, who wants to reach the ability to buy their first home, going to afford that?

Come on, I am not that far from having bought my first home with my husband. Trust me, if the prices were like that in south Florida when we first started out, there is no way. We would be living in a shack, which many people in America are continuing to struggle to even be able to afford.

College tuition. Let us continue down the path of what young people are struggling with. College tuition has gone up about 40 percent, even if you take inflation into account, according to the college board in 2005. The number of employees in an employer-sponsored retirement plan dropped by more than 2.7 million from 2000 to 2004. That is Congressional Research Service, our objective Congressional Research Service that cited that statistic.

About 3.7 million employees have lost employer-provided health insurance since 2000. The median household debt has climbed 34 percent, to $55,300, from 2000 to 2004. The typical student graduates from college with about $17,500 in debt. While wages and salaries are at a record low as a share of national income, corporate profits are at a 60-year high.

Finally, the last statistic that I was able to pull together, just to outline what the average working family is struggling through, Mr. DELAHUNT, is that the number of U.S. billionaires reached a record of 793, which is up 15 percent from last year. It is no wonder that the American people are fed up with us and fed up with the lack of outrage, with the lack of leadership, and that the polling numbers, when you rate the Congress, are just hitting rock bottom.

Mr. DELAHUNT, I have really enjoyed the opportunity to spend some time here with you tonight. The last couple of minutes we will pull up our 30-something Working Group Web site, which we encourage the Members and anybody who is interested in getting the charts that we have outlined here tonight. They can access that on www.housedemocrats.gov/30something.

Madam Speaker, with that, we want to thank the Democratic leader for the opportunity to speak to our Members tonight, and we yield back the balance of our time.

## BEST CHEAP THRILL

The SPEAKER pro tempore (Ms. FOXX). Under a previous order of the House, the gentleman from Minnesota

(Mr. KENNEDY) is recognized for 5 minutes.

Mr. KENNEDY of Minnesota. Madam Speaker, in a story published today, entitled ''Best Cheap Thrill: Crystal Meth,'' the Minneapolis/St. Paul City Pages sunk to a nearly incomprehensible low. In that story the newspaper, and I use that word loosely, had the amoral audacity to advocate for meth use.

Its editor, Steve Perry, then dared to try to justify such lunacy by saying the point of the item was that it is impossible to make entirely too much of the drug hype of the hour.

Drug hype of the hour? Such a statement shows a shocking ignorance of the facts and an unparalleled insensitivity to the thousands of Minnesotans of every age and walk of life who are struggling to rebuild their lives. They were shattered by this alleged, quote, best cheap thrill of the year.

Comparing the harrowing experience of meth addiction to a cheap thrill is an unconscionable act, and it is a disgusting act. The City Pages should immediately retract this filth and issue an apology to every Minnesotan who has been harmed or knows someone who has been harmed by this drug.

Better yet, Madam Speaker, maybe the editors should do as I did and visit a drug treatment facility to see just what devastating harm this can cause to people and their families. I did yesterday visit Teen Challenge and talked to 300 Minnesotans that are struggling with an addiction. These brave souls are trying to piece their lives back together, and they would have plenty to tell Mr. Perry and his associates about just how much the pursuit of, quote, cheap thrills, unquote, like meth cost them in their lives and the lives of their families and friends.

Mr. Speaker, I cannot comprehend the shameful lack of responsibility exhibited by the City Pages and hope its pleas of recklessness fall only on deaf ears.

I remind the children of Minnesota that meth is not a drug hype of the hour. It is a drug whose dangerous addictiveness knows no bounds and must at all costs be avoided.

## MEDICARE PART D

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGREY. Madam Speaker, thank you so much. It is great to be here again tonight talking to my colleagues as part of the Republican health care public affairs team, and I am pleased that a number of my colleagues will be joining me, hopefully, during the hour, and we will be hearing from them later.

Madam Speaker, I ask this question. If there was a way to save more than $1,000 a year on your heating bill or your food costs or car payments, you would want to know about it, right? I know that my colleagues, I think on both sides of the aisle, would definitely want to know. Well, seniors are saving an average of $1,100 a year on prescription drug costs with the Medicare Part D prescription drug program, $3,700 a year for those low-income seniors who qualify for supplemental help. For many seniors, Medicare Part D marks the first time that they have been able to afford the medications that they need to stay well. For many more, Medicare Part D means they will not have to choose between their medications and other necessities like food and housing costs.

Madam Speaker, I wanted to start out by going through a couple of these slides and pointing out some of the statistics that really just literally jump off the page at you. More than 30 million seniors now have coverage under Medicare Part D. These are our latest statistics. More than 30 million. There are about 43 million Medicare beneficiaries, mostly because of age 65, and maybe 6 million of those because of a disability at a young age.

□ 2045

But when you look at here, and we have not even reached at that magic date yet in this first year, that more than 30 million now have coverage, it is an amazing success story.

And continuing that success story, pharmacists in this country are filling 3 million Medicare part D prescriptions a day. That is 3 million times a day that seniors are saving with prescription drug coverage. And many of these seniors were paying sticker price until they finally had the opportunity to save under this great addition to the Medicare program.

Seniors, as I said, are saving an average of $1,100 a month. And $1,100 a month is a great number and a great benefit in itself, and this is on average, but low-income seniors, of course, are paying now, under this program, $1 for a generic drug and up to $5 for brand name as a copay, and that is it. That is it. Let's say you are on 5 prescription drugs, and they are filled on a monthly basis, usually a 30-day supply. That is $5 a month, or $60 a year.

And I don't want you to just take Congressman Dr. GINGREY'S word for that, my colleagues. We have some stories, some anecdotes, to share with you, some actual patients that want to tell you more about that in these following charts. In fact, some of those very seniors are going to be up here on the Hill tomorrow for a press conference, and we will hear it directly from them. I look forward to that, and I hope many of my colleagues will have an opportunity to attend that press conference.

Well, the newspapers, sometimes we wonder if they give the facts as we know them. I want to share with you on this next slide some of the newspapers and what they are finally saying now that we are about 3 weeks away from May 15. And of course we all know that this bill was passed by this Congress, actually the 108th Congress, in November of 2003, and we have gone through the transition program with the Medicare prescription discount cards, where seniors were definitely saving money. Indeed, the low-income seniors got a $600 credit each of the 2 years. It wasn't quite 2 years, but for each of the 12-month increments they got a $600 credit, and then as we rolled into the actual insurance program January 1 of this year.

But listen to what the Washington Times is saying now. ''Even with the myriad prescription drug plans open to beneficiaries, seniors are not overburdened by choice, two recent surveys demonstrate. The surveys, sponsored by America's health insurance plans, show that of seniors who signed up for the Medicare drug benefit, the vast majority, 84 percent, had no difficulty, no difficulty, enrolling. And finding the right plan is worth the effort of shopping around, two-thirds said. For those who were automatically enrolled, 90 percent had little difficulty receiving their prescription drugs.''

The ones that were automatically enrolled, of course, were those seniors that we refer to as either dual-eligible, in other words, they are on Medicare and the State Medicaid because of their low-income situation, or their income is maybe not low enough to qualify for the Medicaid, but the State helps them pay their deductibles and copay under Medicare. All of those seniors, if they didn't sign up, they were automatically enrolled.

Now, listen to what The New York Times says, and this New York Times is not the bastion of conservatism, of course, as we know. ''Many seniors are clearly saving money on drug purchases. Complaints and call waiting times are diminishing, and many previously uninsured patients are clearly saving money on drug purchases.'' That was in an editorial in The New York Times on April 3, so just a couple or 3 weeks ago.

Well, I said at the outset, Madam Speaker, that I would be joined by some of my colleagues on the Republican health care public affairs team. We have a great group of Members who have expertise not only on this issue, but a lot of issues that we are taking the leadership on in regard to health care in this country, whether we are talking about leveling the playing field in regard to civil justice, so-called medical tort system; or whether we are talking about passing, as we have done so many times under this Republican leadership in this body, something that is referred to as association health plans, which allow small companies who really cannot afford to purchase health insurance for their employees when their numbers are small, 5, 10, 15 employees, to come together in a group and enjoy that benefit of purchasing a policy that is affordable to their employees, health savings accounts; or

our initiative on electronic medical recordkeeping and reduction of medical errors, Madam Speaker.

All of these things this Republican leadership is leading the way on, leading the charge on, and I am very proud to have some of my colleagues with me tonight. And especially am I proud to yield time to my colleague from the great State of Georgia, who just happens also to be a physician Member, and I am proud of that as well. And at this point I would like to turn over the mike to my good friend and colleague, Dr. Representative TOM PRICE.

Mr. PRICE of Georgia. Thank you so much, Congressman GINGREY. I appreciate the opportunity to join you today. I want to thank you for your leadership on this issue. You have been one of the stalwart champions of appropriate health care, health system reform, and come with such a wonderful background of information. You and I served in the State legislature in Georgia together, and now here, and it is just a privilege to join you tonight. I appreciate the opportunity to be with you.

I also want to thank the leadership for making certain that we bring this wonderful news, exciting news for America's seniors to the House of Representatives and to the Nation because it is a time of great opportunity for seniors all across our Nation. We are in a period of time right now, as you mentioned, that seniors are able to sign up voluntarily, voluntarily, and I think it is important that people remember that, it is a voluntary program, and participate in this new Medicare part D program.

As you mentioned, I am a physician as well. We used to practice together in the Atlanta metropolitan area. I am a third-generation physician. My father and grandfather were doctors as well. And the things that I was able to use to care for my patients were a whole lot different than those things that my father and grandfather were able to use, and that is because medicine is an evolving science. It is not set in stone. Things change, and things change virtually daily. But Medicare is a program that has not kept up with medicine. Medicare is a program that has not kept up with medicine.

When Medicare started 40 years ago, there were no drugs included in the program. In fact, drugs at that time, medications at that time really weren't used, well certainly weren't used as much as they are now, but weren't used to the percentage they were in terms of the numbers of patients who utilized medications, and things have changed a lot in those 40 years, as you well know, Madam Speaker.

Over the past 40 years, there have been wonderful opportunities for drug treatments to prevent and to cure diseases. Yet until now Medicare didn't include a single medication, not a single drug, in its plan. None. None. They would cover the expensive surgery it took to take care of a bleeding ulcer, but it wouldn't cover the drugs. It wouldn't cover the medications to prevent the ulcer in the first place. It would cover the surgery, the expensive surgery, and hospitalization to care for a patient that had a stroke, but it wouldn't cover the medications to control the blood pressure in the first place and prevent the stroke.

Now, that, Madam Speaker, certainly doesn't make any sense, and everybody appreciates that it didn't make any sense, and that is why this program was instituted. All that is changing now with the Medicare part D program, which, again, is voluntary, a voluntary program for seniors all across our Nation.

And I will tell you, Madam Speaker, that most seniors, most seniors, would be helped and assisted in their ability to purchase their medications by using this new program. Some say that it is confusing, that it is just too complicated. But when you talk to, as Congressman GINGREY mentioned, when you talk to those folks who have already signed up in these first few months of the program, they say that it really isn't that confusing. You just have to tackle it. And most of them, the vast majority, are remarkably satisfied.

I would encourage all of my colleagues, both sides of the aisle, Republicans and Democrats, to assist further in educating their constituents, educating their seniors about the program. I have held, as I know you have, Congressman GINGREY, a lot of seminars and meetings with seniors around our districts to help them understand about the program, what it means and what the specifics are, and assist them in being able to sign up for the program.

Those folks at CMS, the Center for Medicare and Medicaid Services, have been remarkably helpful as well in assisting seniors in my district, and I know yours and so many across this Nation, to be able to understand the nuances of the program. We need to remember, as we look at this program, that the Medicare program on December 31, 2005, had no medications available, and now it does, and now it does. And that is the important thing to remember for seniors.

Now, you mentioned the important date that is coming up: May 15. May 15 is the deadline to sign up for Medicare part D. It is a deadline that is necessitated because this is a new insurance. This is a new aspect of insurance. And unless individuals sign up by a particular time, then you can't reach the savings that you can get in this kind of program. So I want to commend all seniors to take a serious look at this.

Again, it is a voluntary program, but the vast majority of seniors will be aided by this. Unless seniors have had prescription medication covered through a previous employer, then it is likely that the seniors who could access this program would be benefited by it. I know that in my area all of the seniors that were on the Medigap plan to cover prescription medications, not a single one of those would be able to have access to a plan that is as helpful in terms of improving their health as this plan.

So this is a good program. It is a step in the right direction. It is not what all of us would have designed, I am certain, but it is a move in the right direction. And I want to commend my colleagues who will be here this evening to share information about this program with the House of Representatives and with our Nation and our Nation's seniors for their activity, and I want to thank you very much for the opportunity to join you tonight and commend you for your leadership on this, and I yield back to you.

Mr. GINGREY. Dr. Price, thank you so much for those comments. They are very accurate and very timely.

I know one thing that Representative PRICE mentioned about this deadline, and of course it is approaching. We are 3 weeks away. Of course, a 6-month window of opportunity that started November 15, and we have been doing town hall meetings, of course, since long before that and letting people know. I think there has been a tremendous amount of information both from the Committee on Medicare and Medicaid Services, CMS we call it, the Social Security department, and senior organizations in each community, in every county, in every State in this Nation have been making sure that this information gets out there.

But, still, as we get down to the wire, we have some seniors, unfortunately there may be as many as 8 million, that could still sign up for this benefit. And while some of them clearly will choose not to, because it is an optional plan, we don't want to miss the opportunity of those in that group who are a part of that low-income portion, Madam Speaker, because, as I have said many times from the well of this House floor, for them it is not only a no-brainer, it is a godsend.

So that is why we continue to have these Special Orders. That is why the leadership, our Speaker, our majority leader, our conference chairwoman Representative DEBORAH PRYCE, wants us to come down and spend this hour, and allows us to do this, and as Congressman PRICE was just saying, to talk to Members on both sides of the aisle, because this is not the time to politic over this. This is the time to get the policy right.

□ 2100

So that is really what we are about.

Again as I predicted at the outset, I would be joined by my colleagues on the health care public affairs team, not the least of which is my cochair. And I would like to call on him. I would like to say a word or two about Representative and Dr. TIM MURPHY from the great State of Pennsylvania. He is a clinical psychologist, a teacher and an

author of several books. He has taken a leadership role not only in the overall committee that we cochair, but also especially on the issue of electronic medical recordkeeping and reduction of medical errors and saving lives and saving money. That is something that both DR. MURPHY and former Speaker Newt Gingrich have written a book on. We can talk about that later as we get beyond May 15, but at this time I yield to Mr. MURPHY.

Mr. MURPHY. I appreciate the gentleman yielding me this time and your continued leadership in helping this Nation understand the importance of the Medicare prescription drug plan.

I wanted to echo with you the issues involved with this, which are so important not only to our constituents but actually to people across the Nation as they look at this and reflect back a couple of years ago when many folks were traveling to Canada, looking at trying to import some medications from around the world in an attempt to save money.

The net result of that, the overall savings that came from importing medications from Canada as opposed to price shopping in America, was not that dramatic. And compared to our generic medications, generics still saved a lot more money. But nonetheless, many folks were searching for ways to find less expensive medications.

Secondly, when people were involved in importing drugs from around the world, from Web sites or mail order, what they found many times were counterfeit medications. In one case they were supposed to be a prescription medication, but they were white pills that said the word ''aspirin.'' It is not hard to guess what those were.

In other situations they were completely counterfeited by using paint and other materials to try and make the pills mimic professionally manufactured medications. In other words, people were attempting to save money, and spent more after paying for counterfeit medications.

So along came the prescription drug plan, and people reported to me they did find savings. Some looked at their VA program and were happy with that. In Pennsylvania, we have what is called the PACE program, or the Prescription Assistance Contract for the Elderly. Many were happy with that, and that is fine.

Others said as they looked at their Medicare benefits, they found significant savings. One woman, as she was looking through that, told me she was saving hundreds of dollars. The point is it was voluntary. People compared different plans and found what saved money for them. The main thing is getting people on the medication that they need, rather than trying to seek some discount plan that really does not save them money.

Of course, there are other parts of this Medicare bill that we recognize. One is getting people their checkup with their doctor so someone can review their needs; and also having pharmacists review the medications people take to make sure that we are avoiding duplication and improper doses, which also add costs.

We have to remember one of the ways to reduce the cost of medicine is not just look at discounts and ways the government can help supplement payments, but also patients need to make sure that they are taking only the drugs they need. When people see multiple doctors and go to multiple pharmacists, that is one of the huge risks that occur for senior citizens where they end up with medical problems.

One study read, and I think the CDC sponsored this, it said in Medicare alone, taking the wrong doses for the wrong person has contributed to some $29 billion in costs that were avoidable. So it is important to have all medications coordinated under one plan rather than going to multiple doctors and multiple pharmacists.

But not only is it important for us to look at this program to provide medications that are affordable, but it is also important for us to note when people look at the cost of the prescription drug program for Medicare, what they consistently fail to take into account is what money it saves for health care overall.

I am going to read a couple of points about some medications, and I recognize, although I work in the field of psychology, some of these are areas of expertise for some of the other physicians here on the floor. Some comments I will make, and Dr. GINGREY has commented on this too, that taking the correct medication is a money-saving as well as a life-saving factor that unfortunately the Congressional Budget Office and others who have looked at the cost of the Medicare prescription drug never take into account.

Here is one point dealing with heart disease. Patients with heart failure who are treated with beta-blockers live longer, and treatment costs are about $4,000 lower than patients who do not take these medications. A January 2004 study by Duke researchers found that beta-blocker therapy improves clinical outcomes of heart failure patients and is cost saving to society and Medicare.

Looking more broadly, the researchers found that 5 years of treatment for heart failure without beta-blockers cost a total of $53,000. But with beta-blockers, treatment cost fell by $4,000, and patient survival increased by an average of 3½ months.

Here is a study on depression. New medicines have brought down the cost of treating depression in the 1990s by reducing the need for hospitalization. Medications like Prozac and Paxil are responsible for this. New studies show how newer, better medicines reduce the cost of treating patients with depression. The cost of treating a depressed person fell throughout the 1990s, largely because of a switch from hospitalization to medication and psychotherapy, one study said.

A study that was published in the Journal of Clinical Psychology in December 2003 found that per-patient spending on depression actually fell by nearly 20 percent over the course of the 1990s.

A study on diabetes indicated that medicines that control diabetes help prevent serious complications, reducing the cost of care by about $747 per patient every year. New diabetes medicines are helping patients avoid serious complications and death, and can reduce overall health care spending. One recent study found that effective treatment of diabetes with medicines and other therapy yields annual health care savings of $700 to $950 per patient within 1 to 2 years.

Another study corroborated these results, finding that the use of a disease management program to control diabetes, along with medication and patient education, generated savings of $747 per patient per year.

I might add that the University of Pittsburgh Medical Center found when they engage these disease management programs, they reduced hospitalizations by some 75 percent.

Let me mention Alzheimer's disease. One Alzheimer's medicine was found to reduce spending on skilled nursing facilities and hospital stays. A study of the effects on costs in a Medicare managed care plan showed that, although the prescription cost for the group receiving the drug were over $1,000 higher per patient, the overall medical costs fell to $8,000 compared with $11,947 for the group not receiving drug treatment. This one-third savings was as a result of reduced costs in other areas such as hospital and skilled nursing facilities.

So one of the things that is so important for citizens to take into account as they look at these programs is to please understand not only the cost savings the program has overall, but the more that patients get engaged in following the prescriptions, following the doctor's orders, not only for the medicines themselves but patient education, diet, other therapies that may be recommended, the overall cost of health care goes down. And that is one of the untold stories of how the prescription drug plan works. It saves lives and saves money.

Overall, if Congress continues to pay attention to the bigger picture of how using electronic medical records and electronic prescribing, patient management profiles, to use integrated care of looking at psychiatric care coordinated with medical care, to look at some of these many areas, we will continue to see, I believe, massive savings in health care, which is what we want to do. We want to coordinate all of these efforts in health care so it is not just a matter of saying health care is too expensive, so let us increase copays or deductibles or premiums or reduce coverage. None of those are viable alternatives. Nor is a method used to reduce payments to doctors or hospitals. That

is shifting the cost of care, that is not improving care. And this Medicare prescription drug plan which coordinates those benefits so much better for patients is a very important aspect that we encourage people to take a look at.

I commend Dr. GINGREY for his work on maintaining this important issue and bringing it before the American public to review and understand. I am sure you agree that the issue of the medication, when we only look at the cost up front and not look at the cost of what it saves, we are missing the point. That involves a lot of foresight by those who drafted this legislation to make sure there was coordination of medical treatment and that it was put into this bill.

Mr. GINGREY. I thank Dr. MURPHY, and really among the many important points that you made, there is one that I would like to elaborate on before turning to our next speaker, and that was this issue that Dr. MURPHY mentioned in regard to seniors buying their drugs from Canada, and in some instances not knowing if they were actually coming from Canada.

But I think all of our colleagues understand why they found the need to do that; and our colleague, well, three on our side of the aisle in particular, the gentleman from Minnesota (Mr. GUTKNECHT), the gentlewoman from Missouri (Mrs. EMERSON) and the gentleman from Indiana (Mr. BURTON), spent many hours in this Chamber during Special Orders, talking about the fact that seniors were having to pay so much more in this country for prescription drugs than they could get from north of our border. And in many instances, most instances, the exact same product safely packaged. And who could blame them because what has been happening, until we finally came forward and delivered on this promise after so many years of prior administrations and other leadership on the other side of the aisle and other Presidents, we finally delivered.

This is what has happened. Let me just give a quick summary of some of this before we turn to my good friend from Texas.

In Minnesota, while enrollment in the Medicare drug benefit rose by 9 percent last month, sales of low-cost Canadian drugs fell by 52 percent. Listen to what a State health official says in Minnesota. State officials say that it is impossible to say for sure why sales of Canadian mail order drugs fell to $39,000 this March, the least since that State's program's first month in February 2004. The State actually had a program to help seniors buy from Canada. There could be lots of reasons, they say, but the Medicare drug program probably is one of them. That was by a spokeswoman for the Department of Human Services in Minnesota which operates Rx Connects.

I just want to say to my colleagues that we are pushing so hard for what we refer to as reimportation, making that legal, and while certainly no one has ever been prosecuted for purchasing in that fashion, my feeling all along was when we passed this bill, as we did in November of 2003, Medicare modernization with a prescription drug benefit, the seniors are going to see those prices fall to the point that they will not have to literally take that chance on breaking the law, but, more importantly, risking the possibility that they will be getting some knock-off drug or something that is lower quality or not the right dosage. This is what has happened.

I think the gentleman from Minnesota (Mr. GUTKNECHT) and others may not completely agree with me and I understand that, but hopefully we will be able to take that argument off the table as this program matures, and I feel confident that is going to happen.

At this time, I call on the gentleman from Texas, who is not only my physician colleague and part of this health care team, but he is also an OB-GYN specialist, as I am. I do not think he has delivered quite as many babies as I have, but he constantly reminds me he is not as old as I am either.

At this time, I yield to Doctor and Congressman MIKE BURGESS from Dallas, Texas.

□ 2115

Mr. BURGESS. I thank the gentleman for yielding. And actually that is Ft. Worth, Texas. We are sensitive about that in Ft. Worth.

I wanted to spend just a minute this evening. We have heard a lot. The gentleman is quite right. His leadership on this, too, by the way, has just been exemplary. I am reminded tonight of how many nights we have spent here on the floor of this House talking about this very issue since 2003 when we both started.

But I wanted to take a moment. We have heard a lot about how complicated the program is, and that it is just too complicated, seniors just can't understand it, and make it simpler and then come back and try again. I need to address that.

Remember that if you picked up the Washington Post from a while ago, read the article where the new Medicare benefit is so complicated no one can understand it, no one's going to sign up for it, but I would remind the Speaker and the gentleman from Georgia that this was a Washington Post article from 1966 when Medicare first started. The program itself was complicated then. But guess what? We got a little bit better and a little bit better year over year, to the point where the Medicare system now is one of the more successful Federal programs.

But instead of talking about how complicated it is, let me take another tack. And I want to show you, Madam Speaker, just how easy, how easy it is to sign up for the Medicare program. You take your prescription drugs in one hand so you can read the labels and you can read the dosage and you can read the amount. I apologize, that is not a real Medicare card, but I don't own one yet. But this is a reproduction of a Medicare card. It is actually red, white and blue if you have a real one, and it will have your Medicare number on it.

Now, if you have got your prescriptions, and you have got your Medicare card with your name and your Medicare number on it, you have got all the information you need to sign up for this program. Then take the very simple step of calling 1–800–MEDICARE, talk to the nice people on the other end about your medicines, the dosage you take and the amount that you take, and they will help you work through this program.

Now, for those savvy enough to be on the Internet, there is an Internet plan finder tool that I have found is very, very user-friendly, very amenable to working through it. What I tell people to concentrate on when they look at this program is look at it from the standpoint of cost, coverage and convenience.

If you just print out the plans that are available in the State of Texas, there are 20 plans offering several different options, so there are 47 overall combinations of plans that are available. If you just looked at those in tabular form, it is pretty easy to pick out the cheapest, the next cheapest and the third cheapest. So very quickly you have done a survey that, based on cost, can tell you the least expensive plan.

Now, you also need to look at more than just the monthly premium. You need to look at the deductible. You do need to know about coverage, because that is critical. Make certain that the plan you select covers the medications that you are taking.

And then finally, convenience. Do you want to do mail order? Do you want to do one of the chain drug stores? Do you want to do the corner drug store, the mom-and-pop pharmacy down on the corner? Each of those is available to any senior signing up on this program, and all of that information on cost, coverage and convenience is readily available on the plan finder tool.

Finally, I want to tell the gentleman from Georgia, I am going to be fairly brief tonight, but the gentleman from Pennsylvania was talking a lot about the costs and the cost savings available with this program. He mentioned about the cost of treatment of heart disease and how that can be lowered with this program. I would submit that since the mid-1960s, according to figures from the National Institutes of Health, there has been a reduction in cardiac deaths in this country such that there were 800,000 less premature deaths from cardiac disease than would have been predicted back in 1965 or 1966 when Medicare was first stood up. The reason that that is important is those reductions in premature deaths are largely the result of pharmaceuticals, timely treatment of blood pressure problems, timely treatment of diabetes, the introduction

of the statins 10 or 15 years ago that has made such a significant difference in the prevention of heart disease.

Yes, we are going to save money with this program, but more importantly, we are going to be saving lives. And I think most Americans would agree that is the most important commodity.

Madam Speaker, with that I will yield back to my friend from Georgia and remain close at hand if he has any questions that he needs for me to fill in on.

Once again I would remind the Speaker that 1–800–MEDICARE is where you can get easy access to the information on how to enroll for this program.

Mr. GINGREY. I thank the gentleman from Ft. Worth. I guess I have run my Dallas-Ft. Worth together. But the gentleman has done a great job in working with us on this time, and I appreciate his comments tonight as well.

Madam Speaker, there has been a lot of discussion about extending the deadline to say, well, you know, we don't need to be penalizing seniors if they don't sign up in time, and that is something that hopefully we will have an opportunity tonight to talk a little bit about.

At this point I am going to call on my good friend and teammate on the Republican baseball team, hopefully again this year, and I am talking about the gentlewoman from Pennsylvania, who is also a member of the Ways and Means Committee. And I will tell you, my colleagues, you know, that is so important because the Health Subcommittee on Ways and Means is where these issues relating to Medicare are ironed out before they come to the general membership, to the floor. And the expertise in that committee level is so strong, and so it is wonderful to have Melissa Hart with us tonight. And I would like to turn the mike over to her at this time.

Ms. HART. I would like to thank my colleague, Dr. Gingrey from Georgia, and a very, very good baseball player, I must say, for allowing me to join all the doctors on the floor tonight. I have had a lot of experience with this issue, significant senior population in western Pennsylvania where I live, and represent a lot of folks who have benefited from this program. And I think you and your fellow physicians and a lot of our Members have worked very hard to make sure that people are aware of the program, they are aware of the offering. And so many people who had no coverage whatsoever for prescription drugs are now saving a significant amount of money. And even more importantly, a lot of folks who believed they couldn't really afford their drugs, and so they maybe weren't taking care of themselves the way they should, or they were cutting their pills in half and really not taking the dosages that they really should have been for their health, are now able to do so. They are able to afford the drugs that they need. They are able to take the dosages that they need. And we are going to see a lot more people be a lot healthier a lot longer, and I think that is extremely important.

I would like to make a couple of points, one obviously being what is shown behind me, that seniors are saving on an average of $1,100 a month with the Medicare prescription drug coverage. Low-income seniors who are not having to pay some of the deductibles, some of the other up-front costs, are saving even more, $3,700 a month. That is per month. And we are talking about seniors, so most of them are going to be on a fixed income. And it is certainly a challenge to pay this kind of money out of your pocket if you are working full time.

So the concern that a lot of us had, and the reason that the Members of the House of Representatives and the Senate decided to support a plan within Medicare to provide prescription drugs, was that we want people to be able to access the kind of health care that is delivered today. And our physicians certainly know very, very well, and I am really honored, as a lawyer especially, to be part of the group tonight, explaining to a lot of folks who may not be aware of the program yet or who may, unfortunately, have heard some of the negative comments out there from those who maybe for political reasons don't want this plan to succeed. And really I would like to call for a stop to some of the misleading and dishonest rhetoric that has been used. It seems as though it is designed to purposely scare seniors away from this prescription drug program that is available through Medicare, which is just the worst thing to do for their health.

By every measure this program is succeeding in its core mission of helping Medicare recipients save money on their prescription drugs. Participation in the program has now exceeded its goal of enrolling 30 million by the conclusion of the first year, and it is only April.

In addition, since the beginning of last month, seniors have been enrolling in the prescription drug plan at the average rate of about 416,000 seniors per week. So obviously the message is getting out. But we need to make sure that it gets out that the truth is that this program is helping seniors from coast to coast.

In my district alone, in western Pennsylvania, more than 90,000 seniors now have prescription drug coverage, and the Centers for Medicare and Medicaid Services project that that number will only increase by the end of this year.

The overwhelming reason why Medicare recipients are enrolling is simple. They receive real savings on the cost of their prescription drugs. The average senior, as I said earlier, who signs up for this plan is saving more than 1,100 on prescription drugs. In fact, the robust competition among the Medicare drug plans actually has begun to drive down the cost that we expected seniors would pay when we were initially discussing the legislation. As Dr. GINGREY knows, we were talking about how much the monthly cost would be for the plans, and we were worried that some people might not be able to afford the plan. So we did everything we could to drive down the monthly cost for the prescription drug coverage so that people would buy the coverage and then obviously save a lot of money on their prescriptions. It was originally estimated that we would be nearly $40 a month, and now the average premium is only about $25 a month. And, in fact, some, one that we found in our district, is only about $10.14 a month. And so seniors who have very little means certainly have an opportunity to get into this program even if they don't qualify for the no-cost monthly benefit.

Back home in Pennsylvania, beneficiaries, as I mentioned, have a wide range of choices. It is not just the amount that each of these plans cost, but it is the level of service as well; the broader-based formulary, if you have a lot more needs for different prescriptions. I saw Dr. BURGESS was holding three prescription drug bottles when he was talking. Some seniors may have one or two. Some may have four or five. And so it is important that they make sure, as Dr. BURGESS suggested, that the formulary, that is the list of the drugs that are covered by the plan, actually cover the prescriptions that they need to take to stay healthy.

A Medicare beneficiary in Pennsylvania who doesn't currently have coverage and uses three different prescriptions per month commonly prescribed for diabetes, for high cholesterol and for hypertension is an example of a person who can save a significant amount. On average this beneficiary can save $920, or 33 percent, by enrolling in a Medicare prescription drug plan. This beneficiary can save even more, as much as $1,900, or 68 percent, by using a mail order.

And all of the plans that are offered give each senior options. They can choose to be able to go to their local pharmacist, which is very important because many people would love to talk to their pharmacist every time they have a chance to. Some are very comfortable with their prescriptions or medications, and they don't need to do that. They would rather save money and can get mail order, and so they have the opportunity to save even more that way.

But every State offers different plans that have different benefits, and it is nice to know that whatever your needs are, there is going to be a plan to cover them.

While some outside this Chamber today have sought to discount this plan and say it is too complex for seniors, the savings that people are realizing is having a very serious positive effect on people across the country.

Madam Speaker, these statistics speak for themselves, and the individuals who choose to demagogue the new

program are not only trying to harm seniors, but they are also insulting the intelligence of seniors in the United States. With more than 30 million Americans who are now enrolled in the program, we should be doing everything we can to help seniors and increase the enrollment in the part D program, not scare them. And I really appreciate the fact that our health care professionals who are Members of Congress are here, because they have the credibility of being providers of health care and also now as legislators here in the Congress, who have helped us move forward with this legislation, helped us get through some of the bumps in the initial roll-out of the program to the point now where so many people are benefiting.

And I want to commend you, Dr. GINGREY, for being one of those steadfast individuals who not only represents your district in Georgia, but you are doing a world of good for seniors across the country to make sure that they know that this is a great plan for them, it is going to help them save money, and most importantly, more importantly than anything else, to help them stay healthy. And I want to thank you for allowing me to join you.

Mr. GINGREY. I thank the gentlewoman from Pennsylvania. And I want to comment, too, that I said at the outset that the work that she does on the Ways and Means Committee with Health Subcommittee Chairwoman NANCY JOHNSON from Connecticut and Chairman THOMAS and other members of that committee where all this great work is done.

One of the concerns, Madam Speaker, was that the pharmaceutical companies that had these prescription discount programs that they offered not only to needy seniors, but to people of low income at any age, low-income adults.

□ 2130

And a lot of concern had been expressed. In fact, the Inspector General had some concerns initially and let the pharmaceutical companies know that maybe they needed to look very carefully at these discount programs because of some antitrust violation or whatever. But the members of the Committee on Ways and Means continued to work through this and to make sure that the pharmaceutical companies understood that they could continue these programs and there would be no violation, there would be no penalties or anything of that nature. And I think this is great because, as Representative HART was just talking about in regard to that gap in coverage, that does not exist, of course, for our lowest-income seniors who qualify, as she said, for the low-income supplement. No matter how much money they would incur before this program for prescription drugs, they are only going to pay $1 a month for each prescription as a copay for generic. Maybe a little bit more if it is a brand name.

But most people in the program do face that gap in coverage where, after the first $2,250, then all of the payment is out of their own pocket until, Madam Speaker, the point when they have actually spent in any one year $3,600, and then after that the benefit is outstanding. In fact, 95 percent of any cost above that amount is paid for by the insurance program and only a 5 percent burden on the patient. So that is a tremendous benefit.

But in that gap in coverage, where all of a sudden if somebody reaches that, $2,250 is not the average amount that an individual senior would spend each year on drugs. It is considerably lower than that. It may be closer to $1,400, and they would never get to that point. But some do, and now we know, because of the good work of the Ways and Means Committee, of which Representative HART is a member, we have worked this out so that the pharmaceutical companies can continue to offer those discount programs and to provide at a very low cost these prescription drugs for those seniors who are getting to that point where it is really going to be difficult for them to stay on their medications. And I commend her for that and I think that was something that was very important.

The pharmaceutical industry, the companies, have been attacked so much by the other side of the aisle, and we have heard that over and over and over again, that this is nothing but a giveaway to the pharmaceutical industry, and they wrote the bill and the Republicans passed it in the dark of night. We have all heard that to a farethee-well. Hopefully, our colleagues will now get on board with us and realize that this is a good bill that is saving money, as MELISSA HART indicated. It is not averaging $40 a month; it is averaging $25 a month, or, in some cases, even less. And there are options, of course, the first option being you do not have to sign up for it if you do not want to or if you have something better. But it has been a godsend for so many.

And I thank you so much for being with us tonight, Representative HART.

Ms. HART. It has been a pleasure. I thank you.

Mr. GINGREY. And as I said, premiums, Madam Speaker, a third lower than expected. Even the cost, the overall cost, we got some conflicting numbers back towards the end of 2003 when we were debating and finally passing this bill. The first number, of course, was it was going to cost $450 billion over 10 years extra Medicare spending. Then the number went up to $750 billion. We now know that the cost is going to be lower than those numbers, and probably a lot lower because as we crunch these numbers, the Congressional Budget Office or the Office of Management and Budget, they do what we call static scoring. And as my colleagues earlier were talking about, and I think Dr. BURGESS in particular, Madam Speaker, no credit is given for the fact that when our seniors, my mom and others, can afford to take these prescription drugs and lower that blood pressure, lower that cholesterol, lower that blood sugar, then they are not going to need the expensive benefits of Part A and Part B, whether it is a long stay in the hospital or in the intensive care unit, even more expensive; or on the operating table, having a leg amputated; coronaries; bypass; or maybe even in a worse situation of high blood pressure, having a stroke and spending the rest of their lives in a nursing home covered by Medicare or maybe Medicaid. Who wants that if they can avoid it by spending less money on Part D and preventing this from happening in the first place?

So we shift costs, and we do not get any credit for that in this so-called static scoring that goes on around here, but we should be getting a lot of credit for it.

And I know that my colleagues on both sides of the aisle understand this. But despite it, there are Democrats in this Congress and liberal groups like Families USA and MoveOn.org who are continuing to play politics with our seniors' health, holding town hall meetings to encourage seniors not to enroll. Not to enroll. I thought they would get over the fact that somebody licked the red off their candy or they lost their marbles in a playground game and all of a sudden wanted to pick up and go home.

I remember 1 year ago or 1½ years ago seeing Members, particularly on the other side of the aisle, coming down and literally making a big show out of tearing up their AARP card because this wonderful senior organization of 35 million, of which I am a proud member, had the audacity, audacity, to endorse something that the Republicans, Madam Speaker, had put forward for our seniors. And I guess the frustration of the other side when they had control of this place for 40 years and never could deliver on this promise, I guess it does grate at you a little bit. But I want them to get over it, I really do, and get on board, because we need to let seniors know, more than a few who have not yet signed up, that let us get this done in the next 3 weeks. And there is a deadline, and, yes, there is a penalty if you do not sign up by the deadline.

All we hear by the other side is to extend the deadline. You just need to give them 6 more months or 6 more years. I do not know what they want. But I know this: This Member has a bad habit of procrastinating, and if I did not have a deadline, if there was not a final deadline of getting your income tax return in every year, I would not do it. And that is just human nature. We have to realize that there is a time certain, and if you sign up late and expect to come into the program and pay the same premium, it is not fair, particularly if during that interim

you went from being on no medications and would cost the program very little, and all of a sudden when you have that angina, as we call it, chest pain, and you realize you are now on five medications and you want to hurry up and sign up for the program, that is not fair to the others because, after all, this is an insurance program and it is pooled and that is the way we keep costs down. So I think it absolutely makes sense to get everybody signed up by the deadline, which is fast approaching.

Madam Speaker, it has, as always, been a pleasure to have the opportunity to be given by our leadership, by Speaker HASTERT and Mr. Leader BOEHNER and our conference chairman, DEBORAH PRYCE, to spend this hour with my colleagues talking about something that is so important. And if we can ever in this body, and I know we can, put policy ahead of politics and realize that we can work together in a bipartisan way when we have got something that clearly is a tremendous benefit to our seniors, let us all pull together.

When we go home tomorrow, if we have got some time on Friday, or Monday before we come back to Washington, let us all have town hall meetings and workshops and computers and pharmacists there and vendors and maybe some health screening kiosk as well, and help our seniors take advantage of this great benefit.

## 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Ms. FOXX). 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. Madam Speaker, it is an honor to come to the floor once again. As you know, night after night, and even earlier tonight, Madam Speaker, during the first hour, we had members of the 30-something Working Group on the floor talking about plans that we have on the minority side here in the House of Representatives and assisting not only Americans, but also those that are in the industry of providing energy to this country, who are also Americans and some of them are foreign companies, to be able to provide cleaner burning fuel and also alternatives that Americans will be able to hopefully enjoy for years to come. Energy independence is something that we have embraced for a very long time.

And the debate this week has been about energy, the debate this week has been about ethics, the debate this week has been about a budget vote that we are all waiting to take. But it seems that on the majority side, Mr. Speaker, that the votes are just not there to pass the budget, the Republican-led budget, which I must say that a number of Members on both sides of the aisle have issues with, apparently.

In the 30-something Working Group, we want to thank Leader PELOSI for allowing us to have this hour once again, the second hour of tonight on the Democratic side, and also Mr. Steny Hoyer and Mr. James Clyburn, who is our chairman, and Mr. LARSON, who is our vice chairman, and all of the members that go to committee meetings and fight on behalf of the American people.

Madam Speaker, I believe that we are all on one team until it comes down to what the special interests want and what the American people want. I think that is where the divide comes in. As we start looking at what is happening and the conference calls that I have had and the constituent meetings that I had when I was back in my district during our work break, of just outrage about what is happening in this country as it relates to gas prices, I think that it is very important that we pay more attention than what we have paid to energy and alternative fuels here in this Congress.

One may say, well, we have already passed an energy bill; where were you? Well, there was an energy bill, yes. It was an energy bill that was passed, but for whom? For the special interests, or for the American people?

I can tell you, Mr. Speaker, that the evidence is overwhelming, the fact that right after Hurricane Katrina, and even before, Democratic amendments were voted down here to do exactly what some Members on the majority side, the Republican side, have said that we need to do now, making sure that we put forth penalties to companies that price-gouge the American people. And I am talking about serious penalties, criminal penalties and fines up to $3 million.

We have ExxonMobil executives and oil executives making $150,000 a day in a pension; a day, not a year, not a week, not a month; in a pension with record profits and investors in these corporations that are making money hand over fist, and we have constituents in our districts and Americans throughout this country who cannot even afford to put a quarter of a tank in their car because it is outside of their budget. They cannot afford to take their kids to school. Even when they have a carpool, they cannot afford that.

In rural America there are stories throughout the papers today that are saying, yes, we carpool, but when you are in rural America and you have to drive to the nearest school, that is now a $30- or $40-a-day proposition.

So we look at alternative fuels and we look at penalties that will not allow these oil companies to be able to get away with what they are getting away with.

□ 2145

Mr. Speaker, I think it is also important for us to understand that the President comes out and he says, well, things are going to be the way they are, and prices are going to be high, and it is what it is, but what we are going to do is relax environmental standards to bring the price of gasoline down.

It is almost like a firefighter saying, I know the house is on fire, and it is hard for me even to come up with a metaphor, Mr. Speaker, to describe what the President has done and what the Congress has allowed him to do. The house is on fire. We are going to put a little water here, but not totally put it out, even though we could have prevented that by putting smoke alarms in and other things in to bring attention to all of us as it relates to making sure we keep the house from burning.

I think it is also important for us to pay attention to the fact that the 30-something Working Group and also on the Democratic side, we have put forth proposals in the past that could have avoided this spike in prices right now. There was a press conference today, and a reporter asked me, well, Congressman, are you representing to us that the Democrats, that you all have a plan that will take gas prices down right now, right now, like tomorrow?

No. But if amendments were adopted that were offered here on this floor that Republicans voted down to provide criminal penalties for executives and price gouging, $3 million fines for individuals that knowingly price-gouged Americans to make sure they can have a return for those individuals that are investors, the Federal prosecutor would be in the middle of this.

The situation we are in now is that these oil companies are saying, well, what is the penalty, and who is going to enforce it? The Federal Trade Commission is saying, well, you know, we are not sure if we have jurisdiction.

Now we have the leaders on the Republican side in the House and Senate saying, well, Mr. President, writing him a letter, maybe you want to have these folks look into it, and maybe we need to take back the tax cuts we just gave the oil companies, over the objection of many of us here in this House.

Then you have some Members say that, well, we did it because they needed money more for more exploration. Well, some of that may be true, but when you have oil companies that are beating some countries in revenue and beating all companies on the face of the Earth in profits, and still saying, well, I know you have all this money, and it is heavy, and you can't carry it around, but can I give you some of the taxpayers' money? Maybe, just maybe, you will go out and find oil or go out and drill in some environmentally sensitive place to be able to push up profits.

What it is going to be very disappointing this time, Mr. Speaker and Members, is the fact that we know that when companies present their quarterly reports, it will be another record-breaking quarter for oil companies.

Now, don't get me wrong. Profits are good. It is not a bad word. But I do take issue with the fact that if individuals are making profits, and it is on

the backs of everyday Americans, Democrats, Republicans, Independents, and even those that cannot vote yet, and individuals are making record profits on the backs of them with the help of their government, I think that is the reason why the latest polling indicates that individuals are ready for a change.

Just so Members don't feel this is a Kendrick Meek report or just something the 30-something Group came up with, September 28, 2005, a motion by Congressman STUPAK from Michigan giving the Federal Trade Commission and also the Justice Department authority to investigate and prosecute oil companies for price gouging. Republicans, 226 voted against it; 195 Democrats voted for it. That is roll call vote number 500, H.R. 3402. That actually happened here on this floor. That is not fiction, that is fact.

October 7, 2005, amendment by the same Member, Democratic Member, allowing the Federal Trade Commission to enforce and ban price gouging and set tough criminal and civil penalties, up to $100 million, on oil companies, and allow the President to declare an energy emergency when he needs to. Republicans killed the amendment; not Democrats, not Independents, but the Republican majority killed that amendment, 222 to 199, roll call vote number 517, H.R. 3893.

Time after time after time, Mr. Speaker, the majority has proven when it is time to go on this board and vote on behalf of the American people, that it is whatever the industry wants, they get.

I am so glad to say, Mr. Speaker and Members, that on this side of the aisle, Democrats have said on behalf of the American people, not just on behalf of the Democratic Party and not just on behalf of someone that served here long ago in the majority here long ago when the Democrats were in charge, but on behalf of the American people, that we have come to the floor and we are here to talk about the record. We are here to talk about what we would do if we were in the majority.

Those two votes that I just named a year ago would be law today if Democrats were in the majority of this House. If NANCY PELOSI was Speaker of the U.S. House of Representatives, without any hesitation this legislation would be in place, and we would challenge the President. When he makes decisions, and the Republican Congress rubber-stamps those decisions, rubber-stamps those decisions by saying, Mr. President, whatever you want, so shall it be written, so shall it be done, has gotten us in the situation where we are now.

The same amendments that I just pointed out would have provided relief also to consumers facing skyrocketing home heating costs by expanding the Low Income Home Energy Assistance Program that would have been paid for, Mr. Speaker, and I think this is very, very important for the Members to understand, would have been paid for not with dollars borrowed, and, Mr. Speaker, I am going to talk a little bit about that, too, not with dollars borrowed, but a pay-as-you-go philosophy.

Even when we are dealing with enforcement of energy companies, where there is evidence and also a very strong concern by the American people of how in the world individuals can be paying $3 and change a gallon, and saying it is an issue with production and flow and all of these different examples and explanations and excuses to the American people that no one can really put their hands around, their arms around, and look in the paper and find these companies are making money like countries, these oil companies are making record profits.

Now, pay-as-you-go. I am going to read that again. It dealt with providing consumers facing skyrocketing home heating costs to expand the Low Income Home Energy Assistance Program through the fines from price-gouging companies; not we are going to pass a piece of legislation and just borrow the money.

Mr. Speaker, just to talk about borrowing the money, I want to talk about responsible governance, and I also want to talk about what has happened.

You want to talk about borrowing the money? Some folks say the Democratic plan, they don't necessarily have ways to pay for things. Well, in every piece of legislation that we are putting forth, a supermajority of the legislation that we are putting forth, we are using the pay-as-you-go philosophy. Why do we do it? Because it is the right thing to do on behalf of this country.

I can't help, Mr. Speaker and Members, but think about the fact that there is someone right now, a he or she or someone's mother or father or son or uncle, grandchild, nephew or niece, that are not celebrating what we are celebrating right now. They have been asked on behalf of their country to go to war. They have sand in their teeth, and they probably haven't been able to take a shower like most Americans have been able to take a shower in the last couple of days or this morning or last night or whatever the case may be, so that I would have the opportunity, Mr. Speaker, to come to the floor in this great democracy of ours to talk about what we would do if given the opportunity to lead and to share with the Members and the American people what is happening here in this Capitol.

I will tell you, this chart alone is self-explanatory. Never before in the history of the Republic, I am going to say that again, never before in the history of the Republic, has this country been in the fiscal shape or disrepair that it is right now.

Some folks may say we have our challenges. Yes, we have our challenges, but guess what? There were Congresses before this, the 109th and the 108th and 107th, and Congresses going back 100 years, that have had challenges, too. It is something we called the Great Depression. Another challenge was World War I and World War II. Another challenge was Vietnam and Korea. You name it. Another challenge was times that we had fuel crises. Other challenges have been natural disasters. I know Americans and the membership are very familiar with that.

But when you look at history making, borrowing from foreign nations, $1.05 trillion, $1.05 trillion borrowed in 4 years by the Republican majority and the President, I guarantee you the President could not do it by himself, in 4 years he accumulated more than 42 Presidents and a number of Congresses before them that could only borrow $1.01 trillion. You want to talk about fiscal responsibility? You want to talk about who is spending or who is borrowing the money?

I just want to bring this chart up. Here in the 30-something Working Group we try to break this thing down to the lowest denominator. I want my 8-year-old son, I want my 11-year-old daughter to get it, because it is all about them, and it is all about right now.

We used to, Mr. RYAN, say the future generation, this, that and the other. This generation, we all owe $26,000 and change because of this ever-growing debt. But this is something that I think Members should pay very close attention to. We have divided the debt that this country and this Congress has put on the backs of the American people. We went from surpluses to this.

Japan. Japan, $682.8 billion of our debt. Let me just break that down for you. I am going to take this. This is actually my debit card, but we will say it is a credit card for right now. What the Congress has done, and what the Members on the majority side have done, and what the White House has done with the rubber-stamp Republican Congress, what they have done is said we can have tax breaks that we cannot afford. Swipe the card. We can have a war without a plan and without an exit strategy. Swipe the card. We can spend money, because we weren't prepared for a response to natural disaster in this country without any accountability, without any restraints and no-bid contracts. Swipe the card. We got it.

Oh, no problem. If we want to have government waste on all levels with very little enforcement, and want to give tax breaks to oil companies in the time they are making record profits, and we want to give the top 1 percent tax cuts that they are not even asking for, that is fine. Swipe the card.

By swiping that card, we have now given Japan the power. Japan said, fine, we will buy your debt. Guess what? They are buying a piece of the American pie, $682.8 billion.

China. Red China. Some folks had some concerns. We just had a state visit from the Chinese President. But guess what? He came here knowing

that he owns a piece of the American apple pie at $249.8 billion of our debt.

Did Japan or China come over here and make us overspend? Did they put the credit card in our hand and say, let me force you, Congress and President? Okay, we will buy it. No, they didn't do it.

□ 2200

It is the irresponsible spending and borrowing that the Republican majority has that has put this country in this posture. The United Kingdom, $223.2 billion. This is the truth. This is not fiction.

The Caribbean. Many of you know I am from south Florida. Many of you come through our airport going through. The Caribbean, $115.3 billion of the American apple pie. Taiwan, $71.3 billion of the American apple pie, buying our debt.

OPEC nations. Well, Madam Speaker, let us just talk for a moment about OPEC nations. Who are they? Well, Iran. I think we are pretty familiar with Iran right now. Iraq. We are definitely familiar with Iraq. Saudi Arabia. Oh, definitely heard of that. The United Arab Emirates, UAE, owns a part of this OPEC debt. And I think it is important for people to understand that. And guess what? We are paying through the nose for gas. 67.8 billion.

Germany, $65.7 billion of our debt. Korea, $66.5 billion of our debt. Canada, just north of us, $53.8 billion of our debt.

Now, I am holding this map up empty, Mr. RYAN, and the reason I am holding this map up is because this is the way it looked before President Bush became President, because it was a surplus. This is the way the map looked, Madam Speaker, before the Republican majority became the rubber-stamp Congress.

Mr. RYAN of Ohio. And the Democrats time and time again have tried to put provisions in place that we call PAYGO to try to limit the spending of the Republican Congress. They run away. They spend. They charge on the credit card. Many, many instances over the past few years.

Mr. Stenholm from Texas tried to put provisions in as we were raising, as the Republicans were raising the debt limit. He tried to put these PAYGO provisions in saying if you spend any more money, saying you have either got to raise taxes for somebody to pay for it or cut a program so we can balance the budget. Representative MOORE from Kansas tried to put this provision in through an amendment to try to limit the spending. We have Members on the Democratic side who time and time again have tried to limit spending in the Congress so we do not keep borrowing from the Chinese, so we do not keep borrowing from the Japanese, the Arab countries who we are also buying our oil from, oil-producing countries.

We are trying to limit spending, but it is the Republican side who continue, Madam Speaker, time and time again to waste our money. The tax money that comes into this country time and time again goes out as corporate welfare for the oil companies, corporate welfare for the HMOs and the health care industry, time and time again.

And I want to share with the Members, Madam Speaker, a chart here that is based on the 2007 budget of how much interest, net interest, we are going to pay on the national debt. So all the money that Mr. MEEK was talking about, all the money we are borrowing, we have got to pay interest on this money, Madam Speaker.

This is not a free ride. This is like a bank. You go to the bank, you buy a house, you borrow money. Then you have got to pay interest on it. You buy a house for $200,000. Well, you end up paying $300,000 for the house over the course of the years. It is the same thing that we are doing.

If you look at this chart, the big red tower that we have here is the interest, the net interest that we are paying on the debt. Almost $240 billion of the 2007 budget will be spent on interest on the debt. We are not paying it down. This is just interest payments.

And when you compare that to what we are spending on education or what we are spending on homeland security or what we are spending on veterans benefits, it pales in comparison.

So, Madam Speaker, the folks at home, Members of Congress have to ask themselves, would you rather have your tax money going to pay interest, which makes its way back to the Communist Chinese Government, the Japanese Government, OPEC countries, or would you rather have your tax dollars that come down here? Nobody likes to pay them, but it is like, well, if you are going to pay them, where do you want them to go? Would you not rather have that money invested into the educational systems in the United States of America? Would you not rather have that money focused for Pell Grants? Would you not rather have that money for Head Start?

We are not saying that we do not need reforms in the education system. We do. We admit that. But if you are spending money, and you are asking an American taxpayer, Madam Speaker, you make the decision. Mr. MEEK, you make the decision. Would you rather have your tax dollars go to pay interest on the debt that will make its way back to the Communist Chinese Government, or would you rather have that money invested for educational opportunities for your kids, for you to pay less in tuition costs because we are able to fully fund the Pell Grants?

I remember going to school. I remember looking and seeing what my mom got back or got grant money that we got from the Ohio Instructional Grant, from the Pell Grant. That was a good deal of money to defer the costs of my college education. And because of that, Mr. MEEK, we, my brother and I, we were able to go to college.

Mr. MEEK of Florida. Mr. RYAN, you know I would be a little concerned, just a little, if the validation by the American people, Madam Speaker, was not so strong. I mean, the American people are saying, Congress, what are you doing? Let me just back up. The Republican Congress, what are you doing? It is almost like the Republican majority got elected, started a football game, and at halftime switched jerseys.

I mean, some of the folks who are running down here on the floor having press conferences, you know, fiscal conservatives, fiscal responsibility, we believe it is your money. Well, Mr. RYAN, what you are talking about, what we just talked about here is exactly what is happening here.

Mr. RYAN of Ohio. Mr. MEEK, it is their money. It is the American people's money. They do not want it sent to Communist China to pay down the interest on the debt. They want it invested in the United States of America. They want this money put into our country, not put off and sent to the Communist Chinese Government so that they can start state-owned companies and basically take work from the American people.

Mr. MEEK of Florida. Mr. RYAN, you could not say it better.

But, Madam Speaker, let me just back up, because I want to say this before I talk about why the Republican majority should be alarmed. It is almost unfair, and I said it last night on the floor.

Being in the minority, if someone would have told me at the beginning of the 109th Congress, at the beginning of the 108th Congress, that the cards would be laid out on the table the way they are laid out now, I would say that, wow, that is a lot of work to have the American people understand what is going on here in the Capitol. But guess what? They are getting it. And they got it.

Mr. RYAN of Ohio. The constitutional amendment in 1994 was a part of the Contract with America.

Mr. MEEK of Florida. Well, Contract on America, because that is what it turned out to be. And that we would have Republican and Democratic States suing. And I am talking about Republican and Democratic Governors suing the Federal Government because Leave No Child Left Behind is so underfunded, and that we would have individuals running around here saying, what do you mean we do not have a plan? What do you mean you do not want to talk about how we should take the training wheels off the Iraqi Government and share with them that we cannot be there forever?

Mr. RYAN of Ohio. I want to say that this government run by the Republican majority is in complete disarray.

Mr. MEEK of Florida. Can I give you a third-party validator right now?

Madam Speaker, this man has to look familiar to the Republican majority. He has to. Newt Gingrich was the man that came to the floor night after night and talked about what the Republicans would do if they were able to

take control of the House. He talked about all of the things that, you know, he was talking about that just good government. All right.

Now what is Newt Gingrich saying? They, talking about the Republican majority, are seen by the country as being in charge of a government that cannot function.

Madam Speaker, they. Not, my Republican colleagues; not, my good friends in Congress. They. Here is a major Republican that served as Speaker, the first Speaker in a number of years to serve, Madam Speaker, as the Speaker of this House, calling his former colleagues and the people that he worked with, and his office is right down the hall, they.

Because if Newt Gingrich is saying that this Republican Congress cannot function, cannot run the country like it is supposed to be run, cannot oversee the finances, cannot make sure that Americans have health care and small businesses are able to provide health care, cannot give guidance and oversight to the Department of Defense and Secretary Rumsfeld, cannot make sure that we let oil companies know that we are here to represent the American people and not their special interests, not their profits, and not their CEOs that will retire to a pension making $150,000 a day, not because they are that great, it is because we have taken the taxpayers' money and we have given it to them.

And now we have Republican leaders saying, well, maybe we need to take the tax cuts back you just gave them. And then you read something else. No, we should not take that tax cuts back because, guess what, the oil companies have representation in the Republican majority, period.

As I said last night, a black man with a conspiracy theory. But, Mr. RYAN, I believe, and I know, and it is documented that the Vice President and others sat down with these oil companies and put this in motion long ago.

So Members walking around here were having press conferences talking down this. I do not know what happened. I do not. I did not see it coming. What do you mean you cannot enforce prices? It is just insane, Mr. RYAN, for us to be the country that we are, and for the Federal Trade Commission to say, well, you know, we think we have power, we do not have the teeth that we need to really find out what is going on with those oil companies.

But I will tell you this. I believe that these oil companies have been a part of writing this legislation in the way to where that is hard to prosecute them, and it is hard to get to the bottom line of who is doing what. And guess what? When there are no penalties, it is almost like having a house full of kids saying there is no time out, there is no discipline whatsoever, do as you may. And everything in the house will be broken, and every picture will be ripped off the wall. That is what these oil companies are doing.

Now, I do not fault them. I fault the Republican majority. And like I said last night, Mr. RYAN, I am not going to ask them to lead anymore. If they want to work in a bipartisan way, we are ready to go. We have been ready to go. And if the American people see fit for us to be the majority party in the 110th Congress, Madam Speaker, and they will see an opportunity, we will be able to work in a bipartisan way.

□ 2215

There will be a number of Republicans, that I do know. Some of my friends, Mr. RYAN, and we do know them, a very small number on the other side of the aisle see things the way we see it and the way the American people see it. I know the reason why the poll numbers are what they are right now.

The President is not running again, but the Congress and this House, every 2 years we go before the voters. Like I said last night, Mr. RYAN, Madam Speaker, I do not care if it is a local Republican committee chairman, he or she has to have a problem with the borrowing that has been going on in this Republican majority Congress.

He or she must have a problem with the fact that no one can answer the questions on intelligence and the outing of CIA agents. He or she must have a problem if there are Republican committee persons at the local level and on the State level, with the fact that the K street Project, Madam Speaker, was allowed to operate under this dome by individuals that wore congressional pins that say, yes, we do have a K Street Project; and, yes, if you are not on this list, you don't get access to this government.

Guess what? That was okay. We talked about it, Mr. RYAN. The good thing is, it is almost like showing up somewhere at the scene of an accident and saying, time and time again, we went to the police department, we went to the city hall and said we needed a stop light here. Now, look at this fatality.

I used to be a State trooper. I can see it all the time. Report after report. We didn't get the traffic light out there in time and people died because of it.

Well, guess what? The people were beat down by this Republican majority as it relates to good government, because, not what I am seeing and not what you are seeing, Mr. RYAN, here is what Members on the Republican side of this House have said: Yes, we have a K Street Project.

Then we have a gentleman who admitted you don't have to call the jury, you do not even have to assign a courtroom. I am guilty, I did it. That is what this Republican lobbyist said. Not only did I do it, but I am going to help you go after some Members of Congress that were part of it. I am going to help you identify other lobbyists that were a part of this great operation, the K Street Project.

Then the Republican majority, after he said what he said, and the Federal prosecutors, Madam Speaker, did what they did, said we denounce, no longer, K Street Project. We don't know what you are talking about. We will no longer condone it, the K Street Project.

Well, Mr. RYAN, it sounds like when the President says, well, I don't know quite what we can do about gas prices, but I do know that Americans are addicted to oil, come on. The President and the Vice President were part of putting this thing into motion. The Republican Congress rubber-stamped, Mr. RYAN, everything that this administration said they wanted.

Mr. President, you want tax cuts that you cannot afford so that we can put ourselves in debt and allow foreign countries to own more of America. Fine. Mr. President, the intelligence on Iraq is kind of shaky, but we have to do what you want, and anyone who goes against you or says anything against you is unpatriotic, and we will have Congressional hearings to humiliate those individuals.

Mr. President, pay-as-you-go. I know the Democrats are there talking about maybe we need to pay as we go right now, since we are in so much debt. You want to continue to borrow and spend? We got your back, Mr. President, because we are the Republican Congress, and we are going to allow you to continue to drive this country in the way that special interests want to drive it. Because you know something? When all the resources are gone, and when all the opportunities are gone, and when it is American taxpayers that are in debt, where will the special interests be? That is the question.

Will they help bail this country out of the debt that this Republican Congress has delivered to them? No. That is the reason why, Madam Speaker, that Members, if they are in their offices, or they are walking around this building, and if they are at home right now, they need to sit up in bed and say, you know something, I need to go to work tomorrow with a new attitude. I need to make sure that I fight on behalf of my constituents. I need to have the same kind of drive that I had the night that I was elected, doing all of those things I said I would do. All of those things, all of those plans, everything I talked about in the campaign, about representing whatever district they may be running from, in my case, the 17th Congressional District. They call that being born again, Mr. RYAN, and a Baptist term, being born again to public service.

I am excited by the fact that the American people, they are not getting it, they got it. They got it. Then we will continue to get it, because time after time, Mr. RYAN, this Republican Congress has proven that they are, their allegiance, and I do not want to generalize because there are a few that I know of and you know of, Madam Speaker, that walk up to Mr. RYAN, Ms. WASSERMAN SCHULTZ, Mr. DELAHUNT, and say you all are doing a

good job, keep doing what you are doing. Because if you all are not pointing out what this Republican majority is doing, these are Republicans, then they will continue to do it, Mr. RYAN, and that is the word that they use.

Mr. RYAN of Ohio. Inexcusable incompetence, my friend. Inexcusable. If you look, and I do not want to dwell on this, but if you look at Katrina, if you look at the lack of preparedness in FEMA, if you see a storm coming 5 days in advance, and you have the complete lack of competency to deal with the problem, that is an issue that this Congress needs to look at and needs to fix. If you look at all the promises before the war, day in and day out, we are going to use the money for reconstruction, we are going to be greeted as liberators, this is going to reduce the costs of oil.

All of these things that were promised never came to be. The Medicare prescription drug bill, the costs never came to be. It ended up being almost half a trillion dollars more than what the Republican Congress told us it was going to be. Time and time and time again, the tax cuts were going to create all these jobs.

None of this has happened. And now when you look at what is going on here with the gas prices, if you take what has happened since 2001, and you see that there has been no comprehensive energy policy in this country, and you see the end result 4, 5 or 6 years later, that is higher gas prices, reduced supply, which increases the cost for the average American consumer, when you add all this together, you see that the Republican Congress, as stated by former Speaker Newt Gingrich, is incapable of governing the United States of America.

They are too ideological, they are too tied to the special interests. They have the country going in the wrong direction, and it makes it more and more difficult for us to fix the problem.

Now, I think it comes down to one thing, my friend, and I appreciate your help. I think it comes down to one thing. It comes down to leadership. The Republican Party controls the House of Representatives. The Republican Party controls the United States Senate. The Republican Party controls the White House. They have been in charge of this government, this House, since 1994. Their leader, who led the revolution for them to come into power, is now saying they, calling them ''they,'' as my colleagues stated, they don't know how to run the government. It is total incompetence.

But, and I agree with you, I am excited too, Madam Speaker. I am excited because the American people are beginning to understand. Like you said, they got it that this country needs to go in another direction. We are borrowing money from foreign interests left and right, selling off pieces of the American dream, piece by piece. And average people in Youngstown, Ohio; Warren, Ohio; Akron, Ohio; and in Miami, Florida, it is harder now for them to go to work. Their budgets are getting squeezed. Their health care costs are up. Their gas costs are up, their fuel costs are up. Natural gas, whatever it may be, up, up, up, up, up; tuition costs, up. Everything is making it more difficult for families to make ends meet.

So the Democratic Party, we have a bushel full of plans now. I have noticed that we have got so many plans in our caucus that we have a bushel now, full of them, on homeland security, on education, on technology, and energy. You can go to our Web site that we will show later and find all of those charts, Madam Speaker. Members can look at all of the plans that we have.

I want to make one final point before I kick it back to my friend. This comes down to leadership. After September 11, and I am sure we all remember those difficult days, after September 11th, this country was united and the world was united behind the United States of America.

Even in Europe, at that point, there were European op-eds saying that even in Europe, my friends, they were saying that today we are all Americans. Today we are all Americans. We are such a far cry from that. But the important part was that our President at that point, Madam Speaker, had an enormous amount of political power, and the world was looking at our President.

If he would have asked us to walk to work, if that President, if our President would have asked us to ride a bike to work because we have to reduce our dependence on foreign oil, we would have all done it. We were sending checks to every nonprofit organization because we wanted to give money. We were giving blood until the Red Cross said we do not need any more blood. The American people wanted to give, Madam Speaker. We needed at that point leadership. The best our President could come up with at that critical juncture, the most important moment in the history of the United States of America, was go shopping, Madam Speaker, go shopping. That is leadership? Give me a break.

Mr. MEEK of Florida. And buy duct tape.

Mr. RYAN of Ohio. Buy duct tape, get your plastic. Go shopping. That moment, if there was leadership in this country, that moment, Mr. MEEK, we could have converted our economy over into all kinds of different alternative energy sources, and we could have done it in the next decade. But we lacked the leadership at that critical moment in this country's history, and that is a shame. That is something that you look back on and you regret that we didn't have the proper leadership at that time, and this Republican Congress was a bobble-head. Yes, Mr. President, yes, yes, whatever you say, yes, yes, yes. No leadership.

I am saying, KENDRICK, that 5 years later when we see these increased gas prices, and the President stood here just a few weeks ago and said to the American people, we are going to reduce our American dependency on foreign oil by 50 percent by 2025.

Now, let me just suggest that if we can go to the Moon in a decade that we can certainly convert our economy over and become energy independent in a decade. It is not going to take 20 years. We can do it in 10 years. We need the leadership of this Congress, Mr. President, to do it. And it is obvious that you are offended, and I call them our friends, because they are on the other side of the aisle, are so tied to the special interests in the oil industry, the most profitable industry, that they are even giving them billions of dollars of corporate welfare, that they refuse to put significant resources and a significant commitment into alternative energy.

Mr. MEEK of Florida. Mr. RYAN, it is not personal, it is just business. That is the bottom line.

Madam Speaker, I would kind of, when I walk through the halls of Congress, walk along the walls if I felt that we were coming to the floor, saying things that just were not true. But the sad part, Madam Speaker and Members, that everything that we are sharing with you is a fact, not fiction. It is sad. Like I was saying to Mr. RYAN, if I was a political consultant, I would say, wow, do you mean to tell me not only do we have to work with the fact that Americans do not have health care, small businesses cannot afford to buy health care, we owe foreign countries money that we have never owed them before in the history of the country?

We don't have a plan in Iraq as it relates to a leave-alone coalition in Iraq? We have troops dying every day. Do you mean States that are red States and blue States are suing us at the same time for the underfunding and the mandates that we put on them of Leave No Child Left Behind Act? You mean White House individuals are outing CIA agents that might, some of this outing might have gone as high as the highest office of the land maybe?

Do you mean to tell me that individuals, contractors, have no-bid contracts in war and in natural disasters, without accountability, and American taxpayer dollars are being spent without anyone having any real concern on the Republican side?

□ 2230

Mr. RYAN of Ohio. Where is the oversight?

Mr. MEEK of Florida. You mean to tell me that anything that the President of the United States says that he wants, that the Republican Congress would give it to him; even if it is bad policy, even if it put this country into a record-breaking deficit in a period of 4 years? You mean to tell me, and without naming at least eight other things, Mr. RYAN, that I have all of that to work with, to share with the

American people? I will start with independence. I will start with the Republicans, and I will also share it with some Democrats that may have some concerns.

I tell you this, Mr. RYAN, Democrats will, not maybe, not if we get an opportunity to do so, not we will say it now but we won't do it later, we will, Madam Speaker, work from day 1 taking control of this House.

And someone may say, you know, why is this thing about being in the majority so important? Well, I can tell you the reason why, and I want to make sure everyone understands. It is important because Democratic Members that are putting forth amendments in committees that are being voted down on a partisan vote, like my committee today and homeland security, dealing with this port security, bipartisan bill we are working on of 100 percent container check, Mr. RYAN, versus whatever we can come up with in a year using a ''steady'' kind of philosophy to try to get to some sort of container scan phase-in thing. Now, I am going to tell you, a partisan vote down the line. A 100 percent container check lost, Madam Speaker and Members, by two votes.

If Democrats are in control of this House, for those individuals who are objecting to a 100 percent container check, and I want to be sure we are clear on this, some businesses may say, well, you know, it may slow down the process of trade. It will back up supplies. We are not ready for that.

You know something? We will never get there, because we have allowed the special interests to stand in front of the will of the 9/11 Commission. The Republican majority has allowed special interests to dictate how this Congress will legislate. That is stomach-turning that we would allow individuals, based on their salary, based on their suit, whether it is a Brooks Brothers or a Saint John's, to walk into the office of a Member of Congress and say, this is the amendment language we want.

And individuals go to committee hohum and read right off that piece of paper, Madam Speaker. I am talking about what I know. And the American people around here are counting on us to protect them.

Now, I am going to tell you something, Mr. RYAN, and I am going to say it just as clear as my name is KENDRICK MEEK. We get a container that ends up blowing up in one of these major ports or while it is in transit going to where it needs to go to, I guarantee you Republicans will be running: Where is that amendment for the 100 percent container check? We need to do that. Madam Speaker, file this. Madam Clerk, can we do it?

You know something? I bet they will be looking out in the hall looking for the special interests who were telling them they couldn't do it, and they will be nowhere to be found. I didn't see the special interests standing around on 9/11 at the end of those buildings saying, what can we do to dig these people out and give them their lives back? I am not blaming it on them, but I am just saying that kind of attitude gets us in the position that we can't do something. And we're the country that says we can. We are leading this country.

Mr. RYAN of Ohio. What you are saying is it is an issue of priorities, and why do we continue to focus down in Washington, D.C., Potomac fever, the Republican majority continues to focus on how do we get corporate welfare to the oil companies? How do we subsidize the health care industry, all our friends who donate us billions of dollars? How do we give tax cuts to the wealthiest people?

If you made $10 million in 2003, Mr. MEEK, you got a million-dollar tax break. That is where the focus is. And what we are trying to say here is that we need to focus on port security. So instead of giving a man or a woman who made $10 million in 2003 a million-dollar tax break, we want to spend that money protecting our ports.

Mr. MEEK of Florida. Mr. RYAN, the million-dollar tax break came on behalf of, and I am just going to grab China here, this is the million-dollar tax break right here.

Mr. RYAN of Ohio. You have Japan.

Mr. MEEK of Florida. Oh, Japan. I'm sorry, I didn't even look. It was red, so I just assumed.

Let me just say this, Mr. RYAN. Japan. Little Japan. This is what gave that $10 million person their tax break.

Mr. RYAN of Ohio. That is right.

Mr. MEEK of Florida. Not money we had in surplus. Not money that was there and we had it to spend. This was based on a credit card.

Mr. RYAN of Ohio. And it was another example of lack of focus, lack of leadership, lack of priorities. And look what our friend says again, our guy, Mr. Gingrich, who I like.

Mr. MEEK of Florida. The former Speaker of the U.S. House of Representatives.

Mr. RYAN of Ohio. And the father of the Republican revolution. He said, on March 31, ''He noted that a congressional watchdog agency recently smuggled a truck carrying nuclear material into the country to test security. Mr. Gingrich says, 'Why isn't the President pounding on the table? Why isn't he sending up 16 reform bills?' ''

This is the father of the Republican revolution asking the President, why are you not a good leader? That is what he is saying. Why aren't you leading the country? Focused on oil subsidies? Focused on corporate welfare? Focused on subsidizing the energy companies? Not focused on Katrina. Not focused on the war. This administration has attention deficit disorder of immense proportions, Madam Speaker. They can't focus.

Get this country on the right track. Let's focus and let's get the country moving in the right direction.

Mr. MEEK of Florida. Mr. RYAN, talking about the right direction, I spoke to the fact that we are calling for energy independence from the Middle East in 10 years by developing emerging technologies that work to be able to provide energy for our country, energy alternatives; also to make sure that we make a substantial investment in research and development that is critical in creating cutting-edge technologies that will allow us to develop clean, sustainable energy alternatives that capitalize on America's vast renewable natural resources.

This is what we are talking about, Madam Speaker. We are willing to make the investment as relates to innovation.

Mr. RYAN, you have the Web site, sir.

Mr. RYAN of Ohio. Www.housedemocrats.gov/30something. All of the charts that you have seen here or have seen in the past will be available on the Web site.

But it is important, Mr. MEEK, and I appreciate your vigorous defense of what the Democrats have done and what we want to do because we do have an agenda. We have a bushelful of ideas over there that we want to implement, and we need to state this pretty clearly.

Article I, section 1 of the United States Constitution creates the House of Representatives. We are directly elected. You cannot be appointed to this body by anybody. So the American people speak here. When we get in, we will balance the budget. We will get rid of the deficits over time by restricting spending in certain areas, eliminating the corporate welfare, and asking someone who made $10 million in 2003 to actually pay their fair share.

We don't believe that profit is a dirty word, but we also don't believe that we should go borrow money from China to give the wealthiest people in our country a tax credit.

We will invest this money into reducing the cost of higher education. We will make sure that the least among us have health care and have a roof over their head and have food, which is a pretty basic necessity.

And let me just say, before I kick it to you for one last comment, if we are going to be able to compete with 1.3 billion people in Communist China and over a billion people in India and billions of people around the world, we have to have all 300 million of the citizens in our country on the field playing. Right now we are going on with about a quarter of the team, and they have got the referees and 1.3 billion and 1 billion.

We need to make investments in America. We need to put America first. And we need to make sure at the end of the day that we are guardians of the public tax dollar, and so we need to invest that money back into the United States of America that will yield us value for generations to come, just like the GI bill did. The greatest investment we ever made was the GI bill. Let us do it again and get the country on the right track.

I yield to my friend.

Mr. MEEK of Florida. Mr. RYAN, you are talking fact, not fiction. Anyone who wants to talk about balancing the U.S. budget, the Democrats are the only party in the House, Madam Speaker, that have a right to say that we have done it. We have actually done it.

You have a lot of folks saying, well, we are going to try to cut it in half, and maybe we will get it to a quarter or whatever on the Republican side, the Republican majority with all the power, control of the House, control of the Senate, and control of the Presidency. It should be a smooth-sailing process.

If someone wants to call Democrats names and point fingers, call the former Speaker of the U.S. House of Representatives a name. Call him a liberal. Call him someone who is irresponsible, if you want to name-call. And I challenge Members to come down here and talk about what is good about owing foreign countries money, not because they did something to us, but because this Congress gave the whole country a self-inflicting wound of debt. They have been saying we are going to spend your money irresponsibly, and then we are going to allow these other countries to own a piece of the American apple pie.

Mr. RYAN, you did an excellent closing. I want to thank you, sir, for coming down to the floor.

Madam Speaker, I want to thank the Democratic leadership for allowing us to have this second hour.

## 91ST COMMEMORATION OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore (Ms. FOXX). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, I rise this evening to commemorate the 91st anniversary of the Armenian genocide. As the first genocide of the 20th century, it is morally imperative that we remember this atrocity and collectively demand reaffirmation of this crime against humanity.

April 24th marked the beginning of the systematic and deliberate campaign of genocide perpetrated by the Ottoman Empire in 1915. Over the following 8 years, 1.5 million Armenians were tortured and murdered, and more than half a million were forced from their homeland into exile.

Last week I was joined by my cochair of the Armenia Caucus and many of my colleagues in Congress on a bipartisan basis in sending yet another bipartisan congressional letter to President Bush urging him to use the word ''genocide'' in his April 24th commemorative statement. With over 178 signatures, the message in that letter is loud and clear: 90 years is too long to wait for justice to be served and proper recognition to be made.

The President should have used the 91st anniversary of the Armenian genocide to promote the U.S. foreign policy that reflects appropriate understanding and sensitivity to human rights, ethnic cleansing, and genocide. But, instead, President Bush once again failed to honor his pledge to properly characterize the Armenian genocide in his annual remarks. Despite pleas by Members of Congress and the Armenian American community, and recognition by much of the international community, he continues to avoid any clear reference to the Armenian genocide while consistently opposing legislation marking this crime against humanity.

The Bush administration continues to be influenced by the Government of Turkey by placing parts of our foreign policy in their hands. When it comes to facing the judgment of history about the Armenian genocide, Turkey, rather than acknowledging truth, has instead chosen to trample on the rights of its citizens to maintain its lies. The U.S. cannot continue to submit to Turkey's shameless threats and intimidation.

Madam Speaker, the U.S. owes it to the Armenian American community, to the 1.5 million that were massacred in the genocide, and to its own history to reaffirm what is fact. As we have seen time and time again, the United States has a proud history of action and response to the Armenian genocide. During a time when hundreds of thousands were left orphaned and starving, a time when a nation was on the verge of complete extermination, the U.S. took the lead and proudly helped end these atrocities. In fact, Americans helped launch an unprecedented U.S. diplomatic, political, and humanitarian campaign to end the carnage and protect the survivors.

If America is going to live up to the standards we set for ourselves and continue to lead the world in affirming human rights everywhere, we need to stand up and recognize the tragic events that began in 1915 for what they were: The systematic elimination of a people. The fact of the Armenian genocide is not in dispute.

Madam Speaker, regardless of President Bush's inaction, I call on Speaker HASTERT to bring the resolution to officially recognize the Armenian genocide to the House floor. The resolution that passed in committee last September, again on a bipartisan basis by an overwhelming majority, has over 148 cosponsors. Now is the time to allow Members to reaffirm the United States' record on the Armenian genocide.

The U.S. Government needs to stop playing politics with this tragic time in history and take a firm stance for the truth. Genocide must not be tolerated.

□ 2245

## HEALTH CARE AND WHERE WE ARE GOING

The SPEAKER pro tempore (Ms. FOXX). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Madam Speaker, I come to the floor tonight to talk about health care, but I have to spend just a minute or two addressing some of the things that we just heard in the previous hour.

There has been a lot of discussion about the Jobs and Growth Act that was passed in 2003, in fact in May of 2003, a reinvestment of $80 billion back into the American economy, back into the productive sector of the American economy. The American people rewarded the United States Treasury with an increase in collections to the Treasury the next year with $260 billion that were not anticipated. Investment in the productive sector of the American economy works every time it is tried, and I am grateful to be part of the Congress in 2003 that provided that reinvestment opportunity for the American people.

There has been a lot of discussion this past couple of weeks about gas prices. We passed an energy bill at the end of July last year. Part of the deal on that energy bill was that there was going to be no liability protection for a compound called MTBE, a federally mandated oxygenate in gasoline that is sold in this country in order to comply with clean air restrictions.

Without MTBE, we are left with only ethanol as the only oxygenate available for the mixture of gasoline that is required to be sold in States that have clean air issues. We removed the MTBE because it was placed in legal peril.

We had an opportunity in October after the hurricanes hit, after we knew there was going to be trouble, we had an opportunity to address the oxygenate requirements in the blended fuels that are going to be blended and sold for this summer's driving season, precisely the time we are up against right now.

This House passed that bill which would have allowed for that relaxation of oxygenation requirements. We passed it with no Democratic votes. It was only Republican votes that passed the bill, and it has never been taken up by the Senate. The consequences are quite predictable.

Now, we were told during the hearings on the energy bill the prior year by individuals from, and you talk about a special interest group, that is the ethanol lobby; we were told that the ethanol manufacturers in this country had unbelievable success and they were able to produce ethanol that exceeded their wildest expectations. Well, they were wrong and they have not been able to produce the quantity they said, and it is time for this country to look at the tariff that we place on foreign imported ethanol. If we are going to require foreign imported ethanol to be part of our gasoline oxygenate system, we are going to have to import ethanol at least temporarily until we can increase production in this country.

But I did not come to the floor to talk about gas prices and ethanol, although that is important. I came to the floor tonight to talk about health care. I want to talk about where we are and where I see us going. I would like to spend a considerable time on the affordability of health care because I believe that is the central issue. Whether you talk about a single payer, government-run system or a system that embraces the private sector, affordability of health care is going to be one of the main drivers that we need to keep in our uppermost consideration.

We need to talk about the uninsured and federally qualified health centers. We will have a bill in the next couple of weeks in the committee that will authorize the federally qualified health center statute. Those are an important aspect of our delivery of medical care in the 21st century in this country.

We have to talk about liability reform. We have talked about it a lot in the past 3 years. We have yet to produce a satisfactory result, and it is going to continue to be a part of a major discussion on health care until we get something done in that regard.

We have to talk about provider relief and paying our doctors and health care providers what they rightfully earn, and not continue to cut their reimbursement rates year after year in the Medicare system and ask them to shoulder a greater and increasing burden of the health care costs when, after all, we turn to them to take care of the uninsured at no compensation and then we continually cut their Medicare compensation. We are driving good doctors out of practice and that is wrong. We need to address that.

There has been an explosive growth in information technology in virtually every sector of the American economy. Health care is no exception. We need to make certain that we have the right kind of informational technology at the disposal of people who provide health care.

Of course, you cannot look at the last year with the problem with the large hurricanes, the problems that loom on the horizon as hurricane season is upon us again, and the problems that loom on the horizon from an infectious disease, the likes of which none of us have ever seen in our lifetimes, the specter of the avian flu. We have to talk about preparedness.

When ethicists talk about health care and health care in this country, they always seem to talk about affordability, access and quality. I remember an ethicist that spoke to one of our classes years ago said affordability, access and quality; we have only learned how to handle two of the three at any one time.

Since I do not want to pick the one that is going to be left out, let me concentrate on affordability. We will leave quality and access discussions to other days. And I might add that I trust the American medical system to provide us with the quality that we have come to expect.

We already have a system that is paid for by, to a large degree, by governmental agencies and by the Federal Government with a GDP of $10 trillion to $11 trillion and $1.4 trillion spent on health care. In fact, in the HHS appropriations bill that we passed last December, over $600 billion was spent on Medicare and Medicaid alone. So clearly, almost 50 cents of every health care dollar spent in this country arises right here in the halls of the United States Congress. The remainder, the other 50 percent, is largely carried by private insurance, commercial insurance. There is also some amount of that is carried by self-pay. Again, we cannot forget the charitable care that is delivered by hospitals and doctors and nurses all over the country every hour of every day of the year.

The problem that I see if we do not address affordability of health care, the default position on the horizon is going to be a single payer, government-run system. Would that necessarily be a bad thing, to vastly expand the public expenditure on health care? I look to our neighbors to the north that have an entirely government-run, single-payer system, and I think it was just in late 2004 or perhaps 2005 that the Canadian Supreme Court ruled that their system, with its long waiting lines, was no longer adequate. In fact, I think the Canadian Supreme Court, their statement was access to a waiting line is not the same as access to care.

In that system there are the problems with long waits for so-called elective surgeries. Now, an elective surgery may be something as serious as replacement of a diseased hip or fixing a problem that someone has with a ruptured disk in their back or neck. It may even include coronary artery bypass grafting. It may include some things that we may not think of as being entirely elective. I would submit that health care in Toronto would significantly suffer if they did not have the safety net of Henry Ford Hospital in Detroit, Michigan to take care of some of their excess.

On the other hand, in the United States, if we had a single-payer system with long lines for access to care, I do not think we could count on a hospital on our southern border to bail us out in a similar fashion.

So in short, I believe we need the private sector, and in fact I believe we need to encourage and expand the private sector as far as delivery of health care in this country. Congress can take action by promoting policies that keep the private sector involved in the health care marketplace. Indeed, we have done exactly some of those things in the short 3 years that I have been here.

One of the most significant things I think that has happened in the last 10 years, in 1996 with the passage of the Kennedy-Kassebaum Act, and the allowance for the first time for what is called medical savings account. These were those high-deductible insurance policies where you could put money away towards that deductible into a medical IRA, if you will; allow that money to grow tax free to be a medical nest egg for someone who may need it in future years, or to pay that high deductible out of the medical savings account.

Now, medical savings accounts had a lot of restrictions upon them. But even at that, when they were first offered back in 1996 and 1997, I very quickly went out and signed up myself for a medical savings account. I made one available in my medical practice to anyone who wanted it, because I saw this as the tool for the future. It put the decision-making for health care decisions back in the hands of the health care consumer. I thought that was such a powerful concept.

Even though at the time medical savings accounts were kind of an untried and untested premise, I thought that concept of putting the health care decision back into the hands of the health care consumer was so important, I was willing to take a chance on that. Mind you, 1996 and 1997 and 1998 was a time we saw explosive growth of HMOs in this country. And more and more medical care was being dictated by the chief executive officers of HMOs or medical review boards in a HMO, and I saw this as a wonderful chance to reclaim the health care decisions for myself and my family. I gratefully took that option. I am glad I did because that policy served me very well until I came to Congress.

Now, coming to Congress in 2003, medical savings accounts were not available in the Federal Employees Health Benefit Plan. Again, medical savings accounts had a number of restrictions on them and they were capped. Only 750,000 could be offered across the country, and they were not that heavily subscribed.

When we passed the Medicare Modernization Act in November of 2003, we expanded medical savings accounts in a way that I frankly did not think was possible. But kudos to the Ways and Means Committee and Chairman THOMAS; they got the job done and vastly expanded the access to health savings accounts not just for recipients of Medicare, but for anyone who wanted to participate in that kind of high-deductible policy, and having a savings account that is dedicated entirely to their medical expenses.

There are some other improvements that can be made, and indeed there are several pieces of legislation out there currently to allow for a hybridization, if you will, between flexible spending accounts, health reimbursement accounts and health savings accounts. I think those are important steps that yet need to be taken. But with the expansion of health savings accounts in 2003, making them more generally available to the population, we unleashed a very powerful tool for providing insurance to more people in this country.

Madam Speaker, in the year 1994, I had a family member who was no longer able to get insurance off my employer-based insurance. I set out to get an insurance policy for that family member and it was all but impossible to do at any price. I was a practicing physician at the time, willing to write a large check for that insurance coverage, but I could not find anyone who would write a single policy for a young, single, uninsured person.

Well, fast forward 10 years to 2004, the year after we passed the health savings account legislation and the Medicare Modernization Act. And that summer you could go on the Internet, you could go to your favorite search engine and type in ''health savings account'' in the window, click ''go,'' and it would immediately return all kinds of options to that person for the potential purchase of a health care policy. I do this periodically to see what is available in my State for a 20- to 25-year-old single person for single coverage, and you can get a very reasonable, I do not want to say an insurance company's name, but a large insurance company that has a color as part of its first and second name; you can get a reputable insurance company's policy for around $50 a month. Again, a young person age 20 to 25, with a high deductible.

But think of that, a young person getting out of college who wants to, instead of going to work for a large corporation, wants to work for themselves. They want to do an Internet start-up company or any type of self-directed entrepreneurial-type activity. No longer do they have to turn their back on that as a career option because insurance is not available. They can purchase a policy on their own, a policy that is reasonably priced. Yes, it has a high deductible; but they also have the ability to put money away towards that deductible, do so tax free, and the money grows tax deferred.

□ 2300

And if it is used for a medical expense, it is not going to be taxed under any circumstance. We have another tool at our disposal. And the House has passed what are called association health plans. We have passed this two times a year, every year that I have been in the House of Representatives.

The Senate very recently passed an association health plan bill out of their committee. And this, again, is a powerful tool that allows for small businesses, small businesses of a similar business model, to band together and accrue the purchasing powering of a large group. The association health plan is envisioned to be sold across State lines such that a group of realtors in Texas could band with a group of realtors in Oklahoma and combine and pool their resources in order to get a lower price on their insurance coverage. Again, a very powerful tool, one we have passed in the House on several occasions. It did finally pass out of the health committee over in the Senate side, and I do look forward to them taking that issue up to the floor of the Senate, passing that successfully, and let's get to conference and let's get the differences worked out, because this is something we need to provide to our small businesses, the engine that drives productivity in this country. We need to put this tool in the hands of small business in this country.

When you think of consumer-directed health care, like a health savings account, there has to be some method that the consumer, that the purchaser has of evaluating different hospitals, different doctors. There has got be a measure of transparency brought into the overall purchase of that insurance plan. Right now there is opacity in the system, and I understand there is opacity in the system because opacity has value. It is perhaps worthwhile for a health care facility, a hospital, surgery center, doctor's office, to have a little bit of opacity in their pricing structure so that it is a little bit hard to figure out what something costs. But we need to move and make an honest effort to provide the information that the health care consumer needs to make a well-founded, consumer-oriented decision. After all, we are asking for consumer-oriented health care. We can't very well deny the consumer the opportunity to be able to evaluate two health plans side by side, two hospitals side by side, two surgery centers or two doctors' practices side by side. They need the ability to do that.

Finally, a concept that has been around as long as I have been here, and, I suspect, longer, is the concept of tax credits for the uninsured or the underinsured, a voucher system, perhaps, if you will, just helping someone who didn't make enough money to be able to pay for insurance, helping them pay for insurance with an EITC-type tax credit that is prefundable, not refundable. That is at the beginning of the tax year that money would be made available to that person.

Some of the proposals that are out there would fund $1,000 for an individual, $3,000 for a family. A lot of people will say, well, you can't buy much in the way on the health insurance market for $3,000 for an individual. But if you go to the health savings accounts Web sites, you certainly can find products that are available that would allow someone to purchase insurance coverage, again, for well under $1,000 for an individual, perhaps for 6- or $700 a year, and to begin to put money away towards that high deductible. And I think that is a worthwhile product, a worthwhile activity.

And I do look forward at some point to this Congress or the next Congress taking up the concept of tax credits for the uninsured because I believe that will, over the long term, all three of those concepts taken together, health savings accounts, association health plans and tax credits for the uninsured. Mort Kondracke in an editorial in the Roll Call Magazine really 2 years ago estimated that you could cut the number of uninsured by perhaps 13 million by those three entities alone. I actually think the number on his estimate on health savings accounts is a little low, because we have seen, over the last 2 years, an increasing number of people select that type of health insurance, such that now there are over a million people enrolled in health savings accounts. The vast majority of these are individuals over the age of 40, and a great number of these are people who would not be regarded as high-income. Probably 40 percent of people earn under $50,000 a year. So it is not just for the healthy and the wealthy; it is a program that does have high utility for Americans across the spectrum of all age groups and all earning capabilities.

As far as the uninsured is concerned, the U.S. Census Bureau, and it seems like this number is higher every week when I read it, right now between 43- and 45 million people who are estimated to be uninsured. Now, this number is a little bit tricky because it does include people who are uninsured for any portion of the year. So someone who is uninsured for part of the year, but has insurance for the balance of the year is going to be counted uninsured for the entire calendar year.

Does it count people who are perhaps in this country without a valid Social Security number, people who are in this country without the benefit of a valid visa or immigration papers? And the fact is that it does, and it is going to be difficult to provide coverage to someone who breaks the law by entering this country illegally.

But that doesn't remove the fact that there are a lot of people in this country who lack health insurance. One of the things that causes it, of course, is the high cost of health insurance. And when I talk about the affordability of health insurance, I acknowledge that for every dollar that health insurance premiums go up, a certain number of people are going to be excluded from the rolls of the insured. And we have done things that cause the cost of insurance to inexorably go higher and higher, and as we do that, we are going to drive more and more people away from the ranks of the insured onto the rolls of the uninsured.

Now, one of the things that is not often talked about in context with uninsured individuals is the concept of federally qualified health centers. Now, the President talked about federally qualified health centers on at least the last two occasions when he delivered his State of the Union Address, and I believe the last time he was here he said he wanted to see a federally qualified health center in every poor county in the United States.

I submit that is a worthy goal, and I would also submit there are some counties such as in my district back home in Texas that you wouldn't necessarily record as poor, but they have areas of

poverty within them that are as large as counties, and indeed as large as some States back East, and these populations would benefit from access to a federally qualified health center.

Now, we are going to be taking up the bill that will reauthorize federally qualified health centers within the next few weeks in the Energy and Commerce Committee. I suspect it will come to the floor perhaps the latter part of June during Health Care Week. This is a worthy exercise and one that the committee needs to take up, and indeed the whole House needs to take up. I hope there are some improvements that we can make upon the system.

One of the things I learned last year with the large number of evacuees that came to my district from Louisiana, to my district in Ft. Worth, Texas, it takes a long time to set up a federally qualified health center. And if you have a large number of displaced persons who, by virtue of the fact that they are low-income, by virtue of the fact that they had to leave their homes under the worst possible of conditions, and it is taking some time to get them set up in a new life, or perhaps they are just temporarily going to be displaced in my district, it takes too long to set up that federally qualified health center structure to be able to help individuals like this in the time frame where they need the help. So some streamlining of the federally qualified health center application process, I believe, would really go a long way towards helping these individuals. Backstop it. Make certain that within 2 years time all of the other regulations that surround federally qualified health centers have to be complied with, but ease up the rules just a little bit in an area that is desperately medically underserved to allow the setup and startup of one of these centers in a timely fashion.

We have to provide that degree of flexibility. Otherwise, we are only driving up the cost of health care in the hospital emergency rooms in the area, in the doctors' offices in the area, where they are going to see more and more uninsured patients and deliver more and more uncompensated care, which they, in turn, will have to pass that cost off to other patients and other health care consumers.

But the beauty of a federally qualified health center is it allows a patient to have a medical home even though the patient does not have insurance, and that is the least expensive way of delivering health care to that group of individuals. Again, it keeps them out of the emergency room. It keeps them from accessing health care at the most expensive entry point into the health care system. It allows them to enter in at the level of the medical office or medical clinic, as opposed to the emergency room. And they frequently see the same doctor for visit after visit, so that a problem such as high blood pressure, diabetes, congestive heart failure, chronic long-term problems again are going to be better managed if you see the same provider time and time and time and time again. That continuity of care really is worth something in that environment.

Now, there are a number of federally qualified health centers in this country. I don't know the precise number. I believe that the number of people who are actually served by federally qualified health centers is going to number in the 15 million range, so that 15 million individuals who are maybe uninsured but have access to health care through a federally qualified health centers, it may not be actually accurate or fair to carry them on the ranks of the uninsured. And that is why I say that number of 42 to 45 million that is always reported by the Census Bureau may be overreported because it doesn't take into account the millions of people that get their medical care through a federally qualified health center, which is a very reasonable, cost-effective way to get good medical care for someone who doesn't have access in some other form.

We have State governments that have, over the years, required that a lot of things be covered on insurance policy, the so-called mandates that are added to insurance policies. And tonight, not really the purpose to get into what mandates are good and what mandates are bad, but recognize that adding enforced coverage to insurance policies does increase the cost of insurance policies. And again, for every dollar that we drive up the cost of an insurance policy, we are excluding people from insurance.

If it were possible to come to some agreement on what mandates were absolutely necessary, people just can't live without, and which are more optional, and come to a conclusion about is it possible for us to designate a type of insurance, what would be covered under that type of insurance that could be sold from one State to the other, sold on the Internet, get the benefit of that type of competition across the country, if it were possible to come to that type of conclusion about what we have to have, what we can't live without in an insurance policy, and allow insurance companies to market lower-cost products to people who fall into the ranks of the uninsured, I believe that our American insurance companies would look at that 42 to 45 million uninsured as a market opportunity and would want to market an insurance policy to that segment of Americans if they only were allowed to do so.

The good news, Madam Speaker, is we have actually kind of already come to that agreement. And I go back again to the federally qualified health center template. We have already decided within the federally qualified health center structure what procedures have to be offered, what conditions have to be covered, what benefits have to be offered in the federally qualified health center structure. And if we could take that template as a starting point and come to agreement amongst ourselves, Republican and Democrat alike, stop the tennis match of my mandate is more important than your mandate; stop the arguing over this process, and simply come to an agreement, here is an insurance policy that is good enough to be sold to America's uninsured, it covers the things that should be covered, it doesn't add a lot of additional expense for things that might be considered as optional; and then allow American insurance companies to compete to sell to that segment of the market, I think we would find that that is a very powerful tool and one that, quite honestly, we do need to explore. And we need to explore it in this Congress. We don't need to wait. The guys an hour ago were talking about how different things are going to be a year from now.

□ 2315

Well, it does not need to wait for a year from now. This is work that we can do today, this month, this year. And I submit that it is good work and one that we must take up in this Congress.

Madam Speaker, when I was originally talking about this, the concept of liability reform is one that we visited on the floor of this House many, many times since I took office in the beginning of 2003, I believed before and I still believe now that we do need a national strategy for medical liability insurance reform.

And I am from Texas. Texas has done a great job with medical liability reform. Texas has done a great job with putting a cap on noneconomic damages and has, I think, built upon and strengthened some of the earlier programs such as the California program of the Medical Injury Compensation Reform Act of 1975. I think the Texas compromise of 2003 really built on that earlier experience and is a very valuable program. In fact, it is delivering cost savings on liability insurance for the doctors of Texas. One of the unintended consequences was that it really brought the cost of liability down for self-insured, not-for-profit hospitals. They have been able to make more investments in capital and equipment and nursing personnel than they thought possible because of the cost savings they have gotten off of the Texas medical liability reform that was passed in 2003.

Now, in this House we passed H.R. 5, which was a major medical liability reform bill, in 2003. And when we passed that bill, Madam Speaker, the Congressional Budget Office scored that as a savings of $15 billion over 5 years' time. Now, it is not just the lower cost of liability insurance that they are talking about and doctors passing that cost on to their patients. No. The real savings in that H.R. 5 was because of the perceived reduction in what is called defensive medicine: I do not think this person has this condition, but I need to

do this test in case I am wrong and this case comes into court and I want to be certain that I have got this evidence to back up my decision-making process.

A study done back in 1996 at Stanford University estimated that out of the Medicare program alone, just the Medicare program, the cost of defensive medicine in 1996, that was 10 years ago, the cost of defensive medicine for Medicare in this country was nearly $30 billion a year. I submit that that 10-year-old study, if it were done again today, would find that dollar figure to be actually much higher. CBO did not score it as high, but still acknowledged that there was significant savings to the Federal budget every year if the Congress, House and Senate, would pass meaningful, meaningful medical liability reform.

The problems of the expense of defensive medicine and the high cost of the medical liability system as it exists today means that we are taking money out of the health care sector of our economy and pushing it off to somewhere else. And that somewhere else is too often paying a contingency fee for a trial lawyer. And as harsh as it is to say it, we can no longer afford that kind of luxury. We can no longer afford to divest that kind of money in order to continue the medical liability system that we have in this country. We need a fairer medical justice system than we possess today.

The bill that we passed, H.R. 5, back in 2003, again basically put a cap on noneconomic damages. It capped noneconomic damages at $250,000. I believe it was a good bill. I voted for it in 2003. I voted for it in 2004. I voted for it in 2005. In fact, I will vote for it again if we bring it to the floor of the House again this summer. But when you look at the Texas bill that was passed in 2003, it actually structured itself a little bit differently. Yes, there is a $250,000 cap for noneconomic damages, but that cap exists for the physician, for the hospital, and for a second hospital or nursing home if one is involved. So the total aggregate cap is $750,000. I would have been concerned back in 2003 if someone had said this is the way we are going to go about the cap, that that was too high, that that would not bring the cost of medical liability insurance down, that that would not reduce the cost of defensive medicine. But, in fact, the story in Texas is that it has brought costs down.

I will give you an example. In 2002 when I was running for office the first time, we went from 17 insurers in the State of Texas, medical liability insurers, 17 of them in the State of Texas at the start of the year, 2 in the State at the end of the year. And the problem was the high cost of medical liability and the draining of those insurance companies by lawsuits.

The effect of passing that bill in June of 2003 and then the subsequent constitutional amendment that was required to allow that bill to become law in September of 2003, by the middle of 2004, less than a year later, we had gone from 2 medical liability insurers in the State of Texas back up to 13 or 14, and they had come back into the State without an increase in rates. That is pretty powerful, because if you go from 17 insurance companies down to 2, you have not got much in the way of competition. You pretty much have to take what they say as the going rate. So getting those insurers back into the State of Texas was critical as far as keeping doctors involved.

I remember an event that I went to during the fall of 2002 when I was running for Congress, and a young woman who was a radiologist came up to me and said, ''I really hope you get something done on medical liability. I have lost my insurance, not because of a bad case but simply my insurer left the State of Texas and now I cannot get liability insurance, and as a consequence I am a stay-at-home mom now. I am not practicing radiology.'' Because, obviously, she cannot without the protection of a medical liability insurance policy. So the State of Texas had paid for her medical education. The State of Texas had subsidized her during her radiology residency down at the University of Texas at San Antonio. And now just a few years later, she was out of medicine altogether and raising her children. I am sure she was very happy in that role, but at the same time, what a waste of that woman's talents. What a waste of that woman's training that she would not be able to practice radiology in Texas simply because her insurer left the State and she could not get someone else to cover her. That is the kind of very stark reality that we were up against in Texas in 2002. We were one of the top crisis States as designated by the American Medical Association of that year.

Fast forward to June of 2003, a major liability provision was passed. Again, it capped the pain and suffering damages at $250,000 for the doctor, $250,000 for the hospital, $250,000 for a second hospital or nursing home if one was involved, and very quickly there was a turnaround, the insurers coming back into the State, hospitals saving money. Doctors from Texas Medical Liability Insurance Trust, my old insurer of record, the savings now, the accumulative savings, from when that bill was passed to the present day is in excess of 20 percent savings on their medical liability policies. These are policies which, by the way, were going up by 10 and 20 percent every year for the 2 or 3 years that preceded that event.

So I think the Texas plan is a good one, and I like to sing its praises every time that I come to the floor of the House. I think any medical liability reform that we pass in this House, we could do worse than to base it off of the Texas plan and the Texas compromise, the so-called trifurcated cap. I would like to see us champion that concept over in the Senate and see if we could not get their attention with the trifurcated cap and perhaps get a bill that we could get to conference that way.

But one of the critical things about medical liability insurance issues, people say, you are from Texas and if you have solved the problem in Texas, why do you continue to worry yourself about it in the House of Representatives? And I will tell you why. Because that bill is under attack every legislative session in Texas. There are special interests. And, yes, addressing the Democrats, there are special interests that work on your side as well as our side. There are special interest groups that want to roll back that legislation. But there are other issues as well.

During my first term, my first year in Congress, we took a visit up to the ANWR up in Alaska. And coming back from ANWR we came through Nome, Alaska. Nome, Alaska is a pretty remote place out there. So you can just imagine that when a big plane with a bunch of Congressmen land, it is a big deal in Nome, Alaska. They wanted to have a chamber of commerce-type lunch for us, which they did. And when they learned that there was a Congressman who was also a doctor on the plane, all the medical staff got real excited and all 19 doctors on the medical staff of the Nome, Alaska hospital came out to that lunch that we had.

And one of the doctors who was there said, ''Boy, I sure hope you get that medical liability law passed up in Congress, because we cannot afford the medical liability policy for an anesthesiologist here at the hospital; so we need your help and we need you to get that done so we can afford to have an anesthesiologist.''

I said, ''Well, gosh, what kind of medicine do you practice, sir?''

He said, ''I am an OB–GYN, just like you.''

''An OBGYN. How in the world do you practice obstetrics and gynecology? How do you deliver a baby without the availability of anesthesia? Forget a labor epidural and pain relief during labor. What do you do if you have to have do a C-section?''

And he said, ''Congressman we get that woman onto a plane and we get her down to Anchorage as fast as we can.''

Anchorage, an hour and a half away from Nome, Alaska. And I am not entirely sure about this, but I believe there is a significant amount of bad weather in Nome, Alaska. I do not want to upset the people at the chamber there, but I believe there is a significant amount of bad weather in Nome, Alaska, particularly in the winter months. How do we further the cause of patient safety by requiring that that doctor put his patient on a plane and send her to Anchorage to get a C-section done with the care of an anesthesiologist? That system makes no sense.

Another opportunity I had was to visit with someone who was in charge of the residency program of a large New York hospital. I trained at Parkland Hospital, but I was aware of their

training program, and certainly it is a good second to Parkland Hospital in Dallas. But this individual was in charge of the residency program. And I said, ''How has the liability issue affected your ability to recruit medical students for your OB–GYN residency there in New York?''

And she said, ''Well, it is a real problem, and currently we are accepting students that 5 years ago we would not have interviewed.'' In other words, they have lowered their standards in that OB–GYN residency, because medical students coming out of medical school with huge debt do not feel that they can take on the expense and the trauma of a large liability policy when they start their practice; so they just do not go into OB–GYN.

These are our children's doctors. These are our children's children's doctors that we are talking about. How are we furthering the cause of better medical care in this country when we are allowing that system to continue? It truly is unconscionable, and it is time for this Congress to correct that. Both the House and the Senate need to take action on this. We do have a President who has pledged to sign this bill if we will get it to his desk, and I believe that we must do that.

On the concept of physician payment, I will say that we spend a good amount of time in this body discussing health information technology and pay-for-performance scenerios. We talk about them frequently. But we do not address a serious problem that has been plaguing America's physicians for the past 10 years, and that is the issue of the continuing erosion of physician payments under the Medicare system.

Currently, physicians are paid under what is called the sustainable growth rate, or SGR, which provides for a payment cut of 4 percent for every year, year over year, to a cumulative total of some 26 percent. And that has a negative effect upon the number of doctors who continue to provide services for Medicare patients.

Now, I have done a lot of town halls around in my district, and I have heard a lot of discussion about prescription drugs. But I have also had a lot of people come up to me at the end of a town hall and say, ''How come I turned 65 and I have got to change doctors?'' The reason they have to change doctors is that their physician has evaluated the Medicare reimbursement schedule and has decided that it is not in their best interest to continue to provide care for Medicare patients because of this continued erosion of provider reimbursement rates that goes on year over year. Doctors look at that and they think, well, Congress is likely to reverse that at least temporarily this year. But it is very difficult to plan. It is very difficult to hire. It is very difficult to justify equipment purchases if you have got to factor in a pay cut of 4 to 5 percent every year for the forseeable future.

Now, we passed a bill called the Deficit Reduction Act right at the end of the year, but it turned out we really did not pass it until January. Within the Deficit Reduction Act was a provision to keep the doctors from having that negative 4.4 percent update; in other words, just hold payment rates at a level amount and not decrease it.

□ 2330

The effect of not passing that bill in December and allowing January 1st to hit without addressing that problem meant that every physician in the country who does Medicare got a letter from CMS, the Center for Medicare and Medicaid Services, saying your rates just went down 4.4 percent, or our reimbursement to you just went down 4.4 percent. My fax machine lit up, because it was over the holidays and doctors wanted to get word to me, saying here is the letter I accept to my patients, Congressman. I will no longer be able to provide your care after the first of the year because Medicare has again cut my rates.

So doctors not just in my district, but across the State and some even across the country, called me and notified me that they were going to drop their coverage of Medicare patients.

The problem is that these are doctors who are in the peaks of their career. These are doctors who have established practices, the doctors who come to a diagnosis the quickest, the doctors who spend the least amount of time in the operating room, the doctors who are at the pinnacle of their medical expertise, and they are being driven out of the system. The problem is if you drive out your first tier of providers, it is only going to cost you more in the long run.

So when we talk about things like pay for performance, I cannot help but think if we run off our top tier of providers, we are going to have to pay a lot more to get less performance in the future, and it is incumbent upon us to take up that legislation, to take up that concept and pass legislation that will once and for all fix the problems with the sustainable growth rate and not make our provider community face that 4 to 5 percent pay cut every year, year over year.

A concept derived by the Medicare Payment Advisory Council, so-called MEDPAC, was for consideration of what is called the Medicare economic index, which calculates the true cost of providing Medicare health services, and the reimbursements would be based upon a formula which factored in the actual cost of delivering that care, a very powerful concept and an idea whose time I believe is long since overdue.

Another issue that we spend a lot of time talking about here on the House floor and over in committee is the concept of increasing health care technology. This is appropriate for Congress to be considering this. It is an appropriate expenditure. It is terribly difficult for small doctors' offices with one, two, three and four providers in an office, to justify the kind of expense that would be required to purchase that off-the-shelf health care information technology.

A lot of times a hospital would be willing to partner and help offset some of that, because the hospital benefits as well. Currently we have laws such as stark laws and anti-kickback statutes that prevent that from happening. We need to seriously look the a those pieces of legislation. They may have been of some value back in the 1980s, but they are not a great help in the 21st century. They are not really protecting anyone from any malfeasance, and they are preventing getting this technology into the hands of people who need it the most.

The other thing that we have to consider is we have to assure physicians, providers, hospitals, that they are not going to run afoul of some statute in the HIPAA legislation, the patient privacy legislation. Finally we need to concentrate on some coding uniformity so that people will have confidence in these systems and know that they can use them and that they are not only helping their patients, they are helping their practices, they are helping their bottom line, they are helping their hospital. It could be a win-win situation all the way around, but we are going to have to change some Federal regulations to allow that to happen.

One of the things that I talked about when I originally started this evening was that we needed to touch on preparedness. When you talk about preparedness, looking back over the last year, the twin hurricanes of Katrina and Rita that hit Louisiana, Mississippi and then Texas and Louisiana later in the year, it is impossible to talk about preparedness without thinking about some of the lessons that we learned.

When the hurricane was out there churning in the Gulf, the first hurricane, Hurricane Katrina, you just knew it was going to be bad news. It was a hurricane unlike anything that any one of us had seen before, and there is no way in this day and age that it could select a location for landfall along the Gulf Coast where it was not going to affect a significant number of people.

Well, we all know the story. It came ashore. It kind of took a little turn before it came ashore. We thought New Orleans had dodged a bullet, only to find out that it got hit with even a larger bullet than any of us thought possible.

I was back in Fort Worth and Denton, Texas, during the August work period, and it was at that time that almost 25,000 people that were displaced from that storm came to North Texas seeking shelter, seeking medical care. To say that we weren't expecting it would be an understatement. But the people of North Texas opened their homes and their hearts. Hospitals, hotels, church camps did yeoman's work taking in people who were affected by the storm.

Where my district office is in Fort Worth, at the Tarrant County Resource Center, they immediately made provisions to take in 80 individuals. We set up pallets and cots well into the night on Wednesday night and started receiving our first evacuees on Thursday.

A small Baptist camp in Denton, Texas, Camp Copus, opened its gates up and received some 130 people who had driven in buses all night, in two buses all night, from the Superdome in Louisiana when they finally got out of there.

Probably one of the most heartwarming stories in the North Texas area was the way that the Dallas County Medical Society really rallied around and got their members out to provide care for these individuals as they got off the buses. There are about 3,600 members of the Dallas County Medical Society. When they heard the buses were on the way up from the Superdome, we were right on top of Labor Day weekend, so most people were closing their offices early, making plans for a holiday weekend.

The Dallas County Medical Society sent out a blast fax to all its member physicians, and 800 doctors showed up to provide medical care, triage care, urgent care to these people that got off the buses who had been displaced from Hurricane Katrina; people who had chronic medical conditions, who had been off their medications for 3 or 4 days, who with their chronic medical condition were about to have an acute decompensation of hypertension, diabetes, congestive heart failure.

So as these people came off the bus, as the evacuees, they were interviewed. If they thought they were ill enough to have to go to the hospital, they were taken to the hospital, to Parkland Hospital there in Dallas. If they simply needed a shower and a meal and a refill on their medications, that was provided for them.

Of the 17,000 people who got off the bus in those first hours that evening, less than 500, I think the number is actually in the range of about 300, were actually hospitalized at Parkland Hospital, a phenomenally small number when you consider that these were people who had been in the worst of conditions for the past 3 or 4 days, again many of them ill with chronic medical conditions who had been off their medications for several days. Very few required hospitalization because the doctors of the Dallas County Medical Society were there to receive them.

One the great stories of that evening was some of the pharmacies in the area provided mobile communications and mobile computer hookups, and if those patients had received their medicines at one of the chain drugstores in Louisiana, in New Orleans, they were able to actually replicate their medications, duplicate their records for the medications, what they were taking and the dosage schedules, and make sure the right medicines were gotten to the right individuals. A phenomenal story that occurred there on Labor Day weekend.

Another story you will never read about in the newspapers but really was one of the phenomenal good news stories, the way you can save a lot of money with just a small investment, everyone was given a little tube or little canister of hand sanitizer, and every few minutes you would see people sanitize their hands with an antibacterial, anti-viral preparation.

In these kinds of conditions, where you have got a lot of people who have been wet from a storm and then housed in the Superdome and then got wet again when the Superdome flooded, on a bus for hours, you can just imagine the bacteria and viruses find that an environment they can thrive upon.

Diseases like the Norwalk virus, where gastrointestinal illnesses, epidemic diarrheas are very, very common in those types of conditions. They had very, very few people who became ill. Those that did have symptoms were identified early and sequestered off in another facility. But, again, the hand sanitizing that was done by providing low cost hand sanitizing solution to every person within the Reunion Arena shelter there really kept down trouble and spared a lot of human suffering, spared a lot of medical expense for having to treat people then of the subsequent gastrointestinal illnesses, the nausea, the vomiting, the diarrhea, the dehydration that could accompany that.

As a follow-up, I have been to the City of New Orleans twice since Hurricane Katrina hit. The first time was in October. I was there as a guest of one of the hospital administrators who wanted me to see, he had come before our testimony to testify in Washington and he wanted me to see firsthand myself the destruction that is there.

Even if October, two months after the date, it is unbelievable. There is work to be done that realistically will carry on for years. It is a phenomenal task that is ahead of the people of Louisiana, the people of New Orleans, the people of Mississippi and the people of the United States of America as we help that part of the world recover.

I do want to share one other good news story. We toured Charity Hospital and saw the degree of devastation there, and there is a lot of work to be done if Charity Hospital is ever going to recover. Across the street at Tulane Hospital, which is a private hospital, they had invested insurance money, they had invested new capital and were well on their way to having the HCA hospital up and running. In fact, I believe their emergency room was open in time for Mardi Gras. I am not sure if the hospital has opened up any of its wards yet, but it looked like they were well on their way to getting that done.

An entirely different story just across the street from Tulane. They both had the same degree of flooding, they both had the evacuation on the same day, late that week after the storm, but involvement of the private sector really did make a positive difference in the recovery of the Tulane Hospital.

It is my hope that Charity Hospital will be able to recover as well. I hope the individuals there involved in the State Medical System can work with Federal agencies and can work with the doctors and the very capable administrators on the ground, but they have got a long way to go to recover the Charity facility.

I guess one of the main things that was learned down there, one of the main lessons learned, an off-the-shelf preparedness plan that is purchased by a hospital or nursing home is not going to do a bit of good if it is not taken off-the-shelf and put into action. Unfortunately, that did happen in more than one occasion in that area after the hurricane.

I do need to add that just because a hospital was private does not necessarily mean that it fared better than a public hospital. There were other private hospitals that still lag far behind the HCA facility there at Tulane, and it is my hope that more of those will follow the Tulane model and make that private investment, invest those insurance dollars that they receive and bring their facilities up and on line quickly.

We did have hearings. The other side complained this evening about oversight. There were excellent oversight hearings by TOM DAVIS' Special Select Katrina Committee. All Members received or should have received their report. It is called Failure of Initiative. It is a very large book, but it is not a hard read. In fact, it is a very interesting read. For those Members who have received that and not read it, I would urge you to do so.

There is an excellent part in there about medical preparedness, but in fact it talks about preparedness all down the line, and it is a valuable instruction for all of us, especially when we talk about the specter of the avian flu which could be facing us here in this country as early as late August or early September.

When you look at the spread of that illness in bird populations across Southeast Asia and then the Middle East and then in Eastern Europe and now in Europe, clearly there is a continued spread of that disease. When it gets into the flyways of the migratory bird patterns, gets up in the polar regions perhaps by this summer, then down through the upper North American continent in Canada, arriving in the United States, pick the month, but one could easily assume it would be early or late fall of next year.

I must stress that this is still a disease in animals, a disease in birds, but there is a lot about it that is not known. Felines in Germany have contracted the disease. Whether that is because they have come in contact with animal waste or whether they have eaten animals that is diseased, no one

really knows. It does appear to be a different disease in felines than you would expect the avian flu to be in humans if it were to mutate to a human form.

We have a lot of work to do as far as bolstering our vaccine manufacturing capability within our shores, within our borders. It needs to happen in this country. We need some liability relief to allow that to happen quickly, but we also need to protect and indemnify our first responders.

Those 800 people that came to the Reunion Arena parking lot from the Dallas County Medical Society for Katrina victims may have an entirely different view on the situation if they are being called to come attend a large number of casualties from a disease that might well be an infectious disease that they could catch. They will need to have the availability of anti-virals. We will need to have the availability of vaccines. But if those vaccines are relatively new and untested, we need to have the ability to indemnify those first responders or their families if the first responders are harmed by the vaccines.

□ 2345

The disease knows no boundaries. It does not respect any Governmental jurisdiction. If it does arrive on the upper part of the North American Continent it will spread through the lower parts to the United States.

Can anyone guess how quickly? Suffice it to say that the conditions are a little bit different here than in Southeast Asia and the Middle East. Containment policies that have been somewhat sporadic would likely be much more effective over here on this continent.

But that is not to say that we could not face a very serious problem. It would be economically disruptive if nothing else if large numbers of the poultry population had to be taken off line. But a very serious potential human tragedy if the virus changes in its ability to infect not just bird populations but humans as well.

But in summary, Madam Speaker, we have got a lot of work ahead of us as far as health care is concerned over the balance of this year. I know that the leadership takes this responsibility very seriously. Certainly I want to make certain that the leadership and indeed every Member of Congress knows that those of us who have a background in health care stand ready and willing to help in this regard.

The concept of affordability of health care is one that I just cannot stress enough, because if we do not attend to the affordability of health care we may end up with a default position that none of us really cares for.

And with that, Madam Speaker, I yield back.

## RECESS

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

Accordingly (at 11 o'clock and 53 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0000

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COLE of Oklahoma) at midnight.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4975, LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 109–441) on the resolution (H. Res. 783) providing for consideration of the bill (H.R. 4975) Lobbying Accountability and Transparency Act of 2006, which was referred to the House Calendar and ordered to be printed.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today and Thursday, April 27, on account of attending to important personal and business matters.

Mr. GEORGE MILLER of California (at the request of Ms. PELOSI) for today after 5 p.m.

Ms. MOORE of Wisconsin (at the request of Ms. PELOSI) for today.

Ms. ROS-LEHTINEN (at the request of Mr. BOEHNER) for today on account of a family 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. RYAN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

(The following Members (at the request of Mr. MACK) to revise and extend their remarks and include extraneous material:)

Mr. RAMSTAD, for 5 minutes, today and April 27.

Mr. JONES of North Carolina, for 5 minutes, April 27 and May 2 and 3.

Mr. MACK, for 5 minutes, today.

Mr. KENNEDY of Minnesota, for 5 minutes, today.

Mr. BRADY of Texas, for 5 minutes, April 27.

Mr. BISHOP of Utah, for 5 minutes, April 27.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 592. An act to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

S.J. Res. 28. Approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

## ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 1 minute a.m.), under its previous order, the House adjourned until today, April 27, 2006, at 9 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6980. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Acreage Reports and Noninsured Crop Disaster Assistance Program (RIN: 0560-AG20) received March 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6981. A letter from the Administrator, U.S. Agency for International Development, transmitting a report of a violation of the Antideficiency Act by the U.S. Agency for International Development, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

6982. A communication from the President of the United States, transmitting a request for FY 2006 budget amendments for the Army Corp of Engineers; (H. Doc. No. 109–99); to the Committee on Appropriations and ordered to be printed.

6983. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-20, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Thailand for defense articles and services; to the Committee on Armed Services.

6984. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Glen W. Moorhead III, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6985. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Colby M. Broadwater III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6986. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General William J. Lennox, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6987. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of rear admiral accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6988. A letter from the Assistant Secretary of the Army for Acquisition, Logistics and Technology, Department of Defense, transmitting the annual status report of the U.S. Chemical Demilitarization Program (CDP) as of September 30, 2005; to the Committee on Armed Services.

6989. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6990. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Daniel James III, Air National Guard of the United States, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6991. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification of programs that have exceeded the newly defined significant cost growth threshold against their original baseline estimate, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

6992. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the annual report to Congress on the operations of the Export-Import Bank of the United States for Fiscal Year 2005, pursuant to 12 U.S.C. 635g(a); to the Committee on Financial Services.

6993. A letter from the Acting Assistant Deputy Secretary, Office of Innovation and Improvement, Department of Education, transmitting the Department's final rule — Notice of final priorities and eligibility requirements — received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6994. A letter from the Secretary, Department of Energy, transmitting a copy of draft legislation to authorize the Secretary of Energy to use expedited procedures to promulgate rules establishing energy conservation standards; to the Committee on Energy and Commerce.

6995. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's report entitled, ''Enforcement First'' to Ensure Effective Institutional Controls at Superfund Sites; to the Committee on Energy and Commerce.

6996. A letter from the Chairman, Nuclear Regulatory Commission, transmitting proposed legislation authorizing appropriations for FY 2007, pursuant to 42 U.S.C. 2017; to the Committee on Energy and Commerce.

6997. A letter from the Acting Senior Procurement Executive, (OCAO), GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2005-07; Introduction — received January 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6998. A letter from the Regulatory Contact, National Archives and Records Administration, transmitting the Administration's final rule — Declassification of National Security Information (RIN: 3095-AB38) received March 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6999. A letter from the Regulatory Contact, National Archives and Records Administration, transmitting the Administration's final rule — Records Management; Electronic Mail; Electronic Records; Disposition of Records (RIN: 3095-AB39) received March 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7000. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Internet Communications [Notice 2006-8] received March 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

7001. A letter from the Inspector General, U.S. House of Representatives, transmitting the results of an audit of the U.S. House of Representatives' annual financial statements for the year ending December 31, 2004; to the Committee on House Administration.

7002. A letter from the Secretary, Department of the Interior, transmitting the 2005 Annual Report for the Office of Surface Mining Reclamation and Enforcement, pursuant to 30 U.S.C. 1211(f), 1267(g), and 1295; to the Committee on Resources.

7003. A letter from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Oil and Gas Lease Acreage Limitation Exemptions and Reinstatement of Oil and Gas Leases [WO-310-1310-PP-241A] (RIN: 1004-AD83) received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7004. 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 the California Red-legged Frog, and Special Rule Exemption Associated with Final Listing for Existing Routine Ranching Activities (RIN: 1018-AJ16) received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7005. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlfie and Plants; Designation of Critical Habitat for Astragalus lentiginosus var. coachellae (Coachella Valley milk-vetch) (RIN: 1018-AT74) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7006. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Critical Habitat Designation for the Kootenai River Population of the White Sturgeon (RIN: 1018-AU47) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7007. 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 Navarretia fossalis (spreading navarretia) (RIN: 1018-AT86) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7008. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Oklahoma Regulatory Program [Docket No. OK-030-FOR] received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7009. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Wyoming Abandoned Mine Land Reclamation Plan [WY-033-FOR] received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7010. A letter from the Director, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Salt Creek Tiger Beetle (Cicindela nevadica lincoliana) (RIN: 1018-AJ13) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7011. 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 Atriplex coronata var. notarior (San Jacinto Valley crownscale) (RIN: 1018-AJ11) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7012. A letter from the Special Trustee for American Indians, Department of the Interior, transmitting the Department's final rule — American Indian Trust Fund Management Reform Act; Technical Amendments (RIN: 1035-AA05) received March 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7013. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D — 2006-07 Subsistence Taking of Fish and Shellfish Regulations (RIN: 1018-AU05) received March 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7014. A letter from the Assistant Secretary — Land and Mineral Management, Department of the Interior, transmitting the Department's final rule — Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS) — Minimum Blowout Prevention (BOP) System Requirements for Well-Workover Operations Performed Using Coiled Tubing with the Production Tree in Place (RIN: 1010-AC96) received March 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7015. A letter from the Acting 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 Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants (RIN: 1018-AU06) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7016. A letter from the Director, Fish and Wildlife Services, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule to List the Tibetan Antelope as Endangered Throughout Its Range (RIN: 1018-AF49) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7017. A letter from the Acting 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 Brodiaea filifolia (thread-leaved brodiaea) (RIN: 1018-AT75) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7018. A letter from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the 2005 Annual Report Regarding Atlantic Highly Migratory Species, pursuant to

16 U.S.C. 971 et seq.; to the Committee on Resources.

7019. A letter from the Assistant Attorney General, Department of Justice, transmitting a report on the activities of the Community Relations Service for Fiscal Year 2005, pursuant to 42 U.S.C. 2000g-3; to the Committee on the Judiciary.

7020. A letter from the Liaison Officer, Office of the Secretary, Department of Defense, transmitting the Department's final rule — Criminal Jurisdiction Over Civilians Employed by or Accompanying the Armed Forces Outside the United States, Service Members, and Former Service Members [0790-AH73] received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7021. A letter from the Assistant Attorney General, Department of Justice, transmitting a legislative proposal relating to the statute of limitations for espionage offenses; to the Committee on the Judiciary.

7022. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Announcement and Report Concerning Advance Pricing Agreements [Announcement 2006-22] received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7023. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revised Regulations Concerning Disclosure of Relative Values of Optional Forms of Benefit [TD 9256] (RIN: 1545-BD97) received March 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7024. A letter from the Secretary, Department of the Treasury, transmitting notification of the Secretary's determination that by reason of the public debt limit, the Secretary will be unable to fully invest the the portion of the Civil Service Retirement and Disability Fund (CSRDF) not immediately required to pay beneficiaries, pursuant to 5 U.S.C. 8348(l)(2); jointly to the Committees on Government Reform and Ways and Means.

7025. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''National Coverage Determinations,'' pursuant to Public Law 106-554, section 522(a); jointly to the Committees on Ways and Means and Energy and Commerce.

7026. A letter from the Secretary, Department of Defense, transmitting the annual report on the National Security Education Program (NESP) for 2003 and 2004, pursuant to 50 U.S.C. 1906; jointly to the Committees on Intelligence (Permanent Select) and Education and the Workforce.

7027. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting the results of a study of the known and potential environmental effects of gas and oil drilling activities in the Great Lakes; jointly to the Committees on Transportation and Infrastructure, Energy and Commerce, and Resources.

7028. A letter from the Acting General Counsel, Department of Defense, transmitting the Department's requested legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2007; jointly to the Committees on Armed Services, Energy and Commerce, the Judiciary, Transportation and Infrastructure, Homeland Security, Ways and Means, Government Reform, Science, Intelligence (Permanent Select), the Budget, and International Relations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 3496. A bill to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes; with an amendment (Rept. 109–440). Referred to the Committee of the Whole House on the State of the Union.

*[Filed on April 27 (legislative day of April 26), 2006]*

Mr. DREIER: Committee on Rules. House Resolution 783. Resolution providing for consideration of the bill (H.R. 4975) to provide greater transparency with respect to lobbying activities, and for other purposes (Rept. 109–441). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MANZULLO (for himself, Mr. MICA, and Mrs. KELLY):

H.R. 5196. A bill to amend the Export Enhancement Act of 1988 to establish the Office of Trade Promotion in the Executive Office of the President, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Small Business, 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:

H.R. 5197. A bill to amend title 49, United States Code, to extend the aviation war risk insurance program; to the Committee on Transportation and Infrastructure.

By Mr. MANZULLO (for himself and Mr. POMEROY):

H.R. 5198. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for qualified equity investments in certain small businesses; to the Committee on Ways and Means.

By Mr. KIRK (for himself and Mr. LARSEN of Washington):

H.R. 5199. A bill to expand the diplomatic infrastructure and economic competitiveness of the United States in the People's Republic of China, and for the other purposes; to the Committee on International Relations, and in addition to the Committees on Education and the Workforce, and Small Business, 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. TOM DAVIS of Virginia (for himself, Mr. TAYLOR of Mississippi, Mr. GIBBONS, Mr. HAYES, Mr. WILSON of South Carolina, and Mrs. MILLER of Michigan):

H.R. 5200. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes; to the Committee on Armed Services.

By Mr. BILIRAKIS (for himself, Mr. GENE GREEN of Texas, Mr. ALLEN, Ms. BALDWIN, Mr. BASS, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BONILLA, Mrs. BONO, Mr. BROWN of Ohio, Mr. BURGESS, Mrs. CAPPS, Mr. CAPUANO, Mr. CASE, Mr. CLAY, Mr. CLEAVER, Mr. COOPER, Mr. COSTELLO, Mr. DAVIS of Florida, Mr. DEFAZIO, Ms. DEGETTE, Mrs. DRAKE, Mrs. EMERSON, Mr. ENGEL, Ms. ESHOO, Mr. FOSSELLA, Mr. GORDON, Ms. GRANGER, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HONDA, Mr. KENNEDY of Rhode Island, Mr. LAHOOD, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LEACH, Mr. LEWIS of Georgia, Mr. MARSHALL, Mr. MATHESON, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHUGH, Mr. NADLER, Mr. NORWOOD, Mr. OBERSTAR, Mr. OTTER, Mr. OWENS, Mr. PALLONE, Mr. PICKERING, Mr. RANGEL, Mr. ROSS, Mr. REICHERT, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SCHWARZ of Michigan, Mr. SCOTT of Georgia, Mr. SESSIONS, Mr. SHAYS, Mr. SHIMKUS, Mr. SIMMONS, Mr. SIMPSON, Mr. STRICKLAND, Mr. SWEENEY, Mr. TERRY, Mr. TOWNS, Mr. UPTON, Mr. WALDEN of Oregon, Mr. WAXMAN, Ms. WOOLSEY, and Mr. WYNN):

H.R. 5201. A bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act; to the Committee on Energy and Commerce.

By Mr. BRADLEY of New Hampshire (for himself and Mr. FILNER):

H.R. 5202. A bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers; to the Committee on Veterans' Affairs.

By Mr. CHABOT:

H.R. 5203. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax of at least $500 to offset the cost of high 2006 gasoline and diesel fuel prices; to the Committee on Ways and Means.

By Mr. EVANS (for himself and Mr. LAHOOD):

H.R. 5204. A bill to designate certain functions as inherently governmental, and for other purposes; to the Committee on Government Reform.

By Mr. FLAKE (for himself and Mr. BARRETT of South Carolina):

H.R. 5205. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH (for himself, Mr. MCNULTY, Mr. CAMP of Michigan, Mr. FITZPATRICK of Pennsylvania, Mr. BUTTERFIELD, Mr. BROWN of Ohio, Mr. SIMMONS, Mr. LIPINSKI, Mr. UDALL of Colorado, Mr. BACHUS, Mr. EHLERS, Mr. MCCOTTER, Mr. HINCHEY, Mr. SWEENEY, Mr. ROGERS of Michigan, Mr. DENT, Mr. DOOLITTLE, Mr. WOLF, Mr. BARTLETT of Maryland, Mr. CARDIN, Mrs. BONO, Mr. FERGUSON, and Mr. WAMP):

H.R. 5206. A bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes; to the Committee on Ways and Means.

By Mrs. MALONEY:

H.R. 5207. A bill to amend the National Housing Act to authorize the Secretary of

Housing and Urban Development to insure mortgages for the acquisition, construction, or substantial rehabilitation of child care and development facilities and to establish the Children's Development Commission (Kiddie Mac) to certify such facilities for such insurance, and for other purposes; to the Committee on Financial Services.

By Mr. NUSSLE (for himself, Mr. LATHAM, Mr. LEACH, Mr. KING of Iowa, Mr. BOSWELL, Mr. OSBORNE, Mr. HULSHOF, Mr. TERRY, and Mr. WELLER):

H.R. 5208. A bill to amend the Internal Revenue Code of 1986 to make permanent certain tax incentives for alternative energy, to amend the Clean Air Act to accelerate the use of renewable fuels, and for other purposes; 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. PALLONE (for himself and Mr. GENE GREEN of Texas):

H.R. 5209. A bill to improve the oversight and regulation of tissue banks and the tissue donation process, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 5210. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for professional school personnel in grades kindergarten through grade 12 and to amend title II of the Social Security Act to replace the 60-month period of employment requirement for application of the Government pension offset exemption with the rule that last applied before section 418 of the Social Security Protection Act of 2004 was enacted; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 5211. A bill to improve the quality of life for senior citizens; 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 Ms. SLAUGHTER (for herself, Ms. GINNY BROWN-WAITE of Florida, Ms. ROYBAL-ALLARD, Ms. KILPATRICK of Michigan, Mr. DELAHUNT, Mr. CONYERS, Ms. DELAURO, Mrs. MALONEY, Ms. LORETTA SANCHEZ of California, Mr. CROWLEY, Mr. HONDA, Ms. LEE, Mr. MOORE of Kansas, Mr. KUCINICH, Mr. ROTHMAN, Mr. SANDERS, Mr. WEXLER, Mrs. JONES of Ohio, Mr. INSLEE, and Mrs. DAVIS of California):

H.R. 5212. A bill to reduce sexual assault and domestic violence involving members of the armed forces and their family members and partners through enhanced programs of prevention and deterrence, enhanced programs of victims services, and strengthened provisions for prosecution of assailants, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, 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. THOMPSON of California (for himself, Mr. DEFAZIO, Mr. WU, Ms. HOOLEY, Mr. BLUMENAUER, Ms. PELOSI, Mr. GEORGE MILLER of California, Mr. FARR, Mr. COSTA, Ms. WOOLSEY, Mrs. TAUSCHER, Mrs. CAPPS, Ms. ESHOO, Mr. LANTOS, Ms. MATSUI, Mr. CARDOZA, Mr. HONDA, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Ms. LEE, Mr. STARK, Mr. SHERMAN, Mr. BERMAN, Mr. BACA, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, Ms. SOLIS, Mr. SCHIFF, Mr. BECERRA, Ms. HARMAN, Mr. FILNER, Ms. WATERS, Ms. WATSON, Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, and Ms. MILLENDER-MCDONALD):

H.R. 5213. A bill to direct the Secretary of Commerce to provide emergency disaster assistance to mitigate the economic losses caused by declining Klamath River salmon and to develop and implement a research and recovery plan for Klamath River salmon, and for other purposes; to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS:

H.R. 5214. A bill to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ''Hugh L. Carey United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. TOWNS:

H.R. 5215. A bill to designate the United States bankruptcy courthouse located at 271 Cadman Plaza East, Brooklyn, New York, as the ''Conrad Duberstein United States Bankruptcy Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. MANZULLO (for himself and Mr. RYAN of Ohio):

H. Con. Res. 390. Concurrent resolution expressing the sense of the Congress that, as a matter of economic and national security, the United States Government should protect and support United States currency; to the Committee on Financial Services.

By Mr. DEFAZIO (for himself, Ms. SCHAKOWSKY, Mr. ABERCROMBIE, Mr. HONDA, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. GEORGE MILLER of California, Mr. SANDERS, Mr. BROWN of Ohio, Mr. DOGGETT, Mr. MCGOVERN, Ms. MCCOLLUM of Minnesota, Ms. BALDWIN, Mr. MCDERMOTT, Mr. BLUMENAUER, Mr. SERRANO, Mr. INSLEE, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. KUCINICH, Mr. CONYERS, Ms. WATSON, Mr. HOLT, Mr. CAPUANO, Mr. HINCHEY, and Mr. OBERSTAR):

H. Con. Res. 391. Concurrent resolution expressing the sense of Congress that the President should not initiate military action against Iran with respect to its nuclear program without first obtaining authorization from Congress; to the Committee on International Relations.

By Mr. WILSON of South Carolina (for himself, Mr. PENCE, Mr. TANCREDO, Mr. CROWLEY, Ms. ROS-LEHTINEN, Ms. MCCOLLUM of Minnesota, Mr. CHABOT, Mr. GARRETT of New Jersey, Mr. FOLEY, Mr. SOUDER, Mr. BROWN of South Carolina, Mr. DOOLITTLE, Mr. SHAW, Mr. RADANOVICH, Mr. BASS, Mr. MCCOTTER, Mr. OWENS, Mr. WAXMAN, Ms. WATSON, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. LOBIONDO, Mr. HIGGINS, Mr. CANTOR, Mr. SCHIFF, Mr. FOSSELLA, Mr. HAYES, Mr. MEEKS of New York, Mr. DAVIS of Kentucky, Mr. GONZALEZ, Mr. HONDA, Mr. VISCLOSKY, Ms. HARRIS, Mrs. MALONEY, Mr. SAXTON, Ms. WASSERMAN SCHULTZ, Mr. HASTINGS of Florida, Mr. DOYLE, Mr. CARTER, Mr. ENGEL, Mr. ISSA, Mr. WEXLER, Mr. SESSIONS, Mr. RYUN of Kansas, Mr. PALLONE, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BISHOP of Utah, Mr. CANNON, Mrs. DRAKE, Mr. KING of New York, Mr. SULLIVAN, Mr. BROWN of Ohio, Mr. HENSARLING, Mr. ROYCE, Mr. MILLER of Florida, Mr. CARNAHAN, Mr. FERGUSON, Mr. POMBO, Mr. BURTON of Indiana, Mr. TIAHRT, Mr. MCCAUL of Texas, Mrs. DAVIS of California, Mrs. NORTHUP, Miss MCMORRIS, Mr. BACA, Mr. KIRK, Mr. GERLACH, Mr. ADERHOLT, Mr. FEENEY, Mr. ROTHMAN, Mr. GALLEGLY, Mr. NEUGEBAUER, Mr. FRANKS of Arizona, Ms. LINDA T. SÁNCHEZ of California, Mr. HERGER, Mr. MCHENRY, Mr. BERMAN, Mr. MARIO DIAZ-BALART of Florida, Mrs. JO ANN DAVIS of Virginia, Mr. BLUMENAUER, Mr. BEAUPREZ, Mr. BACHUS, Mr. SHAYS, Mr. POE, Mr. FRANK of Massachusetts, and Mr. DANIEL E. LUNGREN of California):

H. Con. Res. 392. Concurrent resolution recognizing the 58th anniversary of the independence of the State of Israel; to the Committee on International Relations.

By Mr. CONYERS:

H. Con. Res. 393. Concurrent resolution honoring the African Americans who have served in the Armed Forces; to the Committee on Armed Services.

By Mr. ENGEL (for himself, Mr. DOYLE, and Ms. BALDWIN):

H. Con. Res. 394. Concurrent resolution supporting the goals and ideals of the Day of Silence with respect to discrimination and harassment faced by lesbian, gay, bisexual, and transgender individuals in schools; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLYBURN:

H. Res. 778. A resolution electing a certain Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mrs. KELLY (for herself, Mr. MCDERMOTT, Mr. SHIMKUS, Mr. MOORE of Kansas, Mr. JEFFERSON, and Mr. BRADY of Pennsylvania):

H. Res. 779. A resolution expressing the sense of the House of Representatives with respect to the designation in April of a National Shaken Baby Syndrome Awareness Week, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ESHOO (for herself, Mr. SHAYS, Mr. HONDA, and Mr. UDALL of Colorado):

H. Res. 780. A resolution expressing the sense of the House of Representatives that King Gyanendra should immediately release all political detainees, restore constitutional liberties, and undertake good faith negotiations with all involved parties to restore democracy; to the Committee on International Relations.

By Mr. PORTER (for himself, Mr. HOEKSTRA, Mr. MCKEON, Mr. GREEN of Wisconsin, Mr. KIND, and Mr. CASE):

H. Res. 781. A resolution congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WAMP (for himself, Mr. BARRETT of South Carolina, Mr.

NEUGEBAUER, Mr. ROHRABACHER, Mr. AKIN, Mr. CULBERSON, Mr. KUHL of New York, Mr. WESTMORELAND, Ms. FOXX, Mr. WICKER, Mr. GOHMERT, Mr. ISTOOK, Mr. CHABOT, Mr. FRANKS of Arizona, Ms. HART, Mr. SHADEGG, Mr. DOOLITTLE, Mr. CANTOR, Mr. HERGER, Mr. DAVIS of Kentucky, Mr. ADERHOLT, Mr. KING of Iowa, Mr. MCHENRY, Mr. FEENEY, Mr. PRICE of Georgia, Mr. WELDON of Florida, Mr. GOODE, Mr. GARRETT of New Jersey, Mr. KINGSTON, and Mr. HAYWORTH):

H. Res. 782. A resolution expressing the sense of the House of Representatives that the United Nations Security Council should sanction Iran for its noncompliance with the Nuclear Non-Proliferation Treaty; to the Committee on International Relations.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 128: Mrs. DAVIS of California and Mr. HASTINGS of Florida.
H.R. 202: Mr. TOWNS.
H.R. 414: Mr. HIGGINS, Mr. DOYLE, Mrs. MALONEY, Mr. WELDON of Pennsylvania, and Ms. WASSERMAN SCHULTZ.
H.R. 415: Mr. BISHOP of Georgia, Mr. BOEHLERT, and Mr. VAN HOLLEN.
H.R. 550: Mr. WELDON of Pennsylvania, Mr. MEEKS of New York, and Mr. MCINTYRE.
H.R. 615: Mrs. CUBIN.
H.R. 690: Mr. CLEAVER.
H.R. 752: Mr. TIERNEY, Mr. BACA, Mr. BISHOP of New York, Mr. CASE, and Ms. CORRINE BROWN of Florida.
H.R. 820: Ms. ZOE LOFGREN of California.
H.R. 857: Mr. ROTHMAN and Mrs. KELLY.
H.R. 881: Mr. GORDON and Mr. SWEENEY.
H.R. 884: Mrs. BONO.
H.R. 916: Mr. LIPINSKI and Mr. HOLT.
H.R. 963: Mr. EVANS.
H.R. 968: Mr. MEEHAN and Mr. DAVIS of Illinois.
H.R. 997: Mrs. DRAKE and Mr. BARTON of Texas.
H.R. 1005: Mr. PORTER.
H.R. 1106: Ms. ZOE LOFGREN of California.
H.R. 1186: Mr. BURGESS.
H.R. 1214: Mr. PASTOR.
H.R. 1217: Mr. CARDIN and Mr. PASTOR.
H.R. 1229: Mr. GOHMERT, Mr. MCCOTTER, Mr. BROWN of South Carolina, Mr. DEAL of Georgia, Mr. POE, Mr. OXLEY, Mr. HERGER, and Mr. ENGLISH of Pennsylvania.
H.R. 1241: Mr. CLAY.
H.R. 1306: Mr. BARRETT of South Carolina.
H.R. 1370: Mr. CALVERT.
H.R. 1384: Mr. BARROW.
H.R. 1402: Mr. FITZPATRICK of Pennsylvania.
H.R. 1416: Mr. MCNULTY and Mr. JEFFERSON.
H.R. 1429: Mr. RUPPERSBERGER and Mr. RAHALL.
H.R. 1498: Mr. PRICE of North Carolina.
H.R. 1517: Mr. REYNOLDS.
H.R. 1545: Mr. BISHOP of Utah, Mr. WYNN, and Mr. MCDERMOTT.
H.R. 1548: Mr. LINCOLN DIAZ-BALART of Florida, Mr. CLEAVER, Ms. WOOLSEY, Mrs. BONO, and Mr. BILIRAKIS.
H.R. 1554: Mr. VISCLOSKY.
H.R. 1603: Mr. BARROW.
H.R. 1632: Mr. JINDAL.
H.R. 1634: Mr. MANZULLO, Mrs. MYRICK, Mr. RAMSTAD, Mr. CUMMINGS, Mr. PAUL, Miss MCMORRIS, and Mr. MCINTYRE.
H.R. 1687: Mr. HINOJOSA, Ms. MATSUI, and Mr. HOLDEN.
H.R. 1704: Mr. STARK.
H.R. 1792: Mr. CUELLAR.
H.R. 1796: Mr. KIND.
H.R. 1849: Mr. RANGEL, Mr. ACKERMAN, and Mr. MCCOTTER.
H.R. 1994: Mr. FATTAH, Ms. NORTON, and Mr. CLYBURN.
H.R. 2048: Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Mr. BRADY of Pennsylvania, Mr. HINCHEY, and Mr. WELDON of Pennsylvania.
H.R. 2193: Mr. BOEHLERT.
H.R. 2231: Mr. GERLACH and Mr. MURTHA.
H.R. 2328: Mr. CAMP of Michigan.
H.R. 2340: Mr. MEEHAN.
H.R. 2389: Mr. GALLEGLY.
H.R. 2421: Mr. RAHALL, Mr. BRADLEY of New Hampshire, Mr. MARSHALL, and Mr. BILIRAKIS.
H.R. 2554: Mr. ABERCROMBIE, Mr. PRICE of North Carolina, Mr. HONDA, Mr. MORAN of Virginia, Mr. COSTELLO, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 2642: Mr. ROTHMAN.
H.R. 2671: Mr. CUMMINGS and Mr. LEWIS of Georgia.
H.R. 2683: Mr. BOUCHER.
H.R. 2828: Mr. DEFAZIO.
H.R. 2989: Mr. GILCHREST.
H.R. 3049: Mr. LIPINSKI.
H.R. 3082: Mr. CAMPBELL of California and Mr. PLATTS.
H.R. 3151: Mr. SALAZAR.
H.R. 3159: Mr. SNYDER.
H.R. 3352: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3437: Mrs. KELLY.
H.R. 3476: Mr. CLEAVER and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3616: Mr. LAHOOD.
H.R. 3685: Mrs. EMERSON, Mr. JEFFERSON, Mr. MCGOVERN, Ms. BORDALLO, and Mr. TERRY.
H.R. 3769: Mr. HASTINGS of Florida.
H.R. 3787: Mr. CONYERS.
H.R. 3850: Ms. ROYBAL-ALLARD, Mr. TOM DAVIS of Virginia, and Ms. HERSETH.
H.R. 3858: Ms. LORETTA SANCHEZ of California and Mr. RAHALL.
H.R. 4005: Mrs. MALONEY.
H.R. 4042: Mr. SHAW.
H.R. 4045: Ms. HARRIS.
H.R. 4156: Ms. MOORE of Wisconsin.
H.R. 4166: Mr. BISHOP of Georgia.
H.R. 4178: Mr. STRICKLAND.
H.R. 4190: Mr. DEFAZIO and Mr. BLUMENAUER.
H.R. 4212: Mr. JEFFERSON.
H.R. 4239: Mr. COBLE.
H.R. 4331: Mr. LARSEN of Washington.
H.R. 4341: Mr. KLINE, Mr. BOEHLERT, and Mr. WESTMORELAND.
H.R. 4347: Ms. KILPATRICK of Michigan.
H.R. 4357: Mr. BROWN of Ohio.
H.R. 4371: Mr. MOORE of Kansas.
H.R. 4384: Ms. BERKLEY.
H.R. 4409: Mr. HAYWORTH, Mr. BRADLEY of New Hampshire, Mr. GINGREY, and Mrs. DRAKE.
H.R. 4435: Ms. BERKLEY, Mr. BROWN of Ohio, Mr. LEVIN, and Mr. KIND.
H.R. 4479: Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Ms. BERKLEY, and Mrs. CAPPS.
H.R. 4597: Mr. CONAWAY and Mr. SIMMONS.
H.R. 4624: Mr. WU.
H.R. 4641: Mr. PORTER.
H.R. 4672: Mr. MANZULLO.
H.R. 4712: Mr. KUCINICH, Mr. EVANS, Mr. DEFAZIO, and Mr. MOLLOHAN.
H.R. 4716: Mr. BOREN and Mr. HAYWORTH.
H.R. 4739: Mr. KUCINICH.
H.R. 4740: Mr. LARSEN of Washington and Mr. SALAZAR.
H.R. 4749: Mr. RAHALL.
H.R. 4751: Mrs. EMERSON.
H.R. 4755: Mr. GUTIERREZ, Ms. WOOLSEY, Ms. BALDWIN, Ms. NORTON, Mr. SHERWOOD, Mrs. JO ANN DAVIS of Virginia, Ms. KILPATRICK of Michigan, Mr. EDWARDS, Mr. ISRAEL, and Mr. TIAHRT.
H.R. 4759: Mr. CULBERSON, Mr. MCHENRY, Mr. BISHOP of Utah, Mr. POMBO, Mr. BURTON of Indiana, Mr. CARTER, Mr. AKIN, Mrs. CUBIN, Mr. CANNON, Ms. HART, Mr. BONILLA, Mr. CANTOR, and Ms. PRYCE of Ohio.
H.R. 4761: Mr. PAUL, Mr. SMITH of Texas, and Mr. MELANCON.
H.R. 4790: Ms. HART.
H.R. 4791: Ms. BERKLEY and Mr. MCDERMOTT.
H.R. 4816: Mr. FRANKS of Arizona.
H.R. 4834: Mr. HAYWORTH.
H.R. 4846: Mr. MORAN of Virginia.
H.R. 4857: Mr. PEARCE, Mr. RADANOVICH, and Mr. GOHMERT.
H.R. 4867: Mr. BILIRAKIS.
H.R. 4890: Mr. GOODLATTE.
H.R. 4894: Mr. COLE of Oklahoma and Mr. WELDON of Pennsylvania.
H.R. 4902: Mr. KIND.
H.R. 4903: Ms. HOOLEY, Mr. ALLEN, and Mr. MCDERMOTT.
H.R. 4904: Mr. BROWN of South Carolina, Mr. DEFAZIO, Mr. SMITH of Washington, and Mr. SHERMAN.
H.R. 4922: Mr. MCCOTTER.
H.R. 4953: Mr. GREEN of Wisconsin, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, and Mr. SCHWARZ of Michigan.
H.R. 4954: Mr. GEORGE MILLER of California, Mr. INSLEE, Mrs. CHRISTENSEN, Mr. BISHOP of New York, Mr. CROWLEY, Mr. AL GREEN of Texas, Mr. SMITH of New Jersey, Ms. WATSON, Mr. REICHERT, Mr. FOSSELLA, Mrs. DAVIS of California, Mr. ROTHMAN, Mr. TOM DAVIS of Virginia, Mr. KING of New York, Mr. SMITH of Texas, and Mr. MOORE of Kansas.
H.R. 4981: Mr. MARKEY, Mr. HINCHEY, Mr. FORD, and Mr. WALSH.
H.R. 4991: Mr. EVANS.
H.R. 5005: Mr. SHERWOOD.
H.R. 5013: Mr. HERGER and Mr. SHERWOOD.
H.R. 5015: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GORDON, and Mr. BLUMENAUER.
H.R. 5018: Mr. MCGOVERN.
H.R. 5032: Mrs. JO ANN DAVIS of Virginia and Mr. MILLER of Florida.
H.R. 5035: Mr. TOWNS.
H.R. 5051: Mr. LEWIS of Kentucky and Mr. WELDON of Pennsylvania.
H.R. 5052: Ms. SOLIS, Ms. BALDWIN, Ms. MCCOLLUM of Minnesota, Ms. LINDA T. SÁNCHEZ of California, Mr. EMANUEL, Mr. DOGGETT, and Ms. LEE.
H.R. 5060: Mr. SOUDER, Mr. ENGLISH of Pennsylvania, Mr. GOODE, Mr. HENSARLING, and Mr. MCHUGH.
H.R. 5102: Ms. WOOLSEY.
H.R. 5109: Mr. SIMPSON.
H.R. 5129: Mr. INGLIS of South Carolina, Mr. BARTLETT of Maryland, Mr. MCHENRY, Mr. FEENEY, Mr. PRICE of Georgia, Mr. WELDON of Florida, Mr. GOODE, Mr. GARRETT of New Jersey, Mr. BARRETT of South Carolina, Mr. AKIN, Mr. ROHRABACHER, Mr. CULBERSON, Mr. CAMPBELL of California, Mr. KUHL of New York, Mr. WESTMORELAND, Ms. FOXX, Mr. WICKER, Mr. GUTKNECHT, Mr. BRADY of Texas, Mr. CHABOT, Mr. FRANKS of Arizona, Ms. HART, Mr. NEUGEBAUER, Mr. DOOLITTLE, Mr. HERGER, Mr. DAVIS of Kentucky, Mr. KING of Iowa, Mr. FLAKE, Mr. HENSARLING, Mr. PENCE, Mrs. BONO, and Mr. RYAN of Wisconsin.
H.R. 5152: Ms. BERKLEY.
H.R. 5156: Mr. NORWOOD.
H.R. 5159: Mr. SHERWOOD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FOLEY and Mr. ROTHMAN.
H.R. 5166: Mr. WAMP, Mr. HEFLEY, Mr. JOHNSON of ILLINOIS, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. WESTMORELAND, Mr. KUHL of New York, Mr. ROHRABACHER, Mr. BARRETT of South Carolina, Mr. GOODE, Mr. FEENEY, Mr. BARTLETT of Maryland, Mr. KING of Iowa, Mr. HERGER, Mr. HOSTETTLER, Mr. TANCREDO, Mr. KINGSTON, Mr. WALSH,

Mr. CULBERSON, Mr. TOM DAVIS of Virginia, Mr. JENKINS, Mr. FATTAH, Mr. FORBES, Mr. CRENSHAW, Mrs. KELLY, Mr. MANZULLO, Mr. CAMP of Michigan, Mr. HUNTER, Mr. SULLIVAN, Mr. COLE of Oklahoma, Mrs. MILLER of Michigan, Ms. GRANGER, and Mr. BONILLA.

H.R. 5180: Ms. BERKLEY.

H. Con. Res. 224: Mr. BROWN of South Carolina.

H. Con. Res. 274: Ms. WOOLSEY.

H. Con. Res. 328: Ms. ROS-LEHTINEN, Mr. MCCOTTER, Mr. SMITH of New Jersey, Mr. FORTUÑO, Mr. WELLER, Ms. HARRIS, Mr. KENNEDY of Minnesota, Mr. GOHMERT, Mr. YOUNG of Alaska, and Mr. LINCOLN DIAZ-BALART of Florida.

H. Con. Res. 383: Mr. TERRY, Mr. BROWN of South Carolina, Mr. ADERHOLT, Mr. GRIJALVA, Mr. WESTMORELAND, Mr. TOM DAVIS of Virginia, Mr. WELDON of Florida, Mr. HOEKSTRA, Mr. MANZULLO, Mr. SMITH of Texas, Mr. SULLIVAN, Mr. POE, Mr. KINGSTON, Mr. PUTNAM, Ms. JACKSON-LEE of Texas, Mr. SCHIFF, Mr. WAMP, Ms. PRYCE of Ohio, Miss MCMORRIS, Mr. KOLBE, Ms. FOXX, Mr. SESSIONS, Mr. BARTLETT of Maryland, Mr. GARRETT of New Jersey, Mr. DICKS, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, Mr. BOREN, Mr. HIGGINS, Mr. LIPINSKI, Mr. WAXMAN, Ms. LORETTA SANCHEZ of California, Mrs. BLACKBURN, Mr. KING of Iowa, Mrs. KELLY, Mr. MCHENRY, Mr. SODREL, Mr. REYNOLDS, Mr. ROGERS of Alabama, Mrs. WILSON of New Mexico, Mr. GINGREY, Mr. KELLER, Mr. MCCAUL of Texas, Mr. DANIEL E. LUNGREN of California, Mr. FLAKE, Mr. SHIMKUS, Mr. WICKER, Mr. CHABOT, Mr. FITZPATRICK of Pennsylvania, Mr. WILSON of South Carolina, Mrs. DRAKE, Mr. OSBORNE, Mr. LARSON of Connecticut, Mr. NEUGEBAUER, Mr. WOLF, Mr. FOLEY, AND MR. GOODLATTE.

H. Res. 158: Mr. HOLT, Mr. BROWN of Ohio, Ms. DELAURO, Mr. FITZPATRICK of Pennsylvania, Ms. JACKSON-LEE of Texas, Ms. HART, Mr. DOGGETT, Ms. MATSUI, and Mr. ALLEN.

H. Res. 295: Mr. HASTINGS of Florida.

H. Res. 323: Mr. ALEXANDER, Mr. FRANK of Massachusetts, and Mr. MARSHALL.

H. Res. 449: Mr. DICKS.

H. Res. 521: Mr. GEORGE MILLER of California.

H. Res. 638: Mr. BACHUS and Mr. BLUMENAUER.

H. Res. 688: Mr. MELANCON, Mr. PALLONE, Ms. BEAN, Mr. GORDON, Mr. UDALL of Colorado, Mr. POMEROY, Mr. FORD, Mr. HONDA, Mr. SMITH of Washington, and Mr. SALAZAR.

H. Res. 729: Mr. GORDON and Ms. ZOE LOFGREN of California.

H. Res. 753: Mr. BASS, Mr. SCHWARZ of Michigan, Mr. FORTENBERRY, Mr. SNYDER, Mr. BRADLEY of New Hampshire, Mr. THOMPSON of California, Mr. DAVIS of Tennessee, Mr. MELANCON, Mr. BOSWELL, Mr. SALAZAR, Mr. CHANDLER, Mr. BURTON of Indiana, Mr. BLUMENAUER, Mr. INSLEE, Mr. FARR, Ms. BEAN, Mr. MCDERMOTT, Mr. MICHAUD, Mr. MARKEY, Mr. GORDON, Mr. HONDA, Mr. HINCHEY, Ms. SLAUGHTER, Ms. SOLIS, Mr. HASTINGS of Florida, Mr. OBERSTAR, Mr. WYNN, Mr. DICKS, Mr. TIAHRT, Mr. HOYER, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, Ms. BALDWIN, Ms. HOOLEY, Ms. DEGETTE, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. BROWN of Ohio, Mr. FOSSELLA, Mr. GENE GREEN of Texas, Mr. WEINER, Mr. BISHOP of New York, Mr. CRAMER, Mr. ENGEL, Mrs. TAUSCHER, Ms. HARMAN, Mr. CARNAHAN, Mr. KIND, Mr. OLVER, Mr. GEORGE MILLER of California, Mr. CARDIN, Mr. KILDEE, Mr. FILNER, Mr. PALLONE, and Mr. GILCHREST.

H. Res. 759: Mr. GRIJALVA, Mr. ABERCROMBIE, Mr. MCGOVERN, Ms. BORDALLO, Mrs. MCCARTHY, Mr. HONDA, Mr. CROWLEY, Mr. FARR, Mr. FATTAH, Mr. ROYCE, Mr. GEORGE MILLER of California, Ms. KILPATRICK of Michigan, Mr. ENGLISH of Pennsylvania, Ms. WATSON, Ms. LEE, Mr. MEEKS of New York, Mr. LEWIS of Georgia, Mr. MILLER of Florida, and Mr. PITTS.

H. Res. 769: Mr. WOLF, Mr. MORAN of Virginia, and Mr. FORBES.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

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# Senate

The Senate met at 9:30 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:

Eternal Spirit, the giver of every good and perfect gift, we rejoice in the mystery of Your power and grace. You overwhelm us with Your faithfulness, Your mercy, and Your love.

Today, remind our Senators that they are stewards of Your generous blessings. Empower them to seize the many opportunities to be used as instruments of Your will. Make their faithfulness inspire others to glorify You, the fountain of all that is holy and true.

Help each of us to be responsible managers of the different talents You have provided for the good of humanity.

We pray in Your holy 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.

## MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the Democratic leader or his designee, and the second half of the time under the control of the majority leader or his designee.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. FRIST. Mr. President, we will begin today's session with 30 minutes allocated for morning business. At the conclusion of morning business, we will return to the pending supplemental appropriations bill. The order provides for debate to run equally in relation to Senator GREGG's border security amendment, along with Senator REID's amendment on border security. We will vote on both of those amendments beginning at 12 noon today. I encourage Senators to come forward with their amendments. If Senators are considering amendments, please notify the managers as soon as possible. They will then be able to line up an orderly process.

It is my intent to have votes throughout the day on amendments, and I hope Senators agree to reasonable time agreements to allow us to work through as many of these issues as we can during today's session.

## SUPPLEMENTAL SPENDING REQUEST

Mr. FRIST. Mr. President, yesterday the President made clear that he will veto any supplemental spending bill that exceeds the administration's request. I thank and applaud the administration and recognize their determination to stick to true emergency spending. I will support the veto, if necessary, to keep Federal spending under control. Families live within their means; so should Washington.

The President has taken a strong stance on a necessary, must-pass piece of legislation that we know will bolster our national security, support hurricane recovery, and border security efforts as well. We need to work swiftly and in good faith to meet the President's request, but we need to focus on the necessary spending.

The President submitted his request for $92.2 billion in emergency spending in late February. The House passed the supplemental in March. This legislation needs to be on the President's desk before Memorial Day. We intend to do just that.

We need to support our troops who are currently in the field fighting to protect us, and we need to support our fellow citizens who are working hard to rebuild and recover their homes and communities on the gulf coast. Both are extraordinary responsibilities. We should not in any way, with either of these issues, play politics in succeeding on these critical efforts. Nor can we afford to encumber this must-pass legislation with unnecessary amendments. It is always tempting for people to come forward and get their own projects or interests attached to these must-pass spending bills. On this bill, we encourage people not to do that.

In order to keep within our spending limits, we are encouraging Senators who may have legitimate emergency spending requests to find offsets for those amendments in order not to drive the overall top line of this bill higher and higher.

For example, the amendment I cosponsored with Senator JUDD GREGG increases emergency spending for border security, but it is offset within the bill, and I think that is how we should approach issues as much as possible.

Time is limited. We must finish this legislation, I hope within the week, so we can quickly get on to a conference with the House and get it to the President for signature. These are emergency funds and the troops need these funds overseas. By pulling together, I am confident we can move this legislation forward and get the critical work of the American people done.

I yield the floor.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

GASOLINE PRICES

Mr. REID. Mr. President, in Nevada, the average price of a gallon of gasoline is $2.97. We know it is $3.10 a gallon elsewhere. And in other places, it is higher than that. That 45-cent increase has caused tremendous pain in Nevada and around the rest of the country. The prices are going up and up and up. Talk to any Senator about the price of gasoline.

I watched the evening news last night and they had a segment where they talked about the booming business of pawnshops since the price of gas has gone up. It showed people there pawning antique watches. One man was pawning a watch he had that was 100 years old, which was his grandfather's. Why? He had no money to get back and forth to work. They are also pawning guitars and guns. One man even went in and pawned his car. He got to drive it away, but he gave the title to the pawnshop. That is the price of gasoline as reported on the national news.

It is not just Nevada, as indicated in the national news. Talk to any Senator; they have similar stories. The average price of gas in California is $3.14. In New York, it is $3.09. Here, in the District of Columbia, it is $2.99. In Illinois, it is $2.96. Those are average prices. Unfortunately, gas prices are expected to soar and increase at least another quarter by this summer—that is, if nothing goes wrong. There doesn't appear to be any relief in sight.

That is especially true if this President and this Republican Congress have their way. Yesterday, the President said he had a four-way plan. I don't come here to the floor every day just to say things about the President, that I don't agree with him, because there is nothing else to talk about. I come here because I believe I have an obligation to the people of Nevada and all the people in this country to call it the way I see it.

We went to the White House yesterday. I thought what the President did in dealing with immigration was significant. I heard myself on the morning news complimenting the President, as I should have. I cannot compliment the President today because he is wrong on this gas situation. What he did with his four-way plan is nothing. Most of it has already been done, thanks to Democratic amendments in the Senate. Other parts don't make a dent. For example, he talks about an investigation. In the bill we passed in Commerce, State, Justice last year, we passed what he says he wants done. It is the law of the land. They are going to report sometime next month on their investigation. The President said he is not going to pump 12 million barrels of oil this summer into our Strategic Petroleum Reserve. Well, two things—one, we are not buying oil to put in it now. We are not doing that now.

We use 21 million barrels of oil every day. Twelve million barrels over the summer?

So what the President has done is not a serious attempt. What he provided in his speech was not a solution to the energy crisis but exactly what you would expect from a President who spent 5½ years standing side by side with big oil in his Oval Office. And next to big oil is an even bigger oil baron, the Vice President of the United States.

America needs a new direction on energy. Our dependency on oil is ruining our competitiveness, the balance of trade, damaging our national security, and limiting freedom and opportunity. It is time to change. We, the minority, want the American people to guide that change. We have a plan for a better future, and it doesn't involve Enron or the former CEO of Exxon.

I hope the Republican majority will work with us on this bill to give consumers relief and security to America's long-term energy future.

The PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I salute my colleague, the leader on the Democratic side, Senator REID, for addressing the shortcomings of the President's message yesterday.

People across America get this. They understand that every morning when they go to fill up their tanks, it is costing them more money than they ever imagined. Senator REID, from Nevada, has referenced a situation in his State where people are going to pawnshops and taking valuable things they own, trying to come up with enough cash to keep going.

We find in Illinois that we have what are called ''payday loans.'' I don't know if you have it across the country. It is not an industry I admire. It charges some of the highest interest rates to people who have low credit ratings. We find people going into these payday loan shops, borrowing against their next paycheck to buy gasoline for their cars to go to work. This is obviously a desperate move by people who have nowhere to turn.

We hear from the President that he is going to call on the Federal Trade Commission to get tough. As Senator REID said, we already included that in the last Energy bill in a Democratic amendment offered by Senator STABENOW of Michigan. It is in the bill. This is nothing new. To hold back 1 day's investment of oil into the Strategic Petroleum Reserve is not going to have a measurable impact on anything.

The simple fact is the President has to call the oil company executives into his office, stare them in the eye, and tell them they are destroying the American economy, they are killing jobs in America, they are making farming unprofitable, and they are causing a hardship to American families much greater than any tax rebate check sent several years ago by this administration. Until the President stares them in the eye and tells them he is going to take action against them, they are going to continue to kite their profits at the expense of the American workers and businesses.

That is why ExxonMobil had the largest profit in the history of business in America in a quarter. It showed billions of dollars in profit and then rewarded its retiring CEO for his fine job in running up the price of gasoline and gave him a $400 million going-away gift. That is some gold watch, isn't it? Mr. Raymond didn't even have to buy a Powerball ticket, and he got $400 million. Why? Because we are paying outrageous sums for gasoline at the pump. The oil companies blame everybody—Hurricanes Katrina and Rita, OPEC—and they have all kinds of explanations. But the bottom line is their profits are going through the roof. Every morning in newspapers across America are full-page ads saying: Don't hold against us that we are profitable; we are going to do good things with the money you are sending us.

It doesn't work. They are crippling the economy. There are indications on Capitol Hill that the oil industry executives got the message yesterday.

Do you know what the announcement was this morning? The oil company executives have announced that because of this concern across America for rising gasoline prices, they have gotten the message. They are going to invest $30 million in buying more lobbyists in Washington, DC. That's right. The Hill newspaper this morning reports that the American petroleum industry has decided they are going to buy $30 million worth of lobbyists to roam and crawl through the Halls on Capitol Hill to find their friends and to tell them this really isn't a problem.

You know what. Unfortunately, they may be successful. Just yesterday, in the reconciliation bill, the House Republicans decided they did not want to have taxes imposed on the oil companies. They want to take these taxes off the oil companies. Why would you do that? The oil companies have record profits. The money coming back from those profits should be helping America and helping consumers. But with $30 million more worth of lobbyists on Capitol Hill, I am afraid I know how this is going to end—the special interests will win again, and the consumers will lose.

I say to my colleague from Nevada, as we consider the issues that face us, we believe—I hope he shares in that belief—that energy is a critical issue. It is important not only to family budgets, it is important to economic growth in America. And unless and until we have the vision and leadership coming from the White House to stare down these oil company executives and to set an agenda for energy independence in America, it is my fear that we will continue to see these crippling gasoline prices in Nevada and across Illinois.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I will be happy to yield.

Mr. REID. Every day I get something called ''A Look at Today's News,'' such as immigration and homeland security. But No. 1 on today's news is energy.

Is the Senator aware that the L.A. Times headline today reads, ''Bush's Proposals Viewed as a Drop in the Oil Bucket''? Is the Senator aware that the Washington Post headline today is, ''GOP Blocks Measures Boosting Taxes on Oil Companies' Profits,'' and the New York Daily News headline is, ''Midterm Elections Fuel His''—meaning the President's—''Sudden Flip-Flop,'' and the Hill newspaper, about which the Senator has already commented, headline is, ''Oil Industry Prepares $30 Million Fight Back''? Is the Senator aware of these headlines?

Mr. DURBIN. I am aware of that. I know the Democratic leader is also aware that two of our colleagues came to the floor yesterday and asked for emergency consideration of measures to deal with this right now, things that could make a difference.

Senator MENENDEZ of New Jersey came to the floor and asked that we have a tax holiday so that the money can be given back to consumers across America that is being charged them now at the pump.

Senator CANTWELL of Washington came to the floor and asked for us to consider an antigouging amendment so we can say that if oil companies are found guilty of gouging, they will be asked to pay the price in the courts and through the regulatory agencies.

The Senator from Nevada realizes that despite the best efforts of our colleagues, both of them were ruled out of order. The obvious question is: If we can't consider those measures on this bill, how soon will the Republican leader of the Senate move to legislation that deals with this immediately? The idea that we will get to this in 2, 3, 4, 5 months is not acceptable where I live. Families I know and businesses I know cannot wait. They expect this Congress to respond.

I know the Senator from Nevada realizes within our caucus there will be many other proposals that might deal with this issue. Senator NELSON of Florida has come up with a proposal as well to deal with this issue. We had Senator STABENOW come to the floor. Why aren't we dealing with this on an emergency basis? It is truly an emergency across America when it comes to our economy.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I will be happy to yield.

Mr. REID. Mr. President, is the Senator aware that the profits these massive international companies that are controlling the cost of gasoline and fuel oil in this country are theirs only? If one goes to their corner service station or convenience store that pumps gas, does the Senator realize they only make about 4 cents a gallon on each gallon of gas, even though the consumer may be paying $3.20 for that gallon of gas?

This is all a gouge, an obscene gouge by these massive international corporations. Even the people who retail their product make no money. Is the Senator aware of that fact?

Mr. DURBIN. Mr. President, I am aware of it, and I feel sorry for the people who run these gas stations. One can imagine what their customers say when they come to the counter. They are outraged over the increase in gasoline prices, angry over this situation and the impact it is going to have on their lives. And, of course, they try to take it out on the first person they see, and that happens to be an innocent bystander, the person running the gasoline station.

What troubles me as well, instead of moving toward energy independence, we have resistance for putting in place facilities so that alternative fuels can be used by consumers across America.

Senator OBAMA of Illinois, my colleague, has introduced legislation to put E–85—that means it is a fuel you can use in your car that is 85 percent alcohol fuel, 85 percent ethanol, cheaper now than a gallon of petroleum-based gasoline. The oil companies have been very slow to put those facilities in the gas stations even across Illinois, the largest producer of ethanol in the Nation.

What Senator OBAMA has pushed for—and I agree—is that we need to have the oil companies opening up opportunities so that consumers can at least fight back.

If you have a car or a truck that can burn this environmentally friendly and energy-efficient ethanol, then you ought to have an option to fill your tank that way. Sadly, they don't. The oil companies have been very slow and dragging their feet in giving consumers that option. Why? Because they don't make the ethanol and, as a consequence, they don't want to promote a product from which they cannot profit. That day is over. We have to move toward alternative fuels.

Isn't it amazing that the country of Brazil decided more than 10 years ago they were not going to be held hostage to foreign oil and they would become energy independent. Making that decision with the right leadership at the top, they are moving soon to the day where they don't have to worry about foreign dictators pushing them around like chumps when it comes to oil supplies.

How did they do this? They went to alcohol fuel. They said: We can fuel an economy with home-grown energy.

We can do the same thing in America. How important is it? Take a look at the morning paper, the Washington Post, and you will see a story about Iran. The man who runs this country of Iran is a very strange man. He makes pronouncements about the world and history which are nothing short of bizarre. Yet he sits on top of 70 million people and some of the largest oil reserves in the world.

What did he say about the pressure from the United States to stop him from building nuclear weapons?

> Other Iranian officials said the Islamic republic would hide its nuclear program and curtail its oil production if foreign governments took harsh actions against Iran for failure to restrict its nuclear activities.

In most places, this is known as blackmail—blackmail—that the leader of Iran would say to us: If you put pressure on us to stop building nuclear weapons, we are going to hold back your oil. You think $4 a gallon is expensive? How about $5? That is the kind of showdown we face because these petro-dollar-based puppet dictators around the world have us over an oil barrel.

When are we going to change? When will we find leadership from this President and this administration to move us to energy independence? When will we have fuel efficiency for cars and trucks instead of seeing it go the wrong way—21 miles a gallon and lower? Why aren't we moving toward the day when it is 35 miles per gallon and more?

When I offered an amendment for CAFE standards in the last bill, I had very little support. I didn't even have everybody on my side of the aisle, to be perfectly honest with you. But I wonder what would happen if that amendment came back today. People need to understand we need fuel-efficient vehicles, we need alternative fuels, we need conservation.

To think we signed an energy bill last August creating a national energy policy and have had nothing but energy crises ever since is an indication we need to go back to the drawing board. We need to reassess where we are in this world economy, and we need to understand that the fault at the pump is not because of an addiction to oil by consumers. The fault at the pump is because of the greed of oil companies and the lack of vision and leadership at the top in our American Government.

We need to have a new direction, a significant change in direction if we are going to become energy independent in the near future and if we are going to see gasoline prices come down before they cripple the American economy.

I know of what I speak. If you go to O'Hare Airport, you will find it to be the home of United Airlines, now emerging from bankruptcy. It was a painful process. Workers and retirees gave up a lot to get through bankruptcy. And the major reason that airline went into bankruptcy? The cost of fuel. Other airlines face the same situation—reducing their workforce, reducing their pay, reducing retirement, reducing health benefits because the price of fuel went up. While they are suffering, ExxonMobile has record-breaking profits.

What is wrong with this picture? Where is the fairness? Where is the equity? Where is the President? We need

voices here that speak to these oil company executives about a new course of action.

Gasoline prices across America are intolerable. We can go through community after community, and you can see it when you go home, as I did this last work period, the Easter work period, back in the State of Illinois. People understand this one. They understand there is a failure in leadership. If we lament the fact that people don't get up and vote and don't seem to care about the state of our Government, it is because when they are in trouble, the Government is not there.

The simple speech made by the President yesterday is not the answer, but it is the beginning, I hope, of a dialog, a bipartisan dialog to move us in a new direction.

I hope the President not only invites the oil company executives in to tell them they are destroying the American economy but also invites people from both sides of the aisle in, in a bipartisan dialog, about a new direction. To give a speech on Earth Day about hydrogen-powered cars is an interesting, long-term concept. It is certainly not a near-term or medium-term answer to what we are faced with in America.

We have to have a new approach and a new direction when it comes to our energy. There are ways to do it. Lessening our dependence on foreign oil, an amendment offered by Senator CANTWELL of Washington to the Energy bill, was rejected on a partisan vote. It said: Why doesn't America set a goal of reducing our dependence on foreign oil by at least 50 percent over the next few years? It was rejected on a partisan basis. Everyone on the other side of the aisle voted against it. Why? In my mind, that is the beginning of energy independence and a stronger American economy.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). Who yields time?

The Senator from New Mexico is recognized.

Mr. DOMENICI. Parliamentary inquiry: How much time do we have now?

The PRESIDING OFFICER. Fifteen minutes remain on the majority side.

Mr. DOMENICI. Mr. President, I understand I will get a part of that time, and I will yield part of that time to the Senator from Alaska when she arrives.

## ENERGY

Mr. DOMENICI. Mr. President, I rise today to talk candidly about rising gasoline prices and what we can do about them. I have been deeply concerned about our reliance on foreign oil and the rising cost of energy for many years. That was one of the reasons I gave up my post as chairman of the Budget Committee in the Senate to become chairman of the Energy Committee. I saw energy dependence and rising energy prices as a big problem for this great Nation, and I wanted to help solve it.

Last year, we passed a bipartisan policy act called the Energy Policy Act of 2005. It was the first comprehensive Energy bill in 12 years. It took Republicans and Democrats 5 years and a lot of hard work to get this bill passed. It is an excellent bill and one I am proud of. This bill fixed a lot of our energy problems, and in a year or two from now, it will fix a lot more. Let me highlight a couple of the remarkable accomplishments which our Energy bill has put before the American people.

We create a pilot program in seven Western States that will streamline the permitting process so oil and oil developers won't have to wait years to develop their leases. Some people wonder: Are we doing anything to help America solve our problems? One thing we must do is develop our resources where we have them and where we can. We cannot sit by and be naysayers about developing what we have that we can use, so we don't have to buy it from others.

In this bill, we require 8 billion gallons of ethanol be included in the gasoline by 2012. This provision will help ethanol displace 2 billion barrels of foreign oil over the next 6 years.

There are those on the other side who say the President proposed nothing to help the farmers of the United States and the ranching community. I just discussed with you what the Energy bill will do with reference to ethanol, and all of that creates a new market for the products of our farmers, makes them wealthy, gives them alternatives to sell their product so they can be used to ultimately go into the tanks of our automobiles in lieu of crude-oil derivatives called gasoline. We provide several incentives in this bill for new nuclear power that have prompted nine utility consortia to plan at least 19 new nuclear powerplants in the immediate future. We had zero, we are already moving toward 19, and some think it is 22.

The bill encourages wind, solar, and geothermal sources. Our incentives will bring more than 14,000 megawatts of wind energy that could be on line by the end of next year, which is enough energy to power roughly 5 million homes for 1 year. Those are the things we did. Those are the things that would have all been front and center had Katrina not hit us and taken away all of the positives we were thinking of and put us in that tank that came as a result of that enormous hurricane which we are still recovering from. But all of the things I am discussing are there, actually taking place, as the United States changes because of that new energy bill.

The oil and gas prices continued to climb after the Energy bill was passed, and a lot of that was due to the hurricane I have described. We still have two refineries that are down because of the storm. That accounts for 5 percent of our refining capacity. We have lost about 1.5 million barrels of oil per day because of damaged oil rigs. That is a whopping 22 percent of our domestic production.

So for all of those who wonder: Did anything happen that could have caused the problems we are having that might have been otherwise? Obviously we can look at Katrina and say something very bad happened. We didn't have to have that. Things could have been better.

Let me talk about the global unrest and the rising global demand that has driven up the prices of oil across the globe. Oil is a global commodity. Nobody knows what a barrel of oil is worth as it comes out of the ground. Nobody knows what it is inherently worth. Let me say to my fellow Americans, I regret to tell you, it is worth what somebody will pay for it. That sounds strange, but that is what it is. It comes out of the ground, it is gathered up, and when it finally gets on a ship, somebody buys it. And what do they buy it for? They buy it for what they think it is worth, and they bid it, and that is what it is worth. So oil is worth what people pay for it. Regrettably, they are paying more and more because they are worried about the world situation and whether oil supply is credible, whether it is going to remain reliable. So they bid it up higher and higher.

Problems in producing nations such as Venezuela, Nigeria, and Iran have sharply driven up this price, along with this great, new, voracious appetite on the part of China and India. They are entitled—they are entitled, just as we are—to use this oil, and they are buying it up, bidding it up, causing the supply and demand to have the impact I am describing with all of you here this morning.

There are some things we can do to try to ameliorate this problem, and, yes, some of them are very difficult. Most of it we can't do much about, unless we either wean ourselves off foreign oil, which will take several years to do, or dramatically increase our own production of oil. I regret to say there are too many on the other side of the aisle, not everyone but most on the other side of the aisle here in the Senate and in the House who refuse to acknowledge that we must produce more of our own wherever we can.

Let's talk about what we can do.

President Bush proposed four things yesterday, and I endorse every one of them. Every one of those is now out there for the market to look at, for everyone to look at, and they have already had a positive effect. He wants an aggressive investigation of fraud and manipulation. We mandated a similar investigation in the Energy bill, and I absolutely support what the President called for—an ongoing investigation into the manipulation or cheating that might be taking place. Let's get on with it. Let's put the resources in. Let's make sure the American people feel comfortable that it is taking place. We are doing it. Whether it proves anything, we will have to wait and see.

The President wants to do another thing. He wants to repeal certain tax breaks that are in the Energy bill. He says they are unnecessary for oil companies. I agree. Actually, I thought they would do some good, but the President has convinced me and many of us, under his leadership, to repeal those tax items that are in the bill. I am happy to take the lead, along with those who write the tax laws, and see if we can repeal and eliminate the deepwater drilling tax relief that is in the bill.

The President also recommended and announced that he will temporarily halt the filling of SPR, a move I hope will free up about 12 million barrels of oil this summer, meaning we won't use it for the Strategic Petroleum Reserve. So it will be available to those who are purchasing oil to be used as we have been describing it here: for the marketplace to put in refineries and be used by the great demand that is worldwide.

If we had developed ANWR—and I note the presence of the junior Senator from Alaska on the floor—if we had done that 10 years ago, if we had passed ANWR legislation—we did pass it. Had the President of the United States not vetoed it—and that was President Bill Clinton who vetoed it—then what we would have had available is at least 1 million barrels of oil—American owned—that we could use every day, and it would be added to the inventory that is out there for the world to use, and for the United States it would be a dramatic reduction in the amount of oil we would have to buy from others.

We have to wake up. There is nothing to be damaged. You can go look at ANWR and see what we would be doing with new drilling, new approaches to drilling, if we would get that done. It is regrettable that we won't produce our own and we will sit and talk and blame, and in particular, the other side will blame the President and blame Republicans. These Senators understand that today's gasoline prices are driven ever increasingly by long-term speculation on global production. They understand that a strong signal on supply can drive prices up today and down tomorrow. They know a vote to develop ANWR will have an immediate impact on oil prices, which in turn will have an immediate impact on gasoline prices.

Look at what happened to the energy markets yesterday after the President announced his four-prong plan. Energy prices fell. Yet these same Senators fought against ANWR, fought against OCS production, and have consistently fought against new energy production almost anywhere, production they know will ease our price and supply problems.

We have worked in the committee and marked up, gotten ready for a vote, Lease Sale 181 on natural gas, a bill that will develop oil and gas 100 miles off the coast of Florida. Democrats have threatened to filibuster the bill when it comes to the floor. It shows there is no desire to produce even what is our own.

The Massachusetts delegation continues to block the Weaver Cove liquefied natural gas facility, a facility proposed for Fall River that would provide 400,000 mcf of natural gas per day. That is enough to ease the price and supply pressure for most of New England.

Another example is if you don't want to produce energy that is our own, then you ought not be complaining about the fact that the price continues to rise because of shortages in global markets. Instead, today some on the other side propose a tax holiday. I find it interesting that it is Democrats who want to temporarily repeal the gasoline taxes since it was they who voted over the years to increase that same tax.

I can support the idea of a holiday. I like the idea of helping American families keep some of their money they are spending at the gas pump. But we use that money to build roads and mass transit. The Federal Government is going to have to make up those revenues somewhere. So let me propose this idea: Let's let the oil companies make up the difference. That is what we ought to do.

Anyway, I suggest we are on the right track. The President's suggestions are good suggestions, and we can come up with some more. But in the meantime, we ought to tell the American people the truth: There is no quick fix, and it is easier to blame than it is to have solutions. Let's look for the solutions and then we will all get a chance to judge who is doing the most to help America move toward energy independence.

I believe I have some additional time, and I yield it to the distinguished Senator from Alaska.

The PRESIDING OFFICER (Mr. VITTER). At this time all time has expired on the majority side.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent for 5 additional minutes to be added on this side and on the other side as well.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I commend the distinguished chairman of the Energy Committee who has taken such a leadership role on the issue of achieving energy independence for this country.

We all had an opportunity to go home over the past couple of weeks, and I think it is fair to say that without question, in every State across this country, the No. 1 issue our constituents are talking about is energy prices. With the crude oil prices passing an all-time high of $75 a barrel last week, I think it is fair to say we can anticipate that the prices will go higher and higher.

It seems we all want to blame someone. Americans want to blame someone—anyone—for the high prices. They want to blame the oil industry companies that have been showing record profits. They want to blame the filling station operators and accuse them of price gouging. They want to blame the oil commodities traders for bidding up the price of crude. They want to blame the Congress for allowing and perhaps encouraging these prices. Quite frankly, it is hard for us not to accept some of the blame. But what Americans don't want to accept is that these prices we are seeing are the result of nearly 20 years of incoherent energy policy.

The reasons for the price increases are many, and we have heard the chairman discuss many of them. But the biggest goes back to the lessons we learned in high school economics about the law of supply and demand. Today the world consumes 80 million barrels of oil a day. The U.S. is responsible for a quarter of that. Right now, our oil producers collectively around the world have the ability to produce at most 81 million barrels daily. So the demand is bumping dangerously close to maximum current supply, and that demand for the oil is booming.

We talked about China. China last week announced that its economy grew more than 10 percent last year, and its demand for fuel is rising an equivalent amount. Developing nations are outbidding industrial nations for oil, and the trend continues. Demand for fuel in the Asian pacific region is likely to grow at over 3 percent annually for the next 25 years, nearly 5 times the growth rate of fuel use in North America and 4 times the rate in Europe.

In addition to the demand side of the picture, the supply side is down. Six percent of the Nation's oil production remains offline as a result of the damage from Hurricanes Katrina and Rita. We have often talked about the world's supply. The world's supply is uncertain, given the unrest we are seeing in Nigeria, the political events in Venezuela, rhetoric from Iran, supply disruptions that plague Iraq.

We here in Congress also have a place in this equation when we look to the supply side. It was 6 years ago that Congress passed the requirement that said by June 1 of this year the Nation's refineries must reduce the sulfur in diesel fuel from 500 parts per million to 15 parts per million, and refiners have spent the money, more than $8 billion, to comply. The changes are this: They are going to cut the diesel exhaust pollution by 90 percent. But it does take more fuel to make a similar amount of diesel, and it is costing the refineries more money to comply with the ultralow sulfur diesel rules.

Last year we were talking about MTBE and what to do about it. We didn't provide for an organized phase-out of MTBE, which means the refineries are rushing to acquire ethanol to replace MTBE in gasoline. What this does is causes a host of different price pressures, from the added costs of building new tanks to store the ethanol to the crush of finding railroad tank

cars to move the ethanol from the Midwest to the Northeast and down into Texas, where it can be blended into the gasoline.

Since it requires a special base form of gasoline, the ethanol-to-MTBE switch makes it difficult for us to import gasoline from overseas to relieve these price pressures, because outside of Europe there are few foreign refineries that can actually make this base form. So that means tighter fuel supplies that cannot readily be remedied by imported product.

We talk about the cost to us as Americans. According to the Energy Information Administration, we are already paying about twice as much for fuel today as we did in the summer of 2002. On the whole, our country is spending $212 million more per day for gasoline than we did last year, a half billion dollars more per day than 4 years ago. It is incredible.

What do we do about it? The chairman of the Energy Committee noted some of the steps, and noted some of the steps the President has advanced. But our first effort today is to conserve, to increase our conservation and efficiency efforts.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. We must do the simple things first. Conservation, efficiency, make sure the tires are inflated, our cars are in tune, drive less, reduce the air conditioning—those small things that will make a difference. We have to move quickly to increase our fuel efficiency, continue to expand the use of renewables such as wind, geothermal, biomass, oceans, solar—all of those that are available. But we must increase our domestic supplies of oil and natural gas, and the first place we start is up in ANWR. We have the ability to do it. We have demonstrated that we can. Opening ANWR would produce up to 1 million barrels a day of additional oil for 30 years to meet the world demand and drive the prices down.

People are saying it is not going to make a difference today, and they are correct. But we didn't get to this place in 1 day. What we are anticipating is the need down the road. Anyone who thinks in 5 or 10 years there are not going to be anymore hurricanes or supply disruptions or production impediments is fooling himself. So let's plan for the future. Let's plan for our own domestic energy security by doing what we can in this country. The first place to start is by opening ANWR to limited oil exploration and development, and doing it in an environmentally sensitive and balanced manner.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I understand the remaining time on the Democratic side is not needed and may be yielded back.

Mrs. MURRAY. Mr. President, I yield back the remaining time on the Democratic side.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. At this time, morning business is closed.

## MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4939, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4939), making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Gregg modified amendment No. 3594, to provide, with an offset, emergency funding for border security efforts.

Harkin/Grassley amendment No. 3600, to limit the compensation of employees funded through the Employment and Training Administration.

Reid amendment No. 3604, to provide, with an offset, emergency funding for border security efforts.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I yield to myself 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, there will be a rare opportunity about noon on the Senate floor. There will be a chance for the American people to have for themselves a handy list of big spenders, something they can put on their blogs, something they can put in their newsletters, something they can speak about at the dinner table, something they can read to friends. There is always a lot of talk around here about who is responsible for the fact that the Federal Government is spending more money than it ought to. We are about to see a good example of who is responsible for that, if things go true to form, because we will have two amendments before us at noon. One is by the distinguished Senator from New Hampshire, Senator GREGG, and one by the distinguished Democratic leader, Senator REID. Both of them are border security amendments.

There will not be very many votes in this body, I suspect, against border security. I want to speak about border security because the Gregg amendment takes very important steps to maintain our current level of security on the border, which is a minimum level of security. I am proud to cosponsor that. And the Gregg amendment pays for it by taking money from other parts of the President's budget. That is the Gregg amendment.

The Reid amendment, as I understand it, which we will be voting on side by side, does identically the same thing on border security the Gregg amendment does, except it pretends that money comes out of thin air, that it grows on trees, that it comes from nowhere. It is the thing we see time and time again around here, whereby someone comes up with an essential, good idea but with no way to pay for it. So we print the money, make it up, and the runaway spending goes on and on.

I wish to talk this morning a little bit about those two issues—first, border security, the subject of the Gregg amendment and why I believe it is essential that we adopt it as part of the supplemental appropriations bill that is before us. I also want to talk about the difference between how it is paid for so the American people can get ready to make their handy list of big spenders because those who vote for the Reid amendment will be on a handy list of big spenders because that amendment is not paid for.

Let me start with the Gregg amendment and the condition of border security. Americans are angry about border security, or the lack of it. They have a right to be angry about border security, or the lack of it. That is not the responsibility of the Governor of the State of Arizona or the Governor of Texas or the Governor of California. It is a Federal responsibility. Immigration is our job. Border security is our job. It is a Washington job and it is a job that has been neglected for a long period of time.

At least to the credit of the majority leader, he has forced this Senate to deal with this issue and we are in the middle of it and we ought not rest nor go home again until we deal with the issue of border security. There are a lot of other issues that do not have to deal with immigration. How many temporary students do we want here in the United States? We have 572,000 of them today. They are an important part of our country, contributing to our standard of living. When they go home, they usually spread our values and our good will better than any foreign aid ever has. We have about half a million people who are here each year and we give them new temporary worker status. It is important to have them here as well, because in a vibrant, growing economy, we need more workers. We have an important debate to have about what to do about the 10 to 12 million people

who are illegally here, and what I think is the most important part of the whole immigration debate and that is how do we make sure those who are not citizens of this country are, for the most part, becoming Americans so we do not leave this country a large enclave of people whose allegiance is to some other country.

We are a big country, 300 million people. We have about 30 million people, or 10 percent of us today, who are noncitizens—about two-thirds legally here and one-third of those illegally here. But we need to make sure that for the most part, people who are here who are not citizens are learning English, are learning the saga of American history, are learning about our founding documents and are willing to take the oath which foreswears allegiance to where they came from and adopts allegiance to this country.

There are many important debates about immigration, but there is nothing more important than border security. Border security is the first issue before us because it is based upon the bedrock principle of the American character which is the rule of law. Most families who have come to this country are immigrant families. Almost all of us descend from those. Most of those families, in addition to wanting to make a dollar, wanting to improve their lives, wanting to gain freedom, wanted to come to a country where there is the rule of law. They did not want to live in some other country where some potentate could snatch you out of your bed in the middle of the night and, based on the whim of that ruler, decide your fate. Or where a contract that you made would be decided by some person, not by the rule of law, and where some people are higher than the law and some people lower than the rule of law. They wanted to come to this country, the United States, which honors the rule of law and upholds the rule of law.

Yes, people came here because they wanted freedom. They wanted to be able to drive across State lines, but they expected to have to stop at stop signs. They wanted to come to a country where they were free to make contracts with whomever they wanted, but they expected the contracts would be enforced. They wanted to come to a country where they have second amendment rights to own a gun, but they expected they wouldn't be allowed to shoot people with that gun.

This has been a country with the rule of law, and we have been ignoring that for the last number of years by looking aside while millions and millions of people stream back and forth across our borders illegally while millions of other people patiently wait in line, attesting to their good character, learning at least eighth grade English, passing a test on American history, waiting for 5 years, and preparing themselves to take an oath where they foreswear their allegiance from where they came and pledge allegiance to the United States.

Those people are bypassed by these people running back and forth across the border. It is unfair to them. Principally, it is an offense to the principle of the rule of law. There may not be anyone in this Chamber who does not agree with the principle of the rule of law and that we ought to secure and control our borders. If we believe that, we ought to do it.

I am growing increasingly to think that Senator ISAKSON is right as he suggests that the first thing we ought to do in this immigration debate is secure our borders, perhaps allow the President to certify they are secured, and then begin to deal with temporary workers and other issues that come up.

In any event, we want to secure or borders. That is why the Gregg amendment is so important. Senator GREGG has proposed we provide $1.9 billion in emergency funding as a critical investment in border security in this supplemental appropriations bill which is now before the Senate. This is an integral component of the war on terror.

Key critical capital improvements that are part of this bill include: No. 1, stemming the tide of illegal aliens entering the country; No. 2, ensuring that terrorists and weapons of mass destruction are not capable of slipping through our arguably porous borders; No. 3, decreasing the illegal drug flow.

The subject matter of the debate, the bill before the Senate, is an emergency appropriation for the war on terror. This is an integral part of the war on terror except that the border is on our southwest border and not somewhere in the Middle East. It is at home. It is part of what we ought to be talking about.

Here are a few examples of exactly what the Gregg amendment, which I am proud to cosponsor along with others, would do. These are improvements necessary to secure our borders. For example, we have an outdated fleet of aircraft. The P–3 fleet which serves as our border security's primary air surveillance is over 40 years old, 20 years beyond the average life of this type of plane. Last month, the entire fleet was grounded due to safety issues uncovered during a routine inspection. The entire fleet needs to be overhauled to extend its service life.

Example No. 2, outdated vehicles. Nearly 1,700 vehicles are virtually unusable due to the wear and tear of the desert, extreme environments and hard use, forcing border patrol agents and investigators to use vehicles with a high breakdown rate.

Example No. 3, lack of sufficient patrol boats. There are not enough patrol boats today, resulting in fewer patrol boat hours now than we had in 1998, about half the number of hours needed to meet the mission requirement.

Next example, lack of sufficient patrol aircraft. We currently detect 3 out of every 10 boats carrying smugglers. Of the boats detected by a patrol aircraft, we stop 75 percent of them. More aircraft are needed to act on intelligence regarding human and drug smuggling activities.

Next, unmanned aerial vehicles. We have only one unmanned aerial vehicle operating along our southwest border. In 7 months it has assisted in the apprehension of over 1,000 aliens. Yesterday morning it crashed while surveying the Arizona border. The department has only begun to grapple with how to replace this surveillance capacity until the next unmanned aerial vehicle is delivered in August. The department indicates that up to 18 are needed.

Armed helicopters is another example. So the $2 billion increase in border dollars will replace—or repair, when that is sufficient—outdated vehicles, aircraft, helicopters, and boats. The money will also be used to improve law enforcement communications.

The point I am seeking to make is that these essential capital improvements on border security, the $1.9 billion this year, which is in addition to the amount of money that Senator GREGG and this Congress added to the budget in the last two budgets, will make capital improvements necessary to merely maintain our current capacity to enforce our borders. There is no need to pass any kind of immigration bill unless we have both the authority and the money to secure the borders. We should want to send a clear signal to the American people that before we establish a system of temporary workers and confirm our system of student visas and put into place other applications to help people legally here become American citizens, we should make sure we are doing our job of ensuring that border is secure.

Let me talk about the money. There are a great many urgent ideas expressed in the Senate. That is what we are for: Let ideas percolate, ideas that need resolution, debate them and solve them. It is a wonderful system. The more I travel and see the rest of the world, as I have over my lifetime, the more I admire the system we have, messy as it often is.

The No. 1 issue that might light up the switchboards would be border security. I judge No. 2 would be runaway Federal spending. That is why I say it is important for those paying attention to this debate to be ready to make a list of big spenders. For those who believe in voting for a good idea but then getting the money out of a tree or up off the ground or out of some imaginary printing press to pay for it, that is why we have a big Federal deficit. We vote for a big idea, and then we do not pay for it.

Senator GREGG pays for it. He does it by saying we will take the $1.9 billion from the 2.775 percent reduction in the $69 billion in funding provided for the Department of Defense in title I, chapter 3, and title II, excluding military construction money. Senators COCHRAN, STEVENS, and FRIST all believe that leaves the committees with sufficient flexibility to support our needs in Afghanistan, Iraq, as well as our needs along the border.

The President has said he will veto a supplemental appropriations bill that just balloons to the sky, that goes over $92.2 billion. The letter came last night, and it does not say ''advisors predict'' or ''someone said.'' It says the President will veto anything over $92.2 billion. I intend to support the President if he does have to veto. I hope we will be fiscally responsible.

The Democratic amendment takes $106 billion and adds another $2 billion to it for this good idea, border security. The Gregg amendment says let's pay for it out of funds we have, keep it within the budget.

At noon today, we will have a chance, No. 1, to vote for border security. That is essential. Both amendments do the same thing. The second thing we have a chance to do is compile for the country a list of big spenders, those who believe in taking the money out of the air somewhere, printing it in a printing press. You can do a lot of talking, but if you do not offset the dollars, you are a big spender and you go on the list.

Perhaps one should be proud of being on such a list, but I would rather vote with Senator GREGG, which is why I am cosponsoring his amendment rather than the Democratic leader's amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I yield 15 minutes to the Senator from New York and 15 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, sitting here listening to my colleague from Tennessee reminds me of that old story about the boy who kills his parents and then stood before the judge and asked for mercy because he was an orphan. This is an unbelievable narration we have just heard.

The other side of the aisle has been expert in running up the largest deficits we have ever had. We had a balanced budget, we had a surplus 5 years ago. We were on the right track economically. We were fiscally responsible. But the combination of this White House and this Republican majority has blown all of that to smithereens.

This President has never vetoed anything and now we finally get a veto threat on an emergency supplemental. This President has used emergency supplementals in order to avoid the budget realities that would confront anyone who knows elementary arithmetic about how much we are spending that we do not have.

With all due respect to my colleague, this is a rather strange argument to be making at this point in time as though none of the history of the previous 5 years had occurred.

The debate between these two amendments is a worthy debate; however, it is an unnecessary debate. The President sent a budget to this Congress just a few months ago. It could have had much of what is in this emergency supplemental in the budget. They chose not to do so because even they are getting a little embarrassed about the ocean of red ink we are all swimming in these days.

What this supplemental appropriations bill does is provide vital support for our men and women currently serving in Iraq, Afghanistan, and elsewhere. This emergency supplemental provides body armor, tools to defeat improvised explosive devices, the so-called IEDs that are killing and maiming young Americans every single day. This supplemental provides money for training for the Iraqi security forces. Maybe, finally, we will have a government in Iraq that knows how to do that. They certainly need to get the message that we are not there for the long term unless they start defending themselves and providing security for their own people.

These funds are to replenish the money we are spending in our military to make sure our young men and women who are bravely serving us have the resources, the equipment, the tools they need to do the job we sent them to do.

The bill also includes funds to continue the rebuilding from Hurricane Katrina. As we approach yet another month of debris, confused leadership, failure to supervise and monitor expenditures from this administration, we know how much more needs to be done to rebuild New Orleans and the gulf coast region.

Here we are, about to have a vote in a few hours on an amendment—really, two amendments—as to whether we are also going to face up to our responsibilities along our border, and how we are going to pay for that. Both the Gregg amendment and the Reid amendment recognize the critical need for increased border security.

I have long maintained it is unconscionable to think that in our post-September 11 world we still do not know the identities of people who enter our country, stay illegally in our country, and may or may not exit our country. Over the past several weeks, we have seen agreement in the Senate that securing our borders must be a top priority and a major component of whatever immigration reform we consider.

Now, there are those who are, frankly, misguided and demagogic in their claims that all we need is border security. We know that is not the case. Senator KENNEDY, who is in the Chamber at this moment, has been a leader on immigration reform for decades. He knows if you do not have comprehensive immigration reform, you do not deal with the challenges we confront.

We all are in agreement we have to do more to secure our porous borders. The Reid amendment is a step in the right direction because it does provide $1.9 billion to strengthen our borders. These funds would be used to replace and upgrade law enforcement communications, provide Border Patrol agents with air and land vehicles, expand air operations for Customs and border protection, invest $100 million in sensor and surveillance technology that will help our Border Patrol agents be more effective.

If we can succeed in securing our borders, something that we have not yet succeeded in doing, then we can turn our attention as a nation and focus our energies and our resources on other credible threats against our homeland.

I commend Senator REID's efforts to direct resources to strengthening our borders. I know he would agree with me that obtaining these additional funds should not be mistaken for comprehensive immigration reform. We still need comprehensive immigration reform that secures our borders, creates a better set of agreements and understandings with our neighbors to the south as to what they are going to do to stop the flow of illegal immigrants through their countries, particularly Mexico, and imposes and enforces tough sanctions against employers who employ illegal immigrants. After all, these people would not be risking their lives if there wasn't a job waiting for them at the other end of their dangerous journey; make sure we don't disadvantage people who have waited legally for their opportunity to come here to join a family member and to get a job that has been promised.

We need to do something to help alleviate the financial burden on local communities—not just along the border but, frankly, in New York—that are paying health care and education and law enforcement costs because this Federal Government can't figure out how to run an immigration system.

Yes, we need an earned pass to citizenship to bring out of the shadows the 11 or 12 million hard-working immigrants who are here and give them a chance through paying back taxes, going through a background check, learning English, and waiting their turn to become legal. We know what comprehensive reform looks like. And border security is absolutely paramount, but passing the Gregg amendment is not the end of immigration reform. I hope everyone understands that.

My colleague from New Hampshire agrees that we need to increase border security, but he would cut needed funds for our troops in the name of border security. The Gregg amendment would take money from troop pay, body armor, and even from the joint improvised explosive device funds. That is a false choice, and it is a wrong choice.

I do not believe that we should be engage in deficit spending. That is why I have voted against many of the provisions that have come from the other side—tax cuts which we can't afford, spending that should be under control. But it is an odd moment indeed that all

of a sudden my friends have found a conversion experience and they want to take money from our troops to secure our borders. I will take that comparison any time. I will be on any list that says don't take money from our troops; don't cut the research which we finally have as to how we are going to defeat improvised explosive devices because you now decide you want to do border security when you have been presenting budgets for 5 years after 9/11.

We need to get serious about defending this country and the men and women who serve on its behalf. We shouldn't be cutting funds for our troops in the name of border security. It is wrong to cut funds for body armor or for efforts to defeat IEDs. It is wrong to cut money from Iraqi security force training when they are finally about to have an Iraqi Government, something we have all been waiting for. It is wrong to cut the defense health program which provides medical assistance to our troops on the battlefield. And it is wrong to cut the death gratuity which assists the families of fallen soldiers.

If I sound a little passionate about this, it is because I am. I find this a false, cheap choice to score political points. And I think it is wrong.

The most important obligation of our Government is to provide for the security of the American people. Border security is an urgent need. It should and must be addressed by this Congress. But our security and our values are not served by choosing between protecting our troops and protecting our homeland, nor by playing support for our men and women in uniform against our need for border security. The Gregg amendment undermines both. I urge my colleagues to support the Reid amendment.

Do we need to get back to fiscal responsibility? You bet we do. Let us talk about that when it comes to cutting even more taxes for people making more than $1 million a year. Let us talk about that when we are spending $10 billion a month in Iraq and Afghanistan. Let us talk about that when we borrow $60 billion a month from foreign lenders, such as the Governments of China, Japan, South Korea, Saudi Arabia, and India.

How do we protect our security against an increasingly dangerous world? How do we stand up to the threats from unstable regimes and from competition from China and elsewhere for scarce natural resources when we can't even get our own fiscal house in order because the other side of the aisle and the other end of Pennsylvania Avenue are addicted to tax cuts for the wealthy regardless of the costs for anything else, regardless of the costs for our country?

We need an energy policy that moves us toward energy independence. We get rhetoric, we don't get budget priorities. We are living on borrowed time and borrowed money. We are one accident or one terrorist attack away from oil at $100 a barrel—not just $75. We have no leadership. We are not asked to sacrifice anything. The only people who sacrifice on a daily basis are the young men and women wearing our uniform.

Now we are standing up here with a straight face saying we are going to cut funds for body armor, we are going to cut the IED research program, we are going to cut the death gratuity so we can score political points and act all of sudden as if we have become fiscally responsible. I am sorry, I find that a sad commentary about what should be expected from each and every one of us.

I hope we will begin to seek common ground and try to figure out how we get ourselves out of the dangerous situation we are in today. All one has to do is pick up the morning newspapers or turn on the news. It is beyond me why we would want to have a political debate pitting border security against the needs of our men and women in uniform.

There are other ways to pay for this. There is money for construction that could be postponed until a real budget emerges. There are other kinds of options. But, no, we are going to have a debate about two serious, urgent requirements that we should be stepping up to meet.

I hope we will support the Reid amendment and do what is right by our troops and our border needs, and then let's get down to a serious discussion that is long overdue in this Chamber about where this country is headed.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask the Chair to let me know when there is 3 minutes remaining.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mr. KENNEDY. Mr. President, as she is exiting the Chamber, I wish to commend my friend and colleague, the Senator from New York, for an excellent statement and comment about what is really at play here at noontime in the Senate; that is, a choice between meeting our responsibilities to the service men and women who are serving bravely and gallantly in Iraq and Afghanistan and also meeting our responsibilities to protect our country at our border. I have listened to her on many different occasions, and she spelled out the choice as clearly and as passionately as I have ever heard the case made. I thank her for her excellent and eloquent comments.

Mr. President, we are getting close to decision time on this particular amendment. Just to review very briefly where we are on the issues that are before us, I think all of us in this Chamber understand that we are making progress on an extremely difficult and complex issue; that is, the issue on immigration reform.

There are strong emotions, strong feelings, and strong beliefs on a variety of different aspects of immigration reform, but one which I believe has total support in this body is that what we do need to do is be able to control our borders, and to be able to do that, we have to be able to make the investment which is going to be necessary to secure our borders.

Many of us believe that just in and of itself trying to establish just a border or just a fence in one part of the country is not going to do it.

All we have to really do is look at history. We understand that 10 years ago, about 40,000 illegals were coming into the United States. Since that time, we have spent over $10 billion on border security, we have increased the number of border guards by 300 percent, and now we have some 400,000 coming into the United States.

It is going to take tough border security, but it is going to take something more in terms of law enforcement in this country for those who are eligible to be able to work and separating out those who are ineligible and also to be able to develop a program of earned citizenship for individuals who are here because they want to provide for their families, to work hard, to play by the rules, and to serve in the Armed Forces. They are prepared to pay a penalty, and they are prepared to go to the back of the line and wait their turn for up to 11 years before they would even be eligible for citizenship.

The immigration debate will continue along, and we will get back to it here in the Senate, but there is broad agreement on doing more in terms of our border security. There is some difference in how that should be shaped, but we ought to recognize that we need the resources, we need the $2 billion which is before the Senate. What is completely unacceptable is the tradeoff between trying to deal with and seal our borders and to see a reduction in the support for our military and the armed services in both Iraq and Afghanistan. A number of us have worked very hard to increase in more protective humvees and the up-armoring of the humvees over the last 3½ years.

I serve on the Armed Services Committee. We have had 12 different estimates from the Defense Department on the requirement for up-armor humvees, and after each and every time, they have raised the requirement in order to protect troops.

We have added resources, both in the Armed Services Committee and here on the floor, to ensure that we are going to provide the best protection that the humvees can provide when they are up-armored. Now we are faced with an amendment which would reduce the resources for up-armoring humvees, something I believe is completely unacceptable. The tradeoff is completely unacceptable. We need both.

We have read and Americans have understood that we need to do a great deal more on armor for our troops. We are all familiar with the stories of American servicemen going through

dumpsters in Iraq to get strips of steel and metal and strapping those onto their vehicles because we weren't providing sufficient body armor either to individuals or to the trucks that are used in convoys over there. Nonetheless, the proposal that is being offered by the Senator from New Hampshire would reduce the funds available for the kinds of protective armor which is so essential for individuals and for their vehicles.

The IED, as we have heard from General Casey, as we have heard from General Abizaid, and as we have heard from the commanders in the field, is the primary threat to American service men and women. Who of us has not watched the news virtually every single night and not seen the smoking ruins of some vehicle where young, brave, courageous American men have lost their lives? Those are primarily destroyed by IEDs.

We have not done the kind of research into IEDs necessary in order to master the technology so our servicemen will have a defense. In the very beginning, IEDs were being set off with simple signals, but we were unable to jam them because it interfered with our military's communications. We have an opportunity. We have sent men and women to the Moon and brought them back, but we are unable to develop the electronics to set off the IED before it can hurt our troops coming down the road. I don't understand it. But I know that we haven't utilized to the extent we should the entrepreneurship, the ideas, and the innovation in the private sector in terms of electronics to be able to advance this whole area of technology.

We have finally established a very interesting important task force to try to bring in the best minds in defense and the private sector together to solve this problem. But we are going to be cut back on that for border security. What possible sense does that make?

Those are a few of the very top priorities but there other priorities that will be affected, including training the Iraqi security forces to upgrade their skills so they can stand up and Americans can stand down. This amendment would cut that program, as well as training programs in Afghanistan.

Why in the world, if we have made assessments that these programs are justified, are necessary, that are included in the supplemental, is it possibly justified to say: Well, those weren't really accurate, those really didn't reflect the need? We can chip away at any number of those programs because we need border security. It is a bad choice. I would like to take note, particularly of some of the smaller dollar items but, nonetheless, items which are of enormous importance and consequence.

Family support counseling: We have read about the explosion in the number of divorces that have taken place among our service men and women who are returning from Iraq. It is now four or five times the national average of those in their generation because of the stress experienced by these individuals, both those who go to Iraq and, sadly, those who are left behind. So we provide assistance in terms of family support counseling, which is so important, so necessary.

And all of us are familiar with the stories of children who are missing their father and may have difficulties in school. We also hear of the families who have difficulties in adjusting to the fact that parents are away for a long time, come home for a brief time, and then are sent back to Iraq; come home for a brief time, and then are sent back to Iraq again. This puts enormous pressure on families who see these enormous potential dangers to the lives and well-being of their loved ones. So the resources in here to help with support counseling are very important. This amendment would reduce those services.

This amendment would also reduce the help and assistance, particularly, for patient transportation, medical services, and rehabilitation services, particularly for those severely wounded. The fact is, we have made some progress in the advancement of technology for helmets, so we have less injuries to the brain and to the head than we have seen in previous wars. And we have also made improvements in body armor. But as a result we have seen the extraordinary trauma in the extremities, and many servicemen have lost their limbs—legs and arms. We have some special provisions in this legislation to give greater focus and attention, direction and support, to programs that deal with these injuries.

I do not understand why, if we are talking about getting $2 billion for border security—which I strongly support—we ought to put at risk any of these programs. That is what this amendment will do. We know we have to do something to protect our borders. We know we need to make the improvements which are outlined in both the amendments of Senator REID and Senator GREGG, which are areas I certainly support, but we should not do it at the cost of these essential programs which are absolutely necessary for those individuals who are fighting on the front line and risking their lives every single day in a dangerous part of the world, and their families.

It is the wrong choice to make, to put any of these programs at risk in order to support the $2 billion. We ought to be able to support that. We ought to add that and it should be a part of this Nation's obligation for the future.

I just remind ourselves of a recent excellent report by a Nobel laureate, Professor Stiglitz, at Columbia, whose estimate is that this war in Iraq—just in Iraq—is going to cost $1 trillion—$1 trillion—before the end of it. A Nobel laureate estimating it will cost $1 trillion. We are being asked here for just about $2 billion to provide vital support services to those men and women who fight this war. It seems to me we have seen extraordinary expenditures already to date. I had my reservations, and I opposed going to this war, and I still believe it has not enhanced our national security or the security of Americans, but, nonetheless, what I am sure of is that it does not make sense for us to see a reduction in these programs that are so vital for our service men and women.

Mr. President, I yield back.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield to the Senator from Tennessee 5 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I do not suppose there is a row of seats in the U.S. Senate that produces more passion and eloquence than the back row on the other side of the aisle. I enjoyed listening to the Senator from New York and the Senator from Massachusetts on this subject. I was especially struck by the Senator from New York, who spoke about budget deficits and talked about history and talked about an ocean of red ink and made a very impassioned speech. Then, when she got to the end of her speech, she volunteered to be on the list of big spenders that is going to be created at noon, which will be those who vote for the Reid amendment.

The Gregg amendment and the Reid amendment are identical. They are about border security. All the Reid amendment does is they took the Gregg amendment, which is a carefully structured approach to try to help maintain our border security on the southwest border, just at its present level, and they just struck out ''Gregg'' and they wrote in ''Reid'' and they did something else: they struck out the way to pay for it. So they are going to pay for it from thin air. They are going to pay for it with cotton candy.

There was talk about a brazen smokescreen. That is a brazen smokescreen. That goes on all the time here. I am on the Budget Committee. The Senator from New Hampshire is the chairman. We sat in the Budget Committee and voted down—I think it was 17 ''no'' votes—as the Democrats sought to add $128 billion over the next 5 years. Then the debate moved to the floor, and they tried to add $273 billion over the next 5 years.

So I guess it is all right to be fiscally irresponsible, but at least you ought to stand up and say: Yes, I am the one doing it. I am the one who has the good idea and then does not want to pay for it—which is exactly what the Reid amendment does.

The Senator from New York said: Oh, there must be other ways to pay for it. Why doesn't she suggest one? Why doesn't she cut something?

The Gregg amendment does not cut anything. This is a supplemental emergency appropriation for the war on terror. The war on terror is mostly in Iraq

and Afghanistan and in the Middle East, but it is also along our southwest border. I believe the Senator from New Hampshire believes that, and I believe most American people believe that. I believe it is appropriate to include that with the additional money that we are appropriating to support our men and women in uniform.

So the false choice—the false choice—is to stand up and say: We want to support border security, but we have no money to pay for it. That puts you on a list of big spenders. So as it stands today, the Gregg amendment is the responsible amendment. And the Senator, I am sure, will speak, as I have spoken earlier, on exactly what it does to help maintain our current infrastructure.

The Reid amendment is the identical amendment, except it is a smokescreen. There is no way to pay for it. So as to the list of those on the Reid amendment, those votes will be a handy list of big spenders, which can be taken to your blog, which can be taken to your dinner table. And when somebody says: Who is it in Washington who keeps coming up with these good ideas but then never pays for it with real dollars, and so as a result we have runaway spending, then you will have a list of people who do that.

This is not about the last 5 years. It is not about the next 5 years. It is about today's vote: the Gregg amendment, which is the border security paid for amendment; or the Reid amendment, which is the same amendment not paid for.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the very concise and accurate summation of this amendment, its purposes, and how it would affect spending by the Senator from Tennessee. I do think it is appropriate to respond even a little further on this issue.

The purpose of this amendment is to basically give the people who are defending us on our borders—the border security agents, the Customs agents, the Coast Guard—the tools they need to do their job right, which includes the airplanes, the unmanned vehicles, the boats, the cars, and the helicopters. That is clearly a critical element of our national defense in the fight in the war on terrorism. It has to be done. It has to be done now.

For example, the Senator from Tennessee noted that the one unmanned vehicle on the southwest border crashed—it is fairly ironic it would crash this week, but it crashed this week—so we now have none. We need to replace that. We not only need to replace it, we have to add about three or four more. It costs money, and this amendment would accomplish that. We know that has to be done if we are going to get the borders under control. With the proper capital support, with the proper technical support, and with the proper number of people on the border, we can bring the border under control.

We are on a path to do that. We added 1,500 agents. We are going to add another 1,500 agents this year. We are adding them as fast as we can hire them. But the problem is hiring is a little difficult because they are high-quality people, and we get about 40,000 applicants for every 1,500 we can hire, so it takes a while to ramp up. But with this capital support, we will have to accomplish that, and we will have the border under control, in the near term. But this argument coming from the other side: Well, you should not pay for this initiative, is just plain wrong. We are a country which, if we are going to remain strong and vibrant, has to be fiscally responsible and set priorities.

Now, it was my priority, quite honestly my personal priority, that we pay for this by taking out of the emergency request that came up from the Defense Department a number of items which really are not clearly emergencies. They go more to the core operation of the Defense Department, but I think they were put in the emergency because they thought it was maybe a way to pick up those dollars and not have to worry about them in their basic underlying budget.

I suggested the modernity initiative, which is about $3.5 billion and would essentially have paid for this initiative in the Border Patrol, be taken out and replaced by the Border Patrol needs which are an emergency. They are an emergency. The planes are not flying. The UAV crashed. We do not have enough boats. The cars aren't running. The facilities are not there. It is an emergency. The Defense modernity is something we need to do, but it should be done and built out over the basic defense budget. There are a couple of other items in this emergency supplemental that also fall into that category, such as the V–22 Osprey purchase.

But I went to the people who understand defense spending around here, and I said: How should we pay for this? I went to Senator STEVENS. My staff talked to Senator WARNER's staff, Senator COCHRAN. And they said they would rather pay for it the way the amendment has been structured with basically an unidentified across-the-board cut—it is not going to even be across the board but an unidentified reduction to the overall number, giving the Defense Department the flexibility to find those dollars within the $530 billion they will spend, $2 billion.

So to come down here and allege that these funds are going to come out of the needs of the people who are on the front lines in Iraq or Afghanistan is pure poppycock, pure. And to make that representation is hyperbole and waving a red flag, which is totally inappropriate to this debate because if they read the amendment and they recognize how the amendment was structured, they would know that would never happen. They do know it would never happen. They are down here just trying to get attention for their position and make an excuse for why they are not willing to pay for their proposal.

The fact that it will not happen is because when you line up Senator STEVENS and Senator WARNER and Senator COCHRAN on one side, and you put the folks who are saying the opposite on the other side, I tend to come down on the side of those three Senators as knowing more about what we are going to do and what we need in defense than necessarily the critics of this amendment. These are the people who have stood by our Defense Department for not only this year but for generations.

When the defense was being cut, savaged basically under the Clinton administration, when it was basically being hollowed out under a Democratic Congress in the early 1990s, it was people like Senator STEVENS and Senator WARNER who stood on this floor and tried to stop it. It is those folks who have built the Defense Department back up so our soldiers have what they need so we have a strong national defense. They came to me and said: We would like to see your amendment done this way rather than the way you proposed. And I said: OK. You are the experts. I am perfectly willing to follow your suggestion.

So this argument that is being thrown out on the other side is a straw dog. The issue is, as Senator ALEXANDER has framed it, a question of whether we are going to set priorities, whether, when we say we are going to do something about the Border Patrol needs, Coast Guard needs, Customs needs in the area of capital assets—such as planes and helicopters, unmanned vehicles—we are going to do that, and whether we are going to prioritize so that goes to the top of the list or close to the top of the list of our national priorities, and so it is paid for and is not put into debt.

So the choice, as Senator ALEXANDER has reflected, is: Are you going to pay for it or aren't you going to pay for it? Are you going to be a big spender or are you going to be somebody who is fiscally responsible?

The amendment I have put forward is a fiscally responsible amendment which will have no negative impact on any soldier who is in the field or on our operational capabilities in Afghanistan or Iraq. That representation clearly is inappropriate and wrong. I take a little bit of umbrage at it.

I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

The Senator from Tennessee.

Mr. ALEXANDER. I wonder if, through the Chair, I might ask the Senator from New Hampshire a question. Typically, a piece of legislation that is paid for has a better chance of making it all the way through to the end than a piece of legislation that is not paid for; is that not correct?

Mr. GREGG. The Senator is absolutely correct. We have attempted in the past to get these capital funds for the Border Patrol without paying for it, and the language has been dropped as it worked its way through the process. This is a priority we should be willing to pay for. As responsible governors of the purse of the American people, we should pay for it rather than just put it on the debt.

Mr. ALEXANDER. There is some talk about a brazen smokescreen on the other side. I suggest the brazen smokescreen might be to first stand up and say we are going to have more border security but we are not going to pay for it, and then turn around 30 seconds later and claim to be the guardians of fiscal responsibility. You can't do that. That is a smokescreen.

Another way to have a brazen smokescreen might be to stand up and make an impassioned speech and say: Let's spend $2 billion for border security without paying for it, knowing full well that many amendments that are not paid for then get lost somewhere in the process and never are passed. And then the American will people say: What happened over there in the Senate? I saw them say they were for border security, but the money never came through.

The American people want us to maintain the border, pay for it, and do it. The Gregg amendment does it. The amendment offered by the distinguished Democratic leader does not.

Mr. GREGG. I reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the final 10 minutes of debate before the votes at noon be equally divided between the Democratic leader and the majority leader or their designees, with the final 5 minutes reserved for the majority.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I suggest the absence of a quorum and ask unanimous consent that the time be applied to both sides equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I wish to speak for 5 minutes on the amendment.

The PRESIDING OFFICER. There is only 3½ minutes remaining.

Mrs. HUTCHISON. If the 3½ minutes is not taken on our side, I will ask unanimous consent for that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I rise to speak in favor of Senator GREGG's amendment. I appreciate the job Senator GREGG has done in his position as chairman of the Appropriations Subcommittee on Homeland Security, which has done so much to try to beef up our borders. Senator GREGG has been a leading proponent of strengthening control of our borders with Mexico and Canada.

I think this amendment is a very positive and productive one, adding $1.9 billion to homeland security and trying to do the things that would make access through our borders more secure. The US–VISIT Program, which sometimes stifles legitimate commerce on our borders will be provided $60 million. This will be used to integrate the biometric databases so they will work better and we will know who is in our country and to allow people who are legitimately in our country to be able to go back and forth. It adds funds for Customs and border protection. It adds money for construction of new stations, checkpoints and tactical infrastructure, Immigration and Customs enforcement.

I think this is an issue everyone in America is absolutely behind. We want to have control of our borders. I have had meetings with Hispanic-American leaders, and I have had meetings with small business people who are on the border, as well as throughout our country. Everyone believes that as a sovereign Nation and for the security of our country, we need to control our borders. We had 160,000 other-than-Mexican illegal aliens entering our country from all over the world last year through the Mexican border. This is unacceptable for a sovereign country not to know who is in our country, particularly when al-Qaida puts out the word that if you want to penetrate America, go through the southern border.

It is not good for Mexico. Mexico knows there are people coming through their southern border, all the way through Mexico, sometimes as a criminal element, and they are doing so to get to the United States.

So it is very important that we pass the Gregg amendment. What is different about the Gregg amendment from the Reid amendment is that it is offset, it is an agreed-to offset, with a reduction in spending in other parts of the bill, in order to pay for this effort to secure our borders, and strengthen our national security.

I think it is so important that we are focusing on the Coast Guard to upgrade their patrol aircraft, their ships, and their patrol boats. The whole Gulf of Mexico is a very vulnerable area, and we need to secure the coast, as well as the land border areas.

I urge my colleagues to vote for the fully offset Gregg amendment that will beef up our border security at a time when we all know this is a first priority.

I yield the floor.

Mr. LEAHY. Mr. President, for those of us who have served in the Senate for the past 5 years, the irony of the amendments before us today is inescapable. Had the Bush administration fulfilled its promises over those years and lived up to its rhetoric about bolstering our Nation's border security, there would be no need for the emergency supplemental spending amendments proposed by the distinguished chairman of the Homeland Security Subcommittee of the Appropriations Committee and the Democratic leader.

The administration's failure on this front has not gone unnoticed. In December of 2005, the 9/11 Commission's Report Card gave the Bush administration a 'D' grade for its efforts on border security, and specifically, for its failures in fostering international collaboration to improve border security. This is particularly disappointing in light of the grandiose statements in February 2001 in which the President heralded a new era of cooperation with President Vicente Fox on immigration and border issues.

For all its talk and swagger about security, the Bush-Cheney administration has not lived up to its public promises. Just last month we heard about nuclear material being successfully smuggled across our borders in a sting operation. Not long after that bombshell, a U.S. Citizenship and Immigration Services employee, Michael Maxwell, testified before a House subcommittee about an astonishing culture of corruption, and misdirected priorities in the agency within the Department of Homeland Security charged with processing immigration applications. For an administration that has regularly touted its commitment to national security, it is incomprehensible that the type of behavior Mr. Maxwell testified about was occurring in one of our most critical border security agencies.

You do not have to take my word for it or read the New York Times to see criticism of this administration's competence when it comes to border security. Take just one day's worth of reports from the Washington Times, one of the most conservative papers in the country. On Tuesday, that paper ran a front page story in which it reported that U.S. law enforcement officials say that ''[h]undreds of Mexican nationals who wear government-issued uniforms, carry official identification cards and are authorized to use weapons are helping smugglers move tons of drugs into the United States.'' This follows numerous reports of uniformed incursions into the United States.

On page 3 we read that the Homeland Security Department's inspector general has completed a 22-month investigation ''into Syrian nationals suspected of practicing to hijack a plane during a Detroit-to-Los Angeles flight.'' The inspector general's public summary says that the Department needs to better coordinate information on suspicious passengers, and on the conflicting jurisdictions of the FBI and Federal Air Marshal Service that can

compromise investigations of in-flight incidents. Because the 40-page inspector general report is classified, its detailed contents have not been made public, but it involves an incident from June 2004. According to the paper, the suspects were traveling under expired visas on one-way tickets bought with cash, but that immigration officials had failed to report to the airport to detain them.

Then on page 13, Tuesday's Washington Times reports about the case of a high-ranking Iranian official travels in and out of the United States on a U.S. green card, even though he carries an Iranian passport and is reported to be ''an economics and technology aide to Iran's top nuclear negotiator,'' and is reported to have ''joined the Iranian government last year'' and to be a ''high-ranking Iranian official.''

The three incidents I have just described are all possible border security scandals reported in just one newspaper on just 1 day.

Just as gas prices for American consumers have doubled during the Bush-Cheney administration so, too, have the number of undocumented immigrants within the United States doubled. I do not think that I need to remind the American people that the same Government Department that so mishandled Katrina and its aftermath is in charge of border security. Nor will any of us forget that after 9/11 the immigration authorities were still sending cordial correspondence to dead suicide hijackers.

Here in Congress, we have met the President's calls for increased border enforcement with authorizations across the board. Indeed, we have often acted, as we are now, to provide additional authorities and resources that the administration did not request in order to try to force progress on border security. The administration, however, has not lived up to its end of the bargain. Despite the funding mandates of the intelligence reform bill that provided for 2,000 new Border Patrol agents annually, the President's budget request for 2006 would have provided enough funding to add only 210 Border Patrol agents. That is 10 percent of what Congress mandated, and not a single new agent would have been assigned to help protect our northern border.

What the President has said and what the administration has done couldn't be more different. He has talked about border security, but his priorities in the budget proposals he has sent to Congress shows that his administration values tax cuts for the rich over robust border security.

It is incomprehensible that almost 5 years after the horrific attacks of September 11, only 6 percent of shipping containers entering U.S. ports are screened. Despite the recommendations of the 9/11 Commission and despite Coast Guard recommendations that $5.4 billion is needed for port security over a 10-year period, the Republican Congress has appropriated only $800 million in grants during the last 5 years. I commend Senator BYRD for the port security additions he has made over time and to this bill. Following its failed effort to approve the Dubai Ports deal, the administration has recently made a big show of arrests of undocumented workers at one company. Ironically, those recent raids emphasize how little this administration has done over the last 5 years in terms of interior enforcement and enforcement of prohibitions against employers' illegal hirings. Where is the President's leadership on these critical issues?

I was pleased to see an increase in the President's proposed budget to allow for the hiring of 1,500 or more Border Patrol agents in 2007. The Judiciary Committee reported a bipartisan bill that calls for even more agents and investigators than that. But even the 1,500 new agents proved to be another hollow promise from the Bush administration. On closer scrutiny, it is clear that the funds to pay for these agents do not exist. The administration's budget also fails to specify whether any of these new positions are allocated to the northern border.

The President's budget priorities for fiscal year 2007 raise other serious concerns, including a proposal to eliminate grants dedicated to port security. This short-sighted proposal inexplicably shortchanges what we know is already a critically vulnerable aspect of our border security. It is difficult to reconcile what this President says about border security and what his administration does or does not do.

The lack of effectiveness of this administration is represented for many Americans by the Department of Homeland Security's failures to prepare for and respond to Hurricane Katrina. It was a disgrace and a human tragedy. It has been 6 months since the hurricane hit. We know that 1,604 lives were lost, but approximately 1,840 individuals are still listed as ''missing'' or ''whereabouts unknown.'' These numbers are astonishing. Is it possible that more lives were taken by Hurricane Katrina—a storm that we knew was coming for several days before it hit—than on September 11, 2001, when we were attacked without warning? What is being done to locate these persons and discover if they are living or if their lives were taken in the storm? It is no surprise that Congress is required to force action on border security when we consider how the Bush administration has performed.

I support the additional funding for border security in these amendments, though I do so with the regret that the Bush administration's lack of leadership on this critical issue has brought us to this point. Many of the items are the types of expenditures that we are now categorizing as ''emergency spending'' because of more than 5 years of neglect and incompetence in making them part of our regular budget and spending priorities as they should have been.

I conclude by commending the Democratic leader for his amendment. He has recognized a serious concern with the way that the alternative amendment was drafted. Both amendments contain the same funding. Both provide for long overdue law enforcement communications upgrades. Senator GREGG and I have worked on these matters since the tragic Drega incidents that affected our States demonstrated this critical need. Both amendments contain funding for border patrol vehicles and surveillance technology. Years ago it was a Vermont agent who helped develop remote sensors for border patrol purposes. Both contain almost $800 million for helicopter replacement and other air patrol and surveillance needs. Both contain $600 million for the Coast Guard vessels, aircraft, and equipment that is needed. Some of the other inclusions are less essential but I will not quibble with the subcommittee chairman or the Democratic leader who both include the same items and dollar amounts.

The difference between the amendments is a significant one, however, as the Democratic leader has explained. He supports, we all support, increased border security. But his amendment ensures that these additions are not paid for by taking funds from the emergency funding recommended for the needs of troops fighting in Iraq and Afghanistan or from the needs of those victimized by Hurricane Katrina in the gulf region. We should not be cutting pay and benefits for our National Guard, Active Duty and Reserve troops. We should not be cutting Iraqi security force training funding. We should not be cutting the Joint Improvised Explosive Device Defeat Fund that is intended to protect our troops from the scourge of deadly IEDs that threaten them in Iraq. We should not be cutting but should be improving health programs for out veterans and, sadly, the death benefits for their families. I agree with Senator REID and will support his amendment to better secure our borders and years of neglect but will do so without shortchanging the needs of the troops whom the President has committed to fighting in Iraq, and that we all authorized be sent to Afghanistan.

Mr. BYRD. Mr. President, the Senate will vote today on two amendments to provide $1.9 billion of critical resources to enhance our border security. I will vote for both amendments.

Last month, the Senate began debate on immigration and border security legislation, part of which would authorize a whole host of items intended to secure our borders. The legislation would authorize the hiring of additional Border Patrol agents. The legislation would authorize the hiring of additional immigration enforcement agents and detention officers. It would authorize border surveillance technology and unmanned aerial vehicles. However, the immigration bill is just an authorization bill. If you are serious

about border security, you must approve real dollars.

Yesterday, the administration sent Congress a Statement of Administration Policy on the pending emergency supplemental bill. I will ask that the statement be printed in the RECORD. In this statement, the President threatens to veto the bill if it exceeds $94.5 billion. He opposes providing disaster aid to our farmers impacted by drought and hurricanes. He opposes funding for 31 States to repair highways that were damaged by floods, and other disasters. He fails to endorse critical investments in port security.

By threatening to veto the bill if it exceeds $94.5 billion, he forces the Congress to make very difficult tradeoffs. By endorsing additional border security funding while capping the bill at $94.5 billion, the President is supporting cuts in his own request for the Department of Defense, or for aiding the victims of Hurricane Katrina.

I think this tradeoff is unnecessary and unfortunate. That is why I will vote for the Reid amendment. However, Chairman GREGG has done an excellent job in crafting the $1.9 billion package of border security investments. If the only way to get the additional border security funds is to accept the President's position requiring offsets, then, in this case, I will vote for the Gregg amendment as well.

I ask unanimous consent that the before mentioned statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

H.R. 4939—EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

(Sponsors: Cochran (R), Mississippi; Byrd (D), West Virginia)

The Administration supports expeditious Senate passage of an FY 2006 Emergency Supplemental for the Global War on Terror and Hurricane Relief as requested by the President. The Administration commends the Committee for its continued support for our ongoing military and intelligence operations in the Global War on Terror (GWOT), other international activities, and hurricane relief and reconstruction. The Senate reported bill also included $2.3 billion in emergency funds for pandemic influenza preparedness and prevention included in the President's Budget for FY 2007. The Administration wants to work with Congress to secure enactment of pandemic influenza funding before October 1, 2006, and believes this is an appropriate vehicle to ensure the funding is available when it is needed.

However, the Senate reported bill substantially exceeds the President's request, primarily for items that are unrelated to the GWOT and hurricane response. The Administration is seriously concerned with the overall funding level and the numerous unrequested items included in the Senate bill that are unrelated to the war or emergency hurricane relief needs. The final version of the legislation must remain focused on addressing urgent national priorities while maintaining fiscal discipline. Accordingly, if the President is ultimately presented a bill that provides more than $92.2 billion, exclusive of funding for the President's plan to address pandemic influenza. he will veto the bill.

In addition, today the President sent to Congress a revision to the Administration's pending supplemental request, asking for an additional $2.2 billion for the U.S. Army Corps of Engineers to heighten and strengthen levees in New Orleans. This additional funding is fully offset by a corresponding reduction to the previous request for the Disaster Relief Fund and assumes a non-Federal share for a portion of the work. The Administration urges the Senate to amend the bill to incorporate this revised request during its consideration of the bill.

The Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill.

*Global War on Terror (GWOT)*

The Administration appreciates the Committee's strong commitments to the President's funding request for ongoing military operations in the GWOT. The Administration also commends the Committee for funding the President's request for international funding for counter-insurgency and stabilization activities in Iraq and urgent, unanticipated needs to help relieve human suffering, including in Sudan and other parts of Africa.

The Administration appreciates the Committee's full support for the training of the Iraqi Security Forces, but opposes the $290 million reduction from the President's request of $2.2 billion for the Afghan Security Forces Fund (ASFF). This reduction to ASFF would set back efforts to build police forces by denying them the ability to operate from secure, functional, and economical facilities. Such setbacks hamper the effort to build cohesive units able to secure the peace and foster continued democratic transition in Afghanistan.

Similarly, the Administration opposes the reduction of funding for coalition support by more than one-half, or $760 million. Failure to fund this effort through the end of the calendar year would jeopardize continued coalition partner support and a shared coalition responsibility for success in Iraq and Afghanistan this fall and winter.

The Administration opposes the reduction in requested transfer authority, particularly the failure to increase general transfer authority from $3.75 billion to $5 billion. The lack of additional transfer authority and needed flexibility will hamper the Department of Defense's (DOD's) ability to ensure that funding goes to the most pressing requirements.

The Administration appreciates the Committee's support for military pay and allowance programs, but notes that the increase of over $500 million for these programs should have been appropriated in the base appropriations bill for FY 2006. The Administration opposes the inclusion of unrequested procurement funding while reducing critical funds for supporting combat missions in Iraq and for responding to unanticipated requirements. The Committee reduces $104 million from the Army's Operation and Maintenance account that is intended to sustain Iraqi military forces operating side-by-side with American units.

The Administration appreciates the Committee's support for the National and Military Intelligence Programs. However, the bill funds the National Intelligence Program at a higher level than requested, particularly for the National Reconnaissance Office. The Administration urges the Senate to redirect this funding to restore other reductions to the President's request.

In addition, the Administration is concerned about the $13 million rescission to the Export-Import Bank's subsidy appropriations that are available for tied-aid grants, which help deter or defend against trade distortions caused by government-to-government concessional financing of public sector capital projects in developing countries.

*Hurricane Disaster Relief and Recovery*

The Administration appreciates the Committee's support for the request for FEMA's Disaster Relief Fund. However, the Administration is concerned that the additional $1.2 billion provided far exceeds what is needed for the new ''alternative housing pilot program'' authorized in the bill. Such a pilot program should maintain the Department of Housing and Urban Development as the lead agency for longer-term and permanent housing initiatives, and focus on cost-effective alternatives that treat severely affected communities equitably.

The Committee provides $5.2 billion in Community Development Block Grant funds, $1 billion above the request. The Administration is concerned that the bill would permit funding to all affected States rather than limiting it to Louisiana, as requested, because Louisiana faces unique needs to mitigate future flood risk and address other housing concerns. The Administration also believes that designation of $1 billion of the total for affordable rental housing is unnecessary and hampers the ability of local communities to prioritize funding based on local needs and citizen input.

The Administration commends the Committee for supporting the President's proposed actions to strengthen the Greater New Orleans hurricane protection system, including providing needed authorization for levee improvements and restoration of wetlands. Today the Administration is transmitting a proposal to Congress to authorize and fund actions needed to certify the majority of the levee system in the New Orleans area and, where needed, replace floodwalls. The Administration requests that Congress support the revised request, which is fully offset by a reduction to the Disaster Relief Fund request.

The Administration urges the Senate to eliminate section 2303, which instructs the Navy to adjust shipbuilding contracts for business disruptions that contractors incurred as a result of the hurricanes in 2005, for several reasons. First, it would require the Navy to cover shipbuilding costs that are routinely borne by private insurance, creating an incentive for insurance companies to deny payments. Expanding the scope of the Navy's liability would also limit flexibility in future contract negotiations because shipbuilders could claim business disruption for years to come. Second, Federal Acquisition Regulations expressly disallow insurable losses and already adequately evaluate the costs at issue in the shipbuilding contracts. Third, the legislation would require the Navy to cover business disruption costs of any affected shipyard—including those completely unrelated to DOD.

The Administration also opposes the $594 million provided for Federal Highway Emergency Relief for requirements unrelated to the Gulf hurricanes, and the $200 million provided to the Federal Transit Administration, which was not requested.

The Administration strongly objects to the $700 million included in the Senate bill to relocate the privately owned rail line that runs along the Mississippi Gulf Coast. The CSX Corporation, using its own resources, has already repaired damage to the line, and trains are now running. Relocating the tracks would represent a substantial investment beyond pre-disaster conditions and would improperly require U.S. taxpayers to pay for private sector infrastructure.

The Senate is also urged to eliminate other unrequested and unnecessary funding and programmatic waivers in the bill, such as that included for the National Aeronautics and Space Administration, private historic residences, USDA debris removal and rural development programs, Job Corps construction, National Civilian Community Corps, Army Corps projects and reprogramming activities, and grants for Federal law enforcement.

*Other Items*

The Administration understands that an amendment may be offered to add additional funding for border security efforts. The Administration believes that such funding can significantly complement comprehensive immigration reform that provides enhanced border security and increased interior enforcement efforts and creates a temporary worker program that does not provide amnesty and allows new citizens to fully assimilate into their communities. The Administration looks forward to working with Congress to ensure that any additional funding provided for these purposes is targeted to address enforcement challenges on the Nation's borders most effectively.

The Administration strongly opposes the Committee's agricultural assistance proposal, totaling nearly $4 billion. The 2002 Farm Bill was designed, when combined with crop insurance, to eliminate the need for ad hoc disaster assistance. In 2005, many crops had record or near-record production, and U.S. farm sector cash receipts were the second highest ever. Furthermore, the proposed level of assistance is excessive and may overcompensate certain producers for their losses.

The Administration appreciates the Committee's support for the President's proposed funding to rebuild a National Oceanic and Atmospheric Administration facility, assess fishery resources, and provide mapping to assist debris removal. However, the Administration strongly objects to the additional $1.1 billion provided for the Department of Commerce. Providing direct income assistance would constitute preferential treatment for fishing industry participants, who are already eligible for other sources of assistance. In addition, the Committee provides substantial funding for non-emergency needs such as a promotion campaign for seafood.

The Administration urges the Senate to remove a provision prohibiting the use of funds to implement a final rule regarding foreign control of U.S. airlines. The Administration is committed to working with the Congress to address concerns with the rule.

The Administration objects to restrictions on the Bonneville Power Administration's (BPA) ability to use a portion of its secondary revenues to pay down debt owed to the Treasury. The Administration's proposal is consistent with sound business principles and would provide BPA with more financial flexibility to meet its long-term capital investment needs.

The Administration appreciates the Committee's support for the Administration's previous request for pandemic influenza prevention and preparedness activities and looks forward to working with the Congress to ensure this funding is allocated in the most effective manner possible to achieve our preparedness and prevention goals.

*Constitutional Concerns*

The language under the heading, ''State and Local Law Enforcement, Office of Justice Programs,'' purports to require that the Attorney General consult with Congress prior to obligating funds. Because this provision would infringe on separation of powers, it should be modified to be permissive.

In addition, Section 2503 of the bill purports to require approval of the Committees prior to the obligation of funds. This provision should be changed to require only notification of Congress, since any other interpretation would contradict the Supreme Court's ruling in INS v. Chadha.

Mr. FEINGOLD. Mr. President, I support the increased funding for border security that is provided by the Gregg and Reid amendments. This funding for replacing and upgrading the equipment and vehicles that we need to protect our borders is vital to our security. Of course, border security alone will not solve our immigration problem, and I am committed to working toward comprehensive immigration reform. But providing much needed resources to those who are working to secure our borders is a critical part of guaranteeing our national security and dealing with our broken immigration system.

Although both amendments would provide this funding, only Senator GREGG's was offset. The spending of this Republican-controlled Congress has been out of control, and it is beyond time to rein it in. The Gregg amendment is a start. The 2.75-percent cut to the defense portions of this bill will not come out of important items to protect our troops. I would never consider supporting any measure that threatened their safety. This is supposed to be an emergency funding bill, but there are billions of dollars of nonemergency items in the bloated defense portion of this bill that have nothing to do with protecting our troops and have no business in this supplemental—items that can be cut to pay for the real border security needs funded in both amendments. Some examples include the unrequested funding for V–22 Ospreys and C–17s and the clearly nonemergency Army modularity program. Our spending on our national security is also completely imbalanced, with almost all resources going to the Department of Defense and very little to other important national security priorities such as border security and the U.S. Coast Guard. The Gregg amendment brings back some balance to our spending.

Mrs. BOXER. I rise today to express my opposition to the amendment put forward by Senator GREGG to the emergency supplemental appropriations bill—an amendment to provide additional funding for border security at the expense of the U.S. Armed Forces.

While I certainly support the goal of providing an additional $1.9 billion to secure our Nation's borders, it is completely unconscionable to cut funding for our military men and women at a time when they are risking their lives in Iraq and Afghanistan.

Let me explain how Senator GREGG's amendment would hurt our military.

The Gregg amendment cuts Department of Defense programs included in this bill. This includes critical funding, such as funding for the military personnel account—which provides pay and benefits for Active-Duty, Guard and Reserve troops—and the Defense Health Program, which is responsible for providing our troops with medical assistance.

Funding for the training of Iraqi security forces is included, as well. We know this mission is critical to our success in Iraq and the ability to bring home our brave servicemembers.

The bill also includes funding for the Joint Improvised Explosive Device Defeat Fund, which provides assistance to our troops seeking to eliminate IEDs the leading cause of death for U.S. troops in Iraq.

Furthermore, the Death Gratuity Fund, which provides assistance to the families of fallen soldiers, is included in this bill.

Senator GREGG's amendment seeks to secure our borders but does so by reducing much-needed funding for the men and women fighting for our country every day. This is unacceptable.

While I oppose Senator GREGG's amendment, I am pleased to support Senator REID's amendment. The Reid amendment also provides nearly $2 billion in additional funding for our Nation's border security but without dangerous funding cuts that would harm our troops.

Mr. DURBIN. Mr. President, how much time is remaining on the Democratic side?

The PRESIDING OFFICER. There is 4½ minutes remaining.

Mr. DURBIN. Mr. President, the news this morning tells us Secretary of Defense Donald Rumsfeld is in Iraq. That is a good thing. It is a good thing for the leaders of our Government to be in touch in the field to let them know we are on their side. I am glad the Secretary is there. I know when he visits there, he often learns things—things that help us wage this war more effectively.

Do you remember not so long ago when Secretary of Defense Donald Rumsfeld had an open meeting with the soldiers in Iraq? He invited them to comment on how the war was going. A member of the Tennessee National Guard stood up and said: Mr. Secretary, why as a soldier do I have to dig through a dump to find a piece of metal to put in my humvee to protect me and my fellow soldiers? Why has it come to this?

It was a moment of great embarrassment for the Secretary. It was a moment of embarrassment for our Nation. We ask these young men and women to take an oath to defend this country and risk their lives in uniform for us every day. We stand and sit in the comfort of this Chamber on Capitol Hill with all of the protection around us, and they wake up every morning putting on a uniform knowing it may be their last day on Earth.

Now take a look at this amendment. Take a close look at this amendment. This amendment is designed to give us better control of our borders, and we need it. Our borders are out of control. There are 500,000 illegal people crossing

them every year, at least. We know that has to change, not just because of the immigration issue, a terrible challenge to America to get it right, but because of security. So we all support, on both sides of the aisle, more resources at the borders, more people, more technology, better efforts to stop this illegal flow of immigration.

It is a serious problem, and we should take it seriously. That is why the Democratic leader, Senator REID, has offered this amendment, an amendment which provides the resources for the border. He says it is an emergency; it should be treated as such. I couldn't agree with him more.

But listen to the other side of the aisle. Senator GREGG on the Republican side said we can only pay for border security at the expense of soldiers in the field. He takes the roughly $2 billion out of the military account to make our borders stronger. That is not fair to the soldiers. It is not fair to the men and women who are risking their lives every day in Iraq and Afghanistan.

We know we have failed them many times. This administration has failed to provide the body armor these troops needed. Senator DODD of Connecticut had to offer an amendment to allow ordinary American families to deduct from their taxes the cost of body armor that they would buy for their soldiers which they sent overseas. I have met them in Illinois, families who said: I got tired of waiting for the Army to give my son protection; my wife and I bought it ourselves.

Another one said: We had a little potluck supper at church to raise money for body armor for our soldiers.

Think about that. We know about these humvees. They were death traps for entirely too long. They were not well protected. We know what happened. We had helicopters in the field that didn't have good defense devices, and they were shot down.

Now the Republican side says let's take more money away from the defense of our soldiers so our borders are more secure. What a terrible choice to ask of this Senate, but what an easy choice for many of us.

I am not going to take money away from these soldiers. This Senator voted against this war in Iraq, but I have voted to give this President and this administration every penny they have asked for to wage this war for one basic reason. I thought to myself: What if it were my son or daughter, would I want them to have the best equipment and best supplies, even if I felt the foreign policy was wrong? You bet. And when it comes to this choice in this amendment, it is very clear. We can take the Republican approach of making our borders safer while making our soldiers less safe, or we can take the approach which Senator REID is suggesting: Declare this an emergency at our borders that deserves emergency status.

Isn't it interesting, when it comes down to these choices, so many on the Republican side of the aisle say: Now we are going to be fiscal conservatives, fiscal conservatives at the expense of our soldiers. It is plain wrong.

I ask my colleagues: Read these amendments carefully. Understand the stark choice we are being given. Support Senator REID's amendment which declares it an emergency to have strong enforcement at the borders but not at the expense of our men and women in uniform who risk their lives while we stand in the safety of this Capitol Building.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I have the greatest respect for the chairman of the Budget Committee, the distinguished senior Senator from New Hampshire, but he is absolutely wrong on this issue. I heard his impassioned statement that this is no problem; anyone who says this is a problem, they haven't read the bill.

The amendment is written in English. It is very clear:

> The aggregate amount provided by . . . chapter 3 of title II of this Act may not exceed $67,062,188,000.

The amendment takes $1.9 billion from this bill. It seems rather unusual to me that on an emergency appropriations bill—this bill—everything in it is being paid for, like everything else around here, by the American taxpayers. This, I am sorry to say—like most of what has been paid for in the past 5½ years in the Bush administration—is being paid by my children, their children, their children's children. Deficit spending and suddenly there is a concern about this.

Our concern is that money that should go to our gallant troops in Iraq and Afghanistan will not go to them if the amendment that has been offered by the Senator from New Hampshire is adopted.

What are these cuts? They are cuts to the military personnel account, operations and maintenance, Iraqi security forces training, the improvised explosive device defeat fund, defense health program. What are these programs? No matter what my friend from New Hampshire says, the $2 billion has to come from someplace, and this is what is in this bill:

Military personnel account: This includes hardship pay for those in the line of fire—I think people in Afghanistan and Iraq who are serving in our military qualify for that—and family separation pay for those who are forced to serve in combat zones away from their families.

Is this what we want, for men and women currently serving in Iraq and Afghanistan not to get this pay I have outlined?

The operations and maintenance accounts provide resources for the day-to-day needs of our military. This money allows our forces to conduct operations against insurgents in Iraq and Afghanistan. It includes money for nuts-and-bolts activities—the airlifts, the transportation, and other logistical missions. It also provides for the Commander's Emergency Response Program which gives resources to commanders on the front lines to support humanitarian reconstruction projects. If a commander in the streets of Baghdad wants to put up a power line that was knocked down, this account gives them tools to do that. Is this what we want to cut?

As the President has said time and again, as foreign troops stand up, we can stand down. This account is what will help us ensure foreign troops are able to stand up. It is the money that we use to assist the Governments of Iraq and Afghanistan to assume increased responsibility for their Nation's security. Is this what we want to cut? I hope not.

The joint improvised explosive device defeat account: Explosive devices every day are a threat to our forces in Iraq. This account directs money helping our troops to spot these IEDs and defuse them. These people in Iraq are very ingenious. We figure out a way to stop them from using a certain method, and they figure out a way to go around that. We need to stay ahead of them. We are not doing a very good job of that, and cutting money from this account isn't going to help. Our troops need resources so they can keep up with everchanging enemy tactics. This account will help them do that.

Defense health program: This is money for health care for our troops—and their families—who are serving today in Iraq. It is their health care.

The choice here is pretty direct: If the amendment offered by the Senator from New Hampshire is adopted, we will have added border security.

Mr. President, I will use my leader time now.

If the amendment offered by the Senator from New Hampshire is adopted, we will have improved border security, and that is important. If there were ever an emergency, this is it. If my amendment is adopted, we will have increased border protection. But with my amendment, we pay for it as we do everything else in this bill—in this bill. I think it is rather unusual to have the majority coming to the floor now suddenly with qualms of conscience about these deficits that have been run up by President Bush and his administration—trillions of dollars, not billions, trillions.

I am not willing to vote to cut the military personnel account, operations and maintenance, Iraqi security forces training, explosive device defeat fund, the defense health program, or the death gratuity fund. I am not willing to cut those programs. I want border security. It is important. I was 3 weeks ago today on the border. If there ever was an emergency and we need to do something, it is this program. I don't make any apologies for saying this situation on the border is an emergency.

It is an emergency, like other matters in this bill.

I hope that on a bipartisan basis we will vote to give the troops everything they need and also do a better job of protecting our borders.

The PRESIDING OFFICER (Ms. MURKOWSKI). The majority leader.

Mr. FRIST. Madam President, in a few moments we will begin the votes on these two amendments. I wish to say right up front that I applaud and congratulate Senator JUDD GREGG, chairman of the Appropriations Subcommittee on Homeland Security, for having as the very first amendment on the supplemental request an amendment that focuses on border security, on national security, on tightening the borders that we all know are too porous. It shows good leadership. It shows priorities in this being the first amendment to tighten the borders and strong border enforcement.

Actually, the first step was taken last year by Senator GREGG, when we were on this floor, under his leadership, and funded an additional 1,400 border guards, as well as 1,800 detention beds, a strong statement recognizing the importance of addressing border security. This is step two today in addressing more the capital expenditures, the equipment, the infrastructure which we know those border guards require to guard that border.

A key element of our security, of our global war on terrorism, indeed, is securing our Nation's borders, and this amendment takes that next major step in that direction by providing $1.9 billion for improving that border infrastructure.

The Democratic leader just mentioned he had been on the southern border. I have been on the southern border. It doesn't take long to witness for every one person detained and stopped, there are two or three people who sneak around that border, and that is as many as 2 to 3 million people a year who come to this country. We don't know who they are, why they are here, or what their intentions are. For this particular amendment, there are a number of things we have talked about over the course of the morning. It will provide needed funds to upgrade an outdated P–3 aircraft fleet that is used for surveillance along our borders. When you are there and you look at that 1,900 mile border, you know how important it is to have those surveillance aircraft to be able to look down and identify along that long expanse people coming across illegally. It will provide needed funding for a number of unmanned aerial vehicles operating along our southwest border. As we talked about already today, it is amazing that we only have one UAV, unmanned aerial vehicle, which has worked very effectively, but—I said we have—we had, because literally that aircraft crashed yesterday morning while serving along that Arizona border.

The amendment will provide additional resources for continued construction of the border fence—the fence itself, the physical structure—near San Diego.

This first amendment also sets what is a very important standard framework, a fiscal spending framework as we begin debate on this emergency funding bill. The initiative included in the amendment put forward by our side of the aisle—we initiated this amendment for the tightening of border security—is paid for in the bill itself, and that is a very important framework which I hope we can continue to use for absolutely necessary emergency spending as we look at the rest of this bill.

Securing our borders is the first step for any action we need to take in terms of more comprehensive reform of immigration, an issue we debated for 2 weeks on the floor beginning about a month ago and an issue we will come back to. But border security is first, it is foremost. I feel strongly that we need to look at workplace enforcement and interior enforcement and a temporary worker program as well, and we will come back to that later. But now is the time for us to say forcefully that we are serious about tightening that border, and we will provide the resources, the personnel, and capital infrastructure to do just that.

Madam President, I ask unanimous consent that it now be in order to ask for the yeas and nays on both amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Madam President, I now 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 amendment No. 3594. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to illness in family.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—59

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|---|---|---|
| Alexander | Coburn | Frist |
| Allard | Cochran | Graham |
| Allen | Coleman | Grassley |
| Bennett | Collins | Gregg |
| Bond | Cornyn | Hagel |
| Brownback | Craig | Hatch |
| Bunning | Crapo | Hutchison |
| Burns | DeMint | Isakson |
| Burr | Dole | Kyl |
| Byrd | Domenici | Landrieu |
| Cantwell | Ensign | Lott |
| Carper | Enzi | Lugar |
| Chafee | Feingold | Martinez |
| Chambliss | Feinstein | McCain |
| McConnell | Shelby | Thomas |
| Murkowski | Smith | Thune |
| Murray | Snowe | Vitter |
| Roberts | Specter | Voinovich |
| Santorum | Stevens | Warner |
| Sessions | Sununu | |

NAYS—39

| | | |
|---|---|---|
| Akaka | Harkin | Mikulski |
| Baucus | Inhofe | Nelson (FL) |
| Bayh | Inouye | Nelson (NE) |
| Biden | Jeffords | Obama |
| Bingaman | Johnson | Pryor |
| Boxer | Kennedy | Reed |
| Clinton | Kohl | Reid |
| Conrad | Lautenberg | Salazar |
| Dayton | Leahy | Sarbanes |
| DeWine | Levin | Schumer |
| Dodd | Lieberman | Stabenow |
| Dorgan | Lincoln | Talent |
| Durbin | Menendez | Wyden |

NOT VOTING—2

| | |
|---|---|
| Kerry | Rockefeller |

The amendment (No. 3594) was agreed to.

Mr. GREGG. Madam President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 3604

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 3604 offered by the Senator from Nevada, Mr. REID. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent. I also announce that the Senator from Massachussetts (Mr. KERRY) is absent due to illness in the family. I further announce that, if present and voting, the Senator from Massachussetts (Mr. KERRY) would vote ''yea.''

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. 95 Leg.]

YEAS—44

| | | |
|---|---|---|
| Akaka | Durbin | Mikulski |
| Baucus | Feinstein | Murray |
| Bayh | Harkin | Nelson (FL) |
| Biden | Inouye | Nelson (NE) |
| Bingaman | Jeffords | Obama |
| Boxer | Johnson | Pryor |
| Byrd | Kennedy | Reed |
| Cantwell | Kohl | Reid |
| Carper | Landrieu | Salazar |
| Clinton | Lautenberg | Sarbanes |
| Conrad | Leahy | Schumer |
| Dayton | Levin | Stabenow |
| DeWine | Lieberman | Talent |
| Dodd | Lincoln | Wyden |
| Dorgan | Menendez | |

NAYS—54

| | | |
|---|---|---|
| Alexander | Cornyn | Hutchison |
| Allard | Craig | Inhofe |
| Allen | Crapo | Isakson |
| Bennett | DeMint | Kyl |
| Bond | Dole | Lott |
| Brownback | Domenici | Lugar |
| Bunning | Ensign | Martinez |
| Burns | Enzi | McCain |
| Burr | Feingold | McConnell |
| Chafee | Frist | Murkowski |
| Chambliss | Graham | Roberts |
| Coburn | Grassley | Santorum |
| Cochran | Gregg | Sessions |
| Coleman | Hagel | Shelby |
| Collins | Hatch | Smith |

| | | |
|---|---|---|
| Snowe | Sununu | Vitter |
| Specter | Thomas | Voinovich |
| Stevens | Thune | Warner |

NOT VOTING—2

| | |
|---|---|
| Kerry | Rockefeller |

The amendment (No. 3604) was rejected.

Mr. COCHRAN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3616, 3617, 3618 AND 3619, EN BLOC

Mr. MCCAIN. Madam President, I ask unanimous consent the pending amendment be set aside and I send four amendments to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes amendments numbered 3616, 3617, 3618, and 3619, en bloc.

The amendments are as follows:

AMENDMENT NO. 3616

(Purpose: To strike a provision that provides $74.5 million to states based on their production of certain types of crops, livestock and or dairy products, which was not included in the Administration's emergency supplemental request)

On Page 229, strike lines 5 through 14.

AMENDMENT NO. 3617

(Purpose: To strike a provision that provides $6 million to sugarcane growers in Hawaii, which was not included in the Administration's emergency supplemental request)

Beginning on Page 224, strike line 23 through line 10 on page 225.

AMENDMENT NO. 3618

(Purpose: To strike $15 million for a seafood promotion strategy that was not included in the Administration's emergency supplemental request)

Beginning on page 138, line 24, strike all after the ''.'' through ''fisheries'' on page 139, line 2.

AMENDMENT NO. 3619

(Purpose: To strike the limitation on the use of funds for the issuance or implementation of certain rulemaking decisions related to the interpretation of ''actual control'' of airlines)

Beginning on page 250, strike line 24 and all that follows through page 251, line 12.

Mr. MCCAIN. I thank my colleague from Virginia.

AMENDMENTS NOS. 3620 AND 3621, EN BLOC

Mr. WARNER. I ask that the pending amendments be laid aside and I be allowed to send to the desk two amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes amendments numbered 3620 and 3621, en bloc.

Mr. WARNER. I ask unanimous consent the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3620

(Purpose: To repeal the requirement for 12 operational aircraft carriers within the Navy)

At the appropriate place, insert the following:

SEC. ____. Section 5062 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

AMENDMENT NO. 3621

(Purpose: To equalize authorities to provide allowances, benefits, and gratuities to civilian personnel of the United States Government in Iraq and Afghanistan)

On page 126, between lines 12 and 13, insert the following:

AUTHORITY TO EQUALIZE ALLOWANCES, BENEFITS, AND GRATUITIES OF PERSONNEL ON OFFICIAL DUTY IN IRAQ AND AFGHANISTAN

SEC. 1405. (a) FINDINGS.—Congress makes the following findings:

(1) As part of the United States effort to bring democracy and freedom to Iraq and Afghanistan, employees of a broad range of Federal agencies are needed to serve in those countries, furnishing expertise to their counterpart agencies in the Government of Iraq and the Government of Afghanistan.

(2) While the heads of a number of Federal agencies already possess authority to provide to their personnel on official duty abroad allowances, benefits, and death gratuities comparable to those provided by the Secretary of State to similarly-situated Foreign Service personnel on official duty abroad, other agency heads do not possess such authority.

(3) In order to assist the United States Government in recruiting personnel to serve in Iraq and Afghanistan, and to avoid inequities in allowances, benefits, and death gratuities among similarly-situated United States Government civilian personnel on official duty in these countries, it is essential that the heads of all agencies that have personnel on official duty in Iraq and Afghanistan have the same basic authority with respect to allowances, benefits, and death gratuities for such personnel.

(b) IN GENERAL.—During any fiscal year, the head of an agency may, in the agency head's discretion, provide to an individual employed by, or assigned or detailed to, such agency allowances, benefits, and gratuities comparable to those provided by the Secretary of State to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3973; 4081 et seq.), if such individual is on official duty in Iraq or Afghanistan.

(c) CONSTRUCTION.—Nothing in this section shall be construed to impair or otherwise affect the authority of the head of an agency under any other provision of law.

(d) APPLICABILITY OF CERTAIN AUTHORITIES.—Section 912(a) of the Internal Revenue Code of 1986 shall apply with respect to amounts received as allowances or otherwise under this section in the same manner as section 912 of the Internal Revenue Code of 1986 applies with respect to amounts received by members of the Foreign Service as allowances or otherwise under chapter 9 of title I of the Foreign Service Act of 1980.

Mr. WARNER. Madam President, the U.S. Navy today very proudly has 12 aircraft carriers on active service. That is a figure that was acted upon by this body and the other body and enacted into law, instructing the Commander in Chief, the President, and the Secretary of Defense to maintain no less than 12 carriers in our fleet.

Subsequent to the legislation by the Congress, and the law enacted, the Navy has determined that the USS *John F. Kennedy*—a ship that bears a name in which every Member of this Chamber takes a deep and abiding pride—that ship is now 38 years old and is, in the judgment of the Chief of Naval Operations, not qualified to perform her primary mission of aviation operations. And she is not deployable without a significant investment of resources. By that I mean to return her to her primary mission would require an inordinate amount of money to go into reconstruction of the launching and arresting gear, the main powerplant, steam-powered plant. She is a conventional as opposed to a nuclear-powered carrier.

It is a decision of the Department of the Navy that those expenditures on a ship 38 years old are simply not prudent, not in the best interests of the Navy, and those funds should be directed towards new ship construction.

As to the risks inherent to naval aviation—and they are very significant risks to all of us who have been aboard those carriers and watched aircraft take off and land—and as to maintaining her at sea, at this point in time she cannot perform that primary mission. Therefore, the purpose of this amendment is to revise the previous legislation such that the Secretary of the Navy can retire this ship.

Now, I recognize to many it is a painful thing to realize this ship can no longer serve. But these are the consequences, if we were not to enact this legislation: Each month there is a delay on a decision—the decision being not acting on this piece of legislation—costs the Navy $20 million in operations and manpower funds, funds that are sorely needed elsewhere by the Navy.

It puts an extraordinary burden upon the sailors who are proudly attached to this ship and deep in their hearts regret that ship can no longer perform its primary mission. And it puts a burden on their families. There have to be adjustments in their new assignments—moves, transfers, and all the other personnel actions that are essential to maintain our fleets throughout the world.

Madam President, as I said, I rise today to offer an important piece of legislation related to our Navy and national security.

The Department of Defense has submitted its report to the Congress on the Quadrennial Defense Review for 2005 and, as we are all well aware, in the 4 years since the previous Quadrennial Defense Review the global war on terror has dramatically broadened the demands on our naval combat forces. In response, the Navy has implemented fundamental changes to fleet deployment practices that have increased total force availability, and it has fielded advances in ship systems, aircraft, and precision weapons that have

provided appreciably greater combat power than 4 years ago.

However, we must consider that the Navy is at its smallest size in decades, and the threat of emerging naval powers superimposed upon the Navy's broader mission of maintaining global maritime security requires that we modernize and expand our Navy.

The longer view dictated by naval force structure planning requires that we invest today to ensure maritime dominance 15 years and further in the future; investment to modernize our aircraft carrier force, to increase our expeditionary capability, to maintain our undersea superiority, and to develop the ability to penetrate the littorals with the same command we possess today in the open seas.

The 2005 Quadrennial Defense Review impresses these critical requirements against the backdrop of the National Defense Strategy and concludes that the Navy must build a larger fleet. This determination is in whole agreement with concerns raised by Congress as the rate of shipbuilding declined over the past 15 years. Now we must finance this critical modernization, and in doing so we must strike an affordable balance between existing and future force structure.

The centerpiece of the Navy's force structure is the carrier strike group, and the evaluation of current and future aircraft carrier capabilities by the Quadrennial Defense Review has concluded that 11 aircraft carriers provide the decisively superior combat capability required by the National Defense Strategy. Carefully considering this conclusion, we must weigh the risk of reducing the naval force from 12 to 11 aircraft carriers against the risk of failing to modernize the naval force.

Maintaining 12 aircraft carriers would require extending the service life and continuing to operate the USS *John F. Kennedy*, CV–67.

The compelling reality is that today the 38-year-old USS *John F. Kennedy*, CV–67, is not qualified to perform her primary mission of aviation operations, and she is not deployable without a significant investment of resources. Recognizing the great complexity and the risks inherent to naval aviation, there are very real concerns regarding the ability to maintain the *Kennedy* in an operationally safe condition for our sailors at sea.

In the final assessment, the costs to extend the service life and to safely operate and deploy this aging aircraft carrier in the future prove prohibitive when measured against the critical need to invest in modernizing the naval force.

Meanwhile, each month that we delay on this decision costs the Navy $20 million in operations and manpower costs that are sorely needed to support greater priorities, and it levies an untold burden on the lives of the sailors and their families assigned to the *Kennedy*.

We in the Congress have an obligation to ensure that our brave men and women in uniform are armed with the right capability when and where called upon to perform their mission in defense of freedom around the world. Previously, we have questioned the steady decline in naval force structure, raising concerns with regard to long-term impacts on operations, force readiness, and the viability of the industrial base that we rely upon to build our Nation's Navy. Accordingly, I am encouraged by and strongly endorse the Navy's vision for a larger, modernized fleet, sized and shaped to remain the world's dominant seapower through the 21st century.

However, to achieve this expansion while managing limited resources, it is necessary to retire the aging conventional carriers that have served this country for so long.

To this end, I offer this amendment which would eliminate the requirement for the naval combat forces of the Navy to include not less than 12 operational aircraft carriers.

Therefore, I urge the Senate to act favorably upon this amendment. At this time I will not seek the yeas and nays. I will defer to the manager that at such time as he believes it is appropriate that this matter be brought up.

Now, Madam President, to the second amendment. I have taken a great interest, along with other Senators—and it came into clear focus on my last trip to Afghanistan and to Iraq—that we simply have insufficient infrastructure in place from those Departments and agencies other than the Department of Defense. We are ever so proud of the courage and the dedication of the men and women in uniform who each day are assuming risks to see that the people of Iraq and Afghanistan have a government of their own choosing and take their place alongside other democracies in our world community.

But they need help, those military people. The Iraqi people need help. The new government which is making considerable progress towards its formation needs help. We need people experienced in agriculture, people experienced in commerce, people who can help them devise a code of military justice, a framework of laws, the whole framework of infrastructure that must be put in place to support these emerging democracies.

I first learned of this need in testimony months ago by General Abizaid, General Casey, Ambassador Khalilzad appearing before the Armed Services Committee and, indeed, in other public appearances. I have talked to them personally.

I subsequently have had two brief meetings with the President of the United States on this subject. I am very pleased to say that he is in full support of this legislation, which legislation devised by the Office of Management and Budget enables the various Cabinet officers to give additional incentives to their employees to accept all of the risks and hardships of being transferred to Iraq to perform missions to support our military, to support the formation of the new government by the Iraqi people.

Madam President, as I said, I rise today to propose an amendment along with Senators LUGAR and CLINTON that will equalize authorities to provide allowances, benefits, and gratuities to civilian personnel of the U.S. Government serving in Iraq and Afghanistan.

Many civilian agencies and Departments already have provisions to provide pay, allowances, benefits, and gratuities in danger zones. However, others do not. This amendment applies to those currently without such authorities.

Over the past few months, the President has explained candidly and frankly what is at stake in Iraq and Afghanistan. The free nations of the world must be steadfast in helping the people of these nations to attain a level of democracy and freedom of their own choosing.

It is vital to the security of the American people that we help them succeed such that their lands never again become the breeding ground or haven for terrorism as was Afghanistan for Osama bin Laden and al-Qaida.

We have seen how terrorists and insurgents in Iraq have failed to stop Iraq's democratic progress.

They tried to stop the transfer of sovereignty in June 2004; they tried to stop millions from voting in the January 2005 elections; they tried to stop Sunnis from participating in the October 2005 constitutional referendum; they tried to stop millions from voting in the December 2005 elections to form a permanent government under that constitution; and, in each case, they failed.

Just in the past few days, there have been significant, encouraging developments toward forming a unity government in Iraq. Clearly, the efforts of administration officials and congressional Members in meetings with Iraqi leaders and parliamentarians have contributed to these developments.

In my view, this represents important forward momentum, which has been long awaited. The new leadership in Iraq is making commitments to complete cabinet selection and take other actions to stand up a unity government. This is a pivotal moment in that critical period many of us spoke about after the December elections. We must be steadfast and demonstrate a strong show of support for Iraq's emerging government.

For 3 years now the coalition of military forces have, from the beginning, performed with the highest degree of professionalism, and they and their families have borne the brunt of the loss of life, injury, and separation.

In hearings of the Armed Services Committee this year, with a distinguished group of witnesses, and based on two—and I say this most respectfully and humbly—personal conversations I have had with the President of the United States and, indeed, the Secretary of State, I very forcefully said

to each of them that we need to get the entirety of our Federal Government engaged in our efforts to a greater degree.

The Department of Defense concurs. I was struck by the 2006 QDR that which aptly states that:

> Success requires unified statecraft: the ability of the U.S. Government to bring to bear all elements of national power at home and to work in close cooperation with allies and partners abroad.

I would add that General Abizaid, when he appeared before our committee this year, stated in his posture statement:

> we need significantly more non-military personnel . . . with expertise in areas such as economic development, civil affairs, agriculture, and law.

I fully agree. I, along with five other Senators, heard the same sentiments from our field commanders and diplomatic officials during a trip to Iraq and Afghanistan last month.

The United States has a talented and magnificent Federal work force whose skills and expertise are in urgent need in Iraq and Afghanistan. We must provide our agency heads with the tools they need to harness these elements of national power at this critical time.

I have spoken about this publicly on previous occasions. I have written to each Cabinet Secretary asking for a review of their current and future programs to support our Nation's goals and objectives in Iraq and Afghanistan, and I have spoken to the President about this.

I will ask to have a copy of one of the letters printed in the RECORD.

The aim of this bill is to assist the U.S. Government in recruiting personnel to serve in Iraq and Afghanistan, and to avoid inequities in allowances, benefits, and gratuities among similarly situated U.S. Government civilian personnel. It is essential that the heads of all agencies who have personnel serving in Iraq and Afghanistan have this authority with respect to allowances, benefits, and gratuities for such personnel.

In my conversations with President Bush and the Cabinet officers and others, there seems to be total support.

The administration, at their initiative, asked OMB to draw up the legislation, which I submit today in the form of an amendment.

I hope this will garner support across the aisle—Senator CLINTON has certainly been active in this area, as have others—and that we can include this on the supplemental appropriations bill. The urgency is now, absolutely now.

Every day it becomes more and more critical that the message of 11 million Iraqi voters in December not be silenced. We want a government, a unified government, stood up and operating. To do that, this emerging Iraqi Government will utilize such assets as we can provide them from across the entire spectrum of our Government. Our troops have done their job with the Coalition Forces.

Now it is time for others in our Federal workforce to step forward and add their considerable devotion and expertise to make the peace secure in those nations so the lands of Iraq and Afghanistan do not revert to havens for terrorism and destruction. I know many in our exceptional civilian workforce will answer this noble call in the name of free people everywhere.

Madam President, I ask for the consideration of this amendment at such time as the distinguished manager so desires. I will reappear on the floor. Perhaps these amendments can be accepted. If not, I will ask for rollcall votes.

I ask unanimous consent to have printed in the RECORD the before mentioned letter to Cabinet officials regarding interagency support to our operations in Iraq and Afghanistan.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
*Washington, DC, March 15, 2006.*

Hon. CONDOLEEZZA RICE,
*Secretary of State,*
*Washington, DC.*

DEAR MADAM SECRETARY: Over the past few months, the President has candidly and frankly explained what is at stake in Iraq. I firmly believe that the success or failure of our efforts in Iraq may ultimately lie at how well the next Iraqi government is prepared to govern. For the past three years, the United States and our coalition partners have helped the Iraqi people prepare for this historic moment of self-governance.

Our mission in Iraq and Afghanistan requires coordinated and integrated action among all federal departments and agencies of our government. This mission has revealed that our government is not adequately organized to conduct interagency operations. I am concerned about the slow pace of organizational reform within our civilian departments and agencies to strengthen our interagency process and build operational readiness.

In recent months, General Peter Pace, USMC, Chairman of the Joint Chiefs of Staff, and General John P. Abizaid, USA, Commander, United States Central Command, have emphasized the importance of interagency coordination in Iraq and Afghanistan. General Abizaid stated in his 2006 posture statement to the Senate Armed Services Committee, ''We need significantly more non-military personnel * * * with expertise in areas such as economic development, civil affairs, agriculture, and law.''

Strengthening interagency operations has become the foundation for the current Quadrennial Defense Review (QDR). The QDR so aptly states that, ''success requires unified statecraft: the ability of the U.S. Government to bring to bear all elements of national power at home and to work in close cooperation with allies and partners abroad.'' In the years since the passage of the Goldwater-Nichols Act of 1986, ''jointness'' has promoted more unified direction and action of our Armed Forces. I now believe the time has come for similar changes to take place elsewhere in our federal government.

I commend the President for his leadership in issuing a directive to improve our interagency coordination by signing the National Security Presidential Directive-44, titled ''Management of Interagency Efforts Concerning Reconstruction and Stabilization,'' dated December 7, 2005. I applaud each of the heads of departments and agencies for working together to develop this important and timely directive. Now that the directive has been issued, I am writing to inquire about the plan for its full implementation. In particular, what steps have each federal department or agency taken to implement this directive?

I ask for your personal review of the level of support being provided by your department or agency in support of our Nation's objectives in Iraq and Afghanistan. Following this review, I request that you submit a report to me no later than April 10, 2006, on your current and projected activities in both theaters of operations, as well as your efforts in implementing the directive and what additional authorities or resources might be necessary to carry out the responsibilities contained in the directive.

I believe it is imperative that we leverage the resident expertise in all federal departments and agencies of our government to address the complex problems facing the emerging democracies in Iraq and Afghanistan. I am prepared to work with the executive branch to sponsor legislation, if necessary, to overcome challenges posed by our current organizational structures and processes that prevent an integrated national response.

I look forward to continued consultation on this important subject.

With kind regards, I am

Sincerely,

JOHN WARNER,
*Chairman.*

Mr. WARNER. Madam President, I yield the floor.

Mr. KENNEDY. Mr. President, I thank the chairman of the Committee on Armed Services for his kind words about aircraft carrier named for my brother. The chairman has long been a friend of my family, and his support is deeply appreciated and reciprocated.

All of us in our family are proud of the USS *John F. Kennedy*, and to her many years of outstanding service to our country. The keel for the carrier was laid on October 22, 1964, in the chairman's home State of Virginia. She was christened on May 27, 1967, by President Kennedy's daughter Caroline, when she was just 9 years old, the carrier came to be affectionately known to her crew as ''Big John.''

In 1983, the *JFK* was called upon to support U.S. forces during the growing crisis in Beirut. Six years later, at the height of the cold war, F–14 Tomcats assigned to the *Kennedy* shot down two Libyan Mig–23s that were threatening the battle group.

Afterward, the *JFK* returned to the U.S. and visited New York City for Fleet Week and then returned home to Boston for the Fourth of July, to the state that my brother was so proud to represent. Soon after that, she was assigned to the Red Sea, and stayed to support Gulf War I in Operation Desert Storm in 1991.

The following year, she was deployed to the Mediterranean Sea and monitored the turmoil in the former Yugoslavia. Later returning to the U.S. for routine maintenance, she was designated as the Reserve Operational Carrier.

In 1996, the carrier made a dramatic visit to the port of Dublin in Ireland.

More than 10,000 visitors were able to tour the ship and learn about her history. I was honored to be there for that visit and awed by love the Irish people showed her. Before she left, 16 planes from the *JFK* took off from the flight deck and performed a thank-you flyover of Cork and Dublin, in gratitude for the affection shown by people.

From September 1999 through March 2000, the *JFK* was back in the Mediterranean, and her aircraft patrolled Iraq's southern no-fly-zone. In 2002, in the Mediterranean and in the Arabian Gulf, she supported our troops in Afghanistan and Operation Enduring Freedom. She was called on again in 2004 to support U.S. troops in Operation Iraqi Freedom. She was relieved by the USS *Harry S Truman*. She returned to her homeport in Mayport, FL, that December and last year, she made what may be her final visits to Boston and New York.

It is bittersweet to know she will be retired, but the people of Massachusetts and the Kennedy family are very proud of her service and know she holds a special place in the hearts of the Navy and the Nation.

Mr. COCHRAN. 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. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

Mr. DAYTON. Mr. President, earlier today, the chairman of the Senate Agriculture Committee, Senator CHAMBLISS, and the ranking member, Senator HARKIN of Iowa, held a very important hearing on the biofuels industry. I hope it will be the first and not the last because biofuels, specifically ethanol and biodiesel, are real, viable, here-and-now alternatives to the ever-increasing cost of gasoline and diesel fuels.

We are in the midst of another price crisis for the gasoline, diesel, and oil upon which our citizens, our industries, and our lifestyles and our entire national economy depend.

Most Americans want their fuel prices to be lower, but they do not want to change their fuels in order to make them so. People say, understandably: Solve our energy problems right now, but don't make us do anything differently. That is why I respectfully disagree with people who say: We do not have a national energy policy. We do. And it is to maintain the status quo for as long as possible.

That is actually a rational policy because our existing energy sources, over 95 percent of which are oil and oil-derived products, coal, natural gas, and nuclear, have been and, in most cases, continue to be cheaper, more available, more convenient, and certainly more familiar than any of their alternatives.

The sources of supplies, their production, transportation, distribution systems, and retail networks are all well established and well protected by everyone who profits from them. Those industries and companies that control and profit from our country's enormous and almost exclusive dependence upon their sources of energy have enormous stakes in preserving their control and protecting their profits by destroying any real competitive threats to their energy monopolies.

Nowhere are the stakes higher than in our Nation's transportation sector. Over 40 percent of total U.S. energy consumption is of oil and petroleum products, and over two-thirds of that oil is used for transportation. Our country now consumes almost 30 percent of all the oil produced in the entire world each year, which means that 20 percent, or one out of every five barrels of oil produced in the entire world, goes into an American car, truck, train, or airplane. Up until recently, oil was the only fuel that those cars, trucks, trains, and airplanes could run on. What a gigantic energy monopoly that is. It is the largest monopoly of any in the world. And like most monopolies, it is hugely profitable for the monopolists and hugely expensive for everyone else. Like every other source of enormous profits and financial power, it is not going to be surrendered voluntarily by the profitable and the powerful.

The huge oil and oil products monopoly is not going to willingly surrender sales or market share or profits, not to a competitor such as the biofuels industry. Like any other established energy monopolies, they may give lip service to those energy alternatives, but they don't really mean it. That was very clear when the Senate considered its energy bill last year. There were full-page ads in the Hill and Roll Call newspapers, run by the American Petroleum Institute, which smeared the biofuels industry with the same misrepresentations, distortions, and fearmongering that they tried to use a decade ago to defeat a 10-percent ethanol mandate in the Minnesota Legislature.

Back then, the oil industry claimed that biofuels, particularly ethanol, would raise the price of every gallon of gasoline, that the supply would be impure and unreliable, and that people's gas tanks would explode or their carburetors would implode or the cars would be damaged or destroyed. None of those occurred. Yet almost 10 years after Minnesota required every gallon of gasoline sold in our State to contain at least 10 percent ethanol, we were still the only State to do so. Nationwide, the use of ethanol is only about 2.5 percent that of gasoline.

It turns out that regular automobile, SUV, and small truck engines not only run very well, with no modifications at all, on 90 percent gasoline and 10 percent ethanol, but they can also, with factory-modified engines, run as well or even better on a blend of 85 percent ethanol and 15 percent gasoline called E–85 fuel. In Brazil, where I visited 2 weeks ago, automobiles run very effectively on 100 percent ethanol.

This week's U.S. News and World Report magazine contains a two-page ad by General Motors touting its flex fuel engines which could run on either 100 percent regular unleaded gasoline, 85 percent ethanol, or a combination of the two. Yesterday, Daimler-Chrysler announced that in model year 2008, 500,000—or one-fourth of its vehicles—are going to be produced with flex fuel engines.

The flex fuel engine is the key to unlocking the gasoline monopoly. With a flex fuel engine, as I have in both my Minnesota and Washington cars, the consumer has a choice at every service station offering both regular unleaded gasoline and E–85 fuel. It is that price competition which will do more than anything else to stop the price gouging and profiteering by the oil and gasoline companies.

For the past 3 years, I have introduced legislation requiring that every car, truck, and SUV sold in this country have a flex fuel engine, beginning with the model year 2005, 2007, 2009—you can pick the year. Some people say that simply isn't possible, but last year over 70 percent of all automobiles sold in Brazil had flex fuel engines. I met last year in Detroit with General Motors and Ford company engineers. They told me they can design and install flex fuel engines at a production cost of between $100 and $300 per vehicle. They are better engines. However, until now, most American consumers haven't known about them or even wanted them.

We in the Federal Government can take one of two positions: We can do nothing and let the markets eventually change manufacturers' and consumers' behaviors, as they are starting to do now, or we can act to accelerate that transition. It seems clear that our constituents are clamoring for us to make available alternatives to the rising cost of gasoline and other fuels. We have before us right now the opportunity to do so—right now, not 10 years from now with hybrid engines, not 20 years from now with hydrogen engines. They may ultimately be more energy efficient and environmentally friendly, but ''ultimately'' is years away. Right now, we can give Americans a real energy alternative, the first large-scale, readily available alternative to a traditional energy source in many years, because ethanol—and behind it, biodiesel—is not just a substitute for the gasoline additive MTBE, it is a substitute for gasoline. It is not perfect. No energy source yet is. There are transition costs, production and distribution challenges, and similar susceptibilities to supply manipulation, price gouging, and profiteering as with oil, gasoline, or other fossil fuels. The key is the competition, consumers' ability to choose the lower priced, better option.

Last week, traveling around Minnesota, I could choose, with my vehicle with the flex fuel engine, between E–85, which was costing about $2.39 a gallon, and regular unleaded gasoline, which was costing about $2.79 a gallon. Both of those prices were significantly higher than they were in Minnesota 6 months or a year ago. Both prices are too high. Americans are being taken advantage of at the gas and the E–85 stations in Minnesota and other places around the country, and this Congress has a choice whether to do something about it or to do nothing.

President Bush said last weekend that his administration would investigate and prosecute price gouging and profiteering at the gasoline pump. I am glad to hear the President say that. I only question whether he really means it because he said the same thing last September when gasoline prices skyrocketed after Hurricane Katrina. Yet as far as I know, there is not a single charge that has been brought against anyone. In fact, the Chairman of the Federal Trade Commission subsequently testified before a Senate committee that no ''Federal statute makes it illegal to charge prices that are considered to be too high, as long as companies set those prices independently.'' She went on in her prepared statement to state that an oil company's ''independent decision to increase price is and should be outside the purview of the law.''

As my mother used to say to me, actions speak louder than words. Price gouging investigations and prosecutions for now are just words. I urge the President to turn them into actions.

The President yesterday touted his support for biofuels. However, in the last 2 years, he has signed into law cuts of almost 50 percent in bioenergy grants. His fiscal year 2007 budget calls for a 57-percent reduction for renewable energy grants. I urge the President and the Congress to turn their words into actions by increasing Federal funding for biofuels and other renewable energy research and development.

Another important action Congress should take this year is to pass a new energy bill. Some progress toward increasing the supply and use of biofuels such as ethanol and biodiesel was achieved in last year's energy bill but, as a nation, we are tiptoeing when we should be running. A new energy bill should accelerate this transition away from our Nation's increasing dependence on foreign oil which, even after last year's legislation, is projected to increase from 62 percent now to 67 percent in 2012. If we are really serious about reversing our growing energy dependence on oil and its products and not being held captive to rising oil, gasoline, and diesel prices here and around the world, we must act again by passing energy legislation, and we must act this year in doing so.

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.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3633

Ms. STABENOW. Mr. President, I rise today to talk about what is on everybody's mind in my State, and that is what is happening as it relates to gas prices.

First, we all know there are multiple ways in which we need to address this issue. I was in an Agriculture hearing this morning on biofuels. It is very exciting to see colleagues on both sides of the aisle talking about what we can do in the way of policy to build on what was in the Energy bill that was passed last August in terms of ethanol and biobased fuels.

I know in my home State, we will have five ethanol plants by the end of the year. We already have biobased diesel being used. There are many exciting opportunities to create jobs, to help our farmers create new markets, to address our environmental issues in a sound way that deal with protecting our environment, protecting the Earth and, at the same time, getting us off foreign oil. I believe very strongly, if we work together—and we need to do this boldly and quickly—we can start buying our fuel from Middle America instead of the Middle East. That should be a goal for all of us. I know colleagues on both sides of the aisle share the excitement about moving forward in this way. We have things happening in all of our States.

From my perspective, not only corn but sugar beets can be used for ethanol. Soybeans are part of what we grow in our multitude of different crops in Michigan, and there are a lot of opportunities, not just for fuel but for us to replace oil-based plastic with corn-by-product-based plastic, and to do a number of other things that will move us off foreign oil, which needs to be one of our major goals as a Congress, and certainly working here in the Senate.

We have some short-term issues we have to deal with as well. While we move boldly—and I believe we need to move very quickly on the question of real competition—we also have to address what is happening right now without competition. We have an oil industry that has been consolidated down to five major companies. There is no real competition. It is not a regulated utility such as electricity and other basic necessities. Yet it is a necessity. Gasoline is not a luxury, it is a necessity. And the fact is, price increases for this necessity are making it harder and harder for people to be able to afford the product they need to get them to work, to get the kids to school, to be able to till the fields, to be able to do business, or to be able to take that trip up north in beautiful northern Michigan on vacation where tourism is so critical for us.

We also know it directly relates to jobs. GM executives have indicated, for example, that for every $1 increase in the cost of a barrel of oil, it costs them $4 million more to operate. So this is a question of jobs. From every angle, this is something that needs our immediate attention while we address where we go long term. Nothing would please me more than to be able to drive my American-made automobile into a service station—and by the way, they use flex fuels and E–85 ethanol and a number of products right now—right now—for our automobiles, and we see GM and Ford and Daimler Chrysler doing wonderfully bold things and advertising alternative fuels, flex fuels right now. But nothing would please me more than to see a pump with E–85 in it that is giving competition to the other pumps where the prices are going through the roof.

It would be one thing if this was just about supply and demand, but it is not. We know there are multiple factors. It is not about an industry hard hit, an oil industry barely being able to make it because of international factors or because of the hurricanes. No, we are talking about an industry that had over $111 billion in combined profits last year. We are talking about ExxonMobile with the highest profits recorded in the history of the country. And to add insult to injury for people, that same company pays their top executive, we understand, the equivalent of $110,000 a day in salary—a day. That is more than the average person in Michigan makes in a year, $110,000 a day. Then, when he announced his retirement, he gets a combined package of $400 million.

No wonder people are outraged. No wonder they look at us and say: What are you doing? What is going on here? You have the industry with the highest profits ever paying their executives more than the revenue of some cities in my State. Yet, at the same time, the policies continue to support tax break after tax break subsidized by American taxpayers to continue to increase the profits of the oil companies. It makes absolutely no sense whatsoever. It is outrageous that the oil companies are bringing in billions of dollars in profits each year, while families are now paying over $40 every time they fill up their gas tank, and certainly it could be $50 or it could be $60. On average in Michigan right now, it is about $42. That is up $4 from last month and $10 from last year, and we know it is going to be going up and up as the summer goes on.

We also know that, unfortunately, there appears to be no relief in sight. On average, I am told that Michigan families will be paying at least $500 more in the next year for their gasoline

based on what is happening. Five hundred dollars may not sound like a lot to a lot of people. In fact, Exxon CEO Lee Raymond indicated in an interview with CNN that a single quarter or a single year of profits is ''not all that significant,'' and that what is happening evidently in the oil industry is not all that significant.

Well, it is significant when it comes to what is happening to people who are working hard every day trying to make it. Five hundred dollars is a house payment. It is the rent. It is a car payment. It is paying for food. It is making sure your kids have the opportunity to go to college, maybe pay for the books that are needed for them to be able to go to college for a year. So it is a lot of money for the average person.

I think it is outrageous that somebody who has been earning the equivalent of $110,000 a day would act like what is happening to average families and the profits that are going to the oil companies is somehow insignificant. People in my State don't know if they are going to have a job tomorrow. There are policies, unfortunately, that have caused manufacturers in our country to believe, I am concerned to say, that maybe we don't need to make things anymore in this country, which of course is what has built our middle class. And those folks who have built our middle class and created our way of life and are the consumers who buy goods so that we can be successful in this country are now feeling that they are getting hit on all sides. They may not have a job.

Health care is going up. They may not have their pension. The cost of college certainly has gone up, based on things that have been happening here, such as taking away $12 billion as it relates to student loans and other proposals, to have the cost of college go up.

Now, to add insult to injury, we have an industry that is more profitable than it has ever been, with the highest recorded profits by ExxonMobile, the highest of any publicly held company ever, and now the American consumer is being told: You are going to pay again. You are going to pay for all of the excesses that are going on right now by making it harder for you to get to work, to take the kids to school, to be able to do your job, and maybe to take a little vacation this summer. It is absolutely outrageous.

I want to also make the point that this is not about our gas station owners. I met with some terrific people on Monday who talked to me about how they are helping people literally piece together pennies, helping people who have been longtime customers of theirs, a single mom coming in with kids and the gas station owners trying to help her piece together a few dollars so they can put enough gas in the tank so she can go to work, so she can take care of her kids. I was told by one gas station owner that a gentleman came in with 69 cents trying to figure out how he could get a gallon of gas into his tank. Sixty-nine cents buys a quarter of a gallon. We are now hearing stories about pawn brokers doing great guns right now, their business is going great because people are pawning their watches, their jewelry, their cars, whatever they have, in order to get enough money to be able to drive to work.

This is in America. We can do better than this in our country. People expect us to stand up and fight for them, not an industry that is gouging the American consumer and raking in billions of profits in the meantime.

I am putting forward an amendment that will address this very thing. People say: What can we do about it right now? We need to look long term. When I began speaking, I said I know we need to look long term. This morning, in the Agriculture Committee, we had a wonderful bipartisan discussion, and there is a lot of excitement about a number of things that we can do together to look long term. We know there are ways for us to move off of foreign oil and to move off of oil period, and we can do that. There is the old saying that the first way to get out of a hole is to stop digging. We need to stop digging. Part of that right now is to stop the continuation of tax breaks that Americans, working hard every day and paying their taxes, are subsidizing for the oil companies which then turn around and are so grateful that they raise their price at the pump.

In the conference committee right now there is work being done relating to tax cuts. There is an additional $5 billion in new tax breaks for the oil companies. Some of it relates to how we subsidize their foreign activity. They do business with the Middle East and somehow we are going to give them favorable treatment through our tax policy. It makes absolutely no sense. It is an insult to the American people. That is on top of $2 billion that was put into the Energy bill that was passed last year in subsidies. It is unexplainable and unacceptable at a time when there are so many other areas where we need to provide tax relief, when we need to address middle-income people bumping up against the alternative minimum tax or small businesses that are trying to make it, businesses large and small, when we need to deal with health care costs that need a tax credit—and I am more than happy to support that. But instead of that, we have $5 billion in the conference committee report that subsidizes an industry that is raking in billions and billions of dollars in profits at the expense of the American consumer. I think that is wrong.

My amendment would take that $5 billion and instead put it right back in the pockets of the folks paying the bill. We know on average there is going to be about $500 in additional cost for the average family for the next year as a result of these high gas prices. My amendment will give an immediate $500 rebate to every individual or family, just as we did with the $300 rebate. It is the very same process that was done then, where people were given the $300 rebate when the tax cut was done. We can use that very same mechanism. It is very simple and straightforward. In fact, we can do this if we act quickly, before Labor Day, to help people pay their bills.

My amendment would give $500 back to each family or each individual filer so that they are able to help pay the price of this outrageously high-price gas. That is a short-term fix while we get our act together on what needs to be happening to create more competition and more alternatives, which I believe we can do, working together in the Senate. But I believe it is an outrageous situation when we are continuing to add $5 billion in tax breaks to an industry that is causing so much pain for American families.

My amendment is based on a bill of mine called the Oil Company Accountability Act. In total, it would repeal both the $5 billion in committee plus the $2.6 billion that was passed in the Energy bill, for a total of $7.6 billion in tax breaks for oil companies, and provide an immediate $500 tax rebate to families to offset their energy costs.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 3633.

Ms. STABENOW. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an immediate Federal income tax rebate to help taxpayers with higher fuel costs, and for other purposes)

On page 253, between lines 19 and 20, insert the following:

**TITLE VIII—OIL COMPANY ACOUNTABILITY**

**SEC. 8001. 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 2006 in an amount equal to $500.

''(b) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than 30 days after the date of the enactment of this section.

''(c) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

''(1) any individual who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded $120,000,

''(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006,

''(3) any estate or trust, or

''(4) 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 from section 6430 of such Code''.

(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.

**SEC. 8002. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.**

(a) GENERAL RULE.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term ''layer adjustment amount'' means, with respect to any historic LIFO layer, the product of—

(A) $18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term ''barrel-of-oil equivalent'' has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) APPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term ''applicable integrated oil company'' means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and which had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2005. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

**SEC. 8003. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.**

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) SPECIAL RULES RELATING TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

''(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

''(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

''(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

''(i) persons who are not dual capacity taxpayers, and

''(ii) persons who are citizens or residents of the foreign country or possession.

''(4) LARGE INTEGRATED OIL COMPANY.—For purposes of this subsection, the term 'large integrated oil company' means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4)) which—

''(A) had gross receipts in excess of $1,000,000,000 for such taxable year, and

''(B) has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

**SEC. 8004. NONAPPLICATION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES TO LARGE INTEGRATED OIL COMPANIES.**

(a) IN GENERAL.—Section 167(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) NONAPPLICATION TO LARGE INTEGRATED OIL COMPANIES.—This subsection shall not apply to any expenses paid or incurred during any taxable year by any taxpayer which is an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has gross receipts in excess of $500,000,000 for such taxable year. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

Mr. COCHRAN. Mr. President, I make a point of order that the amendment is not in order under the provisions of rule XVI.

Ms. STABENOW. Mr. President, I ask unanimous consent that the amendment be in order, notwithstanding the point of order.

The PRESIDING OFFICER. Is there objection to the request?

Mr. COCHRAN. I object.

The PRESIDING OFFICER. Objection is heard. The Chair sustains the point of order under rule XVI and the amendment falls.

The Senator from Michigan.

Ms. STABENOW. Mr. President, the people of Michigan and the people of the country deserve better than what we are doing right now. There is a sense of urgency. We can make this in order if we want it to be in order. There is no question about it.

If we come together and we want to act today, if we want to put in place the opportunity for people to have a $500 rebate before Labor Day to help pay for the high gas prices they are paying right this minute, we can do that. The choice of the majority is not to do that, but we could be doing that if there were agreement. That is very unfortunate because there is a sense of urgency on behalf of every individual, every family right now, trying to figure out what they are going to do, with gas prices that are over $3, $3.20, $3.50—in some parts of the country $4 a gallon. It is the difference between whether people will be able to pay their bills, go to work, do what they have to do for their families. The American people, certainly the people of my great State, deserve better than inaction.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent to set aside the pending amendment to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

AMENDMENT NO. 3615

Mr. THOMAS. Mr. President, I call up amendment No. 3615, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. THOMAS] proposes an amendment numbered 3615.

Mr. THOMAS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of amendments.'')

Mr. THOMAS. Mr. President, I bring forward an amendment this afternoon to talk about my concern with the process we are going through. We started out with a request for $92.2 billion in emergency spending—$20 billion for hurricane recovery, $72 billion for the war on terror. Then we added $14 billion of additional nonemergency spending.

Our constituents simply can't run their households or businesses like this, and I think we should not be running our business here, for the country, in that way either. The money we spend here does not come out of thin air. Of course, it comes out of the pockets of hard-working Americans. We should not take the emergency spending process lightly.

By definition, these are dollars we have not budgeted, and they should be reserved only for the urgent and dire need for which they were intended. There are some examples, very briefly, of nonemergency items. There are a number of them. Regardless of their merit, and they probably have merit, the question is, Do they belong in this bill? Why are we using this bill to provide $230 million for an Osprey program which is not involved in either Iraq or Afghanistan? We also just enacted a $286 billion highway bill less than a year ago. Yet this bill will add an additional $594 million in additional highway spending that really has nothing to do with any emergency. Why is there an emergency to spend $700 million to move a railroad that, while damaged by Katrina, has already been repaired? It may be a useful thing. Is it an emergency? I think not.

Finally, this is not the right vehicle for spending almost $4 million in farm subsidies or increasing the funding for community development block grants.

Again, these may be legitimate priorities. Perhaps they are. But in my view, this is not the right vehicle, nor the right process. Therefore, I have offered this amendment which will pull out all the extraneous spending and get us back to the President's request for emergency funds. I understand the way my amendment is drafted it merely strikes the whole bill and replaces it with the original amount in the President's request and this would vitiate any amendments adopted in the interim. I have also modified my amendment to account for Senator GREGG's security amendment and the President's revised request with respect to avian flu funding.

It seems to me this is something we ought to consider. Obviously, we have a lot of things to do. But overall, we have a responsibility, a financial responsibility to follow the rules, to go through the processes that are appropriate to do something about holding down spending, not put these items in the budget if they are not emergencies, and we ought not to be using these kinds of vehicles to spend more money when we are in the process of trying to do away with the deficit we have. These issues are out there, and they are out there all the time.

We have all just been home for a couple of weeks. What do we hear about a lot? We have to do something about spending. We have to do something about the deficit.

We do. Still, here we are expanding a request—one, frankly, that the President has threatened to veto. I encourage him to continue to take that position. We ought to deal with those things that are out here that fit this definition of emergency.

I have introduced this amendment, and I hope we give it some consideration at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Wyoming for bringing this amendment to the floor. It does go to some of the points of contention that have been raised in the discussions based on whether the President's request should be exceeded by the Congress.

First of all, the President has threatened to veto the bill, which, of course, he has a right to do. He is setting out another marker that any amount over and above the request of the President would be considered inappropriate and therefore would subject the bill to a veto.

This is very early in the process of considering the bill for the President, in my opinion, to be threatening a veto. We have clear emergencies confronting the country that require the expenditure of funds for the Department of Defense and our military forces which are deployed in Iraq and elsewhere and engaged in the global war on terror to protect the security interests of our country and the lives of our American citizens. That is the major portion of this legislation.

Another very important part of the bill is to replenish some accounts in the Department of State, where agencies and officers of that Department are engaged in the same kind of peacekeeping activity, diplomatic efforts to avoid conflict, to preserve the peace where it can be preserved and protect the security interests of our citizens.

The third request the President submitted was to provide additional disaster assistance for the gulf coast States, primarily in the State of Louisiana but also across the gulf coast. I know that we can disagree on the exact dollar amounts. In the Senate, we are going to have a difference of opinion on some of these issues, but it suits me now to just test the water and see where the Senate is. Do we want to ignore, as a body, the needs that are clear and important and serious, that are addressed by the funding in this legislation? This amendment takes a lot of money out of the bill. It may respond to some concerns that some have that this bill calls for spending more money than is necessary. The Senate Appropriations Committee reported this bill to the Senate and is recommending its passage. I am hopeful that we can get an early reading. If this bill should go back to the committee, we could reconsider it.

But I think the time is now, when we should come to terms with the realities of this legislation. Either the Senate agrees that these needs are real, that they require the funds we recommended be appropriated, or not. We had an open discussion in the committee, in public. Any Senator who serves on that committee could offer an amendment to reduce funding. I don't recall any amendment to reduce funding. There were amendments to add funds to address needs that had either arisen after the President submitted his request and the House had acted early on the legislation or because of information that had come to the attention of the Committee on Appropriations. It was the view of the majority, the vast majority of the members of that committee, that the funding should be included at the amount reported to the Senate.

I am prepared to have a vote. I suggest—I don't know of any reason why we can't have the vote now. I can move to table the amendment and ask for the yeas and nays and we will get a vote. I think that is what we will do.

Mr. President, I move to table the amendment of the Senator from Wyoming, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

Mr. President, I will withhold my request until you have made a decision on the vote.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No.

3615. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to illness in the family.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—72

| | | |
|---|---|---|
| Akaka | Domenici | Murkowski |
| Baucus | Dorgan | Murray |
| Bayh | Durbin | Nelson (FL) |
| Bennett | Feinstein | Nelson (NE) |
| Biden | Grassley | Obama |
| Bingaman | Harkin | Pryor |
| Bond | Hatch | Reed |
| Boxer | Hutchison | Reid |
| Burns | Inouye | Roberts |
| Byrd | Jeffords | Salazar |
| Cantwell | Johnson | Sarbanes |
| Carper | Kennedy | Schumer |
| Chambliss | Kohl | Shelby |
| Clinton | Landrieu | Smith |
| Cochran | Lautenberg | Snowe |
| Coleman | Leahy | Specter |
| Collins | Levin | Stabenow |
| Conrad | Lieberman | Stevens |
| Cornyn | Lincoln | Talent |
| Craig | Lott | Thune |
| Crapo | Lugar | Vitter |
| Dayton | Martinez | Voinovich |
| DeWine | Menendez | Warner |
| Dodd | Mikulski | Wyden |

NAYS—26

| | | |
|---|---|---|
| Alexander | Dole | Isakson |
| Allard | Ensign | Kyl |
| Allen | Enzi | McCain |
| Brownback | Feingold | McConnell |
| Bunning | Frist | Santorum |
| Burr | Graham | Sessions |
| Chafee | Gregg | Sununu |
| Coburn | Hagel | Thomas |
| DeMint | Inhofe | |

NOT VOTING—2

| | |
|---|---|
| Kerry | Rockefeller |

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

The Senator from Idaho.

SOUND ENERGY POLICY

Mr. CRAIG. Mr. President, I speak today of my strong concern over what I believe are troubling movements in the Western Hemisphere in relation to U.S. energy independence, energy security, and competitiveness of the U.S. oil and gas industry in the region and this country's political and economic influence in our own backyard.

For all the right reasons, in the past few years we have been appropriately focused on developments in the greater Middle East as we have engaged in a global war on terror and fought in Afghanistan and Iraq. Again, we are absolutely right to be engaged in conflicts in that region. But it is dangerous for any region to have a monopoly on this country's attention.

At home, in this Senate, we have engaged in many debates regarding U.S. energy independence. This issue was first recognized in World War I, when Winston Churchill stated that the answers to energy security ''lie in variety and variety alone.''

Energy security is becoming a hot topic, and many Senators—Democrats and Republicans—have been on the floor the last few days talking about tight oil markets, high oil prices, threats of terrorism, instability in some of the exporting nations, nationalistic backlashes in other fiercely competitive areas and supplies, geopolitical rivalries, and all countries' absolute need for energy to power their economic growth.

We have no time to waste to move forward on a sound national energy policy. Many of us in this body have taken the first step. We passed last August a national energy policy. By its action, we agreed to drastically decrease our energy dependence on the Middle East. Now our economy in energy is working in that direction, slowly, because of the phenomenal investment in time it takes to turn something as big as our energy industries of all kinds.

In 2005, the U.S. obtained 41 percent of its total petroleum imports from OPEC countries, which equals 27 percent of total U.S. consumption.

In order to reduce our reliance on Middle East energy sources and strengthen our Nation's energy security, it goes without saying that our energy sector must be doing business elsewhere. No doubt, the closest, therefore the most economically viable, option should be to turn to our own backyard or should I say ''-yards.''

Unfortunately, that is hard to do when we too frequently send our oil and gas companies into international competition hobbled by self-defeating laws and regulations that allow our economic adversaries and our competitors to beat us to the punch right at our doorstep.

I must point out that it is certainly ironic that the same people blocking the American public from obtaining resources in our own country, and in the region, are the same people not offering solutions to the new and very rapidly growing demand across the world.

Frankly, the United States has taken our neighbors in the Western Hemisphere for granted. We have hamstrung the United States energy sector from seeking additional resources in the region while at the same time allowing the likes of China and Canada and Brazil and France and others to freely seek energy opportunities 50 miles off our coast without competition from state-of-the-art technologies and expertise of our own United States gas and oil industries.

I have here a chart that is phenomenally self-explanatory. As shown, here is the coast of Florida, Alabama, Mississippi, and Louisiana. Of course, here is the great peninsula or the Panhandle of Florida down to the Keys. Here is Cuba. And literally, within the last 2 years, Cuba, within their water, 50 miles off the furthest point of the Keys of Florida, has allowed the nations of China and Canada and Spain to start drilling. It will be possible—or should I say it may be possible—to stand on the furthest Florida Key in the near future and see an oil rig drilling in Cuban water.

Did that happen accidentally? No. Why isn't an American company, with the best technology that could do it the cleanest, there? Because we simply have not allowed that to be.

For example, a February 2005 U.S. Geological Survey reported on a possible deposit in the Northern Cuban Basin—this area shown on the map that is all charted off—estimated at 4.6 billion barrels of oil, and possibly as much as 9.3 billion barrels. I would remind my colleagues these estimates are almost the same as the kind we are talking about on the Coastal Plain of Alaska known as ANWR, and it is simply 50 to 60 miles off our coast.

So the question must be asked: What is the U.S. doing while foreign countries and companies are exploring right off the U.S. coast in the Northern Cuban Basin, which is adjacent to the U.S. Outer Continental Shelf and contiguous to this country's Exclusive Economic Zone?

Well, I can firmly tell my colleagues that we are doing absolutely nothing about it. Not one single U.S. company is exploring in these potentially beneficial waters that extend to within 50 miles off the Florida coast. Oh, we are all angst about Gas Lease Sale 181, and it is at least 120 miles off of any coast. But stand on a high place in the lower Florida Keys someday and you may see an oil rig, and it will not be ours. It could be Red China's, or certainly mainland China's. I guess that is the politically correct thing to say about them now. And, frankly, ladies and gentlemen, it is China, and they are drilling in our backyard.

I am certain the American public would be shocked, as this country is trying to reduce its dependency on Middle East oil, that countries such as China are realizing this energy resource. In my opinion, China is using the area off our coast and in the Cuban national waters as a strategic commodity reserve. It is doing this by acquiring exclusive rights in the emerging Cuban offshore oil sector, thereby forever closing the door on those resources to the United States itself and dramatically impacting our foreign policy in the region.

As the administration recently pointed out in its National Security Strategy, China has quickly become the world's second largest user of petroleum products. Additionally, the administration's most recent National Security Strategy appropriately points out that China is ''expanding trade, but acting as if they can somehow lock-up energy supplies around the world or seek to direct markets rather than opening them up.''

We will miss the boat—because, folks, this boat will sail only but once—if we continue to deny ourselves the right to allow our companies to engage where they ought to be engaging, where they have the talent, the resources, and the expertise to engage. But, instead we are by our action forcing potentially substandard companies that do not have the talent, the expertise, the environmental know-how, to drill in an area that could be phenomenally damaging to the coast of Florida. That is the reality of today's policy in this country.

Higher oil prices will spur others to turn marginal opportunities into commercial prospects with or without the United States. As we saw last week, since demand for oil is so high, any disruption in small oil production—whether it be in Ecuador or Argentina or the Congo or Egypt or Azerbaijan or Bahrain or Sudan or Yemen or Chad—can have a profound impact on oil prices at the pump anywhere in this country. It is for this reason that we must and should act aggressively to diversify our imports and production and compete with other nations around the world.

On top of the economic competitiveness we are missing out on, we are also allowing the energy security of this country to slip away, to slip away right in our backyard. Simply put, too many unknowns lie in the hands of terrorists, instability, and chaos in the Middle East. Therefore, let us think about and rid ourselves of the vulnerability that we forced ourselves into by the responsible and environmentally sound development of our own resources or resources that are just across the fence in our neighbor's backyard. This is the opportunity we now deny ourselves.

I intend to look at these opportunities to bring about potential legislation that will cause this Senate to look and to act responsibly, as it would allow us to deal with these kinds of opportunities, instead of simply denying them. We think we can build a buffer around us to secure ourselves environmentally, and yet we have denied our backdoor. Our backdoor is open. The southern Florida coast is potentially vulnerable to second-rate drilling capabilities from foreign countries that do not have the kind of deepwater expertise and talent that has resulted in no spills by U.S. companies now for well over a decade.

Therein lies the opportunity. Yet we have some who would say: Oh, my, 50 miles we will turn our back on but 100 miles out, oh, we have a problem there. No, folks, we have a problem here, and we have a problem in Cuba. We ought to be recognizing it instead of denying it.

Here is the reality. Here is the sale area, the opportunity that Cuba is now exploiting by allowing foreign countries to come in our backyard or, can I say, just across the fence in our neighbor's backyard. Is it 50 miles off the coast of Key West? Is it 70? Is it 90? It is all of those. And it is potentially an opportunity for us to work with another government in effectively, responsibly, and environmentally exploiting a very valuable resource. We have denied it. Shame on us.

I yield the floor.

Mr. NELSON of Florida. Will the Senator yield for a question?

Mr. CRAIG. I will be happy to.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. The Senator's point that he makes very well is that foreign governments, such as the Republic of China, drilling off the north coast of Cuba, because of the currents—the currents come up there in the Gulf of Mexico and down around the Florida Keys, what is known as the Straits of Florida, and then northward, as it turns into the gulf stream—the Senator is making the point that illegitimate or unrestrained second-rate drilling that would occur off the north Cuban coast could threaten the delicate environment and ecology of the coral reefs and the Florida coast. Is that one of the points the Senator would make?

Mr. CRAIG. Well, the point I am making is, we have had the expertise in the gulf to do it and do it right without any environmental damage. But we have denied exploration within a certain margin or buffer zone of the coast.

As shown on the map, in this case, here is Lease Sale 181 that is being talked about today. On the average, from Pensacola, it is 100 miles out, approximately. And this is gas.

This is oil and gas. At the closest point, we believe, at least to the line here of the EEZ, it is 50 miles.

I simply offer this as an opportunity for the American people to become aware that in their backyard something is going on we are ignoring at this moment, and that we should not be ignoring.

Mr. NELSON of Florida. If the Senator will further yield, I would point out very respectfully to the Senator that the chart he shows with the oblong green block there—that is the existing lease of Lease Sale 181. What is proposed is an additional 4 million acres to the east.

Mr. CRAIG. Yes.

Mr. NELSON of Florida. Yes, sir. In there is the area that is restricted because it is the largest training and testing area for the U.S. military in the world. It is, as declared by the Pentagon, incompatible to have rigs where we are doing the testing and training of our U.S. military.

I ask the Senator, who is a great supporter of the military, why did all pilot training for the FA–22 come to Tyndall Air Force Base in Panama City, and why, in the realignment, did all pilot training for the new F–35 Joint Strike Fighter come to Eglin Air Force Base, and why did all of the U.S. Navy Atlantic fleet training come to northwest Florida after it was shut down?

Mr. CRAIG. I will reclaim my time, Mr. President, since the Senator has answered for himself. It is obvious, training capability. We also know—and the military will agree—that once a well is drilled, the rig goes away. There is no surface obstruction. We are talking about 3 trillion cubic feet of gas potentially. We may be talking about a whole region that has 6 or 7 billion barrels of oil in it, let alone trillions of cubic feet of gas. We ought to be concerned environmentally, but my guess is we can fly around them a little bit while it is going on and then the rigs go away. But the oil and the gas keep flowing for the security of the economy of this country.

I don't think citizens at the pumps right now are worried too much about flight patterns, but they are worried an awful lot about a flat pocketbook because we have not allowed ourselves the foresight that I am trying to suggest our foreign policy in these instances denied. You and I will debate 181 and beyond. But at our back door, and a heck of a lot closer to the coastline of your State than any sale proposed today out of 181, toward the east, 50 miles off is where the Chinese at this moment are test drilling to determine whether in fact there is a supply of oil. Then the rigs go in place. Then the environmental issues that you and I are concerned about may well come to be. I hope I am wrong. But I know I am right about this. These sales and test drillings are currently going on.

Mr. NELSON of Florida. This Senator, if I might conclude and compliment the Senator from Idaho, certainly has a commonality of interest with the Senator with regard to countries such as China drilling off the north coast of Cuba and the threat not only to U.S. interests that that portends but also to the interests of Florida. We will debate the question of oil drilling out there in the military area of the eastern Gulf of Mexico, particularly at a time that the people recognize that we ought to be independent of oil, not continuing the dependence that we have.

Mr. CRAIG. I thank the Senator for his comments. Before I yield the floor, whether it is the Senator from Florida or Idaho, the American people are saying to us: A foreign policy that allows China to drill in our backyard is not a very good policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 3632

Mr. DURBIN. I ask unanimous consent to set aside all pending amendments and call up amendment No. 3632.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Ms. MIKULSKI, Mr. ALLEN, Mr. BINGAMAN, Ms. LANDRIEU, Mr. LAUTENBERG, and Mr. BIDEN, proposes an amendment numbered 3632.

Mr. DURBIN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred)

On page 117, between lines 9 and 10, insert the following:

NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD

SEC. 1312. (a) SHORT TITLE.—This section may be cited as the ''Reservists Pay Security Act of 2006''.

(b) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

**''§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard**

''(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

''(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

''(2) the amount of pay and allowances which (as determined under subsection (d))—

''(A) is payable to such employee for that service; and

''(B) is allocable to such pay period.

''(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

''(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

''(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

''(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

''(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

''(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).

''(c) Any amount payable under this section to an employee shall be paid—

''(1) by such employee's employing agency;

''(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

''(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

''(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

''(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

''(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

''(f) For purposes of this section—

''(1) the terms 'employee', 'Federal Government', and 'uniformed services' have the same respective meanings as given them in section 4303 of title 38;

''(2) the term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

''(3) the term 'basic pay' includes any amount payable under section 5304.''.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

''5538. Nonreduction in pay while serving in the uniformed services or National Guard.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act.

Mr. DURBIN. Mr. President, more than half the men and women serving the United States now in Iraq and Afghanistan are members of Guard and Reserve units. Not that long ago they were working civilian jobs with regular payroll and, of course, performing their responsibilities in the Guard and Reserve on weekends and during summer duty. They understood when they volunteered that they could be activated. They have been. In my State, 80 percent of the Guard units have been activated. They have served this Nation bravely, selflessly. They have done it at great sacrifice to themselves and their families: The pain of separation to be away from your family for a whole year, sometimes longer, to be gone when important family events occur, and an additional hardship that comes with this service.

Some of these service men and women find that when they are activated in the Guard and Reserve units, they are paid less by the military than they were receiving in their civilian capacity. So the expenses they incur, the bills they have to pay—whether it is for a mortgage, utility bills, education expenses for their children—continue, even though as they serve our country they receive less money. We are fortunate that many of their civilian employers have stepped up and said: We will protect you. If you will stand up for America, we will stand up for you. We will make up the difference between your pay as you serve our country in the Guard and Reserve and what you would have earned if you would have stayed here.

We appreciate that. As a nation, we should be grateful, thankful that these companies stand by these men and women when they need it most so that as they worry about the pain of separation and coming home safely, they don't have to worry about whether the bills will be paid. We create Federal Government Web sites paying tribute to these companies that stand by Guard and Reserve Units. Some of the companies and some of the entities involved include Ford Motor Company, IBM, Verizon, Safeway, the State of California, Los Angeles County, and Austin, TX. The list goes on and on. There are some 23 different States that have said: If any of our State employees are activated, we will make up the difference in pay.

So why do I rise today with this amendment? Because the largest single employer of Guard and Reserve members in the United States fails to make up that difference in pay. There is one huge employer that will not say to these activated men and women: We will stand by you. If you are going to lose money, we will make up the difference.

Who could that employer possibly be? The United States Government. The Federal Government does not make up the difference in pay for these Guard and Reserve members. Why? If we value their service, if we praise these private entities and State governments and local governments that stand by these men and women, if we say they are setting a great example for America, why aren't we setting an example as the Federal Government? Why aren't we making up the difference in pay?

Some would argue there may be a disparity, that you may have two sergeants serving in the same place: one is in the active military being paid less than one who is having a supplemented salary as a former Federal employee, now activated as a sergeant serving overseas. Think about the current disparity, a disparity where this soldier, in private life a few weeks or months before, incurred expenses for his family which he thought he would be able to pay, and now, because he is serving his country, he cannot. I don't think the active military soldier will resent this. They will understand it and be glad they have a fellow soldier standing by them, leaving the comfort and security

of a civilian life to serve our country so well.

What this amendment says is that the Federal Government will stand behind its employees activated in the Guard and Reserve to make up the difference in pay for them. It is a reasonable suggestion—in fact, so reasonable it has passed in the Senate several times, last time by an overwhelming vote. More than 90 Senators voted for it. Sadly, when it goes to conference where the House and Senate come together, it doesn't have a good fate. It turns out the Department of Defense and this administration don't care for the idea much, and they usually kill it once it gets to conference.

I am going to give them another chance for this Government to stand behind these soldiers. I hope my colleagues in the Senate will join me, as well as my other colleagues—Senator MIKULSKI of Maryland, who is a cosponsor, Senator ALLEN of Virginia, Senators BIDEN, BINGAMAN, LANDRIEU, and LAUTENBERG. We offer this amendment and hope that it will be adopted.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this is an amendment, as the Senator points out, which has been before the body before. We have approved it by a substantial margin on a recorded vote. We are prepared to recommend that the amendment be accepted on a voice vote, so we can proceed to that unless there are other Senators who want to be heard on the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 3632.

The amendment (No. 3632) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

ENERGY

Mr. SESSIONS. Mr. President, I am concerned about the increase in gasoline prices. They are indicative of other increases in natural gas and diesel fuel. It is an important national issue. A family that may have been paying $150 for a month for fuel, $200 a month, may be paying $50, $75 dollars more a month than they were several years ago. It is real money out of real working Americans' pockets. It is an issue we need to confront. We have talked about it on the floor for many years. Unfortunately, we have not done enough to confront the problem and deal with it in a way that actually makes a difference.

We did recently pass an energy bill that is better than most people realize, that did a lot of good things. For example, it took us from zero preliminary applications for a nuclear powerplant to now 18. Since last fall, we have had 18 or 19 applications which would reduce the demand for natural gas that we are using so much now to generate electricity. But we failed in a number of important issues.

It is surprising to me, but the strength of the economy and the increase in productivity of our workforce is such that we haven't seen a surge in inflation across the board as a result of these increasing energy prices. But it could happen. It could begin to happen and could affect our economy adversely. We went through the last spike without serious consequences. But when you absorb this much extra cost, it does have some impact.

Unfortunately, what I have been hearing on the floor is a lot of politics, a lot of blame game from people who oftentimes are the very ones who have blocked key decisions that we should have made that would have made our energy situation far better.

I see my colleague from Idaho. Few people—as a matter of fact, virtually no Senators—have steeped themselves in energy issues more than he. When he speaks on this issue, we should listen. He has historical perspective and knowledge of the issues. I compliment him and will follow up on some of the things he said.

There is some bipartisan work going on. I am part of the energy security caucus that believes we should treat energy as a national security issue and even take steps that might in the short run seem not to be economically as wise but in the long run will be wise and help our economy. I care about this. I believe we should work in a bipartisan way.

I want to push back a little bit and talk about how we got in this fix and what it is going to take to get out of it. A few months ago this bipartisan group and others were invited to the White House. We met with President Bush. He passionately argued and excited all of us, Republicans and Democrats, about his vision for ethanol and hydrogen and biodiesel. It was a good give-and-take session. He heard everybody's ideas. He is moving forward in many different ways. It is good to have the President engaged personally in these issues. He has a lot of things on his plate, but I am glad he has chosen—and has for several months now—to personally push the development of better energy supplies.

How did we get here? A number of things are important to note. I just saw a report about the world economy. The world economy is growing at a great rate, 4 or 5 percent internationally. This is so much better than the downturn that they suffered several years ago. I was recently in Peru and the Dominican Republic. Their growth rate has exceeded ours, although we have had the highest growth rate of any industrialized nation in the world, higher than any single European Nation, at least of the larger economies in Europe. But the Dominican Republic has exceeded our growth—9 percent growth. You know about China and India's sustained growth, and they are using more oil and gas in all these areas, and we are using more as a result of that economy. It has increased demand, and we do have political instability around the world.

We have had problems in Nigeria and problems with Venezuela. The lines are still open there, but that is an area which causes some problem. There is concern and speculation that we could have a shutoff from any number of areas in the Middle East. So those are things which have curtailed supply while demand has been increased.

I wish to talk about some of the key votes we have cast in the Senate—votes that are very important. I have to say that in the votes I will be talking about, my Democratic colleagues provided the bulk of the votes that blocked decisions that should have been made, some of which I think go beyond the pale. I have said that for years.

Let's talk about ANWR. We have heard that discussed time and time again. It was passed one time. President Clinton vetoed it. We came within a vote or two of passing it several times since. Ninety percent of my colleagues on the other side of the aisle voted against opening up ANWR to exploration. The ANWR region of Alaska is so large, it is as large as the State of South Carolina. The area they want to drill in, propose to drill in, where they have identified huge reserves of oil and gas, is the size of Dulles Airport. That is how small it is. With directional drilling and the scientific skills we have developed, we have a proven track record that oil can be produced safely in these kinds of regions. It is beyond my comprehension that we would deny our Nation these large amounts of oil in the ANWR region.

I will show you what we would have to move CAFE standards to, which is the mileage standards for automobiles, to equal the impact of the ANWR oil and gas. You would have to raise CAFE standards to 39 miles per gallon for cars and 29 miles for light trucks. The amount of oil there is equivalent to the energy that would be generated by a 3.7 million-acre wind farm. It would be the size of the entire States of Connecticut and Rhode Island combined. That is how much energy we are talking about. Or solar energy from 448,000 acres of solar panels. A fifth of America's domestic oil could be produced out of ANWR by 2025.

We should have done this 10 years ago. It should be flowing today. We should hold companies and producers accountable and make sure there will be no spills. We are producing oil and gas so much safer than we ever have. We are not having a problem, frankly, anywhere with oil and gas spills.

I will say one more thing about this issue. It is very offensive to me when you say to those of us who have advocated ANWR drilling and other areas,

like in the gulf: Oh, you are for the oil companies. You are doing this for the oil companies.

Let me make one thing clear. My proposal to drill in ANWR and the gulf and other areas is for the American people. Now, the oil companies which own oil interests around the world—sometimes I think they don't have enough interest in finding new reserves. They have their reserves. They will sell it at whatever the market price is. If the supply is low and demand is high, they will charge every dime they can charge. That is what they have always done, and that is what they will always do. But when we deny our people the ability to produce oil and gas in our own country and keep that money at home—it has been estimated by union groups that support this drilling that 600,000 jobs would be created in America. Why would we not do that? Why would we send our money off to a foreign nation that is hostile to our interests, perhaps, and let them spend it and create jobs in their nation? You tell me why.

This is not a political issue. It has always been about accessibility of oil and gas for the American people. It is not for the oil companies, it is for the American people, to keep our wealth at home. You may say: We care about the environment. Do you care about Lake Maracaibo in Venezuela where they are drilling perhaps thousands of wells or the Persian Gulf—aren't those nice areas for the environment? What about the hundreds and thousands of wells in the Gulf of Mexico off of Alabama, Mississippi, Louisiana, and Texas?

We have to get real here. Ninety percent of the votes cast to block the drilling in ANWR came from our Democratic colleagues. They are the very ones in this Chamber right now who are complaining and blaming President Bush because we don't have enough oil and gas and the price is going up. Let's just say that is what it is. That is a plain fact.

Now, Senator LARRY CRAIG really talked about something I know a good bit about, just because of my location. I live in Mobile, on the Gulf of Mexico. This past weekend, I visited my brother-in-law, who has a house on Fort Morgan, out toward the peninsula there on Mobile Bay. Right off of his pier, in the bay, is a producing oil well. Friday, we got up early and went fishing; it was the first day of snapper season. We didn't catch any snapper. We caught some redfish. Where did we go? We went out a few miles into the gulf and fished around the oil well. There were four boats fishing around that oil well. We caught four nice redfish. We threw them back. That is where people fish. It provides good structures for fish.

Louisiana, Texas, Mississippi, and Alabama are providing the Nation a tremendous amount of production. Twenty percent of that production was lost as a result of Hurricane Katrina. They have shut off the valves, so if the rigs are damaged, the shutoff valve doesn't allow oil and gas to spill. Many of the rigs' valves are still shut off. They are not connected. But oil is not being spilled.

My point is that we lost 20 percent of our offshore production, and we have a 5-percent problem still as a result of Katrina's damage to refineries. The Senator from Mississippi knows that so well. So just those factors right there make a demand for oil and gas to exceed the supply. When that happens, the people who have the supplies can manipulate the price and can charge whatever they think they can get. That is what is happening. It has impacted us adversely. That is the way the world works. I am not prepared to try to fix the prices on this. I am willing to look at what has happened and ask tough questions of the oil companies, like: Do you really have enough interest in exploring new reservoirs and finding new reserves and bringing that on line? Maybe you do not have enough interest. Maybe you are happy to not confront the environmentalists or the Democratic obstructionists and sit on what you have, and if the price goes up, charge it. We are not getting enough production, in my view. A big part of the problem is political; it is Congress.

Let me show you a couple of things. ANWR is a big deal. I read off how much ANWR has. If I am not mistaken, ANWR is less than a half billion barrels of oil. The Gulf of Mexico, according to our best estimates, has about 3.65 billion barrels of oil, but they are under moratorium; we cannot drill there. This is a pocketbook issue, not a political issue. Whole regions of the gulf are not available for drilling today. What is happening? Fidel Castro in Cuba is partnering with China and is moving forward with plans that could allow him to drill within 50 miles of Florida, off the Florida coast. He can drill, but we cannot. He can take the money and fund his adventures around South and Central America and complain against the United States. And we are going to buy oil from him? Is that who we pay? And the Chinese company that produces it—is that what people would like to see?

This is reality. That is all I am saying. It is not a pleasant thought. It is unfortunate. I suggest that if we had moved forward out there, we may not be seeing such activities now.

I will show you another chart. This shows what Secretary of the Interior Norton said about Hurricane Katrina, one of the most powerful hurricanes ever to hit the United States:

> Despite such intense winds and powerful waves offshore, we experienced no significant spills from any offshore well on the outer continental shelf.

See these dots on the chart? They represent oil platforms. There are hundreds and hundreds of them there, and we are getting a tremendous amount of oil and gas from them. It is important to the American economy. If we weren't buying it there, who would we be paying for it? Iran, Venezuela, Saudi Arabia, Nigeria? So we have been getting it here in Texas, Louisiana, Mississippi, and Alabama.

Look over at this area of the gulf, where 3.65 billion barrels of reserve is expected to be, and there is a moratorium on that; we cannot drill out there. Why? Because somebody in Florida believes it might impact their coastline adversely. But we have had no impact, and they are drilling a mile off of our shores, in our bay, in little Mobile Bay right here, up in the bay, where there are wells. And there are wells off of the Texas and Louisiana coasts by the hundreds. We are not having oil spills. Do you think you would not see it on television if there were a spill? They would have it on the front pages, whether it was significant or not. We are just not seeing that. They have learned to do this in such a safe way that we have been able to avoid any significant spills.

So, as Senator CRAIG noted, right here on the chart there is a little lease area—some area we can drill in—and we are working on that now. Some are trying to block that. I want to repeat that the votes we have cast on the floor that deal with that issue have fundamentally involved party-line votes on so many of these issues—although not totally. Our Presiding Officer cares about this issue. He is from Florida, and I admire him so much. We just disagree on this issue. I fish around these rigs. I am not so much worried about it. I would like my Florida friends to get more comfortable with the wells, and they would be less concerned about them. So these wells are there, and we have an opportunity to drill a tremendous amount of them, and then that natural wealth will be returned again and again in our own economy so that we can keep it in our Nation instead of sending it to nations around the world, many of which are hostile to our political interests or to our national security interests. It is important. That is why we have a national security caucus, because we are concerned about the transfer of American wealth to nations whose interests are not harmonious with ours.

It is a big deal. I point out a story I told a year or so ago on the floor. My hometown of Mobile produces natural gas offshore, and there is a pipeline there. Our friends in Florida down in Tampa and other places on the beach have nice houses and they have to keep them cool. So they took our natural gas that we produce and put a pipeline all the way to Florida so they could generate electricity to cool their fine houses on the beach where they can have their mint juleps out there in the breeze. It is such a beautiful area down there.

I think they ought to start asking themselves: Would it hurt if we had some wells out in this area of the country? Would it help the American economy? Wouldn't it make us a healthier, stronger nation? I think so.

So we had some debates about this last year with the Energy bill and a modest proposal came up.

I will conclude with this, because I am pushing back a little bit at some of my colleagues who are screaming about the high price of oil and gas. Somebody came out with a proposal to survey the Atlantic Coast where we haven't surveyed to see if there is oil and gas out there. The religious crowd, the anti-oil production religious crowd opposed that. They opposed even doing a survey. Seventy percent of the votes against that amendment were provided by my colleagues on the other side.

I assure you, a good percentage of those who voted against even surveying our coastline to see if there is any more oil and gas available, if we ever decided to drill, are some of the same ones who are yelling the loudest about high oil prices.

I thank the Chair for this time. We need to move away from politics. We need to think through this issue carefully and see what we can do to improve the method of production, to improve conservation, and to deal with the scientific breakthroughs and accelerate those so we can confront the problems we face and reduce these high oil and gas prices.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I ask unanimous consent that I may be permitted to speak as in morning business for 8 minutes to introduce a measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 2658 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEMINT). Without objection, it is so ordered.

Mr. COBURN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mrs. MURRAY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. Mr. President, is there objection to setting aside the pending amendment?

The PRESIDING OFFICER. Yes. There was objection to setting aside the pending amendment.

Mrs. MURRAY. We just want to see what it is.

AMENDMENT NO. 3641

Mr. COBURN. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3641.

Mr. COBURN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, at this time I ask the amendment be divided in the form which I send to the desk.

The PRESIDING OFFICER. The amendment will be so divided.

The amendment is as follows:

At the appropriate place, add the following:

DIVISION I

''Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 9 of this Act, for the Federal Railroad Administration under the heading ''Capital Grants for Rail Line Relocation Projects'' may be available for the Rail Line Relocation Capital Grant program, and the amount made available under such heading is reduced by $700,000,000.

DIVISION II

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading ''Operations, Research, and Facilities'' may be available for the National Marine Fisheries Service to implement seafood promotion strategies, and the amount made available under such heading is reduced by $15,000,000.

DIVISION III

Notwithstanding any other provision of this Act, Sec. 7030(b) of this Act shall not take effect.

DIVISION IV

Notwithstanding any other provision of this Act, Sec. 2303 of this Act shall not take effect.

DIVISION V

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 9 of this Act, for the Federal Highway Administration under the heading ''Emergency Relief Program'' may be available for the projects listed in the Federal Highway Administration emergency relief backlog table, and the amount made available under such heading is reduced by $594,000,000.

DIVISION VI

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading ''Operations, Research, and Facilities'' may be available for the National Marine Fisheries Service to study for three years the profitability of shrimp and reef fish fisheries, and the amount made available under such heading is reduced by $20,000,000.

DIVISION VII

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 7 of this Act, for the Corporation for National and Community Service under the heading ''National and Community Service Programs, Operating Expenses'' may be available for the AmeriCorps National Civilian Community Corps, and the amount made available under such heading is reduced by $20,000,000.

DIVISION VIII

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title I, chapter 3 of this Act, for the Navy under the heading ''Aircraft Procurement, Navy'' may be available for the procurement of V–22 aircraft, and the amount made available under such heading is reduced by $230,000,000.

DIVISION IX

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading ''Construction'' may be available for the acceleration of the American River (Common Features) project in California, and the amount made available under such heading is reduced by $3,300,000.

DIVISION X

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading ''Operations, Research, and Facilities'' may be available for the National Marine Fisheries Service to equip fishing vessels with logbooks to record haul-by-haul catch data, and the amount made available under such heading is reduced by $10,000,000.

DIVISION XI

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 8 of this Act, for the Armed Forces Retirement Home under the heading ''Major Construction'' may be available for the Armed Forces Retirement Home, and the amount made available under such heading is reduced by $176,000,000.

DIVISION XII

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading ''Operations, Research, and Facilities'' may be available for the National Marine Fisheries Service to equip the off-shore shrimp and reef fishery with electronic vessel monitoring systems, and the amount made available under such heading is reduced by $10,000,000.

DIVISION XIII

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading ''Operations, Research, and Facilities'' may be available for the National Marine Fisheries Service to assist New England coastal communities that were impacted by a red tide outbreak, and the amount made available under such heading is reduced by $20,000,000,

DIVISION XIV

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading ''Construction'' may be available for the acceleration of the

South Sacramento Streams project in California, and the amount made available under such heading is reduced by $6,250,000.

DIVISION XV

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading ''Operations, Research, and Facilities'' may be available for the National Marine Fisheries Service to develop temporary marine services centers, and the amount made available under such heading is reduced by $50,000,000.

DIVISION XVI

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading ''Operations, Research, and Facilities'' may be available for the National Marine Fisheries Service for replacement of private fisheries infrastructure, and the amount made available under such heading is reduced by $90,000,000.

DIVISION XVII

Notwithstandmg any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading ''Operations, Research, and Facilities'' may be available for the National Marine Fisheries Service to employ fishers and vessel owners, and the amount made available under such heading is reduced by $25,000,000.

DIVISION XVIII

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading ''Operations, Research, and Facilities'' may be available for the National Marine Fisheries Service to replace damaged fishing gear, and the amount made available under such heading is reduced by $200,000,000.

DIVISION XIX

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading ''Construction'' may be available for the acceleration of construction of the Sacramento Riverbank Protection Project in California, and the amount made available under such heading is reduced by $11,300,000.''

Mr. COBURN. Mr. President, I ask that this point, division 1 of the original amendment, be pending, and I will withhold my time until I have noticed both Senators LOTT and COCHRAN—and I see Senator COCHRAN here—because I know they will want to be active on this debate. I would ask their guidance on when I should bring this up for consideration of this first amendment which has to do with the railroad and supplemental moneys for the movement of the CSX railroad in Mississippi.

I ask their advice and desire.

The PRESIDING OFFICER. Division 1 is pending.

Mr. COCHRAN. Mr. President, if the Senator will yield, I have no advice to give him except to withdraw the amendment. I disagree with it, the part I have read, so that would be my advice.

Mr. COBURN. I thank the Senator from Mississippi.

I want to talk first about this. Our country is facing some pretty significant financial difficulties, and we find ourselves with a supplemental bill, as requested by the President. Basically, the whole idea of this supplemental is something the American people should reject. We have been in a war now going into the fourth year. We should have the money for funding this war as part of the regular budget. It should not be in an emergency supplemental. Of what we know about the Katrina results, that should have been budgeted this year as well, but it was not.

It is important for everybody to know why it was not. It is not budgeted because it becomes part and parcel of the debt your children and grandchildren will have to pay, without ever getting on the books of the Federal Government. So when you hear the deficit or the surplus—which it has not been for some time, as a matter of fact not since the early 1970s if you were honest in the accounting—you hear the budget numbers this year, for what the budget will be, and it will not count this money. This money will not be counted, although it will be added to the IOUs that our children and grandchildren will be paying back.

I am thankful for the leadership, in terms of giving us an opportunity this June to talk about budget process reform. Nobody would run their household this way. No business runs this way. This is a gimmicky way under which we can disguise how much we put this country in debt, and it ought not to be that way.

Most people understood that and would agree with it. Yet we find ourselves here. I am not happy we are doing a supplemental emergency bill in that regard.

The second thing is many of the things with Katrina we knew were coming before the budget came through the Senate and the House, and that should not be an emergency. Emergencies are supposed to be reserved for true emergencies, unexpected costs facing the Federal Government. This bill is loaded with things that are not unexpected. We knew the war was going to be expected. We knew some of these costs associated with Katrina and Rita and Wilma were expected. So we need to address the integrity of our process. It is my hope in June we will be able to do that.

I know this amendment will, in fact, not win when it comes to a floor vote on the Senate floor. But I want to give a little background. During Hurricane Katrina, large sections of the CSX railroad along the gulf coast of Mississippi were damaged or destroyed. One 40-mile stretch of track was completely destroyed. The railroad hugs the gulf coast and stretches from New Orleans to Mobile, AL. It is one of only two railroads that reach New Orleans from the east. The other passes over Lake Ponchartrain and runs parallel to the I–10 Twin Spans Bridge. Three railroads approach New Orleans from the west. Although the CSX railroad was significantly damaged by Katrina, it was repaired; $250 million in insurance proceeds and I believe somewhere between $30 million and $50 million from CSX to repair it and bring it back up to usable and safe status.

Governor Barber, following Hurricane Katrina, created a commission. My hat is off to him. I think he has done a wonderful job for the State of Mississippi and their response to this. This commission was to review and recommend options for recovery and rebuilding in the State of Mississippi. The report released by the Governor's commission recommended purchase of the CSX right-of-way in order to create a new east-west thoroughfare, relieve congestion on US 90, and to provide for light rail or rapid transport through Gulfport. The report also proposes to transform US 90, which runs directly along the gulf coast, into a scenic, pedestrian, friendly beach boulevard. One of the Commission's reports also states:

> For many years, planners and local leaders have called for the removal of freight traffic on the CSX railway, which runs east-west through the region, roughly 800 feet from the coast.

I actually went to Mississippi and visited this area after the hurricane. You can see the hurricane damage, you can see this road, and then you can see the rail.

Numerous news outlets, including the Washington Post and ABC, have stated local developers and planners have wanted this railway relocated for years. I agree with that. I think this is a great development plan for the State of Mississippi to enhance the value of their beaches, their waterfront, and the wonderful coastal assets they have. I do not object to the plans behind this. I think it is very good from a developmental standpoint.

What is unknown at this point is where the existing CSX freight traffic will be transferred. While the Governor's commission recommends in some areas the relocation of the railroad somewhere north of I–10, which is 3 to 6 miles from the coast, the Commission's final report pegs the cost of that proposal at $795 million and states the idea is no longer seen as practical. If the entire railroad right-of-way of Mississippi is purchased by the State, rail traffic heading west from Alabama would have to be rerouted northwest from Mobile to Hattiesburg, into Mississippi, and then southwest into New Orleans and Lake Ponchartrain. The additional distance of this route relative to the CSX line along the coast is approximately 100 miles. There is currently a railroad that runs from Hattiesburg into Gulfport, but if the CSX right-of-way is surrendered, it would not be possible for a freight train traveling along that line to go from Gulfport to New Orleans.

There are a lot of other things I will not go into. I think the principles that

we ought to be asking about are, is this a bad idea? No, it is not a bad idea. It is a good idea.

No. 2, is it an emergency? I would contend that this is not an emergency, especially on the fact that this has been planned and advocated for years in Mississippi in terms of the development—some for safety. Some will argue the railroad line now has 70-plus crossings. But the statistics on safety are that they are at a 5-year low in terms of injury. For 30 years it has been a declining number. It is not an emergency.

The railroad is vulnerable, where it currently lies, to hurricanes. There is no question about that. But so will a five- to seven-lane highway that is going to be put in its place be vulnerable.

The current budget resolution for 2006 explicitly defines what constitutes an emergency, and it should be noted that all of the following five criteria must be satisfied in order for something to be considered an emergency: necessary, essential, and violent; sudden, quickly coming into being and not building up over time; an urgent, pressing, and compelling need requiring immediate action; unforeseen, unpredictable, and unanticipated; and not permanent, temporary in nature.

The proposal to move this railroad does not meet the definition of emergency as defined by the Congress. The permanent removal of a railroad to make way for permanent construction of a highway does not qualify as an emergency either, as well. While the railroad may indeed be vulnerable to hurricanes because of its proximity to the coast, it makes no sense to replace it with a highway that is going to be just as vulnerable in its proximity to the coast.

Despite the vulnerability of the railroad, CSX and its insurers quickly repaired the lines such that it was fully operational within months of its destruction.

There is no desire, I believe, by CSX to move this line, and it would be good business sense if CSX thought it was vulnerable to the point it should make a business decision to move the line interior to the State of Mississippi.

According to Gary Sease, a spokesperson for CSX:

> We rebuilt that line across the gulf coast as quickly as possible because it is a critical artery for us. It serves our purposes. It meets our customers' needs. There is absolutely nothing wrong with it.

Furthermore, at a time when it is important more than ever to have freight quickly delivered to devastated regions in New Orleans along the gulf coast, it is inadvisable to remove one of the only railroads into New Orleans from the east, one of two, thus forcing the remaining freight over Lake Pontchartrain.

Within the emergency spending bill, the railroad funding is provided through the Rail Line Relocation Capital Grant Program which was created in the 2005 highway bill. That program requires the Secretary of Transportation to analyze the effects of the railroad relocation on motor vehicle, pedestrian traffic, safety, community, quality of life, and area commerce. However, the language providing money for the railroad specifically prohibits the Secretary of Transportation from considering those factors as they apply to the CSX relocation.

If safety is a sufficient reason to relocate the rail, it is incredibly odd that the Secretary of Transportation would be prohibited from making judgments as to the effects of the railroad relocation on safety and traffic. We will hear today that hurricane evacuation is a reason to relocate the railroad so it will relieve congestion along U.S. 90 and allow for a better evacuation route in the potential of future hurricanes. They will also say at the same time that the railroad's current location is too vulnerable to future hurricanes. These claims are mutually exclusive and cannot be both true at the same time.

If the current location is too vulnerable to future damage, it makes no sense to build a brand new highway in exactly the same place. It will be wiped out in the next massive hurricane as well.

Both the railroad and the proposed new east-west thoroughfare are located half a mile from U.S. 90 and the gulf coast. A major interstate highway, I–10, is located only 3 to 6 miles farther to the north. Given that the railroad was completely destroyed by Katrina at least over a 40-mile section, the argument that a new road in its place would be safe is hard to fathom.

I have great respect for the Senators from Mississippi. They are great advocates for their State. They are accomplished legislators. They are experienced beyond all means in the operations of the Senate and how to accomplish the best goal that they perceive for their State and our country.

I have to say that at some point it has to stop. Americans have to ask the question:

No. 1, is something truly an emergency?

No. 2, is it truly the responsibility of the rest of the country to do an economical development project that was on the drawing table long before Katrina and to use Katrina as the justification to have the rest of us pay for it?

I don't believe that is fair for future generations of this country. I don't think it is fair for the process.

I think you can see in the wording of this bill that the very definition of emergency is not met. I think you can also see very clearly that blocking the Secretary of Transportation from making an evaluation on safety was designed because they may in fact not pass that test. It has to stop. Our children and grandchildren deserve for us to preserve the opportunities we have had. We cannot continue to borrow money from their future standard of living so we can do what we want to do today. The heritage of our country is one of sacrifice in the present generation to create opportunity for the future.

This is a good plan for Mississippi; it is just not a plan that the people of the rest of the country—especially on an emergency basis—ought to be asked to do.

If in fact it is brought back through the proper process and channels and looked at by the full committee and this body feels it should be done in a prudent and thoughtful way, that would be far better than putting it into this bill. Mississippi will win if this happens. But the future of our country loses if this kind of thing continues to happen.

This is called an earmark. It is placed in a bill to benefit one specific area at the expense of everyone else. It has legitimate value for the State of Mississippi. It is not an emergency. And it certainly will be paid for through lost opportunities for our kids and our grandkids. Think about what $700 million could do for everybody else in Katrina. How many classrooms can be rebuilt? How many hospitals to serve the poor and helpless can be made available? How much education can we offer up that will create future opportunities and earnings?

The progress we seek to secure for the future is being limited by our own inability to make the hard decisions that aren't pleasing, aren't fun, but that are necessary to secure that future.

If you assume an interest rate on our debt—which is going to be very soon 6 percent—this $700 million relocation will balloon to more than $4 billion by the time we start paying it back. The net present value of this isn't $700 million, it is $4 billion. That is what your grandchildren will have to pay back for what we are proposing to do today.

I respect a great deal the chairman of the Appropriations Committee. He has a very difficult job. Everybody asks and nobody wants to give when they come to see Chairman COCHRAN. Everybody has a need. He has the job to find the best way to get a bill out of his committee. This particular project just happens to lie within his home State, and he advised me that his best recommendation would be for me to withdraw the amendment. I understand why. But I cannot in good conscience withdraw what I perceive to be and many are willing to debate on the floor something that is truly not an emergency, and truly even though it will offer great benefits for Mississippi in terms of economic development is not something the rest of us in the country should be paying for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. AKAKA. 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. COCHRAN. I ask unanimous consent the pending amendment be set aside so the Senator from Hawaii can proceed to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3642

Mr. AKAKA. I thank the Senator from Mississippi for permitting me to discuss my amendment. I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself, Mrs. MURRAY, Mr. KERRY, Mr. DAYTON, Ms. STABENOW, Mr. MENENDEZ, Mr. OBAMA, Mr. SCHUMER, Mr. DORGAN, Mrs. LANDRIEU, Ms. MIKULSKI, Mrs. LINCOLN, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, Mrs. CLINTON, Mr. LAUTENBERG, Mr. PRYOR, and Mr. JOHNSON, proposes an amendment numbered 3642.

Mr. AKAKA. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an additional $430,000,000 for the Department of Veteran Affairs for Medical Services for outpatient and inpatient care and treatment for veterans)

On page 128, between lines 10 and 11, insert the following:

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for ''Medical Services'' for necessary expenses for furnishing, as authorized by law, outpatient and inpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans as described in paragraphs (1) through (8) of section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the department and including medical supplies and equipment and salaries and expenses of healthcare employees hired under title 38, United States Code, and to aid State homes as authorized under section 1741 of title 38, United States Code, $430,000,000 plus reimbursements: *Provided*, That of the amount under this heading, $168,000,000 shall be available to address the needs of servicemembers in need of mental health care, including post-traumatic stress disorder: *Provided further*, That of the amount under this heading, $80,000,000 shall be available for the provision of readjustment counseling under section 1712A of title 38, United States Code (commonly referred to as ''Vet Centers''): *Provided further*, That of the amount under this heading $182,000,000 shall be available to meet current and pending care and treatment requirements: *Provided further*, That the amount under this heading shall remain available until expended: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. AKAKA. Mr. President, I ask unanimous consent I be yielded 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I rise today with the Senator from Washington, Senator MURRAY, and the Senator from Massachusetts, Senator KERRY, to offer an amendment to address the costs of providing health care to veterans. I am proud that 16 of our colleagues have joined us in this effort.

Last year, we all recognized the need to provide supplemental funds to VA. We did this to allow VA to absorb an influx of new patients from Operations Iraqi and Enduring Freedom. It is time to act once again.

This amendment we offer today allows VA to provide care for returning troops without displacing those veterans currently using the system. It provides VA with more tools to deal with those mental health issues faced by returning veterans.

The amount of this amendment, $430 million, is largely directed toward mental health needs, coupled with a modest level of funding to eradicate waiting lists and existing shortfalls. Eighty million dollars is directed to Vet Centers, readjustment counseling, and outreach. For returning veterans who have suffered psychological wounds, the stigma surrounding these types of injuries creates a barrier that oftentimes prevents them from seeking the care they need. Vet Centers provide a means to overcome this barrier because of the location in the community and because veteran staff members can relate to the experiences of veterans seeking services.

We are receiving information that our Vet Centers maintenance funding is being depleted. We learned also that resources for equipment that is needed by the centers cannot be bought because funds are not available. In the year 2005, Vet Centers cared for 36,000 veterans. So far this year, Vet Centers have seen more than 70,000 such veterans.

This chart shows in 2003 there were 1,936 veterans; in 2004 there were 9,611 veterans; in the year 2005, 36,717. It is projected to be 70,547. Therefore, the need for assistance is there.

When we close the books on 2006, Vet Centers will have ended up seeing nearly 140,000. That is a projection. Yet the budget for the program has remained virtually stagnant.

Another component of our amendment aggressively targets the more debilitating mental health issues of servicemembers. The experts predict as many as 30 percent of those returning servicemembers may need psychiatric care. Yet we are told that the system is nowhere near ready to handle this type of workload.

Steady budget cuts over the years have diminished VA mental health care capacity. GAO found VA has lagged in the implementation of recommendations made by its own advisory committee on PTSD to improve treatment of veterans who suffer from this very serious mental illness. The GAO has questioned whether VA can keep pace with the demand for mental health treatment from veterans of Operations Iraqi and Enduring Freedom. In order to provide the VA health care system for these needs, we believe $168 million should be sent to VA. The VA developed its own comprehensive plan to reach all veterans in clinics or in VA hospitals. This is the administration's plan, but we need to find a way to fund it.

In addition to mental health needs, our amendment addresses the existing shortfalls in the system. We know right now waiting lists have begun to creep up. VA hospitals are running deficits. Yes, we are back here again.

Let me share some specifics. In Phoenix, the supplemental funds provided last year went almost entirely to help with the backlog of patients and nary a dime was used for equipment purchases or maintenance which was delayed previously.

In Network 22, they are still relying on management efficiencies to balance the budget. These same efficiencies were decried by the GAO as being fictitious.

In Texas, the VA is again using maintenance and equipment funds to cover its current deficit.

Health care provider positions also remain open all across the country, resulting in shortages of doctors, nurses, and medical technicians, to name a few. We know we can do better.

I close by taking my colleagues back a year when we offered a similar amendment to the last war supplemental. Armed with evidence that VA facilities were operating in the red, we came before our colleagues and asked that VA be given the funds necessary to care for returning servicemembers. We had VA's own documentation which showed that higher numbers of patients were seeking care than were expected.

The Bush administration, at the same time, assured all Members that sufficient funds were available. Our amendment was rejected. Many were led to believe VA could handle the unexpected workload. It took 4 months for the VA to come clean and admit help was needed from Congress. With swift bipartisan action, the VA finally ended up with more funding.

Let's be upfront about the fact that the costs of the war we are fighting today will continue to add up long after the final shot is fired, mainly in the form of veterans' health care and veterans' benefits.

I urge my colleagues to join in this effort to see that servicemembers are provided the care they are currently earning.

I yield to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am very proud to be in the Senate today to support the Senator from Hawaii, Senator AKAKA, in offering this amendment, the current pending business regarding adding additional funds for our veterans who have served us so honorably overseas every day in Iraq and Afghanistan.

Mr. MCCAIN. Mr. President, parliamentary inquiry: Can the Senator yield to another Senator?

The PRESIDING OFFICER. He cannot yield, but the Senator can be recognized on her own and she was recognized.

Mrs. MURRAY. Mr. President, every day in Iraq and Afghanistan the men and women of our Armed Forces make us very proud. Last year, I had the honor of visiting our troops in Baghdad and Kuwait. I was personally impressed with their commitment and their professionalism. We in this Senate all agree that we support them and we stand with them as they carry out the mission they have been asked to do.

However, they also deserve our support when they come home, when they come home as veterans. We need to make sure they have the health care they were promised, job training, and transition assistance. They deserve all the things our country promised them when they signed up to serve us.

Unfortunately, today our country is still falling short of meeting those needs. We all have known for years that the demands on the VA have grown considerably, but funding just has not kept pace. Senator AKAKA talked about what happened last year with the funding shortfall we got into. We had to get back in place emergency funds to meet the needs last year.

We are again offering this amendment to increase funding for America's veterans, frankly, because they were there for us and now it is up to us to be there for them.

We need this amendment this year again because veterans are still facing tremendous shortages and delays in getting the care they need. Veterans today coming back from Iraq and Afghanistan are able to get an appointment initially with the VA, but then they have to wait up to 6 months for a consultation and another 7 months for surgery. So, as a result, we are seeing veterans today take over a year before they get the care they are seeking at our veteran services. A lot of our veterans coming back from Iraq have to wait 18 months to get their disability claims processed. Imagine returning from Iraq and waiting a year and a half before you get the services you have been promised.

We all have met with veterans who have returned. We know many of them are coming back with severe injuries. Many of them are facing tremendous mental health hurdles. Today, the VA is operating on a bare-bones funding. It is doing more and more with less and less. As the war in Iraq continues, our heavy reliance on the Guard and Reserve has affected the VA and utilization rates in our ability to keep our promises to them for their health care and their services when they return.

Last month, the Secretary of the VA came in front of the MilCon VA Subcommittee and told us that OIF and OEF veterans accessing VA care was 38 percent higher than expected halfway through this fiscal year—38 percent higher than they predicted, than they had requested funds for.

We have to make sure the VA has the funds it needs to care for our veterans. I personally can think of no better way to honor those who have made the ultimate sacrifice in Iraq and Afghanistan and their families than by taking care of them when they return.

All Senate Members have met with our veterans, their families and spouses, those who serve them. We know the mental health care of our veterans is not being met today. Recent reports have verified that 30 percent of OIF and OEF veterans are accessing mental health services. That is much higher than anyone predicted.

We need to make sure those mental health care services are available. That is why Senator AKAKA is in the Senate today offering this amendment to provide the VA with $430 million to enhance readjustment counseling and outreach to returning servicemembers, to shore up the VA's capacity to provide mental health services to veterans who need them, and to address the current shortfalls we are facing across the system.

Our amendment simply recognizes that caring for our veterans is and should be part of the ongoing cost of war. The bulk of the VA's readjustment counseling is provided through our Vet Centers, as many Members know. These are storefront facilities that operate independently of the rest of the VA health care system. That separation from the institutional VA care makes them an invaluable resource in reaching many of our returning servicemembers who today may be wary of the VA system or in very remote locations.

Our amendment provides $80 million for these Vet Centers so they can meet the needs they are seeing today. We know in the budget these Vet Centers have been flatlined. Over the years, these centers have provided services to a total of 118,811 OIF and OEF veterans. So far this year, these Vet centers have provided services to 70,547 OIF and OEF veterans. And these vet center services include outreach to our returning servicemembers at their demobilization sites. So they are very critical services, and we need to make sure they are funded.

I mentioned mental health a minute ago. I think we all know that men and women who are returning from Iraq and Afghanistan are suffering serious mental health problems. So our amendment addresses that by providing $168 million toward the implementation of the VA's own mental health strategic plan. That will help serve our veterans who are suffering from PTSD and other debilitating conditions.

We all know, and as I know from talking to our soldiers in Iraq and Afghanistan, many of these soldiers are literally on the front line 24–7, and we know the cost of that in returning. We have to make sure they get the services they need for PTSD and other mental health conditions because not only should we provide that for them because they need it but because we need to make sure when they come home they get the help they need so they can remain valuable members of our communities.

Finally, the amendment secures an additional $182 million for the various regions in the country that are once again suffering from shortfalls. Despite all of our work last year, and despite our efforts on the floor last year, evidence has continued to mount that demonstrates there is still a need for supplemental funds. The VA medical centers are still millions of dollars in debt. We need to make sure we provide the dollars within the supplemental to take care of that.

So I am proud to stand with Senator AKAKA as we offer this amendment. I hope every Senator recognizes that part of the cost of war is paying for the care of our men and women when they return home. I can think of no more important promise to keep. I urge all Senators to join us in supporting this critical amendment.

Thank you, Mr. President.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, I am proud to be a cosponsor of the Akaka amendment to increase funding for the Department of Veterans Affairs by $430 million dollars.

We are offering this amendment on this emergency legislation composed primarily of war funding for two simple reasons. In the first place, this funding is needed urgently to meet the needs of America's veterans. Second, caring for America's veterans is a continuing cost of war.

Sadly, the Department of Veterans Affairs continues to have to tighten its belt to meet the needs of its patients. Last year, after warnings from Democrats, the administration was compelled by the gravity of events to admit a shortage of more than $1 billion for veterans health care. Congress made an emergency supplemental appropriation of the needed dollars, but we know now that the Department is still $182 million short. I don't believe that the VA should have to squeeze budgets to provide patient care. So this amendment rightfully provides $182 million to cover unmet needs.

Not all the wounds of war are physical. In July of 2004, the New England Journal of Medicine reported that one in six combat veterans in Iraq and Afghanistan showed symptoms of major depression, anxiety, or posttraumatic

stress disorder. A more recent study in the Journal of the American Medical Association found that 19.1 percent of returning veterans from Iraq and 11.3 percent of veterans returning from Afghanistan reported mental health problems. We know from historic experience that soldiers will return from war having to navigate a range of emotional issues, regardless of whether they are diagnosed with PTSD.

So this amendment will provide $248 million dollars to fund expanded screening and treatment of posttraumatic stress disorder and other mental health conditions. It will enable the VA to make use of community-based outpatient clinics for PTSD screening and treatment. It will expand innovative programs that link the work of Vet Centers with National Guard units returning from combat.

We must never forget the veteran—that young American who stood up to be counted when their country needed them. Now they need our assistance, and it is our turn to stand with them. I urge my colleagues to stand up and be counted on this important amendment.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. ROCKEFELLER. Mr. President, I want to indicate my strong support for the amendment by Senators AKAKA, MURRAY and others to provide an additional $430 million for the Department of Veterans Affairs as part of the supplemental appropriations. I have asked to be included as a cosponsor of this crucial amendment.

While I am recovering from recent surgery and unable to cast my vote on the floor, I continue to monitor the work of the Senate and I want to signal my continuous support for better funding for VA care. We should make it a priority to care for all our veterans, the young soldiers returning from Iraq and Afghanistan and the aging veterans from previous conflicts including our WWII veterans.

This amendment is a strategic investment. It would provide $80 million for our vet centers that provide vital readjustment counseling. The budget for vet centers has been flat for too long. In recent years, the centers and staff have struggled to meet the needs of our returning veterans from Iraq and Afghanistan. Since 2001, over 118,811 veterans, including Guards and Reservists, have sought services and support from our vet centers. I have visited vet centers in West Virginia and privately met with returning veterans so I am very aware of the care and support our centers provide. The work of our centers is truly important for our veterans and their families throughout West Virginia and our country.

This amendment also includes $168 million for a comprehensive VA Mental Health Plan. Many studies indicate that as many as one out of every three returning veterans will need some type of mental health care, and many veterans will struggle with posttraumatic stress disorder. Rumors persist throughout my state about delays in testing and care for mental health issues for veterans after their initial health care appointment. Every veteran who has served in combat deserves the full range of health care in a timely manner, including mental health care.

Another concern is a variety of shortfalls that our VA hospitals and networks are reporting. Some areas need specialty doctors, while other hospitals face nursing shortages. This important amendment would provide $182 million to deal with current shortfalls in the system based on local needs and problems.

For West Virginia veterans, and veterans across our country, this amendment states that we fully support their service to our country, and their return home and successful readjustment to civilian life.●

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it is my understanding that the distinguished Senator from Texas has an amendment to the Akaka amendment which she intends to offer. And I was going to be sure she had that opportunity at this time. I am happy to yield to her for that purpose.

The PRESIDING OFFICER. The Senator from Texas.

Mr. ENSIGN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mrs. HUTCHISON addressed the Chair.

Mr. ENSIGN. Mr. President, do I have the floor?

Mrs. HUTCHISON. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. Will the Senator withhold for a moment?

The Chair is corrected. The Senator cannot yield the floor to another Senator.

The Senator from Nevada is recognized.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

Mr. ENSIGN. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. ENSIGN. Thank you, Mr. President.

MOTION TO RECOMMIT

Mr. President, I want to thank Senators MCCAIN, GRAHAM, DEMINT, SUNUNU, and COBURN for joining me in a motion to commit that I will raise in a minute. I believe the Appropriations Committee needs to go back to the drawing board to come up with a bill that does not exceed the President's request of $94.5 billion in emergency spending. Let me be clear—I don't agree with everything in the President's request—I do believe that we should not spend above the total level of his request.

The emergency supplemental appropriations bill we are considering today provides funds necessary to support our troops who are fighting to make our nation more secure. This bill provides $72 billion for defense. Much of this funding is absolutely critical. It will ensure that our troops have the safest and most up-to-date equipment, as they serve in harm's way, in order to protect each of us.

That is why I support many of the provisions of this supplemental appropriations bill. I am, however, disappointed that this bill includes so much unnecessary, and in fact wasteful, spending. Spending that is not related to the emergency needs of the military. Spending that was not requested by the President, the Commander-in-Chief of our Nation's military.

In my opinion, this bill abuses the spending process. Certain provisions in this bill clearly reflect that the Senate is using our troops to push wasteful spending through Congress. That is simply wrong.

Congressional spending is out of control. So much spending in Washington is simply wasteful. We are running huge deficits as a result of too much spending. The American public understands all of this. What I can't understand is why Congress does not.

This bill has questionable and unnecessary spending. The purpose of an ''emergency supplemental'' is to provide spending to address national emergencies. Last year's budget contained a comprehensive explanation of what constitutes an emergency. The budget states that an emergency addresses a situation that is ''necessary, essential, or vital.'' Much of the spending included in this emergency supplemental appropriations bill does not meet the budget's definition of an emergency. This bill shows that the Senate has no concept of what an ''emergency'' is.

Congress has a responsibility to ensure that taxpayer dollars are being spent wisely. We should not, in good conscience, continue to pass off trillions of dollars in debt to our children and grandchildren in order to fund extraneous nondefense spending. If we enact this bill, Congress will not be acting as good stewards. I agree with the President when he says ''taxpayer dollars should be spent wisely, or not at all.'' Sadly, there is a great deal of spending in this bill that should not be spent at all.

I make a motion to recommit the underlying bill to the Committee on Appropriations with instructions that it be reported back with total net spending not to exceed $94.5 billion.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. ENSIGN. Mr. President, I will yield to the Senator from Arizona for a question without losing my right to the floor.

Mr. MCCAIN. Will the Senator from Nevada explain exactly what his motion is?

Mr. ENSIGN. I thank my colleague from Arizona for his question. It is important for my colleagues to understand the substance of this motion. This motion only sets the spending ceiling for this bill. We are not singling out anyone's projects with this motion. We are not stripping funding for any provision.

This motion sends the bill back to the Appropriations Committee for further consideration. It preserves the rights of the committee to determine the level of spending for each program.

We are not taking anything away from the committee's jurisdiction. The motion lets the committee make their decisions but within the top line number that the President called for yesterday.

If the Appropriations Committee wants to fund items in this bill that were not requested by the President, they can do so. But they must pay for it. They must find offsets. That is what this motion does. We were sent here to make decisions, sometimes hard ones. This motion ensures that this Congress makes tough decisions today rather than heaping debt on to the backs of our children and grandchildren.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] moves to recommit the underlying bill to the Committee on Appropriations with instructions that it be reported back with total net spending not exceeding $94.5 billion.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I move to table the motion to recommit, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to family illness.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The result was announced—yeas 68, nays 28, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—68

| | | |
|---|---|---|
| Akaka | Feinstein | Nelson (FL) |
| Baucus | Frist | Nelson (NE) |
| Bayh | Harkin | Obama |
| Bennett | Hatch | Pryor |
| Bond | Hutchison | Reed |
| Boxer | Inouye | Reid |
| Burns | Jeffords | Roberts |
| Byrd | Johnson | Salazar |
| Cantwell | Kennedy | Sarbanes |
| Carper | Kohl | Schumer |
| Clinton | Landrieu | Shelby |
| Cochran | Lautenberg | Smith |
| Coleman | Leahy | Snowe |
| Collins | Levin | Specter |
| Conrad | Lieberman | Stabenow |
| Craig | Lincoln | Stevens |
| Crapo | Lott | Talent |
| Dayton | Lugar | Thune |
| DeWine | Martinez | Vitter |
| Dodd | Menendez | Voinovich |
| Domenici | Mikulski | Warner |
| Dorgan | Murkowski | Wyden |
| Durbin | Murray | |

NAYS—28

| | | |
|---|---|---|
| Alexander | Brownback | Chafee |
| Allard | Bunning | Chambliss |
| Allen | Burr | Coburn |
| Cornyn | Grassley | McConnell |
| DeMint | Gregg | Santorum |
| Dole | Hagel | Sessions |
| Ensign | Inhofe | Sununu |
| Enzi | Isakson | Thomas |
| Feingold | Kyl | |
| Graham | McCain | |

NOT VOTING—4

| | |
|---|---|
| Biden | Kerry |
| Bingaman | Rockefeller |

The motion was agreed to.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Texas is recognized.

AMENDMENT NO. 3647 TO AMENDMENT NO. 3642

Mrs. HUTCHISON. Mr. President, I send a second-degree amendment to the Akaka amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 3647 to amendment No. 3642.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the availability of funds)

Before the period at the end of the amendment insert the following:

'': *Provided further*, That these amounts shall be available only to the extent that an official budget request for the entire amount is submitted to the Congress by the President that includes designation of the entire amount of the request as an emergency requirement.''

Mrs. HUTCHISON. Mr. President, the amendment is on behalf of myself and Senator BURNS. This second-degree amendment basically says that the funds available in the Akaka amendment would only be expended if the President requests of Congress such an emergency expenditure.

I certainly understand that the veterans need to have all of the money that would cover their legitimate health care costs. That is exactly what we have done in the underlying appropriations bills from last year and this year. In fact, the Veterans' Administration, after we put $1.5 billion in emergency spending in the health care account last year, is 4.3 percent below last year's spending level. That is because they now have better modeling for what is forecast to be needed in the medical care-medical service area.

In the mental health area that is covered by the Akaka amendment, there is already $2.8 billion from the 2006 budget which is $386 million over the 2005 level. The 2006 medical care account has $31 billion, and that is $1.1 billion over the 2005 level. We have also added supplemental expenditures over the 2006 budget.

I think the prudent thing for us to do is to allow this money to be made available only if the President and the Veterans' Administration request it, and that is exactly what my amendment does.

I ask for support of the amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I want the Senator from Texas to know that I do appreciate the changes made by her. I believe it is an approach with which we can all live.

A letter was circulated last year to Senators in which the VA assured Senators ''that the VA does not need emergency supplemental funds in FY 2005 to continue to provide the timely quality service that is always our goal. But certainly for the remainder of this year, I do not foresee any challenges that are not solvable within our own management decision capability.''

We know that in the end, however, emergency funds were needed. With this modification in my amendment, I expect the President to come forward expeditiously and will not tolerate forestalling and suppression of the facts. Our men and women are depending on us. We will be watching.

I express my appreciation for the second-degree amendment. Following the adoption of that amendment, I will ask for the yeas and nays on my amendment, as amended by the Senator from Texas.

Mrs. HUTCHISON. Mr. President, let me answer the Senator from Hawaii by saying I commend the President and Secretary Nicholson for coming forward after the letter that had been written during our regular appropriations process and saying they did need extra money. And, Congress stepped right up to the plate. We worked together with the Senator from Hawaii, the Senator from Washington, and my colleague Senator FEINSTEIN to provide that money. We always will do that. We will never skimp on veterans' care and, in fact, it is now acknowledged that it is the best health care system in America.

This money Senator AKAKA has proposed will be available, if needed, if the President asks for it. It will certainly be there. I ask for the adoption of my amendment.

The PRESIDING OFFICER. Is there further debate on the second-degree amendment? If not, the question is on agreeing to amendment No. 3647.

The amendment (No. 3647) was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. CRAIG. Mr. President, let me speak briefly on what we have done and why I suggest we do not need to do it. I have the great privilege of being the chairman of the authorizing Veterans Affairs Committee. The Senator from Texas has done the right thing to shape the Akaka amendment that calls for, in an emergency spending bill, an emergency of $430 million in this fiscal year, and yet, did you hear what the Senator from Texas said?

Because of what I demanded last year, because of what she demanded, because of what Senator MURRAY demanded, because of what Senator

AKAKA demanded, we now have a much more accurate accounting system, a quarterly reporting system of the Veterans' Administration. Right now, based on the money we gave them for the 2006 budget, they are 4.3 percent under their spending levels as projected.

What does that mean? It means that over $600 million they thought they would spend they are now not spending. So where is the emergency? It doesn't exist. Why are we doing this? How can you spend more in a program in the last half of the year than the whole program was designed to spend in 12 months? And yet in three of the four programs that the Akaka amendment deals with, it does just that.

It doesn't make any sense. Well, any fiscal sense. It may make political sense. But the reality is this is simply wrong. In the 2007 budget, we increased their spending. It is the largest increase in a single department spending than any of our Government. Why? Because Congress—Democrats and Republicans—are phenomenally sensitive to the needs of our veterans, and I am extremely proud of that.

In no way do I suggest that the Senator from Hawaii is less sensitive. It is why he is on the floor and cares deeply about our veterans and our veterans' needs, and we work closely together. But I must tell my colleagues, how can we increase budgets halfway through the year by 75 or 80 percent and spend them wisely, responsibly? We cannot.

This money, if it were allocated, will not get spent. That is why the Senator from Texas, who is the chairman of the Appropriations Subcommittee on VA, said only if an emergency occurs.

Right now there is almost $600 million in unspent money that was designated for the timeframe, and there is a $430 million contingency fund already built into the VA, and we know that. That is a fact. It is operated that way. Do the numbers, folks.

If there were an emergency, we have over $1 billion worth of resources to assure that our veterans have what they need.

I will argue all the time for our veterans, but I do believe our veterans expect us to be fiscally responsible, along with meeting their needs. I cannot imagine that there is a veteran out there today who would suggest that in most instances we are not meeting their needs. We brought one of the finest health care systems in the world to the forefront again. We have expended phenomenal amounts of money on it. And this year, the VA budget is bigger than any other budget in our Federal Government, including Defense during wartime. I am talking about rates of increase, not total dollars.

Those are the realities with which we are dealing. I don't mind standing up and talking about it. Why? Because I can go home to my veterans and say we have been fair and we have been responsible, and I am not willing to listen to the VSOs that ''you gotta, gotta, gotta spend more.'' Is there a limit to how much we should spend? No, there isn't, apparently.

I hope in the end, even though it has been effectively shaped so it won't get spent and it won't get spent because it isn't needed, that the President, as he should, and the Secretary of the Veterans' Administration, as he should, will have the opportunity to declare an emergency if it happens and this Congress will know it now because of what we in a bipartisan way did to make sure what happened a year ago never happens again. We are now reported to quarterly for the first time in the history of the VA. By the last report, they are 4.3 percent under their spending proposal and that $600 million—do the numbers, folks. At a time of major deficits in this country, we are going to spend more of this kind of money? No, we are just going to put it on the books now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent that Senator DURBIN be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask for the yeas and nays on my amendment, as amended.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Is there further debate? If not, the question is on agreeing to the amendment No. 3642, as amended. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to family illness.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KERRY) would each vote ''yea.''

The result was announced—yeas 84, nays 13, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—84

| | | |
|---|---|---|
| Akaka | Coleman | Hutchison |
| Alexander | Collins | Inouye |
| Allard | Conrad | Isakson |
| Allen | Cornyn | Jeffords |
| Baucus | Dayton | Johnson |
| Bayh | DeMint | Kennedy |
| Bennett | DeWine | Kohl |
| Bingaman | Dodd | Kyl |
| Bond | Dole | Landrieu |
| Boxer | Domenici | Lautenberg |
| Bunning | Dorgan | Leahy |
| Burns | Durbin | Levin |
| Burr | Feingold | Lieberman |
| Byrd | Feinstein | Lincoln |
| Cantwell | Frist | Lott |
| Carper | Graham | Lugar |
| Chafee | Grassley | Martinez |
| Chambliss | Hagel | McConnell |
| Clinton | Harkin | Menendez |
| Cochran | Hatch | Mikulski |
| Murkowski | Roberts | Specter |
| Murray | Salazar | Stabenow |
| Nelson (FL) | Santorum | Stevens |
| Nelson (NE) | Sarbanes | Talent |
| Obama | Schumer | Thune |
| Pryor | Shelby | Voinovich |
| Reed | Smith | Warner |
| Reid | Snowe | Wyden |

NAYS—13

| | | |
|---|---|---|
| Brownback | Enzi | Sununu |
| Coburn | Gregg | Thomas |
| Craig | Inhofe | Vitter |
| Crapo | McCain | |
| Ensign | Sessions | |

NOT VOTING—3

| | | |
|---|---|---|
| Biden | Kerry | Rockefeller |

The amendment (No. 3642), as amended, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, now we are back on the pending amendment, the Coburn amendment; is that correct?

The PRESIDING OFFICER (Mr. THUNE). The first division.

Mr. LOTT. Mr. President, for some time now public officials in Mississippi have been concerned about the vulnerability and safety of the CSX rail line long the Mississippi Coast. These discussions have taken on a sense of urgency as part of the overall dialogue about how to rebuild the gulf coast region after Hurricane Katrina.

Transportation is the lifeblood of our economy, and making it less vulnerable to future destruction while also making it safer should be a priority. I am an unabashed advocate of safer roads, bridges and yes, railroads—most recently lending my support to a $700 million plan to move the Mississippi gulf coast's CSX railroad line north to higher ground, away from people and storm surges.

In the aftermath of the worst natural disaster in American history, any good post-Katrina reconstruction plan should consider moving these tracks. Given the tracks' proximity to the Gulf of Mexico and to motor traffic and flood waters, gulf coast residents and leaders would be irresponsible if we did not consider a safer place for the railroad. At some point we must move these tracks from the middle of busy, growing communities like Biloxi, Gulfport, and Pascagoula.

Let me briefly discuss the rail safety problem in the 3 Mississippi counties along the gulf coast. There are 185 highway-rail crossings on the CSX line in those counties. That is more than 2 crossings per mile. In some cases, there are more than 2 crossings in 1 mile of rail track.

In the last 10 years, 40 people have been killed in collisions between vehicles and trains. In other words someone is killed every 3 months in a rail accident along the gulf coast. Another 68 people have been injured. There have been 147 accidents over those 10 years. That's more than 1 accident per month.

This is an authorized national program. The funds for this project would

be appropriated under the Rail Line Relocation and Improvement Program. I was a long time champion of the legislation to create this program, and last year Congress finally passed it. This program was designed to alleviate the adverse effects of rail traffic on safety and on communities. Now that funds are available for projects that can save lives, such as this one in Mississippi, the program should be utilized.

Many have asked why this qualifies as an emergency project when the rail lines have already been rebuilt. They are oblivious to the fact that this strategic railroad—actually spans the length of our Nation between California and Florida, handling vital cargo.

The simple answer is that this project is needed to prevent future emergencies. There was no way that CSX could have waited on the Federal Government to relocate the line. This project will not be completed until 2008 at the very earliest. Therefore, there was never serious consideration given to not rebuilding the line. The urgency to restore rail operations for the benefit of customers along the corridor was paramount. That is why CSX spent private dollars to rebuild the line as quickly as possible. To be clear, no Federal money has been spent to repair the existing line, as press reports lead you to believe.

It ultimately took CSX 143 days to get the line back in condition to serve customers. Six major bridges and 40 miles of track had to be rebuilt or repaired. During that time hundreds of businesses were without service, 300 CSX employees were affected. Millions of citizens, and numerous seaports depend on this critical rail artery for freight and passenger services. The gulf coast corridor serves as the Southeast's primary gateway for freight being shipped to the western United States. Even with the new construction and rebuilt infrastructure built to the best possible standards, this line would still be significantly damaged in another storm given the proximity to the storm surge.

It is also important to mention, there are significant national security and energy security benefits to moving the current line away from the Nation's highest density of defense—for example, Ingalls, Keesler, Coast Guard, CBC Gulfport, CRTC Gulfport, Stennis Space Center Federal Reservation, and energy—for example, Chevron refinery, fuel transfer pipelines—infrastructure.

The fact is this is not solely a Mississippi project. Remember, the CSX line runs form Jacksonville, FL, to the Port of New Orleans before continuing on to Los Angeles. The Federal investment required to relocate the line will benefit Georgia, Alabama, Mississippi, and Louisiana by upgrading tracks within those states. Factually, this is a Southeast United States project, not a Mississippi project.

Our State has not asked for anything that is unreasonable or that the people in this devastated region do not deserve.

Mr. President, I know the hour is getting late and Senators have commitments. This is an issue which I feel very strongly about. It is one we have to address. These are the problems which have been created by the CSX transportation rail line across the Mississippi gulf coast. I thank Senator COCHRAN, the chairman of the Appropriations Committee, for taking the initiative to address this issue.

I would like to correct several misunderstandings. First, this would provide the funds to relocate the railroad track from right along the coastline, including crossing significant bodies of water in three different places, and it would then be relocated to an area north of there, connecting several railroad tracks. It would run like this, to New Orleans, instead of all the way along the gulf coast. Keep in mind, this is a major corridor that runs from Jacksonville, in Florida, all the way to California. This issue needs to be addressed.

Senator COCHRAN and I and our Governor and our officials in Mississippi have tried to be restrained and responsible and conservative in the requests we have made. This Congress has been very helpful, the Senate has been very helpful to meet a lot of our needs, but we need to come to terms with this issue. That is why Senator COCHRAN has chosen to put it in the supplemental.

Let me make sure you understand that this is Katrina related, No. 1. Some people will say: Look, the old railroad tracks were rebuilt after Hurricane Katrina at the cost of $250 million. But it was not one nickel of Federal dollars in it. It was done by the rail company and was done with insurance money, because this is a major thoroughfare that serves a lot of companies that had to get back in business. If we make this move, it will be 2008 at the earliest before it can possibly happen. I wanted that corrected.

There has been some suggestion that it relates to the gaming industry along the gulf coast. It does not, not at all. In fact, they would probably like for it to stay in this area, which forces traffic along Highway 90, along this coastline, instead of moving it off of the coast. By moving, then, the highway which runs right along the coast, it will be north of where the gaming area is. So there is no connection there.

Why do we need this? Let me make it real clear. There are several very good reasons. No. 1, it is exposed. It does run right along the water and has been blown out several times in the past—three times. It is there because it has been there for a hundred-and-something years.

This shows what happens every time we have a major blow. This is the track. It is built in marshes and on sand. It cannot stand. It will not stand. So we are going to have to do this repeatedly.

This shows the strength of the hurricane. This is a railroad bridge. Look at how the railroad track is actually bent.

This is going to be repeated. It causes economic dislocation. They shut down for 134 days just after this hurricane. That is one factor.

The second thing is, it is a major thoroughfare. We do not have evacuation capability with the current location, where it is now. We do not have east-west rails where people can get to the north-south lines. We just do not have enough room to do that. We will take a railroad bed and turn that into a five- or six-lane road across the major county that is involved, Harrison County, MS.

It is also about safety. People are killed and injured here every year. On this chart, the circles show deaths and injuries that have occurred. I will just give you the numbers we are talking about. Over a period of 10 years, there have been 147 accidents along this trackage. There have been 40 people killed in the last 10 years. There are 185 highway and rail crossings that are involved here.

Some people say you should do it through the authorization process. That has been done. Last year, as part of the highway bill, we passed for the first time the National Rail Relocation Act. This sort of thing needs to be done in a lot of places in America, from State to State. We have an authorization in place, so it is authorized. This provides the funds through the authorization. But this is about hurricanes, it is about evacuation, it is about safety, and it is about getting track out right along the coastline and moving it north so we do not have this repeated problem.

I ask my colleagues to look at it seriously. There are also going to be some 18 amendments to follow that will knock out various and sundry things in the bill. This is an important part of the Katrina recovery. We are still going to be able to get into New Orleans with the trackage coming north and move that transportation traffic on farther to the west coast. But I just wanted to rise and speak briefly in support of what is in the bill and against the motion to strike.

I thank Senator COCHRAN for his leadership in providing this opportunity.

Mr. COCHRAN. Mr. President, the Senator has very ably explained the challenge that is faced to restore and rebuild and recover in terms of transportation assets on the Mississippi coast, but this applies and will have an effect across the breadth of the area of the gulf coast that was damaged, including Louisiana, Mississippi, as well as Alabama.

Somebody cavalierly noted the other day that this is like the bridge to nowhere—this is the railroad to nowhere.

It is a transportation corridor that links New Orleans; Bay St. Louis, MS; Pass Christian; Gulfport, MS; Biloxi, MS; Pascagoula, MS; Mobile, AL, and

beyond—as the Senator said—all the way to California on the west side. This is a very important part of the transportation system across the southern United States, and on this line of transportation facilities the Stennis Space Center, where our rockets are tested for the space program, and many other military activities in that part of the gulf coast area—the ship yards at Pascagoula, the Keesler Air Force Base along U.S. Highway 90 in the Biloxi, MS, area, and on and on and on. The Coast Guard facilities and the former naval station at Pascagoula have other activities there.

There are national security consequences for the failure to rebuild and recover and restore these important transportation facilities. That is why it is appropriate to do it now.

This is authorization. The committee recommended $700 million for the Rail Line Relocation Capital Grant Program. That is the entity where the money goes, and through that money to mitigate damages and restore transportation under the provisions of that authorization, the funds will be used to relocate.

This is what our committee report says:

> To relocate tracks that are currently located along the coast of Mississippi, the damaged railroad line——

These are findings of a committee of Congress——

> is a major east and west freight corridor adjacent to the Mississippi gulf coast.

It is vitally important to numerous Mississippi, Louisiana, and Alabama industries, and essential to the successful operations of major Gulf of Mexico ports.

The rail line sustained major damage and total destruction in some areas as a result of Hurricane Katrina's winds and water surges. Eleven bridges were destroyed. More than 38 miles of track were completely lost. Signaling and safety systems were demolished and many track beds were completely washed out along the rail corridor. The rail line has been out of commission for 143 days.

Progress is being made, but these funds will be used to accelerate the reconstruction and the recovery that is essential for that area of the gulf coast of the United States.

We have made a case for it in committee. The committee agreed to provide these funds. The Senator from Mississippi, my colleague, has adequately and impressively described the consequences to the gulf coast area. This amendment should be defeated. It would strike all of these funds that have been approved by the committee.

I move to table the amendment, and 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. COBURN. Mr. President, I would like to speak a few moments discussing why we are all here.

The PRESIDING OFFICER. The Senator from Oklahoma should be informed that the motion to table is not debatable. Is the Senator seeking consent to debate?

Mr. COBURN. I ask unanimous consent to answer the questions raised in the debate by the Senator from Mississippi.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, I never asked any questions. The Senator has had an opportunity to describe his amendment. He did that earlier in the day. He used information that I presume he will present all over again. I don't have any objection to his proceeding, but I don't want him to talk too long. We have Members who are waiting to vote. They have read comments in the paper and the debate that has been carried throughout the press for the last 2 weeks while the Senate wasn't in session. I think the Senate has heard enough about it and is ready to vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COBURN. Mr. President, I will do this quickly.

First of all, what is the definition of ''emergency'' by our own budget rules? Necessary, essential, vital, suddenly, quickly coming into being, not building over time, urgent, pressing, compelling need, requiring immediate action, unforeseen, unpredictable, and unanticipated, not permanent, temporary in nature.

That is the first point I would make.

The second point is the committee's own report says:

> Even prior to Katrina, Presidents, business leaders and local and State officials seriously considered relocating the rail line from its present location to alleviate burgeoning traffic which continually worsened as the region's tourism industry grew.

This is $700 million. It is a great project for Mississippi. I agree. It is probably something that should be done. The question is, Is it an emergency and should everybody else in this country pay for it?

I could go into all the details. I will not do it in deference to the chairman's request that I be brief.

But Mississippi people have spoken. This was planned long before this hurricane. The fact is, if we are going to replace this rail line with Federal money which is going to come in and build a new road, that is going to be susceptible to the same hurricane damage. We have to figure out how we should go through a regular process.

The final point I would make is the committee report eliminates the ability of the Department of Transportation to say whether it is a safety issue. They specifically take it out so they cannot stop it.

The point is, we are leaving the regular process to do something which is maybe a great idea, but our grandchildren shouldn't be paying for it. If we continue to do this, this is going to be costly. This $700 million will cost $4 billion by the time we start paying it back, if we want to sacrifice the next generation—not in terms of trying to take it away from Mississippi but setting a standard of which we can behave in a manner that secures the future. That is what I am asking for.

I am sorry it is against two Senators I really like. I want Mississippi to be a hit. This is not the way for us to conduct business in the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. COBURN). The question is on agreeing to the motion to table amendment No. 3641, division I.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to family illness.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''nay.''

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—49

| | | |
|---|---|---|
| Akaka | Dorgan | Martinez |
| Alexander | Feinstein | McConnell |
| Allard | Frist | Menendez |
| Baucus | Grassley | Mikulski |
| Bennett | Gregg | Murkowski |
| Bond | Harkin | Pryor |
| Burns | Hatch | Roberts |
| Byrd | Hutchison | Sarbanes |
| Clinton | Inouye | Schumer |
| Cochran | Jeffords | Smith |
| Coleman | Johnson | Snowe |
| Collins | Kennedy | Specter |
| Craig | Landrieu | Stevens |
| Crapo | Lautenberg | Vitter |
| Dayton | Leahy | Warner |
| DeWine | Lincoln | |
| Domenici | Lott | |

NAYS—48

| | | |
|---|---|---|
| Allen | Dole | Nelson (FL) |
| Bayh | Durbin | Nelson (NE) |
| Bingaman | Ensign | Obama |
| Boxer | Enzi | Reed |
| Brownback | Feingold | Reid |
| Bunning | Graham | Salazar |
| Burr | Hagel | Santorum |
| Cantwell | Inhofe | Sessions |
| Carper | Isakson | Shelby |
| Chafee | Kohl | Stabenow |
| Chambliss | Kyl | Sununu |
| Coburn | Levin | Talent |
| Conrad | Lieberman | Thomas |
| Cornyn | Lugar | Thune |
| DeMint | McCain | Voinovich |
| Dodd | Murray | Wyden |

NOT VOTING—3

| | | |
|---|---|---|
| Biden | Kerry | Rockefeller |

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. LOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I seek recognition to ask unanimous consent to lay aside the pending amendments so that I may call up four rather minor amendments, outline them very briefly, and basically put them in order for consideration on the floor.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I object only because we have not seen the amendment. If we can see it fairly quickly, then I am sure we can proceed with it. So I would just call for a quorum.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana retains the floor.

Mr. VITTER. Mr. President, I will be happy to send copies over to the Senator. I will resume consideration in a few minutes when she has a time to peruse them.

The PRESIDING OFFICER. Will the Senator suggest the absence of a quorum?

Mr. VITTER. In the meantime, 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. VITTER. 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. VITTER. Thank you, Mr. President. Again, I rise seeking consideration of four specific amendments. All of them are hurricane related very directly, and none of them add to the cost of the bill.

AMENDMENT NO. 3627

Mr. President, the first amendment I call up and ask for its consideration is amendment No. 3627, which has been filed at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3627.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To designate the areas affected by Hurricane Katrina or Hurricane Rita as HUBZones and to waive the Small Business Competitive Demonstration Program Act of 1988 for the areas affected by Hurricane Katrina or Hurricane Rita)

On page 253, between lines 19 and 20, insert the following:

SMALL BUSINESS RELIEF FROM HURRICANE KATRINA AND HURRICANE RITA

SEC. 7032. (a) Section 3(p)(1) of the Small Business Act (15 U.S.C. 632(p)(1)) is amended—

(1) in subparagraph (D), by striking ''or'';

(2) in subparagraph (E), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(F) an area in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane Katrina of August 2005 or Hurricane Rita of September 2005.''.

(b) Section 711(d) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking ''The Program'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the Program''; and

(2) by adding at the end the following:

''(2) EXCEPTION.—The Program shall not apply to any contract related to relief or reconstruction from Hurricane Katrina of 2005 or Hurricane Rita of 2005.''.

Mr. VITTER. Mr. President, this amendment would do something very specific, very narrow, but also very important in terms of making sure that small business, including local business, gets a full opportunity to participate in the recovery throughout the gulf coast region. This would designate the areas affected by Hurricane Katrina or Hurricane Rita as HUBZones and would waive the Small Business Competitive Demonstration Program Act of 1988 for those specific areas.

This idea has been fully vetted in the committee of jurisdiction, the Small Business Committee, on which I serve. It was an important element of a larger small business package that was reported out of the committee to the floor, to the full Senate. However, because of other unrelated matters in that bill package, that overall package has some objection and has not passed through the Senate. So I simply chose to remove out of the full package these narrower HUBZone provisions to include in the supplemental bill.

I would also note that the leadership of the Small Business Committee supports this move in terms of this legislation and has no objection to the amendment.

The PRESIDING OFFICER. Who seeks recognition? Is there further debate on the amendment?

AMENDMENT NO. 3626

Mr. VITTER. Mr. President, I now call up amendment No. 3626 and ask for its consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself and Ms. LANDRIEU, proposes an amendment numbered 3626.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the limits on community disaster loans)

On page 166, line 12, insert before the colon the following: '', and may be equal to not more than 50 percent of the annual operating budget of the local government''.

Mr. VITTER. Mr. President, this amendment has to do with the Community Disaster Loan Program. That is a preexisting program that existed well before these hurricane events that in particular situations loans money to communities in dire straits that have major disasters and therefore revenue problems.

Obviously, in this hurricane, there are many communities in that situation—the city of New Orleans, St. Bernard Parish, and others. The community disaster loan program has been utilized to help them through this very difficult time. Already in the supplemental appropriations bill is $300 million for this program, additional dollars to use in the disaster area. My amendment would simply tweak certain language that would say rather than the upper limit of a jurisdiction, which jurisdiction is subject to be able to borrow being 25 percent of its annual operating budget, my language would raise that upper limit to 50 percent, so it would change language. It would not add money to the bill. The appropriations and the money are already in the bill.

This is very important for the hardest hit communities, such as St. Bernard Parish, such as the city of New Orleans, because they have virtually no revenue for the foreseeable future. This is absolutely necessary to help them get through these very difficult times for the next several months.

AMENDMENT NO. 3628

Mr. VITTER. With that, Mr. President, I call up amendment No. 3628.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3628.

Mr. VITTER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages, and for other purposes)

On page 253, insert between lines 19 and 20, the following:

ALLOCATION OF HURRICANE DISASTER RELIEF AND RECOVERY FUNDS TO STATES

SEC. 7032. (a) In this section the term ''covered funds'' means any funds that—

(1) are made available to a department or agency under title II of this Act for hurricane disaster relief and recovery; and

(2) are allocated by that department or agency for use by the States.

(b) Notwithstanding any other provision of law (including title II of this Act)—

(1) before making covered funds available to any State, the head of the department or agency administering such funds shall apply an allocation formula for all States based on critical need and physical damages; and

(2) not later than 5 days before making such covered funds available to any State, submit a report to the Committees on Appropriations of the Senate and the House of Representatives on the allocation formula that is being used.

Mr. VITTER. Mr. President, this amendment is language only. It does not add dollars or cost to the bill. It is important language to make sure that all of our activity and all of our spending in the disaster area goes to important needs. This language would base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages rather than by other arbitrary allocation formulas. This is specifically in the situation where Congress, in a particular issue area, allocates a fund for the entire disaster area and leaves it to the administration to disburse those funds between the various localities and States affected. This language would simply say that when you do that, the administration has to think about a fair formula that is based on actual objective criteria that is based on actual objective need or statistics that make sense and then would have to publish that formula with regard to the specific funds we are talking about several days in advance of the money being disbursed. This would make sure that the money is used appropriately in the disaster area and is not allocated in an arbitrary or purely political way.

That explains this amendment. Again, it is language. It does not add any additional cost to the bill.

AMENDMENT NO. 3648

Mr. VITTER. Mr. President, I ask unanimous consent to call up amendment No. 3648 which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3648.

Mr. VITTER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide assistance to damaged fishery vessels in Hurricanes Katrina and Rita)

On Page 139, line 8, insert after ''and'' the following: ''replace or''. On Page 139, line 17, insert after ''docks'' the following: ''vessels''. on Page 140, line 22, after ''repairing'' add ''vessels and''

Mr. VITTER. Mr. President, this has to do with the fisheries component of the bill. Thanks to the leadership of the chairman of the committee, a fisheries component was included in this supplemental appropriations bill because the fisheries industry was truly devastated along the gulf coast. Before this general fisheries provision was added, I believe this is the first instance in U.S. history where an administration has made a declaration regarding fisheries losses but has not followed that declaration of loss with a request for funds.

The chairman's committee action would, in a general sense, remedy that. My amendment No. 3648 would tweak the language—again, not add or increase any dollars—so that that money could be used in part for the repairing of vessels in situations where those repair costs go beyond insurance proceeds available and other available funds.

This is a very large component of the need that exists in the fisheries of the gulf coast. Passing this fisheries aid package without making any of that money available under the proper circumstances for repairing vessels would leave a huge hole in our attempt to get that industry up and running once again.

To reiterate, this is language that would not change or increase the spending level of the bill.

I have explained my four pending amendments. I look forward to any further discussion on them as well as votes, hopefully tomorrow.

I yield the floor.

Mr. WYDEN. Mr. President, I suggest the absence of a quorum. The distinguished Senator from Kentucky is on his way. He wishes to present wrap-up, and then I have an amendment to offer.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

Mr. WYDEN. Reserving the right to object—and I have no intention to object—my understanding was that I was going to be able to offer an amendment to the bill. I want to make sure that that amendment will be able to go first prior to morning business.

Mr. McCONNELL. I say to my friend from Oregon that all I am doing is putting wrap-up on automatic, after which the Senator from Oregon will be recognized to offer his amendment.

Mr. WYDEN. I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HONORING DR. DWAIN PRESTON

Mr. DURBIN. Mr. President, I rise today to honor an outstanding Illinoisan, Dr. Dwain ''Doc'' Preston, one of our State's finest educators, and congratulate him on his upcoming retirement.

Doc Preston began his teaching career in 1961, after serving in the Air Force, at Quincy Junior High School in Quincy, IL. Since then, he has taught high school and college students in a variety of fields including American history, English, and speech.

Doc Preston is retiring from his position at Quincy Notre Dame High School, QND, where he has educated and inspired his students for more than 25 years. He has also taught at the University of Illinois in Urbana-Champaign, Western Illinois University in Macomb, and John Wood Community College in Quincy. Doc has taught his mother, mother-in-law, wife, and all four of his daughters at some point in time. He also takes great pride in teaching senior citizens how to tell their life stories through writing.

Doc has served as a mentor and role model to so many students in western Illinois, including current and former members of my Senate staff. He has emphasized the importance of writing and public speaking in all fields and careers and gently encouraged even the quietest students to express themselves.

In addition to his many successes as an educator, including winning the prestigious Golden Apple and Rush Memorial Awards, Doc Preston is a prolific author and photographer as well as a professional storyteller. He possesses a lifetime love of politics and has been active in his community. He is a sage political observer and adviser, whether helping students on the Quincy Notre Dame Student Council or lending a hand in writing announcement speeches for candidates.

Doc is supported in all his endeavors by his wonderful wife, Regina, also a QND faculty member, and their 4 daughters—Carolyn, Cheryl, Deborah, and Teresa—and 11 grandchildren. He has shown his devotion to his family by writing poems and books to mark the births and birthdays of his grandchildren as well as the weddings and birthdays of his daughters and wife.

Mr. President, I congratulate Dr. Dwain Preston on his many accomplishments throughout his long and distinguished career. I am sure his retirement will give him more time to spend with his family, write, and cheer on the St. Louis Cardinals.

I thank him for his service and wish him all the best.

## EQUAL PAY DAY

Mr. KENNEDY. Mr. President, today, is Equal Pay Day, which means that 115 days into 2006, an average American woman will finally have earned enough in 2005 and 2006 together to equal what a man doing similar work earned by the end of 2005. Equal Pay Day is a sad reminder that gender discrimination is still very much a part of our country.

In America today, women earn only 77 cents for every dollar earned by men. The wage gap exists in every segment of our society. Women of every race and national origin earn less than their male counterparts. African-American women earn just 68 percent of the average earnings of African-American men. Latinas earn only 57 percent of the average Latino male wage. Asian-American women earn 88 cents for every dollar earned by Asian-American men.

This is not a problem just for poor women or rich women; it cuts across all occupations. There are even wage gaps in the operating room. The average male physician or surgeon makes $52,000 more a year than the average female physician. In the boardroom, the average male CEO makes $35,000 more a year than his female counterpart.

There are wage gaps in the classroom. The average male teaching assistant earns $5,000 more a year than the average female. In the dining room, the average male cook makes $2,000 more than his female counterpart.

The problem is not getting better. This year's wage gap of 23 cents is the same gap that existed in 2002. Since 1963, when the Equal Pay Act was passed, the wage gap has narrowed by less than half of a penny a year.

The wage gap is caused in part by how society deals with the realities of working women's lives, such as time out from the workforce to have children and care for family members. Among working women, nearly two-thirds do not receive paid maternity leave when they give birth; a quarter have to quit their jobs to care for their children, and doing so permanently lowers their future earning potential. It is wrong to dismiss the pay gap as a consequence of women's choosing to take time out of the workforce. Women do not willingly choose to forego fair pay in order to have children and care for elderly parents, nor should they.

More important, we cannot blame the pay gap exclusively on women's predominant role in childcare. The evidence shows that actual gender discrimination also accounts for the disparity between men and women's pay. In 2004, the Census Bureau concluded that the substantial gap in earnings between men and women could not completely be explained by differences in education, tenure in the workforce, or occupation. Similarly, a recent General Accounting Office report concluded that the difference in men and women's working patterns does not explain the entire disparity in their wages. Discrimination plays a role as well, and we need to combat it with Federal legislation to close the gap. Congress needs to act.

I strongly support Senator CLINTON's Paycheck Fairness Act and Senator HARKIN's Fair Pay Act to prevent and remedy gender pay discrimination. It is appalling and unacceptable that such discrimination still exists in America. The issue is simple fairness. I urge my colleagues to stand up for working women and end wage discrimination by passing the Paycheck Fairness Act and the Fair Pay Act.

## RULES OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INHOFE. Mr. President, I submit amended rules of the Committee on Environment and Public Works and ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

# COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

## Jurisdiction

*Rule XXV, Standing Rules of the Senate*

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * * * *

(h)(1) Committee on Environment and Public Works, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Air pollution.
2. Construction and maintenance of highways.
3. Environmental aspects of Outer Continental Shelf lands.
4. Environmental effects of toxic substances, other than pesticides.
5. Environmental policy.
6. Environmental research and development.
7. Fisheries and wildlife.
8. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.
9. Noise pollution.
10. Nonmilitary environmental regulation and control of nuclear energy.
11. Ocean dumping.
12. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.
13. Public works, bridges, and dams.
14. Regional economic development.
15. Solid waste disposal and recycling.
16. Water pollution.
17. Water resources.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

## RULES OF PROCEDURE

### RULE 1. COMMITTEE MEETINGS IN GENERAL

(a) REGULAR MEETING DAYS: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 a.m. If there is no business before the committee, the regular meeting shall be omitted.

(b) ADDITIONAL MEETINGS: The chair may call additional meetings, after consulting with the ranking minority member. Subcommittee chairs may call meetings, with the concurrence of the chair, after consulting with the ranking minority members of the subcommittee and the committee.

(c) PRESIDING OFFICER:

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking majority member shall preside.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking majority member of the subcommittee shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) OPEN MEETINGS: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) BROADCASTING:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

### RULE 2. QUORUMS

(a) BUSINESS MEETINGS: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving

a committee resolution, six members, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) SUBCOMMITTEE MEETINGS: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) CONTINUING QUORUM: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) REPORTING: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) HEARINGS: One member constitutes a quorum for conducting a hearing.

RULE 3. HEARINGS

(a) ANNOUNCEMENTS: Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing.

(b) STATEMENTS OF WITNESSES:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a Federal agency, an Inspector General, or a nongovernmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.

RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS

(a) NOTICE: The chair of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday.

(b) AMENDMENTS: First-degree amendments must be filed with the chair of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) MODIFICATIONS: The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

RULE 5. BUSINESS MEETINGS: VOTING

(a) PROXY VOTING:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) SUBSEQUENT VOTING: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) PUBLIC ANNOUNCEMENT:

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

RULE 6. SUBCOMMITTEES

(a) REGULARLY ESTABLISHED SUBCOMMITTEES: The committee has four subcommittees: Transportation and Infrastructure; Clean Air, Climate Change, and Nuclear Safety; Fisheries, Wildlife, and Water; and Superfund and Waste Management.

(b) MEMBERSHIP: The committee chair, after consulting with the ranking minority member, shall select members of the subcommittees.

RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS

(a) ENVIRONMENTAL IMPACT STATEMENTS: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) PROJECT APPROVALS:

(1) Whenever the committee authorizes a project under Public Law 89-298, the Rivers and Harbors Act of 1965; Public Law 83-566, the Watershed Protection and Flood Prevention Act; or Public Law 86-249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) BUILDING PROSPECTUSES:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted.

A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the General Services Administration and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) NAMING PUBLIC FACILITIES: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, former Justices of the United States Supreme Court over 70 years of age, or Federal judges who are fully retired and over 75 years of age.

RULE 8. AMENDING THE RULES

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

# STANDING RULES OF THE SENATE

## RULE XVII

### REFERENCE TO COMMITTEES; MOTIONS TO DISCHARGE; REPORTS OF COMMITTEES; AND HEARINGS AVAILABLE

1. Except as provided in paragraph 3, in any case in which a controversy arises as to the jurisdiction of any committee with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer, without debate, in favor of the committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal.

2. A motion simply to refer shall not be open to amendment, except to add instructions.

3. (a) Upon motion by both the majority leader or his designee and the minority leader or his designee, proposed legislation may be referred to two or more committees jointly or sequentially. Notice of such motion and the proposed legislation to which it relates shall be printed in the Congressional Record. The motion shall be privileged, but it shall not be in order until the Congressional Record in which the notice is printed has been available to Senators for at least twenty-four hours. No amendment to any such motion shall be in order except amendments to any instructions contained therein. Debate on any such motion, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than two hours, the time to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(b) Proposed legislation which is referred to two or more committees jointly may be reported only by such committees jointly and only one report may accompany any proposed legislation so jointly reported.

(c) A motion to refer any proposed legislation to two or more committees sequentially shall specify the order of referral.

(d) Any motion under this paragraph may specify the portion or portions of proposed legislation to be considered by the committees, or any of them, to which such proposed legislation is referred, and such committees or committee shall be limited, in the consideration of such proposed legislation, to the portion or portions so specified.

(e) Any motion under this subparagraph may contain instructions with respect to the time allowed for consideration by the committees, or any of them, to which proposed legislation is referred and the discharge of such committees, or any of them, from further consideration of such proposed legislation.

4. (a) All reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

(b) Whenever any committee (except the Committee on Appropriations) has reported any measure, by action taken in conformity with the requirements of paragraph 7 of rule XXVI, no point of order shall lie with respect to that measure on the ground that

hearings upon that measure by the committee were not conducted in accordance with the provisions of paragraph 4 of rule XXVI.

5. Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph

(1) may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate; and

(2) shall not apply to

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

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## RULE XXVI

### COMMITTEE PROCEDURE

1. Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

2. Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.

3. Each standing committee (except the Committee on Appropriations) shall fix regular weekly, biweekly, or monthly meeting days for the transaction of business before the committee and additional

meetings may be called by the chairman as he may deem necessary. If at least three members of any such committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour. If the chairman of any such committee is not present at any regular, additional, or special meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

4. (a) Each committee (except the Committee on Appropriations and the Committee on the Budget) shall make public announcement of the date, place, and subject matter of any hearing to be conducted by the committee on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date.

(b) Each committee (except the Committee on Appropriations) shall require each witness who is to appear before the committee in any hearing to file with the clerk of the committee, at least one day before the date of the appearance of that witness, a written statement of his proposed testimony unless the committee chairman and the ranking minority member determine that there is good cause for noncompliance. If so requested by any committee, the staff of the committee shall prepare for the use of the members of the committee before each day of hearing before the committee a digest of the statements which have been so filed by witnesses who are to appear before the committee on that day.

(c) After the conclusion of each day of hearing, if so requested by any committee, the staff shall prepare for the use of the members of the committee a summary of the testimony given before the committee on that day. After approval by the chairman and the ranking minority member of the committee, each such summary may be printed as a part of the committee hearings if such hearings are ordered by the committee to be printed.

(d) Whenever any hearing is conducted by a committee (except the Committee on Appropriations) upon any measure or matter, the minority on the committee shall be entitled, upon request made by a majority of the minority members to the chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any sub-

committee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

6. Morning meetings of committees and subcommittees thereof shall be scheduled for one or both of the periods prescribed in this paragraph. The first period shall end at eleven o'clock antemeridian. The second period shall begin at eleven o'clock antemeridian and end at two o'clock postmeridian.

7. (a)(1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee were physically present.

(2) Each such committee, or subcommittee, is authorized to fix a lesser number than one-third of its entire membership who shall constitute a quorum thereof for the purpose of taking sworn testimony.

(3) The vote of any committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present. No vote of any member of any committee to report a measure or matter may be cast by proxy if rules adopted by such committee forbid the casting of votes for that purpose by proxy; however, proxies may not be voted when the absent committee member has not been informed of the matter on which he is being recorded and has not affirmatively requested that he be so recorded. Action by any committee in reporting any measure or matter in accordance with the requirements of this subparagraph shall constitute the ratification by the committee of all action theretofore taken by the committee with respect to that measure or matter, including votes taken upon the measure or matter or any amendment thereto, and no point of order shall lie with respect to that measure or matter on the ground that such previous action with respect thereto by such committee was not taken in compliance with such requirements.

(b) Each committee (except the Committee on Appropriations) shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded. The results of rollcall votes taken in any meeting of any committee upon any measure, or any amendment thereto, shall be announced in the committee report on that measure unless previously announced by the committee, and such an-

nouncement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee who was present at that meeting.

(c) Whenever any committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast by each member of the committee in favor of and in opposition to such measure or matter. Nothing contained in this subparagraph shall abrogate the power of any committee to adopt rules—

(1) providing for proxy voting on all matters other than the reporting of a measure or matter, or

(2) providing in accordance with subparagraph (a) for a lesser number as a quorum for any action other than the reporting of a measure or matter.

8. (a) In order to assist the Senate in—

(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, and

(2) its formulation, consideration, and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate,

each standing committee (except the Committees on Appropriations and the Budget), shall review and study, on a continuing basis the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the legislative jurisdiction of that committee. Such committees may carry out the required analysis, appraisal, and evaluation themselves, or by contract, or may require a Government agency to do so and furnish a report thereon to the Senate. Such committees may rely on such techniques as pilot testing, analysis of costs in comparison with benefits, or provision for evaluation after a defined period of time.

(b) In each odd-numbered year, each such committee shall submit, not later than March 31, to the Senate, a report on the activities of that committee under this paragraph during the Congress ending at noon on January 3 of such year.

9. (a) Except as provided in subparagraph (b), each committee shall report one authorization resolution each year authorizing the committee to make expenditures out of the contingent fund of the Senate to defray its expenses, including the compensation of members of its staff and agency contributions related to such compensation, during the period beginning on March 1 of such year and ending on the last day of February of the following year. Such annual authorization resolution shall be reported not later than January 31 of each year, except that, whenever the designation of members of standing committees of the Senate occurs during the first session of a Congress at a date later than January 20, such resolution may be reported at any time within thirty days after the date on which the designation of such members is completed. After the annual authorization resolution of a committee for a year has been agreed to, such committee may procure authorization to make additional expenditures out of the contingent fund of the Senate during that year only by reporting a supplemental authorization resolution. Each supplemental authorization resolution reported by a com-

mittee shall amend the annual authorization resolution of such committee for that year and shall be accompanied by a report specifying with particularity the purpose for which such authorization is sought and the reason why such authorization could not have been sought at the time of the submission by such committee of its annual authorization resolution for that year.

(b) In lieu of the procedure provided in subparagraph (a), the Committee on Rules and Administration may

(1) direct each committee to report an authorization resolution for a two-year budget period beginning on March 1 of the first session of a Congress; and

(2) report one authorization resolution containing more than one committee authorization resolution for a one-year or two-year budget period.

10. (a) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the Senate and all members of the committee and the Senate shall have access to such records. Each committee is authorized to have printed and bound such testimony and other data presented at hearings held by the committee.

(b) It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the Senate any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote. In any event, the report of any committee upon a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the Senate is not in session) after the day on which there has been filed with the clerk of the committee a written and signed request of a majority of the committee for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request. This subparagraph does not apply to the Committee on Appropriations.

(c) If at the time of approval of a measure or matter by any committee (except for the Committee on Appropriations), any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days in which to file such views, in writing, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that supplemental, minority, or additional views are included as part of the report.

This subparagraph does not preclude—

(A) the immediate filing and printing of a committee report unless timely request for the opportunity to file supplemental,

minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

11. (a) The report accompanying each bill or joint resolution of a public character reported by any committee (except the Committee on Appropriations and the Committee on the Budget) shall contain—

(1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that, in the case of measures affecting the revenues, such reports shall require only an estimate of the gain or loss in revenues for a one year period; and

(2) a comparison of the estimate of costs described in subparagraph (1) made by such committee with any estimate of costs made by any Federal agency; or

(3) in lieu of such estimate or comparison, or both, a statement of the reasons why compliance by the committee with the requirements of subparagraph (1) or (2), or both, is impracticable.

(b) Each such report (except those by the Committee on Appropriations) shall also contain—

(1) an evaluation, made by such committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (A) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (B) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (C) a determination of the impact on the personal privacy of the individuals affected, and (D) a determination of the amount of additional paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution; or

(2) in lieu of such evaluation, a statement of the reasons why compliance by the committee with the requirements of clause (1) is impracticable.

(c) It shall not be in order for the Senate to consider any such bill or joint resolution if the report of the committee on such bill or joint resolution does not comply with the provisions of subparagraphs (a) and (b) on the objection of any Senator.

12. Whenever a committee reports a bill or a joint resolution repealing or amending any statute or part thereof it shall make a re-

port thereon and shall include in such report or in an accompanying document (to be prepared by the staff of such committee) (a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee. This paragraph shall not apply to any such report in which it is stated that, in the opinion of the committee, it is necessary to dispense with the requirements of this subsection to expedite the business of the Senate.

13. (a) Each committee (except the Committee on Appropriations) which has legislative jurisdiction shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, endeavor to insure that—

(1) all continuing programs of the Federal Government and of the government of the District of Columbia, within the jurisdiction of such committee or joint committee, are designed; and

(2) all continuing activities of Federal agencies, within the jurisdiction of such committee or joint committee, are carried on;

so that, to the extent consistent with the nature, requirements, and objectives of those programs and activities, appropriations therefor will be made annually.

(b) Each committee (except the Committee on Appropriations) shall with respect to any continuing program within its jurisdiction for which appropriations are not made annually, review such program, from time to time, in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

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## THE 91ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. LEVIN. Mr. President, on Monday we observed the 91st anniversary of the Armenian genocide. On April 24, 1915, the Turkish Ottoman Empire began a coordinated campaign of deportation, expropriation, torture, starvation, and massacre which lasted 8 long years and left an estimated 1.5 million Armenians dead. The violence forced an additional 500,000 people to leave their homeland and live in exile.

The Armenian genocide is a shameful period in world history that highlights the catastrophic consequences of inaction in the face of violent persecution. It is a tragedy which could have and should have been prevented by the intervention of all nations who value freedom and peace. A retired Theodore Roosevelt wrote in 1918, ''The Armenian horror is an accomplished fact. Its occurance was largely due to the policy of pacifism this nation has followed for the last four years.'' Roosevelt argued for U.S. involvement ''because the Armenian massacre was the greatest crime of the war, and failure to act against Turkey is to condone it; because the failure to deal radically with the Turkish horror means that all talk of guaranteeing the future peace of the world is mischievous nonsense.''

It is important to make clear that the annual remembrance of the Armenian genocide is not a condemnation of our NATO partner, the present day Republic of Turkey. Indeed, it was the founder of the Republic, Mustafa Kemal Ataturk, who ended the Ottoman government.

Instead, the annual remembrance of the Armenian genocide presents us with an opportunity to both honor the memory of those that were lost and rededicate ourselves to working with our allies, including Turkey, to prevent any occurrences of persecution and genocide around the world.

Unfortunately, we know too well that the Armenian genocide was the first but not the only genocide of the 20th century, and millions more perished as additional genocides were perpetrated against innocent minorities in Europe, Africa, and Asia. In remembering the victims of past genocides, we must now turn our efforts to ending the first genocide of the 21st century in the Darfur region of Sudan.

Only by remembering the loss of family and loved ones and by working to alleviate the current suffering of others can we truly honor the victims of the Armenian genocide. That is the goal of the 91st anniversary remembrance of the Armenian genocide.

## EARTH DAY 2006

Mr. FEINGOLD. Mr. President, this past weekend we celebrated Earth Day. That celebration, begun in 1970 by the late Gaylord Nelson, a great environmental leader whose U.S. Senate seat I hold today, provides us the chance to reflect on our environmental past, take stock of our present environmental situation, and formulate a vision for our environmental future.

We have much to be proud of in our past, especially the bipartisan initiatives that were produced in the 1970s, including the Clean Air Act, the Endangered Species Act, and the Clean Water Act. Unfortunately, our present environmental circumstances show we have a lot of work to do. Mercury pollution contaminates our waterways and threatens the health of our citizens, increased greenhouse gas emissions feed global climate change, and the majestic Great Lakes, a natural resource of particular interest to me and my fellow Wisconsinites, face such threats as invasive species and loss of wetlands. It is the future, though, that I urge Americans from all walks of life and from all across the country to focus on as they celebrate Earth Day this year.

Quite frankly, over the next few years we will face major decisions that will shape our relationship to our natural resources. We can make decisions that demonstrate we want a future that recognizes that when we disrespect and dishonor the planet, we, in fact, disrespect and dishonor ourselves, or by failing to act or by making shortsighted choices, we can turn our backs on our responsibility to pass on to future generations a vibrant and living planet.

Despite what is at stake, there is reason for hope. One of the most pressing challenges we face is that of making a commitment—both individually and collectively—to adopting sustainable energy habits that will serve the country for years to come. Our Nation, throughout its history, has faced challenges that we have overcome based on our ingenuity and our unwillingness to fail. It is this attitude that must be embraced today as we look to our energy future.

We must challenge ourselves to adopt a new energy vision for the 21st century. This new vision involves moving away from our dependence on oil, a source of energy that puts our environment, our national security, and our economy at risk. We all know that the burning fossil fuels, like oil, emits tremendous amounts of greenhouse gases into our atmosphere and that these gases fuel global warming. We all also know that global climate change is a problem plagued by a lack of leadership by the current administration and by its allies in Congress. Getting real about global warming—which must happen soon—will require a commitment to reducing our dependence on oil as opposed to continually fighting about opening up pristine areas, including the Arctic National Wildlife Refuge, for oil drilling. Reducing our dependence on oil will also make us more secure. Given that we have less than 3 percent of the world's proven oil reserves here in the United States, we will be dependent on others for our fuel until we get serious about using biofuels that can be produced here at home.

A new energy future will not create itself—it will require a dedicated effort by individuals across the country and by decision makers at all levels. This new energy future can be built on efforts to be more efficient, efforts to only use only what we need, and efforts to use renewable sources of energy. While the Federal Government has failed to take bold action, Americans are forging ahead, actually leading the way. For example, students at universities are holding competitions to reduce energy use, and nearly 200 cities are part of a nationwide movement to reduce greenhouse emissions in their cities to 7 percent below 1990 levels by 2012.

But more must be done, and Americans must demand accountability and leadership from their Federal elected officials.

So as we come together on Earth Day 2006, let's make a commitment to each other and to future generations to rise to the challenge of securing a new energy future for our country, for this is not only one of the most important environmental commitments we can make to each other, but it is also a decision about our national security and our economy. Let's work toward an environmental future that our children's children will, years from now, reflect upon as a turning point in our history, a time during which we came together and worked for the best interest of humanity, across the globe.

# ADDITIONAL STATEMENTS

## HONORING ARMY LIEUTENANT JEROME N. SHAPIRO

• Mr. LEVIN. Mr. President, this week, as we observe Holocaust Remembrance Day, Yom Hashoah, I would like to take a moment to recognize Stephanie Mellen of Troy, MI, for her tireless and enduring efforts to honor the memory of her father and help ensure that the horrific events of the Holocaust will never be forgotten.

On May 7, 1945, Ms. Mellen's father, 1Lt Jerome N. Shapiro, led the team that captured Air Marshal Hermann Goering, the de facto leader of Nazi Germany following Adolf Hitler's suicide. Eighty miles behind enemy lines in Austria, Lieutenant Shapiro and three others caught Goering and his entourage of 78 people. Goering calmly surrendered his weapon to Lieutenant Shapiro, a Jewish American, and was held under Lieutenant Shapiro's command at Fischhorn Castle in Zell Am See, Austria, until he was transferred to Allied headquarters 2 days later. Hermann Goering was the principal defendant at the Nuremberg Trials the following year, and Lieutenant Shapiro continued as part of his guard detail during the trial.

Lieutenant Shapiro was hesitant to talk about his role in Goering's capture, but Stephanie Mellen began to

understand the importance of his story even as a young girl. She saw the gun that her father was carrying when Goering surrendered and recalls using Goering's field typewriter to type her school assignments. Stephanie was 13 years old when she saw her father named as ''Goering's guard'' in a television documentary. These memories helped her to understand and appreciate what her father accomplished.

Lieutenant Shapiro passed away on April 4, 1968, but his legacy lives on through the committed actions of his daughter. Stephanie Mellen has spent countless hours writing and speaking to educate people on the importance of what her father did to bring Hermann Goering to justice. She shares her father's story to honor the courage and resolve of Lieutenant Shapiro and all those members of America's ''greatest generation'' who fought and defeated the Axis Powers in one of humanity's most critical moments. But most of all, she shares the story of her father to remind all of us that the cause of universal human freedom and dignity is our own.●

## NOTIFICATION OF AN EXECUTIVE ORDER BLOCKING PROPERTY OF ADDITIONAL PERSONS IN CONNECTION WITH THE NATIONAL EMERGENCY WITH RESPECT TO SYRIA—PM 45

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order blocking property of persons in connection with the terrorist act in Beirut, Lebanon, on February 14, 2005, that resulted in the assassination of former Lebanese Prime Minister Rafiq Hariri and the deaths of 22 others, and other bombings or assassination attempts in Lebanon since October 1, 2004, that are related to Hariri's assassination or that implicate the Government of Syria or its officers or agents. I issued this order to take additional steps with respect to the national emergency declared in Executive Order 13338 of May 11, 2004, concerning certain actions of the Government of Syria. In Executive Order 13338, I determined that the actions of the Government of Syria in supporting terrorism, continuing its occupation of Lebanon, pursuing weapons of mass destruction, and undermining United States and international efforts in Iraq constituted an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and declared a national emergency to deal with that threat.

The United Nations Security Council, in Resolution 1595 of April 7, 2005, established the international independent investigation Commission (the ''Commission''), reiterated its call for the strict respect of the sovereignty of Lebanon, and reaffirmed its unequivocal condemnation of the February 14, 2005, terrorist bombing that killed Lebanese Prime Minister Rafiq Hariri and 22 others. The Commission's charter included identifying the bombing perpetrators, sponsors, organizers, and accomplices. United Nations Security Council Resolution (UNSCR) 1636 of October 31, 2005, called upon all States to provide necessary assistance to the Commission concerning its investigation into the February 14, 2005, terrorist bombing and to freeze the assets of those persons designated by the Commission or the Government of Lebanon as suspected of involvement in this terrorist act, upon notification of such designation to, and agreement of, the Committee of the Security Council established by UNSCR 1636. United Nations Security Council Resolution 1644 of December 15, 2005, condemned other terrorist attacks in Lebanon since October 2004 and reaffirmed that all those involved in these attacks must be held accountable for these crimes, and in doing so, authorized the Commission to extend its technical assistance to Lebanese authorities with regard to their investigations regarding the terrorist attacks perpetrated in Lebanon since October 1, 2004.

In view of UNSCR 1636, my new order takes additional steps with respect to the national emergency declared in Executive Order 13338 by blocking the property and interests in property of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be, or to have been, involved in the planning, sponsoring, organizing, or perpetrating of the terrorist act on February 14, 2005, that resulted in the assassination of former Prime Minister Rafiq Hariri and the deaths of 22 others, or any other bombing, assassination, or assassination attempt in Lebanon since October 1, 2004, that is related to Hariri's assassination or that implicates the Government of Syria or its officers and agents, or to have obstructed or otherwise impeded the work of the Commission. The order further authorizes the Secretary of the Treasury, after consultation with the Secretary of State, to designate for blocking those persons determined to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, any such terrorist act, bombings, or assassination attempts, or any person designated pursuant to this order, or to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person designated pursuant to this order.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the United Nations Participation Act, as amended (22 U.S.C. 287c), as may be necessary to carry out the purposes of my order. The order was effective at 12:01 a.m. eastern daylight time on April 26, 2006.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 26, 2006*.

## MESSAGE FROM THE HOUSE

At 3 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2341. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austin Water and Wastewater Utility, Texas.

H.R. 4709. An act to amend title 18, United States Code, to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records.

H.R. 4916. An act to authorize United States participation in, and appropriations for, the United States contribution to the first replenishment of the resources of the Enterprise for the Americas Multilateral Investment Fund.

H.J. Res. 83. An act to memorialize and honor the contribution of Chief Justice William H. Rehnquist.

The message also announced that the House has passed the following bill and joint resolution, without amendment:

S. 592. An act to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

S.J. Res. 28. An act approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2341. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austin Water and Wastewater Utility, Texas; to the Committee on Energy and Natural Resources.

H.R. 4709. An act to amend title 18, United States Code, to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records; to the Committee on the Judiciary.

H.R. 4916. An act to authorize United States participation in, and appropriations

for, the United States contribution to the first replenishment of the resources of the Enterprise for the Americas Multilateral Investment Fund; to the Committee on Foreign Relations.

## 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–6454. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operations (including 10 regulations)'' (RIN 1625-AA09) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6455. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; High Capacity Passenger Vessels and Alaska Marine Highway System Vessels in Alaska'' (RIN 1625-AA87) received on April 18, 2006; to the Committee on Commerce, Science , and Transportation.

EC–6456. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Maple-Oregon Bridge Boring Program, Sturgeon Bay Ship'' (RIN 1625-AA00) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6457. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events: Severn River, College Creek, Weems Creek, and Carr Creek, Annapolis, MD'' (RIN 1625-AA08) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6458. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; 2006 San Francisco Giants' Opening Night Fireworks Display, San Francisco Bay, CA'' (RIN 1625-AA08) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6459. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Rates for Pilotage on the Great Lakes'' (RIN 1625-AA38) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6460. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation (including 3 regulations)'' (RIN 1625-AA09) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6461. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations (including 7 regulations)'' (RIN 1625-AA08) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6462. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones (including 9 regulations)'' (RIN 1625-AA87) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6463. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones (including 25 regulations)'' (RIN 1625-AA00) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6464. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, the Annual Report for Fiscal Year 2005 of the Commerce Department's Bureau of Industry and Security (BIS); to the Committee on Commerce, Science, and Transportation.

EC–6465. A communication from the Administrator, National Aeronautics and Space Administration (NASA), transmitting, pursuant to law, NASA's FAIR Act 2005 Commercial Activities Inventory, FAIR Act 2005 Inherently Governmental Inventory, and FAIR Act Inventory Executive Summary; to the Committee on Commerce, Science, and Transportation.

EC–6466. A communication from the Assistant Secretary for Legislative and Intergovernmental Affairs, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, the United States Coast Guard report entitled ''Report on Demonstration Project: Implementing the Crew Endurance Management System (CEMS) on Towing Vessels''; to the Committee on Commerce, Science, and Transportation.

EC–6467. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's (DOT) Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending September 30, 2005; to the Committee on Commerce, Science, and Transportation.

EC–6468. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report entitled ''Federal Trade Commission Annual Report 2006: Fair Debt Collection Practices Act''; to the Committee on Commerce, Science, and Transportation.

EC–6469. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the 44th Annual Report of the Commission's activities for fiscal year 2005; to the Committee on Commerce, Science, and Transportation.

EC–6470. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Report to Congress on the Fiscal Year 2005 Competitive Sourcing Efforts''; to the Committee on Commerce, Science, and Transportation.

EC–6471. A communication from the Attorney Advisor, Federal Highway Administration, Department of Transportation, transmitting the report of a nomination for the position of Administrator, received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6472. A communication from the Deputy Director, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Construction and Operation of Offshore Oil and Gas Facilities in the Beaufort Sea'' ((RIN 0648-AS98)(I.D. No. 010305B)) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6473. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska'' (I.D. No. 030906B) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6474. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska'' (I.D. No. 032106B) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6475. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska'' (I.D. No. 030906A) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6476. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 032006A) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6477. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processor Vessels Using Hook-and-line Gear in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 021706A) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6478. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Total Allowable Catch Amount for 'Other Species' in the Groundfish Fisheries of the Gulf of Alaska'' ((RIN 0648-AT92) (I.D. No. 110805A)) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6479. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #1—Adjustment of the Commercial and Recreational Fisheries from Cape Falcon, Oregon, to Point Sur, California'' (I.D. No.

031406F) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6480. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Fishery Closure'' (I.D. No. 032006E) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. WARNER for the Committee on Armed Services.

Air Force nomination of Brig. Gen. Thomas J. Loftus to be Major General.

Air Force nominations beginning with Brigadier General Chris T. Anzalone and ending with Brigadier General Mark R. Zamzow, which nominations were received by the Senate and appeared in the Congressional Record on March 2, 2006.

Air Force nomination of Col. Steven Westgate to be Brigadier General.

Army nomination of Lt. Gen. Franklin L. Hagenbeck to be Lieutenant General.

Army nomination of Maj. Gen. Michael D. Rochelle to be Lieutenant General.

Army nomination of Col. Russell J. Czerw to be Major General.

Marine Corps nomination of Maj. Gen. Frances C. Wilson to be Lieutenant General.

Navy nomination of Rear Adm. Nancy E. Brown to be Vice Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Kristine M. Autorino and ending with Tiwana L. Wright, which nominations were received by the Senate and appeared in the Congressional Record on March 13, 2006.

Air Force nomination of Rex R. Kiziah to be Colonel.

Air Force nomination of Maureen McCarthy to be Colonel.

Air Force nomination of Joseph A. Weber, Jr. to be Colonel.

Air Force nomination of Daniel J. McGraw to be Colonel.

Air Force nominations beginning with Constance C. Mcnabb and ending with Amy L. Walker, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Air Force nominations beginning with Kenneth R. Franklin and ending with Michael S. Peters, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Air Force nominations beginning with Peter L. Barrenechea and ending with Ralph M. Sutherlin, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Air Force nominations beginning with David G. Allen and ending with David D. Zwart, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Air Force nominations beginning with Thomas E. Baldwin and ending with Michelle K. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on April 5, 2006.

Army nomination of David M. Lind to be Colonel.

Army nominations beginning with Mary M. Sunshine and ending with Debra Chappel, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Army nomination of Jacqueline P. Allen to be Lieutenant Colonel.

Army nominations beginning with Valerie Mcdavid and ending with Cathleen Sterling, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Army nomination of Charles C. Dodd to be Major.

Army nominations beginning with Alvis Dunson and ending with Francis Williams, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Army nominations beginning with Soonja Choi and ending with Mehdy Zarandy, which nominations were received by the Senate and appeared in the Congressional Record on March 30, 2006.

Army nomination of E. N. Steely III to be Colonel.

Marine Corps nomination of Sanford P. Pike to be Lieutenant Colonel.

Marine Corps nomination of Jayson A. Brayall to be Major.

Navy nomination of Paul W. Marquis to be Commander.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself, Mr. KYL, Ms. CANTWELL, Mr. FRIST, Mrs. BOXER, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. MCCAIN, Mr. DOMENICI, Mr. COLEMAN, Mr. TALENT, and Mr. CONRAD):

S. 2652. A bill to amend chapter 27 of title 18, United States code, to prohibit the unauthorized construction, financing, or, with reckless disregard, permitting the construction or use on one's land, of a tunnel or subterranean passageway between the United States and another country; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. INOUYE, Mr. BURNS, Mr. DORGAN, Mr. LOTT, Mrs. BOXER, Mr. ALLEN, Mr. NELSON of Florida, Mr. VITTER, Mr. LAUTENBERG, Mr. WARNER, Mr. LIEBERMAN, Mr. BOND, Ms. LANDRIEU, Mr. GREGG, Ms. MIKULSKI, Mr. DEWINE, Mr. JEFFORDS, Mr. INHOFE, Ms. MURKOWSKI, Mr. COLEMAN, Mr. ALEXANDER, Mr. SANTORUM, Mrs. DOLE, Mr. BENNETT, Mr. ALLARD, Mr. DOMENICI, Mr. ENZI, Mr. GRAHAM, Ms. SNOWE, Mr. ROCKEFELLER, Mr. THOMAS, Mr. PRYOR, Mrs. CLINTON, Mr. CRAIG, Mr. TALENT, and Mr. BURR):

S. 2653. A bill to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas; to the Committee on Commerce, Science, and Transportation.

By Mr. MENENDEZ:

S. 2654. A bill to protect consumers, and especially young consumers, from skyrocketing consumer debt and the barrage of credit card solicitations, to establish a financial literacy and education program in elementary and secondary schools to help prepare young people to be financially responsible consumers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 2655. A bill to amend the Truth in Lending Act, to prohibit universal default practices by credit card issuers, to limit fees that may be imposed on credit card accounts, and to require credit card issuers to verify a prospective consumer's ability to pay before extending credit to the consumer, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VITTER:

S. 2656. A bill to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SANTORUM (for himself and Mr. BAYH):

S. 2657. A bill to extend the Iran and Libya Sanctions Act of 1996; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOND (for himself and Mr. LEAHY):

S. 2658. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes; to the Committee on Armed Services.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2659. A bill to amend title 38, United States Code, to provide for the eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands; to the Committee on Veterans' Affairs.

By Mrs. FEINSTEIN:

S. 2660. A bill to amend the National Security Act of 1947 to require notice to Congress of certain declassifications of intelligence information, and for other purposes; to the Select Committee on Intelligence.

By Mr. MARTINEZ (for himself, Mr. SALAZAR, Mr. CRAIG, Mr. NELSON of Florida, Mr. HAGEL, Mr. CARPER, Mr. ALLARD, Ms. LANDRIEU, Mrs. CLINTON, and Mr. KERRY):

S. 2661. A bill to provide for a plebiscite in Puerto Rico on the status of the territory; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 2662. A bill to direct the Secretary of Commerce to provide emergency disaster assistance to mitigate the economic losses caused by salmon fishery restrictions along the California and Oregon coast, and for other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Res. 446. A resolution recognizing the 50th Anniversary of the Crop Science Society of America; considered and agreed to.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Res. 447. A resolution congratulating the University of Wisconsin Badgers men's hockey team for winning the 2006 National Collegiate Athletic Association Division I Men's Hockey Championship; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 20

At the request of Mr. REID, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 20, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce the number of abortions, and improve access to women's health care.

S. 333

At the request of Mr. SANTORUM, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 420

At the request of Mr. KYL, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 420, a bill to make the repeal of the estate tax permanent.

S. 484

At the request of Mr. WARNER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 521

At the request of Mrs. HUTCHISON, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 521, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 537

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 537, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 707

At the request of Mr. ALEXANDER, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 707, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 832

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 832, a bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 1035

At the request of Mr. INHOFE, the names of the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Washington (Ms. CANTWELL) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1086

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1180

At the request of Mr. OBAMA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1180, a bill to amend title 38, United States Code, to reauthorize various programs servicing the needs of homeless veterans for fiscal years 2007 through 2011, and for other purposes.

S. 1735

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1735, a bill to improve the Federal Trade Commission's ability to protect consumers from price-gouging during energy emergencies, and for other purposes.

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1735, supra.

S. 1741

At the request of Mr. VOINOVICH, the names of the Senator from Delaware (Mr. CARPER), the Senator from Ohio (Mr. DEWINE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1741, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area.

S. 1767

At the request of Ms. SNOWE, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1767, a bill to require the Federal Communications Commission to reevaluate the band plans for the upper 700 megaHertz band and the un-auctioned portions of the lower 700 megaHertz band and reconfigure them to include spectrum to be licensed for small geographic areas.

S. 1955

At the request of Mr. ENZI, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1955, a bill to amend title I of the Employee Retirement Security Act of 1974 and the Public Health Service Act to expand health care access and reduce costs through the creation of small business health plans and through modernization of the health insurance marketplace.

S. 1998

At the request of Mr. CONRAD, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2048

At the request of Mr. OBAMA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2048, a bill to direct the Consumer Product Safety Commission to classify certain children's products containing lead to be banned hazardous substances.

S. 2140

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2154

At the request of Mr. OBAMA, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2201

At the request of Mr. OBAMA, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of

section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2292

At the request of Mr. SPECTER, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2292, a bill to provide relief for the Federal judiciary from excessive rent charges.

S. 2321

At the request of Mr. SANTORUM, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Maine (Ms. SNOWE), and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Illinois (Mr. OBAMA), the Senator from Utah (Mr. BENNETT) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2385

At the request of Mr. REID, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2385, a bill to amend title 10, United States Code, to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability.

S. 2401

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2401, a bill to amend the Internal Revenue Code of 1986 to extend certain energy tax incentives, and for other purposes.

S. 2451

At the request of Mr. VITTER, his name was added as a cosponsor of S. 2451, a bill to amend the Internal Revenue Code of 1986 to expand certain tax benefits related to Hurricane Katrina and to Hurricane Rita.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2503

At the request of Mrs. LINCOLN, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2503, a bill to amend the Internal Revenue Code of 1986 to provide for an extension of the period of limitation to file claims for refunds on account of disability determinations by the Department of Veterans Affairs.

S. 2548

At the request of Mr. STEVENS, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Washington (Ms. CANTWELL), the Senator from Michigan (Mr. LEVIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2548, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

S. 2556

At the request of Mr. BAYH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2556, a bill to amend title 11, United States Code, with respect to reform of executive compensation in corporate bankruptcies.

S. 2557

At the request of Mr. SPECTER, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2557, a bill to improve competition in the oil and gas industry, to strengthen antitrust enforcement with regard to industry mergers, and for other purposes.

S. 2563

At the request of Mr. COCHRAN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part.

S. 2617

At the request of Mr. LAUTENBERG, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2617, a bill to amend title 10, United States Code, to limit increases in the costs to retired members of the Armed Forces of health care services under the TRICARE program, and for other purposes.

S. 2643

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2643, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. RES. 313

At the request of Ms. CANTWELL, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Res. 313, a resolution expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic.

S. RES. 320

At the request of Mr. ENSIGN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Res. 320, a resolution calling the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

S. RES. 405

At the request of Mr. HAGEL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 405, a resolution designating August 16, 2006, as ''National Airborne Day''.

S. RES. 441

At the request of Mr. LUGAR, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. Res. 441, a resolution expressing the support of the Senate for the reconvening of the Parliament of Nepal and for an immediate, peaceful transition to democracy.

S. RES. 445

At the request of Mr. SANTORUM, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. Res. 445, a resolution expressing the sense of the Senate in commemorating Holocaust Remembrance Day.

AMENDMENT NO. 3594

At the request of Mr. GREGG, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 3594 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3597

At the request of Mr. LUGAR, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 3597 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3599

At the request of Mr. LUGAR, the names of the Senator from Mississippi (Mr. LOTT), the Senator from North Dakota (Mr. CONRAD), the Senator from Vermont (Mr. LEAHY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr.

KENNEDY), the Senator from Maine (Ms. COLLINS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Massachusetts (Mr. KERRY), the Senator from North Dakota (Mr. DORGAN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 3599 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3600

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 3600 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS (for himself, Mr. INOUYE, Mr. BURNS, Mr. DORGAN, Mr. LOTT, Mrs. BOXER, Mr. ALLEN, Mr. NELSON of Florida, Mr. VITTER, Mr. LAUTENBERG, Mr. WARNER, Mr. LIEBERMAN, Mr. BOND, Ms. LANDRIEU, Mr. GREGG, Ms. MIKULSKI, Mr. DEWINE, Mr. JEFFORDS, Mr. INHOFE, Ms. MURKOWSKI, Mr. COLEMAN, Mr. ALEXANDER, Mr. SANTORUM, Mrs. DOLE, Mr. BENNETT, Mr. ALLARD, Mr. DOMENICI, Mr. ENZI, Mr. GRAHAM, Ms. SNOWE, Mr. ROCKEFELLER, Mr. THOMAS, Mr. PRYOR, Mrs. CLINTON, Mr. CRAIG, Mr. TALENT, and Mr. BURR):

S. 2653. A bill to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, the Call Home Act of 2006 would require the Federal Communications Commission to take such actions as may be necessary to reduce telephone rates for Armed Forces personnel deployed overseas, including the waiver of government fees, assessments, or other costs.

In seeking to reduce phone rates, the legislation would require the FCC to evaluate and analyze the costs of calls to and from official duty stations including vessels whether in port or under way; evaluate methods of reducing rates including deployment of new technology such as Voice over Internet protocol, VOIP, or other Internet protocol technology; encourage phone companies to adopt flexible billing procedures and policies call to and from Armed Forces personnel; and seek agreements with foreign governments to reduce international surcharges on phone calls.

The legislation would, however, prohibit the FCC from regulating rates in order to carry out the Call Home Act's requirements.

The Call Home Act of 2006 would replace similar legislation from 1992 that limited the FCC's efforts to reduce rates to specific countries. The Call Home Act would expand the FCC's efforts to benefit troops wherever they are deployed in support of the global war on terrorism.

We have received a letter of support from the Military Coalition, which represents 36 military and veterans groups. We have also received letters of support from individual members of that coalition and others urging Congress to enact this legislation: Veterans of Foreign Wars; Association of the United States Army; Enlisted Association of the National Guard; Military Officers Association of America; American Legion; Naval Reserve Association; Naval Enlisted Reserve Association; Gold Star Wives of America; and Air Force Sergeants Association.

The Veterans of Foreign Wars' letter of support says that calls home are ''lifeline'' for the brave men and women stationed abroad.

I urge you to vote for this important legislation.

I ask unanimous consent letters in support of this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MILITARY COALITION,
*Alexandria, VA, April 10, 2006.*

Hon. TED STEVENS,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR STEVENS: The Military Coalition (TMC), a consortium of uniformed services and veterans associations representing more than 5.5 million current and former servicemembers and their families and survivors, is writing to express our strong support of your bill, ''Call Home Act of 2006,'' that directs the Federal Communications Commission to seek ways to reduce telephone rates for Armed Forces personnel deployed overseas.

Everyday, military members deployed or assigned unaccompanied overseas are faced with the burdens of being separated from families and loved ones. Your bill recognizes the burden these members and families encounter and takes an important step forward to reduce the costs of high phone rates.

The Military Coalition thanks you for introducing this legislation and recommends that the bill be expanded to include all members of the uniformed services. We also appreciate your leadership on issues affecting all servicemembers and their families and pledge our strong support in seeking enactment of this important legislation.

Sincerely,

Signed by 36 representatives of member organizations of the Military Coalition.

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ASSOCIATION OF THE UNITED STATES ARMY,
*Arlington, VA, April 6, 2006.*

Hon. TED STEVENS,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR STEVENS: On behalf of over 100,000 members of the Association of the United States Army (AUSA), I write to express our strong support of your bill. ''Call Home Act of 2006,'' that directs the Federal Communications Commission to seek ways to reduce telephone rates for Armed Forces personnel deployed overseas.

Everyday, military members deployed or assigned unaccompanied overseas are faced with the burdens of being separated from families and loved ones. Your bill recognizes the burden these members and families encounter and takes an important step forward to reduce the costs of high phone rates.

AUSA thanks you for introducing this legislation and for your leadership on issues affecting all servicemembers and their families. We pledge our strong support in seeking enactment of this important legislation.

Sincerely,

GORDON R. SULLIVAN,
*General, USA Retired.*

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THE AMERICAN LEGION,
*Washington, DC, April 5, 2006.*

Hon. TED STEVENS,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR STEVENS: On behalf of the 4 million members of The American Legion Family, I would like to take this opportunity to offer our support for your draft legislation entitled, The Call Home Act of 2006.

Your legislation would direct the Federal Communications Commission (FCC) to make every effort possible to reduce telephone rates for those deployed and fighting overseas in the war on terror. The bill also directs the FCC to develop new technologies, encourage foreign governments to reduce international surcharges, and help provide flexible billing for troops and their families. All of these things would help make positive improvements in the lives of our servicemembers who just want to phone home and talk to a loved one.

We support efforts to reduce telephone rates for our servicemembers stationed overseas who depend on an affordable and timely means of communication with their family and loved ones. Over a decade ago, American Legion National Commanders discovered in their visits to troops in the Balkans that our servicemembers were being charged exorbant telephone rates to call home. The American Legion is strongly supportive of military quality of life, and frequent and timely calling home is a huge morale factor which could only pay dividends to oUr troops going into harm's way.

Thank you for introducing this legislation and for your continuous support of those on the battlefield today. We look forward to working with you and your staff on the enactment of this legislation.

Sincerely,

CLARENCE HILL,
*Chairman,*
*National Security Commission.*

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ENLISTED ASSOCIATION OF THE NATIONAL GUARD,
*Alexandria, VA, April 6, 2006.*

Hon. TED STEVENS, *Chairman,*
Hon. DANIEL INOUYE, *Ranking Member,*
*U.S. Senate, Committee on Commerce, Science and Transportation, Washington, DC.*

The Enlisted Association of the National Guard of the United States (EANGUS) is pleased to express our strongest support, on behalf of the Enlisted men and women of the Army and Air National Guard, for the ''Call Home Act of 2006'' which would authorize the FCC to take actions necessary to reduce telephone bills for all deployed service members, active duty, Guard and Reserve.

Members of the Guard and Reserve comprise over 45 percent of all U.S. personnel in Afghanistan and Iraq. Since September 11, 2001, our nation has deployed over 525,000 Guard and Reserve members for operational missions for the Global War on Terrorism,

all over the world. Unfortunately, many of these members, predominately in the junior enlisted ranks, are not able to afford expensive calls from overseas to families or to address personal issues that increase stress on the member. All servicemembers need contact with their home areas and families for a multitude of reasons; however most Guard and Reserve member's home towns are not in the vicinity of a traditional base; therefore contact with their families is critical when deployed.

Today's guardsmen and reservists are professionals. They are the best that we have had and they are answering the call on a routine basis not envisioned during the Cold War. We need to take care of those that answer the call from our nation. If passed this benefit for members of the Guard and Reserve will provide an important tool to bolster recruitment, retention, family morale and overall readiness.

Thank you for recognizing one of the many needs of the military community. You have the support of EANGUS and our membership.

Working for America's Best!

MICHAEL P. CLINE,
*Executive Director.*

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VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
*Washington, DC, April, 5, 2006.*

Hon. TED STEVENS,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR STEVENS: On behalf of the 2.4 million members of the Veterans of Foreign Wars of the United States and our Auxiliaries, I would like to take this opportunity to offer our support for your draft legislation entitled, The Call Home Act of 2006.

Your legislation would direct the Federal Communications Commission (FCC) to make every effort possible to reduce telephone rates for those deployed and fighting overseas in the war on terror. The bill also directs FCC to evaluate the role of new technologies, encourage foreign governments to reduce international surcharges, and help provide flexible billing for troops and their families. All of these things would help make positive improvements in the lives of our servicemembers who just want to phone home and talk to a loved one.

We believe that telephone calls and service are a lifeline for our servicemembers stationed abroad who depend on an affordable means of communication with their friends and family. To help decrease these costs in any way is the least we can do for those fighting for our freedoms and for their families who are making their own sacrifices on the home front.

Thank you for introducing this legislation and for your continuous support of those on the battlefield today. We look forward to working with you and your staff on the enactment of this legislation.

Sincerely,

ROBERT E. WALLACE,
*Executive Director.*

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NAVAL RESERVE ASSOCIATION,
*Alexandria, VA, April 5, 2006.*

Hon. TED STEVENS,
*Committee on Commerce, Science and Transportation,*
*U.S. Senate, Hart Senate Office Building,*
*Washington, DC.*

DEAR CHAIRMAN STEVENS: I am writing you on behalf of the members of the Naval Reserve Association, members of the Navy Reserve, their families and survivors. I'm writing to express our strongest support for The ''Call Home Act of 2006'' which would authorize the FCC to take actions necessary to reduce telephone bills for all deployed service members, active duty, Guard and Reserve.

Members of the Guard and Reserve comprise over 45 percent of all U.S. personnel in Afghanistan and Iraq. Since September 11, 2001, our nation has deployed over 525,000 Guard and Reserve members for operational missions for the Global War on Terrorism, all over the world. Additionally, during any month, approximately 25 percent of the Navy Reserve force is doing some type of operational support to the fleet for operational mission requirements.

Unfortunately, many of these members, predominately in the junior enlisted ranks, are not able to afford expensive calls from overseas to families or to address personal issues that increase stress on the member. All servicemembers need contact with their home areas and families for a multitude of reasons. Most Guard and Reserve member's home towns are not in the vicinity of a traditional base; therefore, contact with their families is critical when deployed.

Today's guardsmen and reservists are professionals. They are the best that we have had and they are answering the call on a routine basis not envisioned during the Cold War. We need to take care of those that answer the call from our nation. If passed, this benefit for members of the Guard and Reserve will provide an important tool to bolster recruitment, retention, family morale and overall readiness. I look forward to working together in support of a strong and viable Navy Reserve, and all reserve components. Thank you for all your hard work on their behalf with the Call Home Act of 2006.

Sincerely,

CASEY W. COANE,
*RADM, USN (Ret.),*
*Executive Director.*

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THE NAVAL ENLISTED
RESERVE ASSOCIATION,
*Falls Church, Va.*

Hon. TED STEVENS,
*Chair, Senate Committee on Commerce, Science, and Transportation, Russell Senate Office Building, Washington, DC.*

I am writing you on behalf of the members of the Naval Enlisted Reserve Association, members of the Navy, Marine Corps and Coast Guard Reserve, their families and survivors. I'm writing to express our strongest support for The ''Call Home Act of 2006'' which would authorize the FCC to take actions necessary to reduce telephone bills for all deployed service members, active duty, Guard and Reserve.

Members of the Guard and Reserve comprise over 45 percent of all U.S. personnel in Afghanistan and Iraq. Since September 11, 2001, our nation has deployed over 525,000 Guard and Reserve members for operational missions for the Global War on Terrorism, all over the world. Additionally, during any month, approximately 25 percent of our Reserve Forces are doing some type of operational support to meet the country's mission requirements.

Unfortunately, many of these members, predominately in the junior enlisted ranks, are not able to afford expensive calls from overseas to families or to address personal issues that increase stress on the member. All servicemembers need contact with their home areas and families for a multitude of reasons. Most Guard and Reserve members' home towns are not in the vicinity of a traditional base; therefore contact with their families is critical when deployed. Due to time and operation differences, it is not practicable for the families to call them and if they are able, the cost is still prohibitive.

Today's guardsmen and reservists are professionals. They are the best that we have had and they are answering the call on a routine basis not envisioned during the Cold War. We need to take care of those that answer the call from our nation. If passed this benefit for members of the Guard and Reserve will provide an important tool to bolster recruitment, retention, family morale and overall readiness. I look forward to working together in support of a strong and viable Reserve and Guard Force. Thank you for all your hard work on their behalf with the ''Call Home Act of 2006.''

DAVE DAVIDSON,
*CAPT, USN (Ret.),*
*Executive Director.*

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GOLD STAR WIVES OF AMERICA, INC.,
*Arlington, VA, April 5, 2006.*

Mr. HARRY WINGO,
*Counsel, Committee on Commerce, Science, and Transportation, U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR MR. WINGO: On behalf of Gold Star Wives of America, I'm writing to support the ''Call Home Act of 2006'' which directs the FCC to seek to reduce telephone rates for Armed Forces personnel deployed overseas.

Gold Star Wives has a chatroom for new widows of the Iraq and Afghanistan Conflict. Our survivors of the Global War on Terrorism know first hand how important it is to have frequent contact with their loved ones deployed overseas. With reduced phone rates for those serving overseas, it would certainly help permit more frequent phone calls to keep in touch with loved ones. It would be a great morale booster.

Thank you for this bill, and if we can help in any way, please don't hesitate to contact me. Gold Star Wives of America., Inc. is a member of The Military Coalition.

Sincerely,

ROSE LEE,
*Chair, Legislative Committee.*

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By Mr. MENENDEZ:

S. 2654. A bill to protect consumers, and especially young consumers, from skyrocketing consumer debt and the barrage of credit card solicitations, to establish a financial literacy and education program in elementary and secondary schools to help prepare young people to be financially responsible consumers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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By Mr. MENENDEZ:

S. 2655. A bill to amend the Truth in Lending Act, to prohibit universal default practices by credit card issuers, to limit fees that may be imposed on credit card accounts, and to require credit card issuers to verify a prospective consumer's ability to pay before extending credit to the consumer, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MENENDEZ. Mr. President, today, families across this country face a growing problem of rising credit card debt. In 2004, the average American household had $9,300 in credit card debt, up from $3,200 just 12 years earlier. More and more Americans are using credit card debt to manage daily living expenses such as basic living costs, medical bills, and house or automotive repairs. And for college students, the problem cannot be overstated. According to university administrators, colleges lose more students to credit card debt than to academic failure.

To fuel that growth, credit card issuers have increased the number of

solicitations sent to consumers 500 percent since 1990 to a record 5.23 billion in 2004. And they start sending them to children at younger and younger ages. Last year, AJ, the son of my State director received his very first solicitation at the age of 2 years old. If you have a pulse and a social security number, you can get a credit card.

Credit card companies are increasingly targeting people who are likely to default. They have focused their attention on teenagers and college students, people who live beyond their means, and those who have declared bankruptcy. Clearly, credit card companies are not paying attention to whom they are giving a credit card, much less if the applicant can afford to pay the balance.

There is no question that we must demand personal responsibility from consumers, but at the same time credit card companies should not be allowed to take advantage of consumers with excessive fees and unreasonable interest rates. One study found that people in this Nation pay $90 billion each year in penalty fees and interest payments. Just think about that for a second—$90 billion annually. It is money that could be used to send our children to college, to pay the health care bills of both our children in the dawn of their lives and our parents in the sunset of theirs, while still saving for our own retirements.

One of the most egregious practices is known as ''universal default.'' It involves credit card companies raising interest rates, up to 30 percent APR, on customers who have a perfect record with the credit card but miss a payment with any other creditor. So a person can make their credit card payment on time every month but see their interest rate skyrocket because they paid their gas bill late. Further, this penalty interest rate is often applied not only to future purchases but retroactively to current balances as well. This is a completely arbitrary rate-hike intended solely to hike the company's bottom line.

That is why I am introducing the Credit Card Bill of Rights—two pieces of legislation that, taken together, will stop some of the most egregious practices of credit card issuers while also ensuring that future generations have the information to make financial decisions.

Many American adolescents are inadequately prepared for the complex financial world that awaits them. In 2004, almost two-thirds of the students who took a personal finance survey failed the test.

The causes for this failure are largely due to the lack of high school finance courses available to teenagers combined with insufficient parental mentoring. Statistics show that while a large majority of both college and high school students rely on their parents for financial guidance, only 26 percent of 13- to 21-year-olds reported their parents actively taught them how to manage money. Public education has not filled this void as only about one in five students between the ages of 16 and 22 say they have taken a personal finance course in school.

Credit card companies are exploiting this financial inexperience of young Americans with an aggressive marketing strategy designed to maximize enrollment and profit, with little regard for a potential customer's ability to pay. As a result, over 20 percent of children between the ages of 12 to 19 have access to a credit card.

This credit card marketing blitz further intensifies once an individual enters college. During the first week college freshmen arrive on campus, they are barraged by an average of eight credit card offers. Students actually double their average credit card debt, and triple the number of credit cards in their wallets, from the time they arrive on campus until graduation. This large number of new credit card owners combined with the lack of financial illiteracy of high school graduates leads to high levels of debt amongst undergrads.

Credit card companies have actually encouraged this rise in credit card debt through increasing the median balance for undergraduates. As a result, 21 percent of undergraduates that have credit cards, have high-level balances between $3,000 and $7,000.

The Protection of Young Consumers Act will protect people, especially college students and other young people, against skyrocketing consumer debt and the barrage of credit card solicitations that lead to it. The bill will do so by building on the current opt-out program for pre-approved credit card solicitations by requiring young consumers under age 21 to proactively opt-in to receive solicitations from credit card companies. This proposal will also establish a financial literacy and education program in elementary and secondary schools to help prepare young people to be financially responsible consumers.

In addition to targeting high school and college students, credit card companies have become very adept at increasing their profits through hidden fees and deceptive advertising, taking advantage of Americans of all ages.

The Credit Card Reform Act will protect consumers against hidden fees and excessive interest rates. It does so by: 1) prohibiting ''universal defaults'' that I mentioned earlier, 2) banning unilateral changes in credit card agreements without written consent, and 3) requiring that the fees charged by creditors are ''reasonably related'' to the cost incurred by the issuer.

The bill will also establish standards that would prohibit unfair or deceptive acts or practices, while tightening regulations on credit card companies to ensure that they are not offering credit to high-risk cardholders without verifying their ability to pay.

I would like to be clear that I am not trying to remove the obligation for consumers to behave responsibly. Every individual must take responsibility for their own actions, but at the same time it is the obligation of the companies who are earning billions in profits from credit cards to behave ethically as well.

This Credit Card Bill of Rights will help ensure that New Jersey consumers and consumers across the country are given a fair chance at being responsible consumers who will enjoy economic security as well as economic opportunity in their futures.

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By Mr. BOND (for himself and Mr. LEAHY):

S. 2658. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes; to the Committee on Armed Services.

Mr. BOND. Mr. President, today I join my friend and fellow cochair of the Senate National Guard caucus, Senator PAT LEAHY, in introducing bipartisan legislation to strengthen one of our Nation's most important military and civilian resources—the National Guard.

The Guard has a long and proud history of contributing to America's military away game, while providing vital support and security to civil authorities in the home game. Since September 11, 2001, our citizen-soldiers have taken on greater responsibilities and risks from fighting the war on terror to disaster assistance.

Today, the Guard supports the Nation's military strategy overseas, functions as a primary line of defense here at home, and helps local responders deal with overwhelming natural disasters.

We have seen the tremendous value of Guard forces as they confront terrorists in Afghanistan, Iraq, and other hotspots, and as they provide water, food, and health supplies to victims of Hurricane Katrina and other natural disasters.

More than 1,300 guardsmen from my home State of Missouri were deployed in less than 72 hours following Hurricane Katrina, providing medical, transportation, airlift, military police, engineering, and communications capabilities. For example, the 139th Airlift Wing evacuated 23 critically ill young patients from Children's Hospital in New Orleans and brought them to Children's Mercy Hospital in Kansas City for the high-level care they needed.

Stories such as this were repeated all over the country in most if not all our States.

Why was the Guard successful when other elements of the Katrina response were not? Quite simply, the Guard is the entity best organized and trained to initiate and coordinate a civil response to any disaster on the scale of Katrina.

In addition, more than 200,000 Guard troops have left their homes, their

jobs, and their families to participate in another critical mission: the global war on terror. The National Guard has provided as much as half the combat force and 40 percent of the total force in Iraq.

I point out that the Guard is a tremendous value for the capabilities it provides. It gives 40 percent of the total military force for around 4.5 percent of the budget. Whether at home or abroad, the men and women of the Guard are performing their duties with honor and valor, often at great sacrifice to their families and their own lives. As they willingly make these sacrifices to preserve American lives and freedoms, we have a responsibility to support them as they carry out their unique dual mission.

While serving abroad, National Guard troops serve under Air Force and Army commands under title 10 status. But when the Guard operates at home, they serve under the command and control of the Nation's Governors in title 32 status.

There is a lot more we can do to make this work more smoothly.

Despite their importance on the street, as it were, the Guard is often given short shrift back at Pentagon headquarters, which has proposed repeatedly to cut Guard personnel and equipment budgets.

The Guard will play a critical role in response to another terrorist attack or natural disaster, but the Pentagon has allowed its equipment levels to sink to dangerously low levels. Currently, the National Guard has only about 35 percent of the equipment it needs. In Missouri, only one of two engineering battalions that were requested to assist with Katrina could respond because the other one did not have the equipment they needed.

With the support of 75 of my colleagues, Senator LEAHY and I led an effort to increase equipment funding for the Guard by almost $1 billion. We are going to continue that fight this year to ensure the Guard has equipment it needs to carry out both missions.

Just a few months ago, the Army proposed significant cuts to Guard troop strength. Three-quarters of the Senate again joined us in a letter opposing this, and I thank all of our colleagues who joined us.

We need to do more to empower the Guard. We need to give the Guard more bureaucratic muscle. Time and again, the Guard has had to rely on Congress, not its total force partners in the active duty, to provide and equip fully the resources it needs to fulfill its missions.

That the Guard is left out of the Pentagon decisionmaking process is beyond dispute. In the most recent Quadrennial Defense Review, during the BRAC review process of 2004 and 2005, when the Army and Air Force reduced National Guard force structure in 2005, and when equipment levels of the Army and National Guard reached the dangerously low levels of 35 percent, Congress has had to step in.

To remedy this, the legislation we introduce today to strengthen the Guard consists of three central planks.

One, we will allow the National Guard Bureau to establish more formal relationships with the Secretary of Defense and the Joint Chiefs.

We will give the Guard more muscle in existing relationships, elevating the Chief of the National Guard Bureau to a four-star position and providing a seat for him on the Joint Chiefs of Staff.

It goes without saying that to be a part of a big decision, you have to be at the table. Having a four-star Guard general providing advice to the SECDEF instead of a two-star major general will give our governors and 450,000 citizen-soldiers and airmen access to the highest level of the DOD and ensure key policy decisions are heard and taken into account.

To put things in perspective, the Active-Duty Army has 12 four-star generals and 46 lieutenant generals. The Air Force has 13 four-star generals and 35 lieutenant generals. The National Guard, which represents over 40 percent of the entire force structure, is represented by three lieutenant generals and zero four-star generals.

Can anyone tell me with a straight face how the Guard one four-star general and an additional three-star will endanger our national security? The only element endangered would be the Pentagon status quo which is outdated.

Facts are stubborn things. Clearly, the facts demonstrate a glaring, disproportionate number of three- and four-star generals in the Army and the Air Force when compared with the Guard.

Second, we will ensure that the Deputy Commander of the Northern Command is a member of the Guard, a new command with the mission of coordinating responses to emergencies within the United States.

The Guard is the entity best suited to respond to major incidents, and they need that capability. With both the Guard and NorthCom's missions being defense of the homeland, it only makes sense to have substantive input through a lieutenant general as deputy commander.

Finally, we must ensure the Guard plays a role in identifying and filling any gaps between civilian emergency response capabilities and those of the military. Current DOD policy prohibits procurement of supplies or equipment for providing military support to civilian authorities during emergencies except with the permission of SECDEF. That policy is outdated. It will give the National Guard Bureau, in consultation with the State adjutant generals, the budgetary power to research, validate, and make those equipment purchases.

Neither the homeland support nor the military support missions of the Guard are likely to diminish. They are needed more now than ever. But we must strengthen the decisionmaking capability of Guard leaders within the Department of Defense.

As we heard today from General Blum, Chief of the National Guard Bureau, before the Defense Appropriations Subcommittee when he was asked questions by Senator INOUYE, he responded with a football analogy. When we asked him if he was in the huddle, he said he was ''not in the huddle'' during the QDR.

This legislation would empower the Guard to respond in the affirmative the next time it is asked, ''are you in the huddle'' on this major decision.

I thank my colleagues for their past support. I ask for their support of this legislation.

Mr. President, I ask unanimous consent that congressional findings regarding National Guard Forces be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL GUARD FORCES

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

1. The Constitution of the United States recognizes a well-regulated militia is a necessity to the security of a free state.

2. The United States continues to face a wide spectrum of threats at home and abroad, including terrorism, natural disasters, proliferation of weapons of mass destruction and other emerging perils. In meeting these threats, the United States relies heavily on the men and women of the National Guard.

3. At no time in America's history has the National Guard played so critical a role in the security of our homeland and in our Nation's military objectives abroad.

4. The National Guard is a vital part of this Nation's security, and this country relies on the exemplary service provided this Nation by the members of the Guard, their families, their employers and their communities.

5. The National Guard is a critical component of the Department of Defense's contribution to the security of our Nation and has been key to the Department's accomplishments at home and abroad. Much of the success DOD has had would not have been possible without the participation of National Guard forces.

6. The National Guard's response to our Nation's emergencies in the post 9/11 world has been unparalleled.

7. Within hours of the attacks on the World Trade Center, 1,500 New York National Guard troops reported for duty. Within 24 hours of the attacks, over 8,000 New York National Guard Soldiers and Air men and women were on active duty supporting New York State's security needs. These troops provided not just a calming presence on the streets of New York during unsettling times; they provided New York's first responders with critical perimeter security support, refueling for civilian emergency vehicles, emergency lighting, power generation, communications, emergency transportation, engineering assets and other logistical support.

8. At the request of the President, State Governors supplemented the security of the Nation's airports with National Guard personnel. Their missions encompassed over 400 airports in 52 States and territories. National Guard troops along the northern and southern borders were used to support the U.S. Custom Service, the Immigration and Naturalization Service, and the Border Patrol in the heightened post 9/11 security posture.

9. In contrast to Hurricane Andrew (1992) in which National Guard forces constituted 24 percent of the military response, National Guard forces represented more than 70 percent of the military force for Hurricane Katrina.

10. The response to Hurricane Katrina proved that the National Guard is the Nation's first military responder and that the overwhelming majority of forces that respond to disasters in the United States will be National Guard who will be on the scene before the Department of Defense is requested to respond.

11. More than 9,700 National Guard soldiers and airmen were in New Orleans by August 30. National Guard deployed over 30,000 additional troops within 96 hours of the storms passing. In wake of the Hurricane Katrina devastation, the National Guard mobilized over 50,000 personnel in support of hurricane relief in the largest and fastest domestic deployment since World War II, saving over 17,000 lives. The Air National Guard flew nearly 3,500 flights and over 12,000 tons of cargo in support of all Hurricane relief in the last year.

12. The National Guard Bureau will be a part of any large-scale emergency response. As demonstrated during the Hurricane Katrina response, the National Guard Bureau is a significant joint force provider for homeland security missions.

13. The National Guard is continuously on active duty supporting State security missions, Federal security missions under Operation Noble Eagle and overseas military operations as part of Operation Enduring Freedom, Iraqi Freedom and more are engaged in regularly scheduled training and operational requirements around the Nation and the world. Under Title 32, counter-drug activities are a daily operational mission of the National Guard, fortifying a longstanding successful relationship with civil authorities.

14. The Department of the Army and the Department of the Air Force could not fulfill current Title 10 responsibilities without the Army and Air National Guard. In 2005, National Guard units at one time made up 50 percent of the combat forces in Iraq.

15. The National Guard has mobilized over 300,000 soldiers and 36,000 airmen supporting the Global War on Terror since September 11, 2001. (Need NGB confirmation)

16. Since September 11, 2001, 85 percent of the Army National Guard has been mobilized. Since September 11, 2001, the Air National Guard has flown over 206,000 sorties accumulating over 620,000 flying hours. These deployments abroad have created a battle hardened and seasoned force of experienced veterans ready for the challenges of the 21st century.

17. National Guard forces have provided: 55 percent of the Army's combat capability; 55 percent of the Air Force's airlift capability; 50 percent of the Army strategic and tactical manpower; 45 percent of all in-flight refueling missions; 33 percent of all aircraft in Operation Iraqi Freedom; 100 percent of Operation Enduring Freedom A–10 missions; 66 percent of Operation Iraqi Freedom A–10 missions; 45 percent of all F–16 fighter missions; 86 percent of Operation Iraqi Freedom tanker sorties; 94 percent of Strategic Air Defense Alert; and 75 percent of all domestic combat air patrols in the Global War on Terror.

18. The National Guard offers unique efficiencies between State and Federal, and domestic and overseas missions, operating under three different command relationships: Federal funding and Federal control; Federal funding and State control; and State funding and State control.

19. National Guardsmen and women are their State's primary emergency response force, providing support in their communities and to civil authorities and first responders throughout their States.

20. The National Guard is invaluable to civil support mission, homeland defense and emergency preparedness. The National Guard has an undeniable record of military assistance to civilian authorities since the birth of this Nation, responding heroically and meeting every mission asked of them, particularly in times of crisis—terrorism, natural disasters, plane crashes, blizzards, wildfires, floods.

21. There must be strong agreement between State and Federal leadership as to the operational objectives during emergencies. State concerns about maintaining sovereignty must be respected. Governors, who are most intimately familiar with and better understand the National Guard's unique capabilities, must retain the ability and authority to deploy their National Guard troops in times of crisis.

22. Governors using State-to-State emergency mutual assistance compacts are an integral part of the use of National Guard resources in responding to emergencies at home.

23. The National Guard and State Adjutants General are invaluable nexus of coordination between Federal and State planning, exercising and response to emergencies and disasters. Over 50 percent of State Adjutants General are also State Emergency Managers offering unparalleled integration of planning, preparation and response capabilities in emergencies.

24. National Guard forces are also uniquely positioned to engage within the U.S. and its territories by virtue of their geographic dispersal and relationships to State and local governments.

25. The National Guard is familiar with the local area and local culture. The National Guard has close ties with first responders such as local and State law enforcement, fire departments, and other emergency service providers. The local community relies upon the National Guard because they are part of the community. National Guard personnel are more likely to have more experience working with local responders than the active component.

26. WMD Civil Support Teams are a specialized homeland security capability based entirely in the National Guard.

27. As America prepares for an influenza pandemic, the National Guard has more domestic response training and decentralized capabilities than any other military organization and ready to respond in a moment's notice.

28. The National Guard Bureau has proved its ability to plan for and respond to natural and man-made events with the establishment of Joint Force Headquarters-State, Joint Task Force State, CBRNE Enhanced Response Force Packages, CERFP, National Guard Reaction Force, NGRF, and the current development of Joint CONUS Communications Support Environment, JCCSE.

Congress finds that despite the contributions of the National Guard to the United States—

1. The Department of Defense has not adapted to the significant role of the National Guard in this nation's security.

2. The Department of Defense, the Department of the Army and the Department of the Air Force have not sufficiently integrated the National Guard into planning, procuring or decision-making processes.

3. The Department of Defense, the Department of the Army and the Department of the Air Force do not have a long-term strategy to equip the National Guard at a high level of readiness for overseas or domestic missions.

4. The Department of Defense does not adequately resource or equip the National Guard for its current operational missions. Currently the National Guard receives only 4.5 percent of the Department of Defense's budget.

5. The Army National Guard has been equipped at less than war-time readiness levels and is forced to transfer equipment to deploying units. Army National Guard units that have returned from overseas deployments have also left behind many equipment items for use by follow on units. Army officials do not track and develop plans to replace Guard equipment.

6. Army and Air National Guard forces are generally expected to perform homeland defense and civil support missions only with equipment supplied for their war-fighting mission or equipment supplied by the States.

7. In the current budget, the Department of the Air Force does not fund the Air Sovereignty Alert mission of the Air National Guard at full capacity.

8. During the BRAC process, the Air Force failed to adequately solicit input of Air Guard leadership and State Adjutants General.

9. When developing Future Total Force Strategy, the Air Force failed to adequately consult Air Guard leaders and State Adjutants General.

10. The Department of Defense does not have adequate knowledge of the role of the National Guard at home or incorporated the National Guard's significant capabilities into plans for homeland defense or security.

11. Left unchecked, the Department of Defense will continue to ignore the Federal requirements of the National Guard to perform homeland defense and civil support missions.

12. The Department of Defense has not recognized the value of including State Adjutants General in all homeland defense and military support to civilian authority planning.

13. The Department of Defense has not recognized that governors will rely on National Guard manpower and equipment before relying on Federal forces.

14. Although DOD has a Strategy for Homeland Defense and Civil Support, which recognizes the National Guard's critical role in Federal and State missions, the strategy does not detail what the Army or Air National Guard's role or requirements will be in implementing the strategy.

15. The Department of Defense and Northern Command have not articulated specific requirements or capabilities that National Guard forces need during major homeland disasters. Without formal requirements, equipment deemed necessary for the National Guard to assist civilian authorities in Katrina had not been purchased by the Department of the Army and the Department of the Air Force.

16. The readiness of the National Guard to perform homeland missions that may be needed in the future is unknown because the National Guard's roles in these missions has not been defined and requirements for manpower, equipment and training have not been established; and preparedness standards and measures have not been developed by the Department of Defense. The Department of Defense does not require the purchase of equipment specifically for military assistance to civilian authorities for the National Guard.

17. WMD Civil Support Teams' face challenges in personnel, equipment acquisition and facilities under current Department of Defense and service budgets.

18. The lack of coordination of National Guard and active duty forces hampered the military response to Katrina. Advance planning between active-duty personnel and the Guard is vital during emergencies. The Department of Defense and the National Guard

must plan and exercise together to prepare for events in the homeland.

19. The National Guard leadership and State Adjutants General are not adequately involved in Department of Defense planning guidance developed at Northern Command, including concept of operations plans and functional plans for military support to civilian authorities.

20. There was a lack of coordination of Joint Task Force Katrina and the National Guard headquarters in supporting States.

21. The Department of Defense has not adequately incorporated or funded the National Guard to participate in joint exercises in military assistance to civil authorities, which would have allowed for a more effective response to Hurricane Katrina and other homeland emergencies.

22. Northern Command does not have adequate insight into State response capabilities or adequate interface with governors, which contributed to a lack of mutual understanding and trust during the Katrina response.

23. There is an unresolved tension between the Department of Defense and the States regarding the role of the military in emergency response that could be resolved if the Department of Defense and the Department of Homeland Security adopted and made NIMS a priority for emergency management.

24. The National Guard lacked communications equipment during Hurricane Katrina, suggesting that the Pentagon does not assign homeland defense and military assistance to civilian authorities a sufficiently high priority.

25. The Department of the Army decided to reduce end-strength without substantive consultation with Guard leaders and the Air Force has decided to reduce end-strength without substantive consultation with National Guard leaders.

26. The Department of the Army currently plans to scale back the Army National Guard to 324,000 soldiers from 350,000. The Department of the Air Force plans to scale back the Air National Guard by 14,000 airmen and women. To cut Guard manpower in this time of increased homeland need, and the fluxation of current Department of Defense transformation policies affecting the Army and Air National Guard, sets up an undeniable risk to this country.

27. National Guard force structure cuts could result in the closure of over 200 National Guard community-based facilities throughout the U.S.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

1. The National Guard is a force essential to the Nation's security and safety.

2. The National Guard brings to bear significant capabilities for contingencies at home or abroad.

3. The National Guard is no longer a strategic reserve, but an operational reserve.

4. States and governors are not adequately represented at the Department of Defense.

5. The role of the National Guard Bureau as chief communicator between the Department of Defense and the Department of Homeland Security and the States needs to be enhanced.

6. The men and women of the National Guard have earned the right to be represented at the highest levels of the Department of Defense.

7. The National Guard leadership needs to be integrated into the highest offices in the Department of Defense, the Department of the Army and the Department of the Air Force.

8. The National Guard Bureau plays a critical role in planning for and responding to future terrorist attacks in the U.S.

9. The National Guard Bureau is in a unique position to understand and create requirements for the National Guard for missions in support of states and other civilian authorities.

10. The National Guard Bureau plays a critical role in the development of requirements for military assistance to civilian authorities.

11. NORTHCOM lacks knowledge of its theater of operations, specifically State emergency plans and resources, and knowledge of National Guard resources. NORTHCOM needs to be reformed to include increased National Guard leadership and participation in all levels of its operations.

Mr. LEAHY. Mr President, I am pleased today to join my friend and co-chair of the Senate National Guard Caucus, the Senator from Missouri, Senator BOND, in introducing far-reaching legislation that will strengthen our Nation's defense and the National Guard, which is an inextricable part of the bedrock of our security. The National Defense Enhancement and National Guard Empowerment Act of 2006 would empower the National Guard.

It offers the Guard new authorities and a greater and more fitting voice in policy and budgetary discussions that is more line with the reliance that we place on this force of proud men and women.

The Nation asks the Guard to provide a large part of the ground forces in Iraq, but then we give the force no say in strategic planning and budget discussions. In fact, there have been recent efforts within the armed services to cut the force precipitously.

Anyone who has watched recent events knows that the role of the Guard is dramatically changed as we come into this century.

We ask the Guard to carry out missions at home in response to disasters and possible domestic attacks, but then give the force no real ability to develop new equipment for this unique mission. And, in a crunch, our senior defense leaders—including the President—turn to the Chief of the National Guard for guidance in addressing and responding to emergencies within the domestic United States, yet those same senior Guard leaders receive only mediated and filtered advice at other points. This gap between the Guard's real world missions and its institutional position is simply unacceptable. It is not efficient, and it is not smart. It violates basic notions of logic, and it hinders our ability to get the full potential out of the National Guard.

Our legislation will take them from the 19th and 20th century structure into the 21st century's reality.

Our legislation directly addresses this troubling missions-to-authorities gap in three very specific ways. First, the National Defense Enhancement and National Guard Empowerment Act of 2006 would elevate the Chief of the National Guard to the rank of General with four-stars, also installing this senior officer on the Joint Chiefs of Staff. The Joint Chiefs is the highest military advisory body to the President and the Secretary of Defense. Without a Guard representative at the four-star level, the Secretary and the President receive only filtered advice from the Chiefs of Staff of the Army and the Air Force about National Guard matters.

The Army and the Air Force chiefs can provide keen insights about the Guard's role as a prime military reserve to the active components. However, they are not responsible for, and therefore are not experts on, disaster relief and homeland security functions that the Guard carries out at the State level, often under the command-and-control of the Nation's governors. Placing a National Guard General on the Joint Chiefs offers the fullest and most sensible guidance to our leaders on all aspects of the Guard, and this arrangement would give the Nation's governors a straight line to the Joint Chiefs and the President on military matters.

Creating a Guard senior advisor to the Secretary of Defense and the President streamlines and formalizes an arrangement that already arises in real emergencies. During the darkest early days of Katrina, for example, the current National Guard Bureau Chief General Steven Blum was by the side of the Secretary of Defense and the President. A permanent Guard presence on the Joint Chiefs ensures that this advisory relationship is in no way last-minute and ad-hoc.

The second way that this legislation puts the National Guard's authorities more in line with its real-world missions is by giving the force more budgetary authority. The Act gives the National Guard the ability to research, develop and procure equipment that is peculiar to its unique mission in the realm of homeland security.

This authority would be similar to the authority of the Special Operations Command, given under the Nunn-Cohen legislation of the mid-1980s, to develop unique equipment for the special forces.

Last year, Congress appropriated almost $1 billion for the National Guard to procure equipment that has application for homeland security. This legislation establishes more formal structure for the Guard to refine such equipment requirements and work in close coordination with the states to ensure an adequate force structure—fully adequate in domestic emergencies—is in place.

The final way that this legislation brings realistic authorities to the Guard is by ensuring that the Deputy Commander of Northern Command is a three-star general from the National Guard. This Command is charged with planning for the active military's response to federal emergencies, as well as coordinating the response with other federal agencies and civilian authorities. Any military response in the domestic United States will surely include the National Guard, in many cases with the State governor overseeing the effort.

Currently, there are few if any senior Guard officers at the highest reaches of

the Command, and the legislation would ensure expertise on the force exists there.

There has been a lot of discussion already about this legislation after Senator BOND and I last month expressed our intention to pursue it. To clear up any confusion, let me say what this legislation does not do. This legislation does not affect the National Guard's role as one of the primary military reserves to the Air Force and the Army, which we believe is beneficial for the country.

It also does not inflate the size of National Guard headquarters here in Washington. We put a firm cap on the size of the Guard Bureau in this legislation. The legislation further does not create any new general office positions beyond the four-star Joint Chiefs position. It only ensures that the adequate seats of representation is in place in key positions; in fact, the legislation actually removes a less influential Major General officer slot on the Joint Staff.

What this bill does do—and with great intensity—is to give the National Guard the institutional muscle commensurate with the Guard's missions. With this bill, we can ask the Guard to do all that it does, but then say that, yes, it can have a seat at the table during key discussions involving the Guard's missions and readiness. With this bill, we can tap into the Guard for situations like the war in Iraq and the response to Hurricane Katrina and tell these proud men and women that we take are committed to taking real steps to keep the size of this force steady and improve its stock of available equipment.

With this bill, we can ensure that our senior leaders—the Secretary of Defense and the President—are making decisions about the National Guard based on the best available information.

With this bill, we strengthen the National Guard, the military chain-of-command, and the Guard's ability to effectively serve each of the States and the entire Nation.

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By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2659. A bill to amend title 38, United States Code, to provide for the eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce an important piece of legislation for our Native American veterans. The Native American Veterans Cemetery Act of 2006 would provide tribal organizations eligibility for Department of Veterans Affairs grants to establish veterans cemeteries on trust lands. Currently, VA does not have the authority to make such grants.

Native American veterans have a long and proud history of military service on behalf of this Nation. Per capita, Native Americans have the highest percentage of people serving in the U.S. Armed Forces. Native Americans have honorably served in every war fought by the United States. After completion of their service, many Native American veterans return to their communities on trust lands. Passage of this legislation would provide them the option of veterans cemetery burial in a location convenient for their families and loved ones.

Throughout my tenure in Congress, I have always fought for the rights of our indigenous peoples. The Native American Veterans Cemetery Act of2006 is another step forward in helping native peoples. The Department of Veterans Affairs supports enactment of this legislation and estimates it to be budget neutral. It is my hope that the Senate will expeditiously proceed to the consideration of this important bill.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2659

*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 ''Native American Veterans Cemetery Act of 2006''.

**SEC. 2. ELIGIBILITY OF INDIAN TRIBAL ORGANIZATIONS FOR GRANTS FOR THE ESTABLISHMENT OF VETERANS CEMETERIES ON TRUST LANDS.**

Section 2408 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(f)(1) The Secretary may make grants under this subsection to any tribal organization to assist the tribal organization in establishing, expanding, or improving veterans' cemeteries on trust land owned by, or held in trust for, the tribal organization.

''(2) Grants under this subsection shall be made in the same manner, and under the same conditions, as grants to States are made under the preceding provisions of this section.

''(3) In this subsection:

''(A) The term 'tribal organization' has the meaning given that term in section 3764(4) of this title.

''(B) The term 'trust land' has the meaning given that term in section 3764(1) of this title.''.

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By Mrs. FEINSTEIN:

S. 2660. A bill to amend the National Security Act of 1947 to require notice to Congress of certain declassifications of intelligence information, and for other purposes; to the Select Committee on Intelligence.

Mrs. FEINSTEIN. Mr. President, I introduce today legislation to require the White House to notify Congress when it declassifies information. This bill will both enhance Congress's oversight abilities and ensure that intelligence is not used for political gain.

This legislation recognizes that as the head of the executive branch, the President has the authority to declassify any information he so chooses. It does not place any conditions or procedures on that declassification process, it only requires that the Congress be provided with notice so that it can meet its own constitutional responsibilities.

Information is usually declassified because the public's need to know outweighs the security risks to intelligence sources and methods. In such cases, it is important for the Congress to be informed so that Senators and Representatives can discuss the issues with the American people.

And if the President declassifies information so that his subordinates can discuss intelligence with reporters, Congress should be alerted so that the intelligence committees can ensure that national secrets are not being used for political purposes.

According to court filings and media reports, the Vice President's chief of staff, I. Lewis Libby, acting on the direction and authorization of the President and Vice President, disclosed information in the 2002 National Intelligence Estimate on Iraq's weapons of mass destruction to select journalists. This was not done to provide the American people with a fuller understanding of the pre-Iraq war intelligence; the Estimate was fully and publicly declassified shortly afterwards in a more appropriate manner. Rather, the selective declassification and leak was intended to stem a tide of bad press and discredit an administration critic through a subtle campaign of media manipulation.

According to the prosecutor in Mr. Libby's case, Libby provided information on Iraq's purchase of uranium from Niger to New York Times reporter Judith Miller. The Niger claim was not a ''key judgment'' of the NIE, meaning that it was not deemed by the intelligence community to be a priority. It was included in the body of the report ''for completeness,'' according to the primary author. At the time, the Department of State's intelligence office found the Niger uranium claim to be ''highly dubious,'' and the intelligence community downplayed the Niger connection afterwards:

The CIA had deleted a reference to Niger from the President's October 7, 2002 speech in Cincinnati;

Two senior intelligence officials had downplayed the assessment in testimony to the Senate Intelligence Committee;

The International Atomic Energy Agency had denounced the claim as being based on forged documents; and

The intelligence community had retracted the intelligence.

Let me say that again: the intelligence community had retracted this piece of intelligence. None of this additional information, apparently, was provided by Mr. Libby.

Had the Senate and House intelligence committees been informed of this declassification, as would be required by this legislation, Members could have corrected the public record.

I would hope that with this reporting requirement, administrations of both political parties will be deterred from improper use of intelligence.

In addition to stemming the politicization of intelligence, the bill I introduce today also notes the importance of keeping the full intelligence community informed of declassifications. If the President chooses, for whatever reason, to declassify information, the intelligence agency that had been responsible for those secrets has to take steps to protect intelligence sources and methods.

Similarly, the National Archives are to be informed upon a Presidential declassification so the Nation's records can be appropriately maintained. As has been highlighted again today with the release of the Archives audit over the reclassification of intelligence, the Archives play an important role in providing declassified intelligence to the public. To do so, it must be informed when information enters the public domain.

It should be made clear that there are more traditional procedures by which individual intelligence agencies declassify information on a regular basis, when the release of that information is seen as no longer damaging the national security. This is done thousands of times a week throughout the intelligence community.

It is important that the public have access to as much information on its government's activities as possible. To that end, I look forward, through this legislation and otherwise, to working with my colleagues and the executive branch to ensure that declassification is done as extensively and as quickly as possible without risking our national security.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2660

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

**SECTION 1. NOTICE TO CONGRESS OF CERTAIN DECLASSIFICATIONS OF INTELLIGENCE INFORMATION.**

(a) NOTICE REQUIRED.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

''NOTICE TO CONGRESS ON CERTAIN DECLASSIFICATIONS OF INTELLIGENCE

''SEC. 508. (a) NOTICE REQUIRED.—Not later than 15 days after the date of the declassification of any intelligence by the President, or Vice President if authorized by Executive Order or other delegation of authority from the President, the President shall submit to the congressional intelligence committees notice on the declassification of such intelligence.

''(b) SENSE OF CONGRESS ON ADDITIONAL NOTICE.—It is the sense of Congress that, in furtherance of the protection of intelligence sources and methods and to ensure appropriate handling and dissemination of intelligence, any notice submitted to the congressional intelligence committees under subsection (a) should also be submitted to—

''(1) the Director of National Intelligence;

''(2) the Archivist of the United States; and

''(3) the heads of applicable elements of the intelligence community.

''(c) EXCEPTION.—This section does not apply to the declassification of intelligence done as part of the mandatory or systematic declassification of information as described by section 3 of Executive Order No. 13292, of March 25, 2003, or any successor Executive Order.''.

(2) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 507 the following new item:

''Sec. 508. Notice to Congress on certain declassifications of intelligence.''.

(b) REPORTS TO CONGRESS ON CERTAIN OFFICIALS AUTHORIZED TO DECLASSIFY INFORMATION.—

(1) INITIAL REPORT.—Not later than 15 days after the date of the enactment of this Act, the President shall submit to the congressional intelligence committees a report setting forth a current list of each official of the Executive Office of the President, other than the President, who is authorized to declassify information other than information originally classified by such official.

(2) UPDATES.—Not later than 15 days after adding or removing an official from the list required by paragraph (1), the President shall submit to the congressional intelligence committees an update of the list and a notice of the addition or removal of such official from the list.

(3) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this subsection, the term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 446—RECOGNIZING THE 50TH ANNIVERSARY OF THE CROP SCIENCE SOCIETY OF AMERICA

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. RES. 446

Whereas the Crop Science Society of America was founded in 1955, with Gerald O. Mott as its first President;

Whereas the Crop Science Society of America is one of the premier scientific societies in the world, as shown by its world-class journals, international and regional meetings, and development of a broad range of educational opportunities;

Whereas the science and scholarship of the Crop Science Society of America are mission-directed, with the goal of addressing agricultural challenges facing humanity;

Whereas the Crop Science Society of America significantly contributes to the scientific and technical knowledge necessary to protect and sustain natural resources on all land in the United States;

Whereas the Crop Science Society plays a key role internationally in developing sustainable agricultural management and biodiversity conservation for the protection and sound management of the crop resources of the world;

Whereas the mission of the Crop Science Society of America continues to expand, from the development of sustainable production of food and forage, to the production of renewable energy and novel industrial products;

Whereas, in industry, extension, and basic research, the Crop Science Society of America has fostered a dedicated professional and scientific community that, in 2005, included more than 3,000 members; and

Whereas the American Society of Agronomy was the parent society that led to the formation of both the Crop Science Society of America and the Soil Science Society of America and fostered the development and the common overall management of the 3 sister societies: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 50th anniversary year of the Crop Science Society of America;

(2) commends the Crop Science Society of America for 50 years of dedicated service to advancing the science and practice of crop science;

(3) acknowledges the promise of the Crop Science Society of America to continue enriching the lives of all citizens of the United States by improving stewardship of the environment, combating world hunger, and enhancing the quality of life for another 50 years and beyond; and

(4) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the President of the Crop Science Society of America.

### SENATE RESOLUTION 447—CONGRATULATING THE UNIVERSITY OF WISCONSIN BADGERS MEN'S HOCKEY TEAM FOR WINNING THE 2006 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I MEN'S HOCKEY CHAMPIONSHIP

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. RES. 447

Whereas, on April 8, 2006, the University of Wisconsin men's hockey team won the Frozen Four in Milwaukee, Wisconsin, by defeating—

(1) the University of Maine Black Bears by a score of 5–2 in the semifinals; and

(2) the Boston College Eagles by a score of 2–1 in the championship game;

Whereas Robbie Earl and Tom Gilbert each scored a goal and Brian Elliott had 22 saves in the championship game;

Whereas Adam Burish, Robbie Earl, Brian Elliott, and Tom Gilbert were named to the All-Tournament Team, and Robbie Earl was named the Most Outstanding Player of the tournament;

Whereas the success of the season depended on the hard work, dedication, and performance of every player on the University of Wisconsin men's hockey team, including—

(1) Andy Brandt;
(2) Adam Burish;
(3) Ross Carlson;
(4) Shane Connelly;
(5) A.J. Degenhardt;
(6) Jake Dowell;
(7) Davis Drewiske;
(8) Robbie Earl;
(9) Brian Elliott;
(10) Josh Engel;
(11) Matthew Ford;
(12) Tom Gilbert;
(13) Tom Gorowsky;
(14) Jeff Henderson;
(15) Ryan Jeffery;
(16) Andrew Joudrey;
(17) Kyle Klubertanz;

(18) Nick Licari;
(19) Jeff Likens;
(20) Ryan MacMurchy;
(21) Matt Olinger;
(22) Joe Pavelski;
(23) Joe Piskula;
(24) Jack Skille; and
(25) Ben Street;

Whereas numerous members of the University of Wisconsin men's hockey team were recognized for their performance in the All-Western Collegiate Hockey Association, including—

(1) Tom Gilbert, who was named to the first team of the All-Western Collegiate Hockey Association;

(2) Joe Pavelski and Brian Elliott, who were named to the second team of the All-Western Collegiate Hockey Association; and

(3) Brian Elliott, who was named the All-Western Collegiate Hockey Association Goaltending Champion of the Year;

Whereas Tom Gilbert, Joe Pavelski, and Brian Elliott earned All-American honors;

Whereas, after helping the University of Wisconsin men's hockey team win the 1977 national championship as a player, Head Coach Mike Eaves won his first national championship as a coach;

Whereas the University of Wisconsin men's hockey team has won the National Collegiate Athletic Association Division I Men's Hockey Championship 6 times;

Whereas the University of Wisconsin has won 3 national championships during the 2005–2006 academic year; and

Whereas the championship victory of the University of Wisconsin men's hockey team ended a terrific season in which the team outscored its opponents 145–79 and compiled a record of 30–10–3: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the University of Wisconsin men's hockey team, Head Coach Mike Eaves and his coaching staff, Athletic Director Barry Alvarez, and Chancellor John D. Wiley for an outstanding championship season; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3612. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 3613. Mr. VOINOVICH (for himself, Mr. OBAMA, Mr. DEWINE, Mr. LEVIN, Ms. STABENOW, Mr. DURBIN, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3614. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3615. Mr. THOMAS (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3616. Mr. McCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, supra.

SA 3617. Mr. McCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, supra.

SA 3618. Mr. McCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, supra.

SA 3619. Mr. McCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, supra.

SA 3620. Mr. WARNER proposed an amendment to the bill H.R. 4939, supra.

SA 3621. Mr. WARNER (for himself, Mr. LUGAR, and Mrs. CLINTON) proposed an amendment to the bill H.R. 4939, supra.

SA 3622. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3623. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3624. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3625. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3626. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3627. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3628. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3629. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3630. Ms. LANDRIEU (for herself, Mr. VITTER, Mr. KERRY, and Mr. BAYH) submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3631. Ms. LANDRIEU (for herself, Mr. KERRY, and Mr. BAYH) submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3632. Mr. DURBIN (for himself, Ms. MIKULSKI, Mr. ALLEN, Mr. BINGAMAN, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. BIDEN, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3633. Ms. STABENOW proposed an amendment to the bill H.R. 4939, supra.

SA 3634. Mr. SMITH (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3635. Mr. ALLEN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3636. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3637. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3638. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3639. Mr. LEVIN (for himself, Mr. DORGAN, Ms. STABENOW, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3640. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3641. Mr. COBURN proposed an amendment to the bill H.R. 4939, supra.

SA 3642. Mr. AKAKA (for himself, Mrs. MURRAY, Mr. KERRY, Mr. DAYTON, Ms. STABENOW, Mr. MENENDEZ, Mr. OBAMA, Mr. SCHUMER, Mr. DORGAN, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. LINCOLN, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, Mrs. CLINTON, Mr. LAUTENBERG, Mr. PRYOR, Mr. JOHNSON, and Mr. DURBIN) proposed an amendment to the bill H.R. 4939, supra.

SA 3643. Mr. SALAZAR (for himself, Mr. WARNER, and Mr. McCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3644. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3645. Mr. SALAZAR (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3646. Mr. SALAZAR (for himself, Mr. ALLARD, Mr. McCONNELL, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3647. Mrs. HUTCHISON (for herself and Mr. BURNS) proposed an amendment to amendment SA 3642 proposed by Mr. AKAKA (for himself, Mrs. MURRAY, Mr. KERRY, Mr. DAYTON, Ms. STABENOW, Mr. MENENDEZ, Mr. OBAMA, Mr. SCHUMER, Mr. DORGAN, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. LINCOLN, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, Mrs. CLINTON, Mr. LAUTENBERG, Mr. PRYOR, Mr. JOHNSON, and Mr. DURBIN) to the bill H.R. 4939, supra.

SA 3648. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3649. Mr. ALLEN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3650. Mr. OBAMA (for himself, Mr. AKAKA, Mrs. MURRAY, Mr. ROCKEFELLER, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3651. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3652. Mr. OBAMA (for himself, Mr. LEVIN, Mr. BAYH, Ms. LANDRIEU, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939 , supra; which was ordered to lie on the table.

SA 3653. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3654. Mr. REID (for Mr. KERRY) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3655. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3656. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3657. Mr. LEAHY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3658. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3659. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3660. Mr. LEAHY (for himself, Mr. COLEMAN, and Ms. MURKOWSKI) submitted an

amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3661. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3662. Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. SALAZAR, Mr. BYRD, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3663. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3664. Mr. LEAHY (for himself, Mr. COLEMAN, Ms. MURKOWSKI, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3665. Mr. WYDEN proposed an amendment to the bill H.R. 4939, supra.

SA 3666. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3667. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3668. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3669. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3670. Mr. DORGAN (for himself, Mr. DODD, Mrs. BOXER, Mr. REED, Mr. LIEBERMAN, Mr. LEAHY, Ms. MIKULSKI, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3612.** Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, line 17, strike ''Prohibition'' and insert ''(a) Prohibition''.

On page 126, line 4, strike the quotation mark and the period that follows.

On page 126, after line 4, insert the following:

''(b) WAIVER AUTHORITY.—(1) The President may waive subsection (a) with respect to the administrative and personal security costs of the Office of the President of the Palestinian Authority and for activities of the President of the Palestinian Authority to promote democracy and the rule of law if the President certifies and reports to the Committees on Appropriations that—

''(A) it is in the national security interest of the United States to provide such assistance; and

''(B) the President of the Palestinian Authority and the President's party are not affiliated with Hamas or any other foreign terrorist organization.

''(2) Prior to exercising the authority provided in this subsection, the President shall consult with, and shall provide a written policy justification to, the Committees on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.''.

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**SA 3613.** Mr. VOINOVICH (for himself, Mr. OBAMA, Mr. DEWINE, Mr. LEVIN, Ms. STABENOW, Mr. DURBIN, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, line 24, after ''2006'' insert the following: '': *Provided further*, That, of the amount provided under this heading, $400,000 shall be made available for the operation of the Chicago Sanitary and Ship Canal Demonstration Barrier, Illinois, which was constructed under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3))''.

On page 162, between lines 12 and 13, insert the following:

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. Section 1202(i)(3)(C) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is amended by striking '', to carry out this paragraph, $750,000'' and inserting ''such sums as are necessary to carry out the dispersal barrier demonstration project under this paragraph''.

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**SA 3614.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

PROHIBITION ON USE OF FUNDS FOR CONDEMNATION OF LAND LOCATED NEAR PINON CANYON

SEC. 7032. (a) Subject to subsection (b), any funds made available to the Department of Defense pursuant to the Department of Defense Appropriations Act, 2006 (Division A of Public Law 109–148; 119 Stat. 2680) or any other Act shall not be obligated or expended to acquire land located near the Pinon Canyon Maneuver Site if the land acquisition requires—

(1) condemnation;

(2) seizure by a Federal entity of private property; or

(3) any other means.

(b) The prohibition on the use of funds described in subsection (a) shall not apply to a land exchange between a willing seller and a willing buyer.

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**SA 3615.** Mr. THOMAS (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—GLOBAL WAR ON TERROR SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional expenses for ''Public Law 480 Title II Grants'', during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $350,000,000, to remain available until expended: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 2

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $6,506,223,000: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $1,061,724,000: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $834,122,000: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,145,363,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $166,070,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $110,412,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $10,327,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $1,940,000: *Provided*,

That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $96,000,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $1,200,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $18,380,310,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $2,793,600,000: *Provided*, That up to $75,020,000 shall be available for the Department of Homeland Security, ''United States Coast Guard, Operating Expenses'': *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $1,722,911,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,328,869,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $3,259,929,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed $10,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes;

(3) not to exceed $1,200,000,000 to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph; and

(4) not to exceed $44,500,000 for Cooperative Threat Reduction:

*Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $100,100,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $236,509,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $55,675,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $18,563,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $178,600,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $30,400,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Afghanistan Security Forces Fund'', $1,851,833,000, to remain available until September 30, 2007: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Iraq Security Forces Fund'', $3,007,000,000, to remain available until September 30, 2007: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided*

*further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $533,200,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $203,300,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $1,983,351,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $829,679,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $7,528,657,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $293,980,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $90,800,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $330,996,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $111,719,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $3,260,582,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $663,595,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $29,047,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,489,192,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $331,353,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $424,177,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $126,845,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $305,110,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $145,921,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $502,700,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,153,562,000 for operation and maintenance: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $156,800,000, to remain available until expended: *Provided*, That these funds may be used only for such activities related to Afghanistan and the Central Asia area: *Provided further*, That the Secretary of Defense may transfer such funds only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: *Provided further*, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not

necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $6,120,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for the ''Intelligence Community Management Account'', $158,875,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 1201. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2006, except for the fourth proviso.

SEC. 1202. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this Act under the heading ''Drug Interdiction and Counter-Drug Activities, Defense'', not to exceed $40,000,000 may be made available for support for counter-drug activities of the Governments of Afghanistan and Pakistan: *Provided*, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Law 106–398 and Public Law 108–136), and conditions on the provision of support as contained in such section 1033 shall apply for fiscal year 2006.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to such Governments for counter-drug activities.

(3) For the Government of Afghanistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

SEC. 1203. Notwithstanding 10 U.S.C. 2208(l), the total amount of advance billings rendered or imposed for all working capital funds of the Department of Defense in fiscal year 2006 shall not exceed $1,500,000,000: *Provided*, That the amounts made available pursuant to this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 1204. In addition to amounts authorized in section 1202(a) of Public Law 109–163, from funds made available in this chapter to the Department of Defense, not to exceed $423,000,000 may be used to fund the Commander's Emergency Response Program and for a similar program to assist the people of Afghanistan, to remain available until December 31, 2007.

SEC. 1205. Supervision and administration costs associated with a construction project funded with ''Afghanistan Security Forces Fund'' or ''Iraq Security Forces Fund'' appropriations may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 1206. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

CHAPTER 3

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for ''Child Survival and Health Programs Fund'', $5,300,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEVELOPMENT ASSISTANCE

For an additional amount for ''Development Assistance'', $10,500,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INTERNATIONAL DISASTER FAMINE ASSISTANCE

For an additional amount for ''International Disaster and Famine Assistance'', $136,290,000, to remain until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $61,600,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $1,584,500,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for ''Democracy Fund'', $10,000,000 for the advancement of democracy in Iran, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $107,700,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $51,200,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for ''International Affairs Technical Assistance'', $13,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $123,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

SEC. 1301. Funds appropriated or made available by transfer in this chapter may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

SEC. 1302. Of the funds made available under the heading ''Iraq Relief and Reconstruction Fund'' in chapter 2 of title II of Public Law 108–106, $185,500,000 is hereby transferred to and merged with the appropriation for ''Economic Support Fund'' contained in this Act: *Provided*, That the amount transferred by this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(RESCISSION OF FUNDS)

SEC. 1303. Of the funds made available for Coalition Solidarity Initiative under the heading ''Peacekeeping Operations'' in chapter 2 of title II of division A of Public Law 109–13, $17,000,000 is rescinded.

SEC. 1304. Notwithstanding any other provision of law, amounts under the heading

''Iraq Relief and Reconstruction Fund'' in title II of Public Law 108–106 shall remain available for one additional year from the date on which the availability of funds would otherwise have expired, if such funds are initially obligated before the expiration of the period of availability provided herein: *Provided,* That, notwithstanding section 2207(d) of Public Law 108–106, requirements of section 2207 of Public Law 108–106 shall expire on October 1, 2008.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $26,692,000: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 5

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $287,100,000, to remain available until September 30, 2007: *Provided,* That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further,* That none of the funds provided under this heading may be obligated or expended until after that date on which the Secretary of Defense submits an updated master plan for overseas military infrastructure to the Committees on Appropriations of the House of Representatives and Senate: *Provided further,* That, subject to the preceding proviso, $60,000,000 of the funds provided under this heading may not be obligated or expended until after that date on which the Secretary of Defense submits a detailed plan for Counter IED/Urban Bypass Roads, Iraq, to the Committees on Appropriations of the House of Representatives and Senate.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $35,600,000, to remain available until September 30, 2007: *Provided,* That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further,* That none of the funds provided under this heading may be obligated or expended until after that date on which the Secretary of Defense submits an updated master plan for overseas military infrastructure to the Committees on Appropriations of the House of Representatives and Senate.

GENERAL PROVISION—THIS CHAPTER

SEC. 1501. The matter under the heading ''Veterans Health Administration—Medical Services'' in chapter 7 of title I of division B of Public Law 109–148 is amended by inserting after ''calendar year 2005'' the following: ''and for unanticipated costs related to the Global War on Terror'': *Provided,* That the provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 6

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $3,000,000: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $99,000,000, to remain available until September 30, 2007: *Provided,* That no funding provided in this Act shall be available for obligation for a new or enhanced information technology program unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice and Federal Bureau of Investigation: *Provided further,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $5,000,000, to remain available until September 30, 2007: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $4,100,000, to remain available until September 30, 2007: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Diplomatic and Consular Programs'', $1,380,500,000, to remain available until September 30, 2007: *Provided,* That of the amount made available under this heading, $1,326,000 shall be available for transfer to the United States Institute of Peace: *Provided further,* That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $25,300,000, to remain available until September 2007, of which $24,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for ''Educational and Cultural Exchange Programs'', $5,000,000, to remain available until expended: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $129,800,000, to remain available until September 30, 2007: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $7,600,000, to remain available until expended: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for ''Broadcasting Capital Improvements'', $28,500,000, to remain available until expended: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISION—THIS CHAPTER

SEC. 1601. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947.

CHAPTER 7

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $1,800,000, to remain available until September 30, 2007: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE II—FURTHER HURRICANE DISASTER RELIEF AND RECOVERY

CHAPTER 1

DEPARTMENT OF AGRICULTURE

EXECUTIVE OPERATIONS

WORKING CAPITAL FUND

For an additional amount for ''Working Capital Fund'' for necessary expenses related to the consequences of Hurricane Katrina

and other hurricanes of the 2005 season, $25,000,000, to remain available until September 30, 2007: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for ''Agricultural Research Service, Buildings and Facilities'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $20,000,000, to remain available until expended: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for ''Emergency Watershed Protection Program'' $10,000,000, to remain available until September 30, 2008, for the purchase of easements on floodplain lands in disaster areas affected by Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 2

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $2,125,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $22,002,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $3,992,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $21,610,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $4,071,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $10,200,000 for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $2,176,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $94,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $1,304,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $1,408,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $29,913,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $37,359,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $12,755,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $1,277,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $42,307,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $700,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $9,136,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $579,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $899,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SHIPBUILDING AND CONVERSION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Shipbuilding and Conversion, Navy'', $775,236,000 to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, which shall be available for transfer within this account to replace destroyed or damaged equipment; prepare and recover naval vessels under contract; and provide for cost adjustments for naval vessels for which funds have been previously appropriated: *Provided,* That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That the Secretary of Defense shall, not fewer than 15 days prior to making transfers within this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $85,040,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $13,000,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $2,797,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $12,000,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $6,250,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $730,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,222,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for ''National Defense Sealift Fund'', $10,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TRUST FUNDS

GENERAL FUND PAYMENT, SURCHARGE COLLECTIONS, SALES OF COMMISSARY STORES, DEFENSE

For an additional amount for ''General Fund Payment, Surcharge Collections, Sales of Commissary Stores, Defense'', $10,530,000, to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $33,881,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISION—THIS CHAPTER

SEC. 2201. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For additional amounts for ''Construction'' to reduce the risk of storm damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands, $100,000,000, to remain available until expended: *Provided,* That such sums shall be subject to authorization: *Provided further,* That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than July 30, 2006: *Provided further,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FLOOD CONTROL AND COASTAL EMERGENCIES

For additional amounts for ''Flood Control and Coastal Emergencies'', as authorized by section of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $1,360,000,000, to remain available until expended: *Provided,* That such sums shall be subject to authorization: *Provided further,* That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than July 30, 2006: *Provided further,* That none of the funds provided herein shall be available until the non-federal interests have entered into binding agreements with the Secretary of the Army to pay 100 percent of the operation, maintenance, repair, replacement and rehabilitation costs of the projects: *Provided further,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $13,500,000, to remain available until September 30, 2007: *Provided,* That these amounts shall be transferred to the Offices of Inspector General of the Departments of Agriculture, Defense, Education, Health and Human Services, Housing and Urban Development, Justice, Labor and Transportation,

and the Environmental Protection Agency, the General Services Administration, and the Social Security Administration to carry out necessary audits and investigations of funding and programs undertaken by the respective agencies for response and recovery from the 2005 Gulf Coast hurricanes: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for 'Salaries and Expenses' to provide for the relocation of personnel and equipment related to the New Orleans laboratory facility and for the repair and replacement of critical equipment and property damaged or caused by Hurricane Katrina and other hurricanes of the 2005 season, $12,900,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for ''Construction'' to rebuild and repair structures damaged by Hurricane Katrina and other hurricanes of the 2005 season, $4,800,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operating Expenses'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $14,300,000, to remain available until September 30, 2007, of which up to $267,000 may be transferred to ''Environmental Compliance and Restoration'' to be used for environmental cleanup and restoration of Coast Guard facilities; and of which up to $500,000 may be transferred to ''Research, Development, Test, and Evaluation'' to be used for salvage and repair of research and development equipment and facilities: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $80,755,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ADMINISTRATIVE AND REGIONAL OPERATIONS

For an additional amount for ''Administrative and Regional Operations'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $70,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PREPAREDNESS, MITIGATION, RESPONSE AND RECOVERY

For an additional amount for ''Preparedness, Mitigation, Response and Recovery'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $10,000,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DISASTER RELIEF

For an additional amount for ''Disaster Relief'' for necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $9,550,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Disaster Assistance Direct Loan Program Account'' for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), $151,000,000, to be used to assist local governments that were affected by Hurricane Katrina and other hurricanes of the 2005 season in providing essential services, of which $1,000,000 is for administrative expenses to carry out the direct loan program: *Provided*, That such funds may be used to subsidize gross obligations for the principal amount of direct loans not to exceed $200,000,000: *Provided further*, That notwithstanding section 417(b) of such Act, the amount of any such loan issued pursuant to this section may exceed $5,000,000: *Provided further*, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further*, That of the amount provided in this chapter under the heading Disaster Relief'', up to $150,000,000 may be transferred to and merged with the funds provided under this heading, to be used to subsidize gross obligations for the principal amount of direct loans not to exceed $200,000,000: *Provided further*, That the amounts provided or transferred under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. The Federal Emergency Management Agency may provide funds to a State or local government or, as necessary, assume an existing agreement from such unit of government, to pay for utility costs resulting from the provision of temporary housing units to evacuees from Hurricanes Katrina and Rita if the State or local government has previously arranged to pay for such utilities on behalf of the evacuees for the term of any leases, not to exceed 12 months, contracted by or prior to February 7, 2006, notwithstanding section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174): *Provided*, That the Federal share of the costs eligible to be paid shall be 100 percent.

SEC. 2402. (a) Title III of Public Law 109–90 is amended under the heading ''National Flood Insurance Fund'' by striking ''$30,000,000 for interest on Treasury borrowings'' and inserting ''such sums as necessary for interest on Treasury borrowings''.

(b) The provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, $132,400,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the ''Historic Preservation Fund'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $3,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $55,400,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for ''Surveys, Investigations, and Research'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, $10,200,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For an additional amount for ''Royalty and Offshore Minerals Management'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, $15,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for ''Environmental Programs and Management'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $6,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For an additional amount for the ''Leaking Underground Storage Tank Program'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $7,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for the ''National Forest System'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $20,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 6

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $28,880,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $57,300,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for ''Military Construction, Army National Guard'', for necessary expenses related to consequences of Hurricane Katrina and other hurricanes of the 2005 season, $67,800,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading in the chapter 7 of title I of division B of Public Law 109–148 (119 Stat. 2770) shall remain available until September 30, 2010: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For an additional amount for ''Military Construction, Air National Guard'', for necessary expenses related to consequences of Hurricane Katrina and other hurricanes of the 2005 season, $5,800,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, NAVY RESERVE

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for ''Military Construction, Navy Reserve'', for necessary expenses related to consequences of Hurricane Katrina and other hurricanes of the 2005 season, $24,270,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under the heading ''Military Construction, Naval Reserve'' in chapter 7 of title I of division B of Public Law 109–148 (119 Stat. 2771) shall remain available until September 30, 2010, except that, of such amount $49,530,000 are rescinded: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Construction, Major Projects'', for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $550,000,000, to remain available until expended: *Provided*, That the foregoing amount shall only be available upon enactment, by June 30, 2006, of authority under section 8104 of title 38, United States Code: *Provided further*, That up to $275,000,000 of the amount provided under this heading may (at any time after the enactment of this Act and without regard to the preceding proviso) be transferred by the Secretary of Veterans Affairs to the ''Medical Services'' account, to be available only for unanticipated costs related to the Global War on Terror: *Provided further*, That the Secretary of Veterans Affairs shall, not fewer than 15 days prior to making a transfer under the authority in the preceding proviso, notify the Committees on Appropriations of the Senate and House of Representatives in writing of the transfer: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 7

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $2,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $5,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'', for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $11,800,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION CAPABILITIES

For an additional amount for ''Exploration Capabilities'', for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $30,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Disaster Loans Program Account'' for the cost of direct loans authorized by section 7(b) of the Small Business Act, $1,254,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That, of the amount provided under this heading, up to $190,000,000 may be transferred to and merged with appropriations for ''Small Business Administration, Salaries and Expenses'' for administrative expenses to carry out the disaster loan program: *Provided further*, That none of the funds provided under this heading may be used for indirect administrative expenses: *Provided further*,

That, of the amount provided under this heading, $712,000,000 is hereby transferred to ''Federal Emergency Management Agency, Disaster Relief'' to reimburse that account for funds transferred to this account by Public Law 109–174: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 8

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Community development fund'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in the most impacted and distressed areas related to the consequences of hurricanes in the Gulf of Mexico in 2005 in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in conjunction with Hurricane Katrina, Rita, or Wilma, $4,200,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): *Provided*, That funds made available under this heading shall be distributed to address the most critical recovery requirements notwithstanding funding limitations under this heading in title I of division B of Public Law 109–148: *Provided further*, That funds provided under this heading shall be administered through an entity or entities designated by the Governor of each State: *Provided further*, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State under this heading: *Provided further*, That each State may use up to five percent of its allocation for administrative costs: *Provided further*, That not less than $1,000,000,000 from funds made available under this heading shall be used for repair, rehabilitation, and reconstruction (including demolition, site clearance and remediation) of the affordable rental housing stock (including public and other HUD-assisted housing) in the impacted areas: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute, as modified: *Provided further*, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That every waiver made by the Secretary must be reconsidered according to the three previous provisos on the two-year anniversary of the day the Secretary published the waiver in the Federal Register: *Provided further*, That prior to the obligation of funds each State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That prior to the obligation of funds to each State, the Secretary shall ensure that such plan gives priority to infrastructure development and rehabilitation and the rehabilitation and reconstruction of the affordable rental housing stock including public and other HUD-assisted housing: *Provided further*, That each State will report quarterly to the Committees on Appropriations on all awards and uses of funds made available under this heading, including specifically identifying all awards of sole-source contracts and the rationale for making the award on a sole-source basis: *Provided further*, That the Secretary shall notify the Committees on Appropriations on any proposed allocation of any funds and any related waivers made pursuant to these provisions under this heading no later than 5 days before such waiver is made: *Provided further*, That the Secretary shall establish procedures to prevent recipients from receiving any duplication of benefits and report quarterly to the Committees on Appropriations with regard to all steps taken to prevent fraud and abuse of funds made available under this heading including duplication of benefits: *Provided further*, That of the amounts made available under this heading, the Secretary may transfer a total of up to $15,000,000 to the Office of Inspector General and ''Management and Administration, Salaries and Expenses'' for costs associated with administration and oversight: *Provided further*, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

For an additional amount for ''Federal Buildings Fund'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $37,000,000, from the General Fund and to remain available until expended: *Provided*, That notwithstanding 40 U.S.C. 3307, the Administrator of General Services is authorized to proceed with repairs and alterations for affected buildings: *Provided further*, That he amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE III—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

SEC. 3001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 3002. Notwithstanding subsection (b) of section 102 of title I of division B of Public Law 109–148 (119 Stat. 2748), the Secretary of Agriculture may provide financial and technical assistance in carrying out such section in an amount up to 100 percent Federal share, as provided in regulations implementing the emergency watershed protection program: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 3003. Funds appropriated pursuant to this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

(INCLUDING RESCISSION OF FUNDS)

SEC. 3004. (a) RESCISSION.—Of the unobligated balances available for ''Immigration and Customs Enforcement—Automation Modernization'', $43,620,000 are rescinded.

(b) APPROPRIATION.—For an additional amount for ''United States Secret Service—Salaries and Expenses'' for critical investigative and protective operations, $43,620,000: *Provided*, That none of the funds appropriated in this section or under the heading United States Secret Service ''Salaries and Expenses'' in any other Act may be used to support the position of the Chief Financial Officer until the Committees on Appropriations receive: (1) a comprehensive workload re-balancing report that includes funding and position requirements for current investigative and protective operations; (2) a comprehensive analysis of the methodology used to estimate current workloads and develop annual operating budgets; and (3) a budget formulation model for National Special Security Events: *Provided further*, That none of the funds appropriated in this section may be obligated until the Committees on Appropriations receive a revised Program, Project and Activity schedule based on current investigative and protective workload requirements, including a comprehensive analysis of the methodology used to estimate those requirements.

SEC. 3005. (a) The matter under the heading ''Tenant-Based Rental Assistance'' in chapter 9 of title I of division B of Public Law 109–148 is amended—

(1) in the first proviso, by striking ''or the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77)'' and inserting ''the McKinney-Vento Homeless Assistance Act, section 221(d)(3), 221(d)(5), or 236 of the National Housing Act, or section 101 of the Housing and Urban Development Act of 1965''; and

(2) in the second proviso, by inserting '', except that paragraph (7)(A) of such section shall not apply'' after ''1937''.

(b) The provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 3006. Notwithstanding 49 U.S.C. 5336, any funds remaining available under Federal Transit Administration grant numbers NY–03–345–00, NY–03–0325–00, NY–03–0405, NY–90–X398–00, NY–90–X373–00, NY–90–X418–00, NY–90–X465–00 together with an amount not to exceed $19,200,000 in urbanized area formula funds that were allocated by the New York Metropolitan Transportation Council to the New York City Department of Transportation as a designated recipient under 49 U.S.C. 5307 may be made available to the New York Metropolitan Transportation Authority for eligible capital projects authorized under 49 U.S.C. 5307 and 5309.

SEC. 3007. The referenced statement of the managers under the heading ''Community

Development Fund'' in title II of division I of Public Law 108–447 is deemed to be amended—

(1) with respect to item number 536, by striking ''an economic development planning study'' and inserting ''the Main Street Revitalization Project''; and

(2) with respect to item number 444, by striking ''City of St. Petersburg, Florida for facilities construction and renovation for the Mid-Pinellas Science Center'' and inserting ''St. Petersburg College, City of Seminole, Florida for the development of a Science and Nature Park at St. Petersburg College''.

SEC. 3008. (a) The second paragraph under the heading ''Community Development Fund'' in title III of division A of Public Law 109–115 is amended by striking ''statement of managers accompanying this Act'' and inserting ''statement of managers correction for H.R. 3058 relating to the Economic Development Initiative submitted to the House of Representatives by the Chairman of the Committee on Appropriations of the House on November 18, 2005, and printed in the House section of the Congressional Record on such date''.

(b) Section 5023 of title V of division B of Public Law 109–148 is amended by striking ''in title III of Public Law 109–115 (as in effect pursuant to H. Con. Res. 308, 109th Congress)'' and inserting ''in title III of division A of Public Law 109–115''.

(c) Each amendment made by this section shall apply as if included in the amended public law on the date of its enactment.

SEC. 3009. The statement of managers correction referenced in the second paragraph under the heading ''Community Development Fund'' in title III of division A of Public Law 109–115 is deemed to be amended—

(1) with respect to item number 714, by striking ''construction of a senior center;'' and inserting ''renovation and buildout of a multipurpose center;'';

(2) with respect to item number 850, by striking ''City of Lancaster, Pennsylvania'' and inserting ''in Pennsylvania''; and

(3) with respect to item number 925, by striking ''Greenwood Partnership Alliance, South Carolina for the renovation of Old Federal Courthouse;'' and inserting ''City of Greenwood, South Carolina for the Emerald Triangle Project;''.

SEC. 3010. Section 9001 of the Deficit Reduction Act of 2005 is amended—

(1) in subsection (a), by striking ''for a 1-time only obligation and expenditure'';

(2) in subsection (a)(2)—

(A) by striking ''for fiscal year 2007''; and

(B) by inserting before the period at the end the following: '', to remain available until September 30, 2007''; and

(3) by striking subsection (b) and inserting the following:

''(b) EMERGENCY DESIGNATION.—The amount provided under subsection (a)(2) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.''.

SEC. 3011. (a) None of the funds made available in this Act or any other Act may be used to take any action under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) or any other provision of law to approve or otherwise allow the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World.

(b) Notwithstanding any other provision of law or any prior action or decision by or on behalf of the President under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170), the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World is hereby prohibited and shall have no effect.

(c) The limitation in subsection (a) and the prohibition in subsection (b) apply with respect to the acquisition of any leases, contracts, rights, or other obligations on or after January 1, 2006.

(d) In this section:

(1) The term ''P&O Ports'' means P&O Ports, North America, a United States subsidiary of the Peninsular and Oriental Steam Navigation Company, a company that is a national of the United Kingdom.

(2) The term ''Dubai Ports World'' means Dubai Ports World, a company that is partly owned and controlled by the Government of the United Arab Emirates.

SEC. 3012. (a) None of the funds appropriated in Public Law 109–102 or any prior Act making appropriations for foreign operations, export financing and related programs may be obligated or expended for assistance to the Palestinian Authority or a successor entity until the Secretary of State certifies to the Committees on Appropriations that such entity has demonstrated its commitment to the principles of nonviolence, the recognition of Israel, and the acceptance of previous agreements and obligations, including the Roadmap.

(b) None of the funds appropriated under the heading ''Economic Support Fund'' in Public Law 109–102 or any prior Act making appropriations for foreign operations, export financing and related programs may be obligated or expended for assistance to the West Bank and Gaza until the Secretary of State reviews the current assistance program, consults with the Committees on Appropriations, and submits a revised plan for such assistance: *Provided*, That such plan shall be submitted not later than April 30, 2006, and shall contain specific and appropriate steps to ensure that United States assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.

This Act may be cited as the ''Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006''.

## TITLE IV

## PANDEMIC FLU

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### OFFICE OF THE SECRETARY

##### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for ''Public Health and Social Services Emergency Fund'' to prepare for and respond to an influenza pandemic, including international activities and activities in foreign countries, preparedness planning, enhancing the pandemic influenza regulatory science base, accelerating pandemic influenza disease surveillance, developing registries to monitor influenza vaccine distribution and use, supporting pandemic influenza research, clinical trials and clinical trials infrastructure, and the development and purchase of vaccines, antivirals, and necessary medical supplies, $2,300,000,000, to remain available until expended: *Provided*, That $300,000,000 shall be for upgrading State and local capacity, $50,000,000 shall be for laboratory capacity and research at the Centers for Disease Control and Prevention, and at least $200,000,000 shall be for the Centers for Disease Control and Prevention to carry out global and domestic disease surveillance, laboratory capacity and research, laboratory diagnostics, risk communication, rapid response and quarantine: *Provided further*, That products purchased with these funds may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile: *Provided further*, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: *Provided further*, That the Secretary may negotiate a contract with a vendor under which a State may place an order with the vendor for antivirals; may reimburse a State for a portion of the price paid by the State pursuant to such an order; and may use amounts made available herein for such reimbursement: *Provided further*, That funds appropriated herein and not specifically designated under this heading may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## TITLE V—BORDER SECURITY

### EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY

#### DEPARTMENT OF HOMELAND SECURITY

##### OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For an additional amount for the ''Office of the Secretary and Executive Management'' to provide funds for the Office of Policy, $2,000,000: *Provided*, That the entire amount is solely for a contract with an independent non-Federal entity to conduct a needs assessment for comprehensive border security: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### OFFICE OF THE CHIEF INFORMATION OFFICER

For an additional amount for the ''Office of the Chief Information Officer'' to replace and upgrade law enforcement communications, $50,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### UNITED STATES VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY

For an additional amount for ''United States Visitor and Immigration Status Indicator Technology'' to accelerate biometric database integration and conversion to 10–print enrollment, $60,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for the expenditure of such funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### CUSTOMS AND BORDER PROTECTION

##### SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $180,000,000, of which $80,000,000 is for border patrol vehicle replacement and $100,000,000 is for sensor and

surveillance technology: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure of these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for ''Air and Marine Interdiction, Operations, Maintenance, and Procurement'' to replace air assets and upgrade air operations facilities, $790,000,000, to remain available until expended, of which $40,000,000 is for helicopter replacement and $750,000,000 is for recapitalization of air assets: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan for the complete recapitalization of Customs and Border Protection air assets and facilities: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for ''Construction'', $120,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' to replace vehicles, $80,000,000: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES COAST GUARD

ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements'' for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, $600,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount for ''Acquisition, Construction, Improvements, and Related Expenses'' for construction of the language training facility referenced in the Master Plan and information technology infrastructure improvements, $18,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS TITLE

REDUCTION IN FUNDING

SEC. 5001. The aggregate amount provided by chapter 3 of title I of this Act and chapter 3 of title II of this Act may not exceed $67,062,188,000.

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**SA 3616.** Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On Page 229, strike lines 5 through 14.

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**SA 3617.** Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on Page 224, strike line 23 through line 10 on page 225.

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**SA 3618.** Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on page 138, line 24, strike all after the ''.'' through ''fisheries'' on page 139, line 2.

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**SA 3619.** Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on page 250, strike line 24 and all that follows through page 251, line 12.

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**SA 3620.** Mr. WARNER proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. Section 5062 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

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**SA 3621.** Mr. WARNER (for himself and Mr. LUGAR, and Mrs. CLINTON) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 126, between lines 12 and 13, insert the following:

AUTHORITY TO EQUALIZE ALLOWANCES, BENEFITS, AND GRATUITIES OF PERSONNEL ON OFFICIAL DUTY IN IRAQ AND AFGHANISTAN

SEC. 1405. (a) FINDINGS.—Congress makes the following findings:

(1) As part of the United States effort to bring democracy and freedom to Iraq and Afghanistan, employees of a broad range of Federal agencies are needed to serve in those countries, furnishing expertise to their counterpart agencies in the Government of Iraq and the Government of Afghanistan.

(2) While the heads of a number of Federal agencies already possess authority to provide to their personnel on official duty abroad allowances, benefits, and death gratuities comparable to those provided by the Secretary of State to similarly-situated Foreign Service personnel on official duty abroad, other agency heads do not possess such authority.

(3) In order to assist the United States Government in recruiting personnel to serve in Iraq and Afghanistan, and to avoid inequities in allowances, benefits, and death gratuities among similarly-situated United States Government civilian personnel on official duty in these countries, it is essential that the heads of all agencies that have personnel on official duty in Iraq and Afghanistan have the same basic authority with respect to allowances, benefits, and death gratuities for such personnel.

(b) IN GENERAL.—During any fiscal year, the head of an agency may, in the agency head's discretion, provide to an individual employed by, or assigned or detailed to, such agency allowances, benefits, and gratuities comparable to those provided by the Secretary of State to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3973; 4081 et seq.), if such individual is on official duty in Iraq or Afghanistan.

(c) CONSTRUCTION.—Nothing in this section shall be construed to impair or otherwise affect the authority of the head of an agency under any other provision of law.

(d) APPLICABILITY OF CERTAIN AUTHORITIES.—Section 912(a) of the Internal Revenue Code of 1986 shall apply with respect to amounts received as allowances or otherwise under this section in the same manner as section 912 of the Internal Revenue Code of 1986 applies with respect to amounts received by members of the Foreign Service as allowances or otherwise under chapter 9 of title I of the Foreign Service Act of 1980.

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**SA 3622.** Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 217, line 19, strike ''(e)'' and insert the following:

(e) BOVINE TUBERCULOSIS HERD INDEMNIFICATION.—The Secretary shall use $1,500,000 of funds of the Commodity Credit Corporation to indemnify producers of cattle in the States of Michigan, Minnesota, New Mexico, and Texas for losses suffered due to bovine tuberculosis.

(f)

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**SA 3623.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 162, between lines 12 and 13, insert the following:

GENERAL PROVISIONS–THIS CHAPTER

SEC. 2401. In addition to amounts made available under this chapter, $10,000,000 shall be made available to the Assistant Secretary of the Army, Civil Works, to carry out the Napa River project of the Corps of Engineers.

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**SA 3624.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

**SEC. ___. TEMPORARY WINDFALL PROFITS TAX; HOUSEHOLD REBATE.**

(a) TEMPORARY WINDFALL PROFITS TAX.—

(1) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

**"CHAPTER 56—TEMPORARY WINDFALL PROFITS ON CRUDE OIL**

"Sec. 5896. Imposition of tax.
"Sec. 5897. Windfall profit; removal price; adjusted base price; qualified investment.
"Sec. 5898. Special rules and definitions.

**"SEC. 5896. IMPOSITION OF TAX.**

"(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed on any integrated oil company (as defined in section 291(b)(4)) an excise tax equal to 50 percent of the windfall profit from all barrels of taxable crude oil removed from the property during any taxable year beginning in 2006.

"(b) FRACTIONAL PART OF BARREL.—In the case of a fraction of a barrel, the tax imposed by subsection (a) shall be the same fraction of the amount of such tax imposed on the whole barrel.

"(c) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the taxable crude oil.

**"SEC. 5897. WINDFALL PROFIT; REMOVAL PRICE; ADJUSTED BASE PRICE.**

"(a) GENERAL RULE.—For purposes of this chapter, the term 'windfall profit' means the excess of the removal price of the barrel of taxable crude oil over the adjusted base price of such barrel.

"(b) REMOVAL PRICE.—For purposes of this chapter—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'removal price' means the amount for which the barrel of taxable crude oil is sold.

"(2) SALES BETWEEN RELATED PERSONS.—In the case of a sale between related persons, the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613.

"(3) OIL REMOVED FROM PROPERTY BEFORE SALE.—If crude oil is removed from the property before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

"(4) REFINING BEGUN ON PROPERTY.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the property—

"(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

"(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

"(5) PROPERTY.—The term 'property' has the meaning given such term by section 614.

"(c) ADJUSTED BASE PRICE DEFINED.—For purposes of this chapter, the term 'adjusted base price' means $40 for each barrel of taxable crude oil.

**"SEC. 5898. SPECIAL RULES AND DEFINITIONS .**

"(a) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide such rules as are necessary for the withholding and deposit of the tax imposed under section 5896 on any taxable crude oil.

"(b) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information (to the Secretary and to other persons having an interest in the taxable crude oil) with respect to such oil as the Secretary may by regulations prescribe.

"(c) RETURN OF WINDFALL PROFIT TAX.—The Secretary shall provide for the filing and the time of such filing of the return of the tax imposed under section 5896.

"(d) DEFINITIONS.—For purposes of this chapter—

"(1) PRODUCER.—The term 'producer' means the holder of the economic interest with respect to the crude oil.

"(2) CRUDE OIL.—

"(A) IN GENERAL.—The term 'crude oil' includes crude oil condensates and natural gasoline.

"(B) EXCLUSION OF NEWLY DISCOVERED OIL.—Such term shall not include any oil produced from a well drilled after the date of the enactment of the chapter, except with respect to any oil produced from a well drilled after such date on any proven oil or gas property (within the meaning of section 613A(c)(9)(A)).

"(3) BARREL.—The term 'barrel' means 42 United States gallons.

"(e) ADJUSTMENT OF REMOVAL PRICE.—In determining the removal price of oil from a property in the case of any transaction, the Secretary may adjust the removal price to reflect clearly the fair market value of oil removed.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.".

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"CHAPTER 56. TEMPORARY WINDFALL PROFIT ON CRUDE OIL.".

(3) DEDUCTIBILITY OF WINDFALL PROFIT TAX.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The windfall profit tax imposed by section 5896.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any taxable year beginning in 2006.

(b) HOUSEHOLD REBATE.—

(1) 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. HOUSEHOLD 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 2006 in an amount equal to $450.

"(b) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than June 1, 2006.

"(c) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

"(1) any taxpayer who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded $40,000,

"(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006,

"(3) any estate or trust, or

"(4) any nonresident alien individual.".

(2) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period ", or from section 6430 of such Code".

(3) 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. Household rebate.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

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**SA 3625.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place under the heading "DEPARTMENT OF HEALTH AND HUMAN SERVICES"-Office of the Secretary, insert the following:

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for the Public Health and Social Services Emergency Fund for emergency expenses to respond to Hurricane Katrina to provide grants to public entities, not-profit entities, and Medicare and Medicaid enrolled suppliers and institutional providers that remained open and operating during Hurricane Katrina in the severely affected Parishes and Counties in the Presidentially declared disaster area on August 29, 2005, to reimburse such entities, suppliers, and providers for healthcare-related expenses or lost revenues directly attributable to the public health emergency resulting from Hurricane Katrina, $100,000,000 to remain available until expended: *Provided,* That such funds shall not be used for expenses or lost revenues that have previously been reimbursed or that are eligible for reimbursement from other sources: *Provided further,* That amounts made available in this Act under title II under the heading "DISASTER RELIEF" for assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall be reduced by $100,000,000.

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**SA 3626.** Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 166, line 12, insert before the colon the following: ", and may be equal to not more than 50 percent of the annual operating budget of the local government".

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**SA 3627.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

SMALL BUSINESS RELIEF FROM HURRICANE KATRINA AND HURRICANE RITA

SEC. 7032. (a) Section 3(p)(1) of the Small Business Act (15 U.S.C. 632(p)(1)) is amended—

(1) in subparagraph (D), by striking "or";

(2) in subparagraph (E), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(F) an area in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane

Katrina of August 2005 or Hurricane Rita of September 2005.''.

(b) Section 711(d) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking ''The Program'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the Program''; and

(2) by adding at the end the following:

''(2) EXCEPTION.—The Program shall not apply to any contract related to relief or reconstruction from Hurricane Katrina of 2005 or Hurricane Rita of 2005.''.

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**SA 3628.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, insert between lines 19 and 20, the following:

ALLOCATION OF HURRICANE DISASTER RELIEF AND RECOVERY FUNDS TO STATES

SEC. 7032. (a) In this section the term ''covered funds'' means any funds that—

(1) are made available to a department or agency under title II of this Act for hurricane disaster relief and recovery; and

(2) are allocated by that department or agency for use by the States.

(b) Notwithstanding any other provision of law (including title II of this Act)—

(1) before making covered funds available to any State, the head of the department or agency administering such funds shall apply an allocation formula for all States based on critical need and physical damages; and

(2) not later than 5 days before making such covered funds available to any State, submit a report to the Committees on Appropriations of the Senate and the House of Representatives on the allocation formula that is being used.

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**SA 3629.** Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

COMPREHENSIVE REVIEW ON PROCEDURES OF THE DEPARTMENT OF DEFENSE ON MORTUARY AFFAIRS

SEC. 7032. (a) REPORT.—As soon as practicable after the completion of the comprehensive review of the procedures of the Department of Defense on mortuary affairs, the Secretary of Defense shall submit to the congressional defense committees a report on the comprehensive review.

(b) ADDITIONAL ELEMENTS.—In conducting the comprehensive review described in subsection (a), the Secretary shall also address, in addition to any other matters covered by the review, the following:

(1) The utilization of additional or increased refrigeration (including icing) in combat theaters in order to enhance preservation of remains.

(2) The relocation of refrigeration assets further forward in the field.

(3) Specific times for the movement of remains from combat units.

(4) The forward location of autopsy and embalming operations.

(5) Any other matters that the Secretary considers appropriate in order to speed the return of remains to the United States in a non-decomposed state.

(c) ADDITIONAL ELEMENT OF POLICY ON CASUALTY ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.—Section 562(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3267; 10 U.S.C. 1475 note) is amended by adding at the end the following new paragraph:

''(12) The process by which the Department of Defense briefs survivors of military decedents on the cause of, and any investigation into, the death of such military decedents and on the processing, disposition, and transportation of the remains of such decedents, which process shall—

''(A) provide for the provision of such briefings by the most qualified Department personnel available;

''(B) ensure the provision of such briefings as soon as possible after death;

''(C) ensure that such briefings relate the most complete and accurate information available at the time of such briefings;

''(D) provide for comprehensive and timely updates of such briefings, when warranted;

''(E) ensure, to the extent possible, that incomplete or unverified information is not provided during the course of such briefings or updates; and

''(F) include procedures by which such survivors shall, upon request, receive updates or supplemental information on such briefings or updates from qualified Department personnel.''.

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**SA 3630.** Ms. LANDRIEU (for herself, Mr. VITTER, Mr. KERRY, and Mr. BAYH) submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, after line 24, insert the following:

GENERAL PROVISIONS—THIS CHAPTER

HURRICANE RESPONSE PLAN FOR THE 2006 HURRICANE SEASON

SEC. 2201. (a) In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''Disaster Loan Program'' means the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636);

(3) the term ''major disaster'' has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(4) the term ''small business concern'' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632);

(5) the term ''system'' means the Disaster Credit Management System of the Administration; and

(6) the term ''2006 Atlantic hurricane season'' means the period beginning on June 1, 2006, and ending on November 30, 2006.

(b) Not later than May 31, 2006, the Administrator shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the status of the disaster response plan of the Administration for the 2006 Atlantic hurricane season.

(c) The report required under subsection (b) shall include—

(1) the plan of the Administrator for responding quickly and efficiently after the occurrence of a major disaster during the 2006 Atlantic hurricane season and subsequent major disasters (including preparation and planning for disaster response resources and staff, such as identifying loss verifiers and technical assistance staff to deploy to potential disaster areas in advance of chartable events such as hurricanes);

(2) a description of how the Administrator plans to integrate and coordinate the response to a major disaster with the staff and resources of the Federal Emergency Management Agency (including details on where and when joint training sessions are planned during the 2006 Atlantic hurricane season);

(3) a description of how the Administrator plans to integrate and coordinate the response to a major disaster with the technical assistance programs of the Administration (including the small business development centers);

(4) the contingency plans of the Administration, if any, for handling increases in the volume of applications under the Disaster Loan Program during the 2006 Atlantic hurricane season (including detailed plans for using local banks, credit unions, and businesses in an area in which the President declares a major disaster or the hiring of additional loan processing and loss verification staff);

(5) any available or revised surge plans for the system (including surge plans for loss verification, loan processing, mailroom, customer service or call center operations, and a continuity of operations plan);

(6) information on the plans of the Administration, if any, for upgrading the Disaster Loan Program application processing system, including—

(A) the user capacity of the system; and

(B) the estimated cost for upgrading the software and equipment to handle additional users;

(7) the number of full-time equivalent employees and job descriptions for the planning and disaster response staff of the Administration;

(8) information (including potential cost estimates) on whether—

(A) the Administrator plans to hire full-time planning staff during the 2006 Atlantic hurricane season; and

(B) such full-time planner would be hired in the Office of Disaster Assistance or in another office of the Administration;

(9) the inservice and preservice training procedures for disaster response staff of the Administration;

(10) information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster);

(11) information on the procurement procedures of the Administration for acquiring equipment and staff, including—

(A) standard procurement procedures during nondisaster periods;

(B) standard procurement procedures before and after major disasters;

(C) whether the Administration meets the criteria to be exempt from the normal General Services Administration procurement process for its disaster response; and

(D) whether any administrative or legislative changes are needed to allow the Administration to be exempt from the normal General Service Administration procurement process in response to a disaster; and

(12) a description of the findings and recommendations of the Administrator, if any, based on a review of the response of the Administration to Hurricane Katrina of 2005, Hurricane Rita of 2005, and Hurricane Wilma of 2005.

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**SA 3631.** Ms. LANDRIEU (for herself, Mr. KERRY, and Mr. BAYH) submitted

an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, after line 24, insert the following:

GENERAL PROVISIONS—THIS CHAPTER

DISASTER LOAN PROGRAM MONTHLY ACCOUNTING REPORT

SEC. 2201. (a) In this section—

(1) the term ''applicable period'' means the period beginning on the date on which the President declares a major disaster and ending on the date that is 30 days after the later of the closing date for applications for physical disaster loans for such disaster and the closing date for applications for economic injury disaster loans for such disaster; and

(2) the term ''major disaster'' has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(b) Not later than the fifth business day of each month during the applicable period for a major disaster, the Administrator of the Small Business Administration shall provide to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636) for such disaster during the preceding month.

(c) Each report under subsection (b) shall include—

(1) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(2) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(3) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(4) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased, noting the source of any additional funding;

(5) an estimate of how long the available funding for such loans will last, based on the spending rate;

(6) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(7) the amount of funding spent over the month for administrative costs, and the percent by which such spending has increased or decreased since the previous report under subsection (b);

(8) the amount of funding available for salaries and expenses combined, and the percent by which such funding has increased or decreased, noting the source of any additional funding; and

(9) an estimate of how long the available funding for salaries and expenses will last, based on the spending rate.

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**SA 3632.** Mr. DURBIN (for himself, Ms. MIKULSKI, Mr. ALLEN, Mr. BINGAMAN, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. BIDEN, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 117, between lines 9 and 10, insert the following:

NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD

SEC. 1312. (a) SHORT TITLE.—This section may be cited as the ''Reservists Pay Security Act of 2006''.

(b) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

**''§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard**

''(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

''(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

''(2) the amount of pay and allowances which (as determined under subsection (d))—

''(A) is payable to such employee for that service; and

''(B) is allocable to such pay period.

''(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

''(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

''(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

''(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

''(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

''(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).

''(c) Any amount payable under this section to an employee shall be paid—

''(1) by such employee's employing agency;

''(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

''(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

''(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

''(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

''(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

''(f) For purposes of this section—

''(1) the terms 'employee', 'Federal Government', and 'uniformed services' have the same respective meanings as given them in section 4303 of title 38;

''(2) the term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

''(3) the term 'basic pay' includes any amount payable under section 5304.''.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

''5538. Nonreduction in pay while serving in the uniformed services or National Guard.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act.

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**SA 3633.** Ms. STABENOW proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

**TITLE VIII—OIL COMPANY ACOUNTABILITY**

**SEC. 8001. 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 2006 in an amount equal to $500.

''(b) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than 30 days after the date of the enactment of this section.

''(c) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

''(1) any individual who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded $120,000,

''(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006,

''(3) any estate or trust, or

''(4) 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 from section 6430 of such Code''.

(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.

**SEC. 8002. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.**

(a) GENERAL RULE.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term ''layer adjustment amount'' means, with respect to any historic LIFO layer, the product of—

(A) $18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term ''barrel-of-oil equivalent'' has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) APPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term ''applicable integrated oil company'' means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and which had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2005. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

**SEC. 8003. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.**

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) SPECIAL RULES RELATING TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

''(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

''(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

''(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

''(i) persons who are not dual capacity taxpayers, and

''(ii) persons who are citizens or residents of the foreign country or possession.

''(4) LARGE INTEGRATED OIL COMPANY.—For purposes of this subsection, the term 'large integrated oil company' means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4)) which—

''(A) had gross receipts in excess of $1,000,000,000 for such taxable year, and

''(B) has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

**SEC. 8004. NONAPPLICATION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES TO LARGE INTEGRATED OIL COMPANIES.**

(a) IN GENERAL.—Section 167(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) NONAPPLICATION TO LARGE INTEGRATED OIL COMPANIES.—This subsection shall not apply to any expenses paid or incurred during any taxable year by any taxpayer which is an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has gross receipts in excess of $500,000,000 for such taxable year. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

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**SA 3634.** Mr. SMITH (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 128, between lines 10 and 11, insert the following:

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for ''Medical Services'' for the Department of Veterans Affairs to increase mental health staffing at community-based outpatient clinics, to establish post-traumatic stress disorder (PTSD) and readjustment related service programs with primary care physicians, mental health clinicians, and post-traumatic stress disorder coordinators, and to provide access to family therapy services, $29,000,000, to remain available until September 30, 2007: *Provided*, That the Secretary of Veterans Affairs shall certify to Congress not later than October 15, 2007, whether funds appropriated under this heading were expended for the specific purposes for which they are provided under this heading, and for no other purpose: *Provided further*, That the Secretary include with the certification required under the preceeding proviso a report describing the degree to which funds described in that proviso improved mental health staffing in community-based outpatient clinics, provided for family therapy services, and improved mental health care for veterans generally and veterans from Operation Iraqi Freedom and Operation Enduring Freedom in particular: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

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**SA 3635.** Mr. ALLEN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

FEDERAL FUELS LIST

SEC. 7____. (a) Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended by striking the second clause (v) and inserting the following:

''(vi)(I) The Administrator shall have no authority, when considering a State implementation plan or a State implementation plan revision, to approve under this paragraph any fuel included in such plan or revision if the effect of such approval would be to increase the total number of fuels approved under this paragraph as of September 1, 2004, in all State implementation plans.

''(II) The Administrator, in consultation with the Secretary of Energy (referred to in this clause as the 'Secretary'), shall—

''(aa) determine the total number of fuels approved under this paragraph as of September 1, 2004, in all State implementation plans; and

''(bb) not later than 90 days after the date of enactment of this item, publish in the Federal Register a list of the fuels described in item (aa), including the states and Petroleum Administration for Defense District in which they are used.

''(III) The Administrator—

''(aa) shall remove a fuel from the list published under subclause (II) if the fuel ceases to be included in a State implementation plan or if a fuel in a State implementation plan is identical to a Federal fuel formulation implemented by the Administrator; and

''(bb) reduce the total number of fuels authorized under the list published under subclause (II) appropriately.

''(IV) Subclause (I) shall not limit the authority of the Administrator to approve a control or prohibition respecting any new fuel under this paragraph in an implementation plan of a State, or a revision to such a plan, after the date of enactment of this subclause if the new fuel completely replaces a fuel on the list published under subclause (II).

''(V)(aa) Except as provided in item (bb), in considering the implementation plan of a State or a revision to such a plan, the Administrator shall have no authority under this paragraph to approve any fuel unless that fuel was, as of the date of the consideration, approved in at least 1 State implementation plan in the applicable Petroleum Administrator for Defense District.

''(bb) The Administrator may approve as part of a State implementation plan, or a revision to such a plan, a fuel with a summertime Reid Vapor Pressure of 7.0 psi, but such an approval by the Administrator shall not cause an increase in the total number of fuels on the list published under subclause (II) as of the date of consideration.

''(VI) Nothing in this clause affects any available authority of States to require the use of any fuel additive registered in accordance with subsection (b), including any fuel additive registered in accordance with that subsection after the date of enactment of this subclause.

''(vii)(I) Clause (vi), including the limitations of the authority of the Administrator and the cap on the total number of fuels permitted, shall remain in effect until the harmonization of fuels under subclause (V) is achieved, at which time clause (v) shall no longer apply and the limitations of the authority of the Administrator under subclause (IV) shall apply.

''(II)(aa) Not later than 1 year after the date of enactment of this clause, the Administrator, in coordination with the Secretary and after providing notice and an opportunity for public comment, shall identify and publish in the Federal Register a list, to be known as the 'Federal Fuels List', containing 5 gasolines and diesel fuels to be used in States that have not received a waiver under section 209(b).

''(bb) The list shall include 1 Federal on-road diesel fuel (which shall grandfather the sulfur phase down in the ultra low sulfur diesel fuel regulations of the Administrator in effect as of the date of enactment of enactment of this clause and shall permit the implementation of 1 alternative diesel fuel, approved under this subparagraph before that date for a State that has not received a section 209(b) waiver, only in the State in which it was approved before that date), 1 conventional gasoline for ozone attainment areas, 1 reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 additional gasolines with Reid vapor pressure (RVP) controls for use in ozone attainment areas of varying degrees of severity.

''(cc) None of the fuels identified under this subclause shall control fuel sulfur or toxics levels beyond levels required by regulations of the Administrator.

''(III)(aa) Gasolines and diesel fuels shall be included on the Federal Fuels List based on an analysis by the Administrator of the ability of the fuels to reduce ozone emissions to assist States in attaining established ozone standards under this Act, and on an analysis by the Secretary that the adoption of the Federal Fuels List will not result in a reduction in supply or in producibility, including that caused by a reduction in domestic refining capacity as a result of the adoption of the Federal Fuels List.

''(bb) In the event the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility, the Administrator and the Secretary shall report that conclusion to Congress, and suspend the implementation of this clause.

''(cc) The Administrator and the Secretary shall conduct the study required under section 1541(c) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1108) on the timetable required in that section to provide Congress with legislative recommendations for modifications to the proposed Federal Fuels List only if the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility.

''(IV)(aa) On publication of the Federal Fuels List, the Administrator shall have no authority, in considering a State implementation plan or State implementation plan revisions, to approve under this subparagraph any fuel included in such plan or plan revision if the proposed fuel is not 1 of the fuels on the Federal Fuels List or to approve an implementation plan or plan revision of a State to move from 1 fuel on the Federal Fuels List to another unless, after consultation with the Secretary, the Administrator publishes in the Federal Register, after notice and opportunity for public comment, a finding that, in the judgment of the Administrator, the plan or plan revision to adopt a different fuel on the Federal Fuels List will not cause fuel supply or distribution disruptions in the affected area or contiguous areas.

''(bb) A finding of the Administrator under item (aa) shall include an assessment of reasonably foreseeable supply or distribution emergencies that could occur in the affected area or contiguous area and how adoption of the particular fuel revisions would effect alternative supply options during reasonably foreseeable supply or distribution emergencies.

''(V) The Administrator, in consultation with the Secretary, shall—

''(aa) develop a plan to harmonize the currently approved fuels in State implementation plans with the fuels included on the Federal Fuels List; and

''(bb) not later than 18 months after the date of enactment of this subclause, promulgate implementing regulations for this plan.

''(VI) The harmonization plan under subclause (V) shall be fully implemented by the States by not later than December 31, 2008.''.

(b) Section 1541 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1106) is amended by striking subsection (c) and inserting the following:

''(c) STUDY AND REPORT TO CONGRESS ON BOUTIQUE FUELS.—

''(1) JOINT STUDY.—The Administrator of the Environmental Protection Agency and the Secretary shall undertake a study of the effects of the State plan provisions adopted pursuant to section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) on—

''(A) air quality;

''(B) the number of fuel blends;

''(C) fuel availability;

''(D) fuel fungibility; and

''(E) fuel costs.

''(2) FOCUS OF STUDY.—

''(A) IN GENERAL.—The primary focus of the study required under paragraph (1) shall be to determine how to develop a Federal fuels system that maximizes motor fuel fungibility and supply, preserves air quality standards, and reduces motor fuel price volatility that results from the proliferation of boutique fuels, and to recommend to Congress such legislative changes as are necessary to implement such a system.

''(B) INCLUSIONS.—The study under paragraph (1) shall include an analysis of—

''(i) the impacts on overall energy supply, distribution, and use as a result of the legislative changes recommended;

''(ii) the impact on ozone emissions and supply of a mandatory reduction in the number of fuel blends to 5, including—

''(I) a fuel blend of on-road Federal diesel fuel (which shall grandfather the sulfur phase down in the ultra low sulfur diesel fuel regulations of the Administrator and shall permit the implementation of, one alternative diesel fuel, blend approved under this subparagraph before the date of enactment of this subclause for a State that has not received a section 209(b) waiver, only in the State in which it was approved before that date);

''(II) a fuel blend of conventional gasoline for ozone attainment areas;

''(III) a fuel blend of reformulated gasoline (RFG) meeting the requirements of subsection (k); and

''(IV) 2 gasolines blends with Reid vapor pressure (RVP) controls for use in ozone attainment areas of varying degrees of severity.

''(3) CONDUCT OF STUDY.—

''(A) IN GENERAL.—In carrying out this subsection, the Administrator and the Secretary shall—

''(i) use sound science and objective science practices;

''(ii) consider the best available science;

''(iii) use data collected by accepted means; and

''(iv) consider and include a description of the weight of the scientific evidence.

''(B) COORDINATION WITH OTHER STUDIES.—The Administrator and the Secretary shall—

''(i) coordinate the study required by this section with other studies required by this Act; and

''(ii) avoid duplication of effort with regard to those studies, to the maximum extent practicable.

''(4) RESPONSIBILITY OF ADMINISTRATOR.—In carrying out the study under this subsection, the Administrator shall—

''(A) coordinate obtaining comments from affected parties interested in the air quality impact assessment portion of the study;

''(B) use sound and objective science practices; and

''(C) take into consideration the best available science; and

''(D) take into consideration and include a description of the weight of the scientific evidence.

''(5) RESPONSIBILITY OF SECRETARY.—In carrying out the study under this subsection, the Secretary shall coordinate obtaining comments from affected parties interested in the fuel availability, number of fuel blends, fuel fungibility and fuel costs portion of the study.

''(6) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act,

the Administrator and the Secretary shall jointly submit to Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the results of the study under this subsection, including any recommended regulatory and legislative changes.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator and the Secretary $500,000 for the completion of the study under this subsection.''.

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**SA 3636.** Ms. STABENOW submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

**TITLE VIII—OIL COMPANY ACOUNTABILITY**

**SEC. 8001. 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 2006 in an amount equal to $500.

''(b) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than 30 days after the date of the enactment of this section.

''(c) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

''(1) any individual who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded $120,000,

''(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006,

''(3) any estate or trust, or

''(4) 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 from section 6430 of such Code''.

(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.

**SEC. 8002. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.**

(a) GENERAL RULE.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term ''layer adjustment amount'' means, with respect to any historic LIFO layer, the product of—

(A) $18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term ''barrel-of-oil equivalent'' has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) APPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term ''applicable integrated oil company'' means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and which had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2005. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

**SEC. 8003. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.**

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) SPECIAL RULES RELATING TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

''(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

''(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

''(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

''(i) persons who are not dual capacity taxpayers, and

''(ii) persons who are citizens or residents of the foreign country or possession.

''(4) LARGE INTEGRATED OIL COMPANY.—For purposes of this subsection, the term 'large integrated oil company' means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4)) which—

''(A) had gross receipts in excess of $1,000,000,000 for such taxable year, and

''(B) has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

**SEC. 8004. NONAPPLICATION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES TO LARGE INTEGRATED OIL COMPANIES.**

(a) IN GENERAL.—Section 167(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) NONAPPLICATION TO LARGE INTEGRATED OIL COMPANIES.—This subsection shall not apply to any expenses paid or incurred during any taxable year by any taxpayer which is an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has gross receipts in excess of $500,000,000 for such taxable year. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

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**SA 3637.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

NEXT GENERATION PROTECTIVE GEAR FOR SMALL-ARMS AND BIOTERRORISM THREATS TO TROOPS

SEC. 1312. (a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount appropriated by this chapter under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'' is hereby increased by $10,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', as increased by subsection (a), $10,000,000 shall be available for grants to research institutions of higher education for research and development on next generation protective gear for small-arms threats and bioterrorism threats to troops.

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**SA 3638.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

INCOME REPLACEMENT PAYMENTS FOR RESERVES EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE

SEC. 1312. (a) MODIFICATION OF ELIGIBILITY.—Section 910(b)(1) of title 10, United States Code, is amended by striking ''18 continuous months of service'' and inserting ''six continuous months of service''.

(b) FUNDING.—

(1) ADDITIONAL AMOUNT FOR MILITARY PERSONNEL.—The aggregate amount appropriated by this chapter under the heading ''MILITARY PERSONNEL'' is hereby increased by $27,000,000.

(2) AVAILABILITY.—Of the amounts appropriated by this chapter under the heading ''MILITARY PERSONNEL'', as increased by paragraph (1), $27,000,000 shall be available in fiscal year 2006 for the payment of income replacement payments for Reserves experiencing extended and frequent mobilization for active duty service under section 910 of title 10, United States Code, as a result of the amendment made by subsection (a).

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**SA 3639.** Mr. LEVIN (for himself, Mr. DORGAN, Ms. STABENOW, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 14 and 15, insert the following:

CUSTOMS AND BORDER PROTECTION

For an additional amount for ''Customs and Border Protection'', $12,000,000, for the Northern Border airwings in Michigan and North Dakota: Provided, That the amount provided under this heading is designated as an emergency requirement under section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

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**SA 3640.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

DEMOCRACY PROGRAMS AND ACTIVITIES IN IRAN

SEC. 7032. (a) Congress makes the following findings:

(1) The people of the United States have long demonstrated an interest in the well-being of the people of Iran, dating back to the 1830s.

(2) Famous Americans such as Howard Baskerville, Dr. Samuel Martin, Jane E. Doolittle, and Louis G. Dreyfus, Jr., made significant contributions to Iranian society by furthering the educational opportunities of the people of Iran and improving the opportunities of the less fortunate citizens of Iran.

(3) Iran and the United States were allies following World War II, and through the late 1970s Iran was as an important regional ally of the United States and a key bulwark against Soviet influence.

(4) In November 1979, following the arrival of Mohammed Reza Shah Pahlavi in the United States, a mob of students and extremists seized the United States Embassy in Tehran, Iran, holding United States diplomatic personnel hostage until January 1981.

(5) Following the seizure of the United States Embassy, Ayatollah Ruhollah Khomeini, leader of the repressive revolutionary movement in Iran, expressed support for the actions of the students in taking American citizens hostage.

(6) Despite the presidential election of May 1997, an election in which an estimated 91 percent of the electorate participated, control of the internal and external affairs of the Islamic Republic of Iran is still exercised by the courts in Iran and the Revolutionary Guards, Supreme Leader, and Council of Guardians of the Government of Iran.

(7) The election results of the May 1997 election and the high level of voter participation in that election demonstrate that the people of Iran favor economic and political reforms and greater interaction with the United States and the Western world in general.

(8) Efforts by the United States to improve relations with Iran have been rebuffed by the Government of Iran.

(9) The Clinton Administration eased sanctions against Iran and promoted people-to-people exchanges, but the Leader of the Islamic Revolution Ayatollah Ali Khamenei, the Militant Clerics' Society, the Islamic Coalition Organization, and Supporters of the Party of God have all opposed efforts to open Iranian society to Western influences and have opposed efforts to change the dynamic of relations between the United States and Iran.

(10) For the past two decades, the Department of State has found Iran to be the leading sponsor of international terrorism in the world.

(11) In 1983, the Iran-sponsored Hezbollah terrorist organization conducted suicide terrorist operations against United States military and civilian personnel in Beirut, Lebanon, resulting in the deaths of hundreds of Americans.

(12) The United States intelligence community and law enforcement personnel have linked Iran to attacks against American military personnel at Khobar Towers in Saudi Arabia in 1996 and to al Qaeda attacks against civilians in Saudi Arabia in 2004.

(13) According to the Department of State's Patterns of Global Terrorism 2001 report, ''Iran's Islamic Revolutionary Guard Corps and Ministry of Intelligence and Security continued to be involved in the planning and support of terrorist acts and supported a variety of groups that use terrorism to pursue their goals,'' and ''Iran continued to provide Lebanese Hizballah and the Palestinian rejectionist groups—notably HAMAS, the Palestinian Islamic Jihad, and the [Popular Front for the Liberation of Palestine-General Command]—with varying amounts of funding, safehaven, training and weapons''.

(14) Iran currently operates more than 10 radio and television stations broadcasting in Iraq that incite violent actions against United States and coalition personnel in Iraq.

(15) The current leaders of Iran, Ayatollah Ali Khamenei and Hashemi Rafsanjani, have repeatedly called upon Muslims to kill Americans in Iraq and install a theocratic regime in Iraq.

(16) The Government of Iran has admitted pursuing a clandestine nuclear program, which the United States intelligence community believes may include a nuclear weapons program.

(17) The Government of Iran has failed to meet repeated pledges to arrest and extradite foreign terrorists in Iran.

(18) The United States Government believes that the Government of Iran supports terrorists and extremist religious leaders in Iraq with the clear intention of subverting coalition efforts to bring peace and democracy to Iraq.

(19) The Ministry of Defense of Iran confirmed in July 2003 that it had successfully conducted the final test of the Shahab-3 missile, giving Iran an operational intermediate-range ballistic missile capable of striking both Israel and United States troops throughout the Middle East and Afghanistan.

(b) Congress declares that it should be the policy of the United States—

(1) to support efforts by the people of Iran to exercise self-determination over the form of government of their country; and

(2) to actively support a national referendum in Iran with oversight by international observers and monitors to certify the integrity and fairness of the referendum.

(c)(1) The President is authorized, notwithstanding any other provision of law, to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran. Such assistance includes funding for—

(A) the Broadcasting Board of Governors for efforts to cultivate and support independent broadcasters that broadcast into Iran;

(B) cultural and student exchanges;

(C) the promotion of human rights and civil society activities in Iran; and

(D) assistance to student organizations, labor unions, and trade associations in Iran.

(2) It is the sense of Congress that financial and political assistance under this section be provided to an individual, organization, or entity that—

(A) opposes the use of terrorism;

(B) advocates the adherence by Iran to nonproliferation regimes for nuclear, chemical, and biological weapons and materiel;

(C) is dedicated to democratic values and supports the adoption of a democratic form of government in Iran;

(D) is dedicated to respect for human rights, including the fundamental equality of women;

(E) works to establish equality of opportunity for people; and

(F) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.

(3) The President may provide assistance under this subsection using amounts made available pursuant to the authorization of appropriations under paragraph (7).

(4) Not later than 15 days before each obligation of assistance under this subsection, and in accordance with the procedures under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1), the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(5) It is the sense of Congress that in order to ensure maximum coordination among Federal agencies, if the President provides the assistance under this section, the President should appoint an individual who shall—

(A) serve as special assistant to the President on matters relating to Iran; and

(B) coordinate among the appropriate directors of the National Security Council on issues regarding such matters.

(6) It is the sense of Congress that—

(A) support for a transition to democracy in Iran should be expressed by United States representatives and officials in all appropriate international fora;

(B) representatives of the Government of Iran should be denied access to all United States Government buildings;

(C) efforts to bring a halt to the nuclear weapons program of Iran, including steps to end the supply of nuclear components or fuel to Iran, should be intensified, with particular attention focused on the cooperation regarding such program—

(i) between the Government of Iran and the Government of the Russian Federation; and

(ii) between the Government of Iran and individuals from China, Malaysia, and Pakistan, including the network of Dr. Abdul Qadeer (A. Q.) Khan; and

(D) officials and representatives of the United States should—

(i) strongly and unequivocally support indigenous efforts in Iran calling for free, transparent, and democratic elections; and

(ii) draw international attention to violations by the Government of Iran of human rights, freedom of religion, freedom of assembly, and freedom of the press.

(7) There is authorized to be appropriated to the Department of State $100,000,000 to carry out activities under this subsection.

(d) Not later than 15 days before designating a democratic opposition organization as eligible to receive assistance under subsection (b), the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives of the proposed designation. The notification may be in classified form.

(e)(1)(A) The amount appropriated by chapter 2 of title I for the Broadcasting Board of Governors under the heading ''INTERNATIONAL BROADCASTING OPERATIONS'' is hereby increased by $12,500,000.

(B) The amount appropriated by chapter 4 of title I for other bilateral assistance for the Department of State under the heading ''DEMOCRACY FUND'' is hereby increased by $12,500,000.

(2)(A) Of the amount appropriated by chapter 2 of title I for the Broadcasting Board of Governors under the heading ''INTERNATIONAL BROADCASTING OPERATIONS'', as increased by paragraph (1)(A), $12,500,000 shall be made available for democracy programs and activities in Iran.

(B) Of the amount appropriated by chapter 4 of title I for other bilateral assistance for the Department of State under the heading ''DEMOCRACY FUND'', as increased by paragraph (1)(B), $12,500,000 shall be made available for democracy programs and activities in Iran.

(3) The amount appropriated or otherwise made available by chapter 3 of title I under the heading ''OTHER PROCUREMENT, ARMY'' and available for Army modularity is hereby reduced by $25,000,000.

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**SA 3641.** Mr. COBURN proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 9 of this Act, for the Federal Railroad Administration under the heading ''Capital Grants for Rail Line Relocation Projects'' may be available for the Rail Line Relocation Capital Grant program, and the amount made available under such heading is reduced by $700,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading ''Operations, Research, and Facilities'' may be available for the National Marine Fisheries Service to implement seafood promotion strategies, and the amount made available under such heading is reduced by $15,000,000.

Notwithstanding any other provision of this Act, Sec. 7030(b) of this Act shall not take effect.

Notwithstanding any other provision of this Act, Sec. 2303 of this Act shall not take effect.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 9 of this Act, for the Federal Highway Administration under the heading ''Emergency Relief Program'' may be available for the projects listed in the Federal Highway Administration emergency relief backlog table, and the amount made available under such heading is reduced by $594,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading ''Operations, Research, and Facilities'' may be available for the National Marine Fisheries Service to study for three years the profitability of shrimp and reef fish fisheries, and the amount made available under such heading is reduced by $20,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 7 of this Act, for the Corporation for National and Community Service under the heading ''National and Community Service Programs, Operating Expenses'' may be available for the AmeriCorps National Civilian Community Corps, and the amount made available under such heading is reduced by $20,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title I, chapter 3 of this Act, for the Navy under the heading ''Aircraft Procurement, Navy'' may be available for the procurement of V–22 aircraft, and the amount made available under such heading is reduced by $230,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading ''Construction'' may be available for the acceleration of the American River (Common Features) project in California, and the amount made available under such heading is reduced by $3,300,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading ''Operations, Research, and Facilities'' may be available for the National Marine Fisheries Service to equip fishing vessels with logbooks to record haul-by-haul catch data, and the amount made available under such heading is reduced by $10,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 8 of this Act, for the Armed Forces Retirement Home under the heading ''Major Construction'' may be available for the Armed Forces Retirement Home, and the amount made available under such heading is reduced by $176,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading ''Operations, Research, and Facilities'' may be available for the National Marine Fisheries Service to equip the off-shore shrimp and reef fishery with electronic vessel monitoring systems, and the amount made available under such heading is reduced by $10,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading ''Operations, Research, and Facilities'' may be available for the National Marine Fisheries Service to assist New England coastal communities that were impacted by a red tide outbreak, and the amount made available under such heading is reduced by $20,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading ''Construction'' may be available for the acceleration of the South Sacramento Streams project in California, and the amount made available under such heading is reduced by $6,250,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading ''Operations, Research, and Facilities'' may be available for the National Marine Fisheries Service to develop temporary marine services centers, and the amount made available under such heading is reduced by $50,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading ''Operations, Research, and Facilities'' may be available for the National Marine Fisheries Service for replacement of private fisheries infrastructure, and the amount made available under such heading is reduced by $90,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading ''Operations, Research, and Facilities'' may be available for the National Marine Fisheries Service to employ fishers and vessel owners, and the amount made available under such heading is reduced by $25,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or

otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading ''Operations, Research, and Facilities'' may be available for the National Marine Fisheries Service to replace damaged fishing gear, and the amount made available under such heading is reduced by $200,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading ''Construction'' may be available for the acceleration of construction of the Sacramento Riverbank Protection Project in California, and the amount made available under such heading is reduced by $11,300,000.

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**SA 3642.** Mr. AKAKA (for himself, Mrs. MURRAY, Mr. KERRY, Mr. DAYTON, Ms. STABENOW, Mr. MENENDEZ, Mr. OBAMA, Mr. SCHUMER, Mr. DORGAN, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. LINCOLN, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, Mrs. CLINTON, Mr. LAUTENBERG, Mr. PRYOR, Mr. JOHNSON, and Mr. DURBIN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 128, between lines 10 and 11, insert the following:

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for ''Medical Services'' for necessary expenses for furnishing, as authorized by law, outpatient and inpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans as described in paragraphs (1) through (8) of section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the department and including medical supplies and equipment and salaries and expenses of healthcare employees hired under title 38, United States Code, and to aid State homes as authorized under section 1741 of title 38, United States Code, $430,000,000 plus reimbursements: *Provided*, That of the amount under this heading, $168,000,000 shall be available to address the needs of servicemembers in need of mental health care, including post-traumatic stress disorder: *Provided further*, That of the amount under this heading, $80,000,000 shall be available for the provision of readjustment counseling under section 1712A of title 38, United States Code (commonly referred to as ''Vet Centers''): *Provided further*, That of the amount under this heading $182,000,000 shall be available to meet current and pending care and treatment requirements: *Provided further*, That the amount under this heading shall remain available until expended: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

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**SA 3643.** Mr. SALAZAR (for himself, Mr. WARNER, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION

SEC. 1312. (a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking ''have a death gratuity paid'' and inserting ''have fallen hero compensation paid''.

(2) In section 1476(a)—

(A) in paragraph (1), by striking ''a death gratuity'' and inserting ''fallen hero compensation''; and

(B) in paragraph (2), by striking ''A death gratuity'' and inserting ''Fallen hero compensation''.

(3) In section 1477(a), by striking ''A death gratuity'' and inserting ''Fallen hero compensation''.

(4) In section 1478(a), by striking ''The death gratuity'' and inserting ''The amount of fallen hero compensation''.

(5) In section 1479(1), by striking ''the death gratuity'' and inserting ''fallen hero compensation''.

(6) In section 1489—

(A) in subsection (a), by striking ''a gratuity'' in the matter preceding paragraph (1) and inserting ''fallen hero compensation''; and

(B) in subsection (b)(2), by inserting ''or other assistance'' after ''lesser death gratuity''.

(b) CLERICAL AMENDMENTS.—(1) Such subchapter is further amended by striking ''**Death Gratuity:**'' each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting ''**Fallen Hero Compensation:**''.

(2) The table of sections at the beginning of such subchapter is amended by striking ''Death gratuity:'' in the items relating to sections 1474 through 1480 and 1489 and inserting ''Fallen hero compensation:''.

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

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**SA 3644.** Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 102, line 15, insert after ''the threats,'' the following: ''the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices,''

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**SA 3645.** Mr. SALAZAR (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 246, between lines 8 and 9, insert the following:

HAZARDOUS FUELS AND FOREST HEALTH PROJECTS

SEC. _____. In addition to any other funds made available by this Act, there is appropriated to the Secretary of Agriculture, acting through the Chief of the Forest Service, Wildland Fire Management, $30,000,000 for hazardous fuels and forest health projects focused on reducing the risk of catastrophic fires and mitigating the effects of widespread insect infestations: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

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**SA 3646.** Mr. SALAZAR (for himself, Mr. ALLARD, Mr. MCCONNELL, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

SENSE OF THE SENATE ON DESTRUCTION OF CHEMICAL WEAPONS

SEC. 7032. (a) The Senate makes the following findings:

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the ''Chemical Weapons Convention''), requires all United States chemical weapons stockpiles be destroyed by April 29, 2012.

(2) On April 10, 2006, the Department of Defense notified Congress that the United States would not meet the deadline under the Chemical Weapons Convention for destruction of United States chemical weapons stockpiles.

(3) Destroying existing chemical weapons is a homeland security imperative, an arms control priority, and required by United States law.

(4) The elimination and nonproliferation of chemical weapons of mass destruction is of utmost importance to the national security of the United States.

(b) It is the sense of the Senate that—

(1) the United States is committed to making every effort to safely dispose of its chemical weapons stockpiles by the Chemical Weapons Convention deadline of April 29, 2012, or as soon thereafter as possible, and will carry out all of its other obligations under the Convention; and

(2) the Secretary of Defense should prepare a comprehensive schedule for safely destroying the United States chemical weapons stockpiles to prevent further delays in the destruction of such stockpiles, and the schedule should be submitted annually to the congressional defense committees.

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**SA 3647.** Mrs. HUTCHISON (for herself and Mr. BURNS) proposed an amendment to amendment SA 3642 proposed by Mr. AKAKA (for himself, Mrs. MURRAY, Mr. KERRY, Mr. DAYTON, Ms. STABENOW, Mr. MENENDEZ, Mr. OBAMA, Mr. SCHUMER, Mr. DORGAN, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. LINCOLN, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, Mrs. CLINTON, Mr. LAUTENBERG, Mr. PRYOR, Mr. JOHNSON, and Mr. DURBIN) to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Before the period at the end of the amendment insert the following:

*Provided further*, That these amounts shall be available only to the extent that an official budget request for the entire amount is submitted to the Congress by the President that includes designation of the entire amount of the request as an emergency requirement.

**SA 3648.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 139, line 8, insert after ''and'' the following: ''replace or''. On page 139, line 17, insert after ''docks'' the following: ''vessels''. On page 140, line 22, after ''repairing'' and ''vessels and''

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**SA 3649.** Mr. ALLEN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. JUSTICE FOR FORMER AMERICAN HOSTAGES IN IRAN.**

(a) FINDINGS.—Congress finds that—

(1) on November 4, 1979, the Iranian militants seized the United States Embassy in Tehran, Iran, and held 52 Americans hostage for 444 days until their negotiated release on January 20, 1981;

(2) on January 19, 1981, the United States Department of State entered into a series of agreements with Iran that came to be known as the Algiers Accords. The accords established the United States-Iran Claims Tribunal to adjudicate United States and Iranian commercial claims. The Accords, however, precluded the 52 American hostages or their families from bringing suit against Iran for their seizure, detention, torture, and injuries;

(3) on December 29, 2000, the 52 American hostages and their spouses and children filed suit in the United States District Court for the District of Columbia, pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132);

(4) on August 6, 2001, the District Court entered a default judgment against Iran after certifying the case as a class action;

(5) the United States Department of State intervened in the case of the former American hostages and their families, and successfully moved to vacate the decision against Iran by invoking the Algiers Accords;

(6) the former American Hostages and their families have been denied the rights given every other American citizen to prosecute their claims against a state sponsor of terrorism pursuant to the Antiterrorism and Effective Death Penalty Act of 1996; and

(7) a common fund should be established to recognize these American heroes.

(b) COMMON FUND FOR HOSTAGES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State, shall commence payments to a common fund to be established and administered by the certified class representatives for the former American hostages in Iran and their survivors (as identified in case number 1:00CV03110 (EGS) of the United States District Court for the District of Columbia).

(2) ADMINISTRATION.—The common fund shall—

(A) be administered to pay claims to the Americans held hostage in Iran and to members of their families, and the estates of those hostages and family members who have since died, who were identified as class members in case number 1:00CV03110 (EGS) of the United States District Court for the District of Columbia; and

(B) be administered for the purpose of satisfying such claims, as approved by the certified class representatives identified in that case number.

(c) FUNDING.—Payments to the common fund under subsection (b) shall be derived from the liquidation of blocked assets (as defined in section 201(d)(2) of the Terrorism Risk Insurance Act of 2002 (Public Law 107–297; 28 U.S.C. 1610 note) with respect to Iran, and from amounts in the Iran Foreign Military Sales Fund account within the Foreign Military Sales Fund. The Secretary of the Treasury may use the interest in the Iran Foreign Military Sales Fund account, the principal in the account, or liquidate assets for purposes of this subsection.

(d) AMOUNT.—The Secretary of the Treasury shall make payments into the fund in amounts equal to—

(1) for each former hostage identified as a class member under subsection (b)(1), $1,000 for each day of captivity;

(2) for each spouse and child identified as a class member under subsection (b)(1), $500 for each day of captivity of the former hostages; and

(3) interest on each amount under paragraph (1) and (2), calculated at the historical daily prime rate, as published by the Board of Governors of the Federal Reserve System, for the period from the date of the release of the hostages until the date of payment under this section.

(e) TAXES.—Payments to the former American hostages and their family members pursuant to this section shall be exempt from Federal taxes.

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**SA 3650.** Mr. OBAMA (for himself, Mr. AKAKA, Mrs. MURRAY, Mr. ROCKEFELLER, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 128, between lines 10 and 11, insert the following:

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for ''General Operating Expenses'', $80,000,000, to improve timeliness and accuracy of claims processing, rating, and adjudication, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

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**SA 3651.** Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

**SEC. __. WORKING FAMILY TAX RELIEF.**

For purposes of section 24(d) of the Internal Revenue Code of 1986 (relating to portion of child tax credit made refundable), in the case of any taxable year beginning during 2006 or 2007, with respect to any taxpayer who had a primary residence in the Hurricane Katrina disaster area (as defined in section 1400M(2) of such Code) on August 28, 2005, clause (i) of section 24(d)(1)(B) of such Code shall be applied by substituting 10 percent of the taxpayer's earned income for such taxable year for the amount which would otherwise be determined under such clause for such taxable year. A taxpayer may elect not to have this section apply for any taxable year.

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**SA 3652.** Mr. OBAMA (for himself, Mr. LEVIN, Mr. BAYH, Ms. LANDRIEU, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, line 20, after ''Provided, That'' insert the following: ''$1,000,000 shall be for the efforts of the Director of the Federal Emergency Management Agency, in consultation with the Secretary of Health and Human Services, ongoing on the date of enactment of this Act to assist individuals displaced by Hurricane Katrina of 2005, in locating members of their family: Provided further, That not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall conduct an assessment regarding how to modify the Louisiana family assistance call center model for use in major disasters (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) occurring after the date of enactment of this Act: Provided further, That not later than 1 year after the date of the conclusion of the assessment conducted under the preceding proviso, the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall issue regulations to implement the findings of such assessment, to the maximum extent practicable: Provided further, That''.

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**SA 3653.** Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, lines 20, after ''Provided, That'' insert the following: ''$500,000 shall be for the Secretary of Homeland Security, acting through the Office of State and Local Government Coordination and Preparedness and the Office for Civil Rights and Civil Liberties, to take appropriate actions to carry out recommendation 43 (regarding improving evacuation procedures for people with special needs) in the report by the Assistant to the President for Homeland Security and Counterterrorism entitled 'The Federal Response to Hurricane Katrina: Lessons Learned,' dated February 23, 2006: Provided further, That:''.

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**SA 3654.** Mr. REID (for Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 128, between lines 10 and 11, insert the following:

DEPARTMENT OF VETERANS AFFAIRS

SUPPORT FOR MENTAL HEALTH AND READJUSTMENT PROGRAMS

SEC. 1601. Congress makes the following findings:

(1) Not all the wounds caused by war are physical.

(2) In July of 2004, the New England Journal of Medicine reported that one of every six combat veterans in Iraq and Afghanistan showed symptoms of major depression, anxiety, or post-traumatic stress disorder (PTSD).

(3) A more recent study in the *Journal of the American Medical Association* found that 19.1 percent of returning veterans from Iraq, and 11.3 percent of veterans returning from Afghanistan, reported mental health problems.

(4) Historic experience reveals that soldiers will return from war having to cope with a range of emotional issues, regardless of whether or not they are diagnosed with post-traumatic stress disorder.

(5) Care for veterans is an ongoing cost of war.

(6) The New Hampshire National Guard pioneered a new approach to meeting the mental health and readjustment needs of its soldiers.

(7) The New Hampshire model stipulates that as part of a comprehensive return and readjustment program, members of the National Guard receive individual counseling with counselors from Vet Centers who specialize in treating war trauma and related readjustment issues.

(8) The counseling is both mandatory and confidential, destroying any stigma associated with seeking help for emotional mental health problems.

(9) Of the first 810 soldiers to pass through the screening process, nearly 200 have received counseling.

(10) Counselors at Vet Centers are highly trained in readjustment counseling. Sixty percent of the counselors in Vets Centers are veterans themselves, 40 percent are combat veterans, and all are very experienced with helping veterans and their families deal with the challenges of readjustment.

(11) The greatest obstacle to the adoption of the New Hampshire program nationwide is the lack of resources available to Vet Centers.

(12) In fiscal year 2004, Vet Centers served 125,859 veterans in more than 1,000,000 visits.

(13) Even without the war in Iraq, Vet Centers were already overloaded with cases.

(14) In fiscal year 2005, Vet Centers were expected to provide services to nearly 14,000 veterans of Iraq and Afghanistan in almost 44,000 office visits, and more than 3,800 of these veterans had post-traumatic stress disorder.

(15) As of the end of February 2006, Vet Centers provided services to 70,547 veterans of operations in Iraq and Afghanistan in 2006.

MEDICAL SERVICES

For an additional amount for ''Medical Services'', $100,000,000, for the Readjustment Counseling Services of the Department of Veterans Affairs to expand transition programs, increase screening for post-traumatic stress disorder (PTSD), and expand resources available for treatment of post-traumatic stress disorder: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

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**SA 3655.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

REPORT ON ASSISTANCE FOR IRAQ

SEC. . Not later than 30 days after the date of enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report setting forth the procedures in place to ensure that United States assistance is not provided to security force units in Iraq credibly alleged to be involved in gross human rights violations, including the procedures for vetting all police, military and other security force units receiving such assistance, monitoring the use of such assistance, and maintaining a list of units ineligible to receive such assistance.

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**SA 3656.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. TRAVEL DOCUMENT PLAN.**

Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended by striking ''January 1, 2008'' and inserting ''June 1, 2009''.

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**SA 3657.** Mr. LEAHY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 118, line 7, strike ''$136,290,000'' and insert in lieu thereof ''$171,290,000''.

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**SA 3658.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, line 13, after the colon insert the following:

*Provided further*, That of the funds appropriated under this heading for assistance for Iraq, not less than $16,000,000 shall be made available to the United States Agency for International Development for continued support for its Iraq Civil Society and Media Program: Provided further, That funds made available under the previous proviso shall be in addition to funds appropriated by this Act that are available to the United States Agency for International Development for Iraq

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**SA 3659.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, line 25, strike ''$10,500,000'' and insert in lieu thereof ''$20,500,000''.

On page 117, line 26, after ''That'' insert the following:

of the funds appropriated under this heading, $10,000,000 shall be made available for assistance for Guatemala for recovery and reconstruction activities related to Hurricane Stan: Provided further, That

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**SA 3660.** Mr. LEAHY (for himself, Mr. COLEMAN, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

INELIGIBILITY FOR ADMISSION FOR ALIENS

SEC. 7032. Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (vi)(III), by striking ''which'' before ''engages in, or has a subgroup'' and inserting in lieu thereof ''that the Secretary of the State, in consultation with or upon the request of the Attorney General or Secretary of Homeland Security, has certified''; and

(2) by adding at the end, the following new clause:

''(vii) EXCEPTION FOR INVOLUNTARY MATERIAL SUPPORT.—An individual has not provided material support for the purposes of subclause (VI) of clause (iv) if the individual establishes to the satisfaction of the consular officer when applying for a visa (or to the satisfaction of the Attorney General or Secretary of Homeland Security when applying for admission) that such support was involuntary or for purposes of protecting the alien or another person from the use of, or the threat of, unlawful force that a reasonable person in the alien's situation would not have resisted.''.

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**SA 3661.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 5, after the colon, insert the following: *Provided further*, That funds made available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations:

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**SA 3662.** Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. SALAZAR, Mr. BYRD, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

SEC.——. For purposes of oversight by and determining the termination date of the Office of the Special Inspector General for Iraq Reconstruction under section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 5 U.S.C. App. 8G note), as amended by section 1203 of the Ronald W. Reagan National Defense Authorization Act, 2005 (Public Law 108–375); 118 Stat. 2081), and section 599 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102; 119 Stat. 2240), the following funds shall be deemed amounts appropriated or otherwise made available for the Iraq Relief and Reconstruction Fund:

(1) Funds appropriated or otherwise made available by this Act for assistance for Iraq under the headings ''OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT'', ''ECONOMIC SUPPORT FUND'',

''INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT,'' and ''INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE''.

(2) Funds appropriated or otherwise made available for assistance for Iraq by title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) under the heading ''ECONOMIC SUPPORT FUND''.

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**SA 3663.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 1, strike ''in Iran'' and insert in lieu thereof:

, of which $34,750,000 shall be made available to promote democracy in Iran and of which $5,000,000 shall be made available for election assistance in the Democratic Republic of the Congo

On page 121, line 2, after ''heading'' insert ''for assistance for Iran''.

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**SA 3664.** Mr. LEAHY (for himself, Mr. COLEMAN, Ms. MURKOWSKI, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

INELIGIBILITY FOR ADMISSION FOR ALIENS

SEC. 7032. Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (vi)(III), by striking ''which'' before ''engages in, or has a subgroup'' and inserting in lieu thereof ''that the Secretary of the State, in consultation with or upon the request of the Attorney General or Secretary of Homeland Security, has certified''; and

(2) by adding at the end, the following new clause:

''(vii) EXCEPTION FOR INVOLUNTARY MATERIAL SUPPORT.—An individual has not provided material support for the purposes of subclause (VI) of clause (iv) if the individual establishes to the satisfaction of the Secretary of State, Attorney General or Secretary of Homeland Security that such support was involuntary or for purposes of protecting the alien or another person from the use of, or the threat of, unlawful force that a reasonable person in the alien's situation would not have resisted.''

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**SA 3665.** Mr. WYDEN proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

PROHIBITION OF FUNDS FOR OIL AND NATURAL GAS ROYALTY RELIEF

SEC. 7032. (a) No funds made available under this Act or any other Act for any fiscal year for royalty and offshore minerals management may be used by the Secretary of the Interior to provide relief from a requirement to pay a royalty for the production of oil or natural gas from Federal land during any period in which—

(1) for the production of oil, the average price of crude oil in the United States is greater than $55 a barrel; and

(2) for the production of natural gas, the average price of natural gas in the United States is $10 per 1,000 cubic feet of natural gas.

(b) In administering funds made available for royalty or offshore minerals management, the Secretary of the Interior may waive or specify alternative requirements if the Secretary of the Interior determines that royalty relief is necessary to avoid oil or natural gas supply disruptions as a consequence of hurricanes or other natural disasters.

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**SA 3666.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

PROHIBITION ON USE OF FUNDS FOR CONDEMNATION OF LAND LOCATED NEAR PINON CANYON

SEC. 7032. (a) In this section, the term ''fair market value'' means the value of a parcel of land, as determined by an appraisal performed by an independent, certified appraiser in accordance with the Uniform Standards of Professional Appraisal Practice.

(b) Subject to subsection (c), any funds made available to the Department of Defense pursuant to the Department of Defense Appropriations Act, 2006 (Division A of Public Law 109–148; 119 Stat. 2680), the Military Quality of Life and Veterans Affairs Appropriations Act, 2006 (Public Law 109–114; 119 Stat. 2372 ), or any other Act shall not be obligated or expended to acquire land located near the Pinon Canyon Maneuver Site if the land acquisition requires—

(1) condemnation;

(2) seizure by a Federal entity of private property; or

(3) eminent domain.

(c) The prohibition on the use of funds described in subsection (b) shall not apply to a land exchange between a willing seller and a willing buyer in which the exchanged land is purchased for an amount that does not exceed the fair market value of that land.

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**SA 3667.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, line 17, strike ''$60,000,000'' and insert ''$80,000,000''.

On page 161, line 19, insert '', and in Jefferson Parish in the vicinity of Jean Lafitte,'' after ''Plaquemines Parish''.

On page 162, line 4, strike ''$641,500,000'' and insert ''$621,500,000''.

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**SA 3668.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

LA LOUTRE RIDGE PROJECT

SEC. 7____. For purposes of chapter 3 of title I of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2761), the water control structure in the vicinity of La Loutre Ridge shall be considered to be an authorized operations and maintenance activity of the Corps of Engineers.

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**SA 3669.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 200, line 21, insert ''Provided further, That no State shall be allocated less than 3.5 percent of the amount provided under this heading:'' after ''impacted areas:''.

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**SA 3670.** Mr. DORGAN (for himself, Mr. DODD, Mrs. BOXER, Mr. REED, Mr. LIEBERMAN, Mr. LEAHY, Ms. MIKULSKI, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

**SEC. ____. WINDFALL PROFITS TAX; ENERGY CONSUMER REBATE.**

(a) WINDFALL PROFITS TAX.—

(1) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end the following new chapter:

**''CHAPTER 56—WINDFALL PROFITS ON CRUDE OIL**

''Sec. 5896. Imposition of tax.
''Sec. 5897. Windfall profit; removal price; adjusted base price; qualified investment.
''Sec. 5898. Special rules and definitions.

**''SEC. 5896. IMPOSITION OF TAX.**

''(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed on any integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year an excise tax equal to the excess of—

''(1) the amount equal to 50 percent of the windfall profit from all barrels of taxable crude oil removed from the property during each taxable year, over

''(2) the amount of qualified investment by such company during such taxable year.

''(b) FRACTIONAL PART OF BARREL.—In the case of a fraction of a barrel, the tax imposed by subsection (a) shall be the same fraction of the amount of such tax imposed on the whole barrel.

''(c) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the taxable crude oil.

**''SEC. 5897. WINDFALL PROFIT; REMOVAL PRICE; ADJUSTED BASE PRICE; QUALIFIED INVESTMENT.**

''(a) GENERAL RULE.—For purposes of this chapter, the term 'windfall profit' means the excess of the removal price of the barrel of taxable crude oil over the adjusted base price of such barrel.

''(b) REMOVAL PRICE.—For purposes of this chapter—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'removal price' means the amount for which the barrel of taxable crude oil is sold.

''(2) SALES BETWEEN RELATED PERSONS.—In the case of a sale between related persons,

the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613.

''(3) OIL REMOVED FROM PROPERTY BEFORE SALE.—If crude oil is removed from the property before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

''(4) REFINING BEGUN ON PROPERTY.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the property—

''(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

''(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

''(5) PROPERTY.—The term 'property' has the meaning given such term by section 614.

''(c) ADJUSTED BASE PRICE DEFINED.—

''(1) IN GENERAL.—For purposes of this chapter, the term 'adjusted base price' means $40 for each barrel of taxable crude oil plus an amount equal to—

''(A) such base price, multiplied by

''(B) the inflation adjustment for the calendar year in which the taxable crude oil is removed from the property.

The amount determined under the preceding sentence shall be rounded to the nearest cent.

''(2) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—For purposes of paragraph (1), the inflation adjustment for any calendar year after 2006 is the percentage by which—

''(i) the implicit price deflator for the gross national product for the preceding calendar year, exceeds

''(ii) such deflator for the calendar year ending December 31, 2005.

''(B) FIRST REVISION OF PRICE DEFLATOR USED.—For purposes of subparagraph (A), the first revision of the price deflator shall be used.

''(d) QUALIFIED INVESTMENT.—For purposes of this chapter—

''(1) IN GENERAL.—The term 'qualified investment' means any amount paid or incurred with respect to—

''(A) section 263(c) costs,

''(B) qualified refinery property (as defined in section 179C(c) and determined without regard to any termination date),

''(C) any qualified facility described in paragraph (1), (2), (3), or (4) of section 45(d) (determined without regard to any placed in service date),

''(D) any facility for the production of alcohol used as a fuel (within the meaning of section 40) or biodiesel or agri-biodiesel used as a fuel (within the meaning of section 40A).

''(2) SECTION 263(C) COSTS.—For purposes of this subsection, the term 'section 263(c) costs' means intangible drilling and development costs incurred by the taxpayer which (by reason of an election under section 263(c)) may be deducted as expenses for purposes of this title (other than this paragraph). Such term shall not include costs incurred in drilling a nonproductive well.

**''SEC. 5898. SPECIAL RULES AND DEFINITIONS .**

''(a) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide such rules as are necessary for the withholding and deposit of the tax imposed under section 5896 on any taxable crude oil.

''(b) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information (to the Secretary and to other persons having an interest in the taxable crude oil) with respect to such oil as the Secretary may by regulations prescribe.

''(c) RETURN OF WINDFALL PROFIT TAX.—The Secretary shall provide for the filing and the time of such filing of the return of the tax imposed under section 5896.

''(d) DEFINITIONS.—For purposes of this chapter—

''(1) PRODUCER.—The term 'producer' means the holder of the economic interest with respect to the crude oil.

''(2) CRUDE OIL.—

''(A) IN GENERAL.—The term 'crude oil' includes crude oil condensates and natural gasoline.

''(B) EXCLUSION OF NEWLY DISCOVERED OIL.—Such term shall not include any oil produced from a well drilled after the date of the enactment of this chapter, except with respect to any oil produced from a well drilled after such date on any proven oil or gas property (within the meaning of section 613A(c)(9)(A)).

''(3) BARREL.—The term 'barrel' means 42 United States gallons.

''(e) ADJUSTMENT OF REMOVAL PRICE.—In determining the removal price of oil from a property in the case of any transaction, the Secretary may adjust the removal price to reflect clearly the fair market value of oil removed.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.

''(g) TERMINATION.—This section shall not apply to taxable crude oil removed after the date which is 3 years after the date of the enactment of this section.''.

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''CHAPTER 56. WINDFALL PROFIT ON CRUDE OIL.''.

(3) DEDUCTIBILITY OF WINDFALL PROFIT TAX.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

''(6) The windfall profit tax imposed by section 5896.''.

(4) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to crude oil removed after the date of the enactment of this Act, in taxable years ending after such date.

(B) TRANSITIONAL RULES.—For the period ending December 31, 2006, the Secretary of the Treasury or the Secretary's delegate shall prescribe rules relating to the administration of chapter 56 of the Internal Revenue Code of 1986. To the extent provided in such rules, such rules shall supplement or supplant for such period the administrative provisions contained in chapter 56 of such Code (or in so much of subtitle F of such Code as relates to such chapter 56).

(b) ENERGY CONSUMER REBATE.—

(1) 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 CONSUMER 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 each taxable year beginning after December 31, 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) the applicable amount.

''(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) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount for any taxpayer shall be determined by the Secretary not later than the date specified in subsection (d)(1) taking into account the number of such taxpayers and the amount of revenues in the Treasury resulting from the tax imposed by section 5896 for the calendar year preceding the taxable year.

''(d) DATE PAYMENT DEEMED MADE.—

''(1) IN GENERAL.—The payment provided by this section shall be deemed made on February 1 of the calendar year ending with or within the taxable year (July 1, in the case of calendar year 2006).

''(2) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in paragraph (1) not later that 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.''.

(2) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period '', or from section 6430 of such Code''.

(3) 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 consumer rebate.''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

## NOTICES OF INTENT

Mr. DORGAN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 4939 amendment No. 3670. (The amendment is printed in today's RECORD under ''Text of amendments.'')

Mr. DOMENICI. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 4939 the attached amendment, as follows:

On page 253, between lines 19 and 20, insert the following:

## TITLE VIII—GAS TAX RELIEF AND REBATE

### Subtitle A—Fuel Tax Holiday Rebate

**SEC. 8101. FUEL TAX HOLIDAY 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. FUEL TAX HOLIDAY 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 2006 in an amount equal to $100.

''(b) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than August 30, 2006.

''(c) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

''(1) any taxpayer who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded the threshold amount (as determined under section 151(d)(3)(C) for such preceding taxable year),

''(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006,

''(3) any estate or trust, or

''(4) 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 from section 6430 of such Code''.

(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. Fuel tax holiday rebate.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

### Subtitle B—Price Gouging

**SEC. 8201. SHORT TITLE.**

This subtitle may be cited as the ''Gasoline Consumer Anti-Price-Gouging Protection Act''.

**SEC. 8202. PROTECTION OF CONSUMERS AGAINST PRICE GOUGING.**

It is unlawful for any person to increase the price at which that person sells, or offers to sell, gasoline or petroleum distillates to the public (for purposes other than resale) in, or for use in, an area covered by an emergency proclamation by an unconscionable amount while the proclamation is in effect.

**SEC. 8203. JUSTIFIABLE PRICE INCREASES.**

(a) IN GENERAL.—The prohibition in section 8202 does not apply to the extent that the increase in the retail price of the gasoline or petroleum distillate is attributable to—

(1) an increase in the wholesale cost of gasoline and petroleum distillates for the region in which the area to which a proclamation under section 8202 applies is located;

(2) an increase in the replacement costs for gasoline or petroleum distillate sold;

(3) an increase in operational costs; or

(4) regional, national, or international market conditions.

(b) OTHER MITIGATING FACTORS.—In determining whether a violation of section 8202 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 gasoline or petroleum distillate was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

**SEC. 8204. FEDERAL AND STATE PROCLAMATIONS.**

(a) IN GENERAL.—For purposes of this subtitle—

(1) the President may issue an emergency proclamation for any area within the United States in which an abnormal market disruption has occurred or is reasonably expected to occur; and

(2) the chief executive officer of any State may issue an emergency proclamation for any such area within that State.

(b) SCOPE AND DURATION.—

(1) IN GENERAL.—An emergency proclamation issued under subsection (a) shall specify with particularity—

(A) the geographic area to which it applies;

(B) the period for which the proclamation applies; and

(C) the event, circumstance, or condition that is the reason such a proclamation is determined to be necessary.

(2) LIMITATIONS.—An emergency proclamation issued under subsection (a)—

(A) may not apply for a period of more than 30 consecutive days (renewable for a consecutive period of not more than 30 days); and

(B) may apply to a period of not more than 7 days preceding the occurrence of an event, circumstance, or condition that is the reason such a proclamation is determined to be necessary.

**SEC. 8205. ENFORCEMENT BY FEDERAL TRADE COMMISSION.**

(a) VIOLATION IS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—This subtitle shall be enforced by the Federal Trade Commission as if the violation of section 8202 were 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)).

(b) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating this subtitle in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this subtitle. Any entity that violates any provision of this subtitle is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this subtitle.

(c) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Federal Trade Commission shall prescribe such regulations as may be necessary or appropriate to implement this subtitle.

**SEC. 8206. ENFORCEMENT BY STATES.**

(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 this subtitle, whenever the chief legal officer of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this subtitle or a regulation under this subtitle.

(b) NOTICE.—The State shall serve written notice to the Federal Trade Commission of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the 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 chief legal officer of a State from exercising the powers conferred on that officer 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 the violation occurred;

(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 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 subtitle, the chief legal officer of the State in which the violation occurred may not bring an action under this section during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this subtitle 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. 8207. PENALTIES.**

(a) CIVIL PENALTY.—

(1) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act any person who violates this subtitle is punishable by a civil penalty of—

(A) not more than $500,000, in the case of an independent small business marketer of gasoline (within the meaning of section 324(c) of the Clean Air Act (42 U.S.C. 7625(c)); and

(B) not more than $5,000,000 in the case of any other person.

(2) METHOD OF ASSESSMENT.—The penalty 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.—

(1) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act, the violation of this subtitle is punishable by a fine of not more than $1,000,000, imprisonment for not more than 2 years, or both.

(2) ENFORCEMENT.—The criminal penalty provided by paragraph (1) may be imposed only pursuant to a criminal action brought by the Attorney General or other officer of the Department of Justice, or any attorney specially appointed by the Attorney General

of the United States, in accordance with section 515 of title 28, United States Code.

**SEC. 8208. DEFINITIONS.**

In this subtitle:

(1) ABNORMAL MARKET DISRUPTION.—The term ''abnormal market disruption'' means there is a reasonable likelihood that, in the absence of a proclamation under section 8204(a), there will be an increase in the average retail price of gasoline or petroleum distillates in the area to which the proclamation applies as a result of a change in the market, whether actual or imminently threatened, resulting from weather, a natural disaster, strike, civil disorder, war, military action, a national or local emergency, or other similar cause, that adversely affects the availability or delivery gasoline or petroleum distillates.

(2) STATE.—The term ''State'' means the several States of the United States and the District of Columbia.

(3) UNCONSCIONABLE AMOUNT.—The term ''unconscionable amount'' means, with respect to any person to whom section 8202 applies, a significant increase in the price at which gasoline or petroleum distillates are sold or offered for sale by that person that increases the price, for the same grade of gasoline or petroleum distillate, to an amount that—

(A) substantially exceeds the average price at which gasoline or petroleum distillates were sold or offered for sale by that person during the 30-day period immediately preceding the sale or offer; and

(B) cannot be justified by taking into account the factors described in section —03(b).

**SEC. 8209. EFFECTIVE DATE.**

This subtitle shall take effect on the date on which a final rule issued by the Federal Trade Commission under section 8205(c) is published in the Federal Register.

## Subtitle C—Tax Provisions

**SEC. 8301. REPEAL OF THE LIMITATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN -BURN TECHNOLOGY VEHICLES ELIGIBLE FOR CREDIT.**

(a) IN GENERAL.—Subsection (f) of section 30B of the Internal Revenue Code of 1986 is repealed.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 1341(a) of the Energy Policy Act of 2005.

**SEC. 8302. EXCEPTION FROM DEPRECIATION LIMITATION FOR CERTAIN ALTERNATIVE AND ELECTRIC PASSENGER AUTOMOBILES.**

(a) IN GENERAL.—Paragraph (1) of section 280F(a) of the Internal Revenue Code of 1986 (relating to limitation) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR CERTAIN ALTERNATIVE MOTOR VEHICLES AND QUALIFIED ELECTRIC VEHICLES.—Subparagraph (A) shall not apply to any motor vehicle for which a credit is allowable under section 30 or 30B.''.

(b) CONFORMING AMENDMENT.—Subparagraph (C) of section 280F(a)(1) of the Internal Revenue Code of 1986 is amended by striking clause (ii) and by redesignating clause (iii) as clause (ii).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

**SEC. 8303. EXTENSION OF ELECTION TO EXPENSE CERTAIN REFINERIES.**

(a) IN GENERAL.—Section 179C(c)(1) of the Internal Revenue Code of 1986 (defining qualified refinery property) is amended—

(1) by striking ''and before January 1, 2012'' in subparagraph (B) and inserting ''and, in the case of any qualified refinery described in subsection (d)(1), before January 1, 2012'', and

(2) by inserting ''if described in subsection (d)(1)'' after ''of which'' in subparagraph (F)(i).

(b) CONFORMING AMENDMENT.—Subsection (d) of section 179C of the Internal Revenue Code of 1986 is amended to read as follows:

''(d) QUALIFIED REFINERY.—For purposes of this section, the term 'qualified refinery' means any refinery located in the United States which is designed to serve the primary purpose of processing liquid fuel from—

''(1) crude oil, or

''(2) qualified fuels (as defined in section 45K(c)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendment made by section 1323(a) of the Energy Policy Act of 2005.

**SEC. 8304. 5-YEAR AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR CERTAIN MAJOR INTEGRATED OIL COMPANIES.**

(a) IN GENERAL.—Section 167(h) of the Internal Revenue Code of 1986 (relating to amortization of geological and geophysical expenditures) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR MAJOR INTEGRATED OIL COMPANIES.—

''(A) IN GENERAL.—In the case of an integrated oil company described in subparagraph (B), paragraphs (1) and (4) shall be applied by substituting '5-year' for '24 month'.

''(B) INTEGRATED OIL COMPANY DESCRIBED.—An integrated oil company is described in this subparagraph if such company is an integrated oil company (as defined in section 291(b)(4)) which—

''(i) has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year,

''(ii) had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2005, and

''(iii) has an ownership interest (within the meaning of section 613A(d)(3)) in crude oil refiner of 15 percent or more.

For purposes of the preceding sentence, all persons treated as a single employer under subsections (a) and (b) of section shall be treated as 1 person and, in case of a short taxable year, the rule under section 448(c)(3)(B) shall apply''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 1329 of the Energy Policy Act of 2005.

**SEC. 8305. REPEAL OF LIFO METHOD OF INVENTORY ACCOUNTING.**

(a) IN GENERAL.—Sections 472, 473, and 474 of the Internal Revenue Code of 1986 are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 56(g)(4)(D)(iii) of such Code is repealed.

(2) Section 312(n)(4) of such Code is repealed.

(3) Section 1363(d) of such Code is repealed.

(c) EFFECTIVE DATE.—The repeals made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(d) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the repeals made by subsection (a) to change its method accounting for its first taxable year beginning after the date of the enactment of this Act—

(1) such change shall be treated as initiated by the taxpayer,

(2) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(3) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over the 20-taxable year period beginning with the first taxable year beginning after such date of enactment.

## Subtitle D—CAFE Standards

**SEC. 8401. CLARIFICATION OF AUTHORITY OF SECRETARY OF TRANSPORTATION TO AMEND FUEL ECONOMY STANDARDS FOR PASSENGER VEHICLES.**

Section 32902(c) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking ''(1) Subject to paragraph (2) of this subsection, the'' and inserting ''The''; and

(2) by striking paragraph (2).

## Subtitle E—Alternative Fuels

**SEC. 8501. PRODUCTION INCENTIVES FOR CELLULOSIC BIOFUELS.**

Section 942(f) of the Energy Policy Act of 2005 (42 U.S.C. 16251(f)) is amended by striking ''$250,000,000'' and inserting ''$150,000,000 for fiscal year 2007, $200,000,000 for fiscal year 2008, and $250,000,000 for each of fiscal years 2009 through 2011''.

**SEC. 8502. ADVANCED ENERGY INITIATIVE FOR VEHICLES.**

(a) PURPOSES.—The purposes of this section are—

(1) to enable and promote, in partnership with industry, comprehensive development, demonstration, and commercialization of a wide range of electric drive components, systems, and vehicles using diverse electric drive transportation technologies;

(2) to make critical public investments to help private industry, institutions of higher education, National Laboratories, and research institutions to expand innovation, industrial growth, and jobs in the United States;

(3) to expand the availability of the existing electric infrastructure for fueling light duty transportation and other on-road and nonroad vehicles that are using petroleum and are mobile sources of emissions—

(A) including the more than 3,000,000 reported units (such as electric forklifts, golf carts, and similar nonroad vehicles) in use on the date of enactment of this Act; and

(B) with the goal of enhancing the energy security of the United States, reduce dependence on imported oil, and reduce emissions through the expansion of grid-supported mobility;

(4) to accelerate the widespread commercialization of all types of electric drive vehicle technology into all sizes and applications of vehicles, including commercialization of plug-in hybrid electric vehicles and plug-in hybrid fuel cell vehicles; and

(5) to improve the energy efficiency of and reduce the petroleum use in transportation.

(b) DEFINITIONS.—In this section:

(1) BATTERY.—The term ''battery'' means an energy storage device used in an on-road or nonroad vehicle powered in whole or in part using an off-board or on-board source of electricity.

(2) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term ''electric drive transportation technology'' means—

(A) a vehicle that—

(i) uses an electric motor for all or part of the motive power of the vehicle; and

(ii) may use off-board electricity, including battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and electric rail; or

(B) equipment relating to transportation or mobile sources of air pollution that uses an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including corded electric equipment linked to transportation or mobile sources of air pollution.

(3) ENGINE DOMINANT HYBRID ELECTRIC VEHICLE.—The term ''engine dominant hybrid

electric vehicle'' means an on-road or nonroad vehicle that—

(A) is propelled by an internal combustion engine or heat engine using—

(i) any combustible fuel; and

(ii) an on-board, rechargeable storage device; and

(B) has no means of using an off-board source of electricity.

(4) FUEL CELL VEHICLE.—The term ''fuel cell vehicle'' means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Energy Policy Act of 2005 (42 U.S.C. 16152)).

(5) INITIATIVE.—The term ''Initiative'' means the Advanced Battery Initiative established by the Secretary under subsection (f)(1).

(6) NONROAD VEHICLE.—The term ''nonroad vehicle'' has the meaning given the term in section 216 of the Clean Air Act (42 U.S.C. 7550).

(7) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term ''plug-in hybrid electric vehicle'' means an on-road or nonroad vehicle that is propelled by an internal combustion engine or heat engine using—

(A) any combustible fuel;

(B) an on-board, rechargeable storage device; and

(C) a means of using an off-board source of electricity.

(8) PLUG-IN HYBRID FUEL CELL VEHICLE.—The term ''plug-in hybrid fuel cell vehicle'' means a fuel cell vehicle with a battery powered by an off-board source of electricity.

(9) INDUSTRY ALLIANCE.—The term ''Industry Alliance'' means the entity selected by the Secretary under subsection (f)(2).

(10) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(c) GOALS.—The goals of the electric drive transportation technology program established under subsection (e) shall be to develop, in partnership with industry and institutions of higher education, projects that focus on—

(1) innovative electric drive technology developed in the United States;

(2) growth of employment in the United States in electric drive design and manufacturing;

(3) validation of the plug-in hybrid potential through fleet demonstrations; and

(4) acceleration of fuel cell commercialization through comprehensive development and commercialization of the electric drive technology systems that are the foundational technology of the fuel cell vehicle system.

(d) ASSESSMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences—

(1) to conduct an assessment (in cooperation with industry, standards development organizations, and other entities, as appropriate), of state-of-the-art battery technologies with potential application for electric drive transportation;

(2) to identify knowledge gaps in the scientific and technological bases of battery manufacture and use;

(3) to identify fundamental research areas that would likely have a significant impact on the development of superior battery technologies for electric drive vehicle applications; and

(4) to recommend steps to the Secretary to accelerate the development of battery technologies for electric drive transportation.

(e) PROGRAM.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for electric drive transportation technology, including—

(1) high-capacity, high-efficiency batteries;

(2) high-efficiency on-board and off-board charging components;

(3) high-powered drive train systems for passenger and commercial vehicles and for nonroad equipment;

(4) control system development and power train development and integration for plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid electric vehicles, including—

(A) development of efficient cooling systems;

(B) analysis and development of control systems that minimize the emissions profile when clean diesel engines are part of a plug-in hybrid drive system; and

(C) development of different control systems that optimize for different goals, including—

(i) battery life;

(ii) reduction of petroleum consumption; and

(iii) green house gas reduction;

(5) nanomaterial technology applied to both battery and fuel cell systems;

(6) large-scale demonstrations, testing, and evaluation of plug-in hybrid electric vehicles in different applications with different batteries and control systems, including—

(A) military applications;

(B) mass market passenger and light-duty truck applications;

(C) private fleet applications; and

(D) medium- and heavy-duty applications;

(7) a nationwide education strategy for electric drive transportation technologies providing secondary and high school teaching materials and support for education offered by institutions of higher education that is focused on electric drive system and component engineering;

(8) development, in consultation with the Administrator of the Environmental Protection Agency, of procedures for testing and certification of criteria pollutants, fuel economy, and petroleum use for light-, medium-, and heavy-duty vehicle applications, including consideration of—

(A) the vehicle and fuel as a system, not just an engine; and

(B) nightly off-board charging; and

(9) advancement of battery and corded electric transportation technologies in mobile source applications by—

(A) improvement in battery, drive train, and control system technologies; and

(B) working with industry and the Administrator of the Environmental Protection Agency—

(i) to understand and inventory markets; and

(ii) to identify and implement methods of removing barriers for existing and emerging applications.

(f) ADVANCED BATTERY INITIATIVE.—

(1) IN GENERAL.—The Secretary shall establish and carry out an Advanced Battery Initiative in accordance with this subsection to support research, development, demonstration, and commercial application of battery technologies.

(2) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms, the primary business of which is the manufacturing of batteries.

(3) RESEARCH.—

(A) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(i) researchers, including Industry Alliance participants;

(ii) small businesses;

(iii) National Laboratories; and

(iv) institutions of higher education.

(B) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(i) comments to identify advanced battery technology needs relevant to electric drive technology;

(ii) an assessment of the progress of research activities of the Initiative; and

(iii) assistance in annually updating advanced battery technology roadmaps.

(4) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this subsection shall be available to the public.

(5) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(g) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $300,000,000 for each of fiscal years 2007 through 2012.

## Subtitle F—Strategic Petroleum Reserve

### SEC. 8601. STRATEGIC PETROLEUM RESERVE.

(a) FINDINGS.—The Senate finds that—

(1) the Strategic Petroleum Reserve, as established by the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), provides the United States with an emergency crude oil supply reserve that ensures that a disruption in commercial oil supplies will not threaten the United States economy;

(2) the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.) strengthened the Strategic Petroleum Reserve by authorizing a capacity of 1,000,000,000 barrels of crude oil;

(3) as of the date of enactment of this Act, the inventory in the Strategic Petroleum Reserve is sufficiently large enough to guard against supply disruptions during the time period for the temporary cessation of deposits described in subsection (b)(1); and

(4) the cessation of deposits to the Strategic Petroleum Reserve will add approximately 2,000,000 barrels of crude oil supply into the market.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) consistent with the authority granted under the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), the Secretary of Energy should cease deposits to the Strategic Petroleum Reserve for a period of not less than 6 months;

(2) the Secretary of Energy should continue to work toward establishing the infrastructure necessary to achieve the 1,000,0000,0000 barrels of crude oil capacity authorized under the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.); and

(3) after the temporary cessation of deposits to the Strategic Petroleum Reserve, the Secretary of Energy should continue to increase the inventory of crude oil in the Strategic Petroleum Reserve to work toward meeting the authorized capacity level to enhance the energy security of the United States.

## Subtitle G—Arctic Coastal Plain Domestic Energy

### SEC. 8701. SHORT TITLE.

This subtitle may be cited as the ''Arctic Coastal Plain Domestic Energy Security Act of 2006''.

### SEC. 8702. DEFINITIONS.

In this subtitle:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means that area identified as such in

the map entitled ''Arctic National Wildlife Refuge'', dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142(b)(1)), comprising approximately 1,549,000 acres, and as described in appendix I to part 37 of title 50, Code of Federal Regulations.

(2) SECRETARY.—The term ''Secretary'', except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

**SEC. 8703. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.**

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement in accordance with this Act a competitive oil and gas leasing program under the Mineral Leasing Act (30 U.S.C. 181 et seq.) that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966, the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this subtitle before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this subtitle that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this subtitle shall be completed within 18 months after the date of the enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this subtitle shall be considered to expand or limit State and local regulatory authority.

(e) SPECIAL AREAS.—

(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on such map as shall be identified by the Secretary.

(2) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this subtitle.

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this subtitle, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of the enactment of this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary's attention.

**SEC. 8704. LEASE SALES.**

(a) IN GENERAL.—Lands may be leased pursuant to this subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this subtitle shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—In the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) conduct the first lease sale under this subtitle within 22 months after the date of the enactment of this Act; and

(2) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

**SEC. 8705. GRANT OF LEASES BY THE SECRETARY.**

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 8704 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

(b) SUBSEQUENT TRANSFERS.—No lease issued under this subtitle may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

**SEC. 8706. LEASE TERMS AND CONDITIONS.**

(a) IN GENERAL.—An oil or gas lease issued pursuant to this subtitle shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this subtitle shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, and the environment as required pursuant to section 8703(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for

the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(8) prohibit the export of oil produced under the lease; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this subtitle and the regulations issued under this subtitle.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this subtitle and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this subtitle and the special concerns of the parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

**SEC. 8707. COASTAL PLAIN ENVIRONMENTAL PROTECTION.**

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 8703, administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this subtitle, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require compliance with all applicable provisions of Federal and State environmental law and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times, if the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this subtitle, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or reduction of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC–ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) OBJECTIVES.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LANDS.—The Secretary shall—

(1) manage public lands in the Coastal Plain subject to section subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public lands in the Coastal Plain for traditional uses.

**SEC. 8708. EXPEDITED JUDICIAL REVIEW.**

(a) FILING OF COMPLAINT.—

(1) DEADLINE.—Subject to paragraph (2), any complaint seeking judicial review of any provision of this subtitle or any action of the Secretary under this subtitle shall be filed in any appropriate district court of the United States—

(A) except as provided in subparagraph (B), within the 90-day period beginning on the date of the action being challenged; or

(B) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) VENUE.—Any complaint seeking judicial review of an action of the Secretary under this subtitle may be filed only in the United States Court of Appeals for the District of Columbia.

(3) LIMITATION ON SCOPE OF CERTAIN REVIEW.—Judicial review of a Secretarial decision to conduct a lease sale under this subtitle, including the environmental analysis

thereof, shall be limited to whether the Secretary has complied with the terms of this subtitle and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this subtitle shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) LIMITATION ON OTHER REVIEW.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

**SEC. 8709. FEDERAL AND STATE DISTRIBUTION OF REVENUES.**

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from oil and gas leasing and operations authorized under this subtitle—

(1) 50 percent shall be paid to the State of Alaska; and

(2) except as provided in section 712(d), the balance shall be deposited into the Treasury as miscellaneous receipts.

(b) PAYMENTS TO ALASKA.—Payments to the State of Alaska under this section shall be made semiannually.

(c) USE OF BONUS PAYMENTS FOR LOW-INCOME HOME ENERGY ASSISTANCE.—Amounts that are received by the United States as bonuses for leases under this subtitle and deposited into the Treasury under subsection (a)(2) may be appropriated to the Secretary of the Health and Human Services, in addition to amounts otherwise available, to provide assistance under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

**SEC. 8710. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.**

(a) EXEMPTION.—Title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.) shall not apply to the issuance by the Secretary under section 28 of the Mineral Leasing Act (30 U.S.C. 185) of rights-of-way and easements across the Coastal Plain for the transportation of oil and gas.

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement referred to in subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 8703(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

**SEC. 8711. CONVEYANCE.**

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation effective January 22, 1993; and

(2) to the Arctic Slope Regional Corporation the remaining subsurface estate to which it is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

**SEC. 8712. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.**

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly impacted by the exploration for or production of oil and gas on the Coastal Plain under this subtitle.

(2) ELIGIBLE ENTITIES.—The North Slope Borough, Kaktovik, and other boroughs, municipal subdivisions, villages, and any other community organized under Alaska State law shall be eligible for financial assistance under this section.

(b) USE OF ASSISTANCE.—Financial assistance under this section may be used only for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational and subsistence values;

(2) implementing mitigation plans and maintaining mitigation projects;

(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including firefighting, police, water, waste treatment, medivac, and medical services; and

(4) establishment of a coordination office, by the North Slope Borough, in the City of Kaktovik, which shall—

(A) coordinate with and advise developers on local conditions, impact, and history of the areas utilized for development; and

(B) provide to the Committee on Resources of the Senate and the Committee on Energy and Resources of the Senate an annual report on the status of coordination between developers and the communities affected by development.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) APPLICATION ASSISTANCE.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

(2) USE.—Amounts in the fund may be used only for providing financial assistance under this section.

(3) DEPOSITS.—Subject to paragraph (4), there shall be deposited into the fund amounts received by the United States as revenues derived from rents, bonuses, and royalties under on leases and lease sales authorized under this subtitle.

(4) LIMITATION ON DEPOSITS.—The total amount in the fund may not exceed $11,000,000.

(5) INVESTMENT OF BALANCES.—The Secretary of the Treasury shall invest amounts in the fund in interest bearing government securities.

(e) AUTHORIZATION OF APPROPRIATIONS.—To provide financial assistance under this section there is authorized to be appropriated to the Secretary from the Coastal Plain Local Government Impact Aid Assistance Fund $5,000,000 for each fiscal year.

## NOTICES OF HEARINGS/MEETINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 4, 2006 at 10 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of: Dirk Kempthorne, of Idaho, to be Secretary of the Interior, vice Gale Norton, resigned.

For further information, please contact Judy Pensabene of the Committee staff.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a full committee hearing during the session of the Senate on Wednesday, April 26, 2006 at 10 a.m., in SD–106, Dirksen Senate Office Building. The purpose of this hearing will be to review the state of the biofuels industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON GLOBAL CLIMATE

Mr. ALEXANDER. Mr. President. I ask unanimous consent that the Subcommittee on Global Climate be authorized to meet on Wednesday, April 26, 2006, at 2:30 p.m., on Marine and Terrestrial Systems.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TECHNOLOGY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce Science and Transportation's Subcommittee on Technology be authorized to meet on Wednesday, April 26, 2006, at 10 a.m., on Fostering Innovation in Math and Science Education.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. ALEXANDER. Mr. President. I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the

Senate on Wednesday, April 26, 2006, at 9:30 a.m. to hold a hearing on U.S.-India Atomic Energy Cooperation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ALEXANDER. Mr. President. I ask unanimous consent that on Wednesday, April 26, 2006 the Committee on Environment and Public Works be authorized to hold a Business Meeting at 9:30 a.m. to consider the following agenda:

Nominations: Richard Capka to be Administrator, Federal Highway Administration, James Gulliford to be an Assistant Administrator, EPA, William Wehrum to be an Assistant Administrator, EPA.

Committee Rules: A proposal to amend Committee Rule 7(d) on the naming of public buildings and facilities.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''Parity, Platforms and Protection: The Future of the Music Industry in the Digital Radio Revolution'' on Wednesday, April 26, 2006, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building. The witness list is attached.

Panel 1: Anita Baker, Performing Artist, Toledo, OH; Todd Rundgren, Lead Singer, The New Cars, Darby, PA; Victoria Shaw, Songwriter, Nashville, TN; Edgar Bronfman, Chairman and CEO, Warner Music Group, New York, NY; Gary Parsons, Chairman of the Board, XM Satellite Radio, Washington, DC; Mr. Bruce T. Reese, CEO and President, Bonneville International Corp., Salt Lake City, UT; and N. Mark Lam, Chairman and CEO, Live365, Foster City, CA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, April 26, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Authorizations of Customs and Trade Functions''.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 27, 2006 at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. ALEXANDER. 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 to address the reauthorization of Finance and Entrepreneurial Development programs administered by the Small Business Administration on Wednesday, April 26, 2006, beginning at 10:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Wednesday, April 26, 2006, at 2:30 p.m. for a field hearing regarding ''Ensuring Early Diagnosis and Access to Treatment for HIV/AIDS: Can Federal Resources Be More Effectively Targeted?''

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent to allow the privilege of the floor to be granted to Jessica Wilcox, an Energy Fellow in my office, for the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I ask unanimous consent that Jeremy Weirich, a detailee with the Senate Appropriations Subcommittee on Commerce, Justice, Science, and related agencies, from the National Oceanic and Atmospheric Administration, be granted the privileges of the floor for the duration of consideration of the supplemental appropriations bill, H.R. 4939.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent that CAPT Benjamin Venning, a Marine Corps military fellow on my staff, be granted the privileges of the floor for the remainder of the 109th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's Executive Calendar: Calendar No. 601, Patrick Schiltz, to be U.S. District Judge for the District of Minnesota. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

THE JUDICIARY

Patrick Joseph Schiltz, of Minnesota, to be United States District Judge for the District of Minnesota.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

## CROP SCIENCE SOCIETY OF AMERICA 50TH ANNIVERSARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 446 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 446) recognizing the 50th Anniversary of the Crop Science Society of America.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 446) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 446

Whereas the Crop Science Society of America was founded in 1955, with Gerald O. Mott as its first President;

Whereas the Crop Science Society of America is one of the premier scientific societies in the world, as shown by its world-class journals, international and regional meetings, and development of a broad range of educational opportunities;

Whereas the science and scholarship of the Crop Science Society of America are mission-directed, with the goal of addressing agricultural challenges facing humanity;

Whereas the Crop Science Society of America significantly contributes to the scientific and technical knowledge necessary to protect and sustain natural resources on all land in the United States;

Whereas the Crop Science Society plays a key role internationally in developing sustainable agricultural management and biodiversity conservation for the protection and sound management of the crop resources of the world;

Whereas the mission of the Crop Science Society of America continues to expand, from the development of sustainable production of food and forage, to the production of renewable energy and novel industrial products;

Whereas, in industry, extension, and basic research, the Crop Science Society of America has fostered a dedicated professional and scientific community that, in 2005, included more than 3,000 members; and

Whereas the American Society of Agronomy was the parent society that led to the formation of both the Crop Science Society of America and the Soil Science Society of America and fostered the development and the common overall management of the 3 sister societies: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 50th anniversary year of the Crop Science Society of America;

(2) commends the Crop Science Society of America for 50 years of dedicated service to advancing the science and practice of crop science;

(3) acknowledges the promise of the Crop Science Society of America to continue enriching the lives of all citizens of the United States by improving stewardship of the environment, combating world hunger, and enhancing the quality of life for another 50 years and beyond; and

(4) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the President of the Crop Science Society of America.

## CONGRATULATING THE UNIVERSITY OF WISCONSIN BADGERS MEN'S HOCKEY TEAM

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 447 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 447) congratulating the University of Wisconsin Badgers men's hockey team for winning the 2006 National Collegiate Athletic Association Division I Men's Hockey Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto to be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 447) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 447

Whereas, on April 8, 2006, the University of Wisconsin men's hockey team won the Frozen Four in Milwaukee, Wisconsin, by defeating—

(1) the University of Maine Black Bears by a score of 5–2 in the semifinals; and

(2) the Boston College Eagles by a score of 2–1 in the championship game;

Whereas Robbie Earl and Tom Gilbert each scored a goal and Brian Elliott had 22 saves in the championship game;

Whereas Adam Burish, Robbie Earl, Brian Elliott, and Tom Gilbert were named to the All-Tournament Team, and Robbie Earl was named the Most Outstanding Player of the tournament;

Whereas the success of the season depended on the hard work, dedication, and performance of every player on the University of Wisconsin men's hockey team, including—

(1) Andy Brandt;
(2) Adam Burish;
(3) Ross Carlson;
(4) Shane Connelly;
(5) A.J. Degenhardt;
(6) Jake Dowell;
(7) Davis Drewiske;
(8) Robbie Earl;
(9) Brian Elliott;
(10) Josh Engel;
(11) Matthew Ford;
(12) Tom Gilbert;
(13) Tom Gorowsky;
(14) Jeff Henderson;
(15) Ryan Jeffery;
(16) Andrew Joudrey;
(17) Kyle Klubertanz;
(18) Nick Licari;
(19) Jeff Likens;
(20) Ryan MacMurchy;
(21) Matt Olinger;
(22) Joe Pavelski;
(23) Joe Piskula;
(24) Jack Skille; and
(25) Ben Street;

Whereas numerous members of the University of Wisconsin men's hockey team were recognized for their performance in the All-Western Collegiate Hockey Association, including—

(1) Tom Gilbert, who was named to the first team of the All-Western Collegiate Hockey Association;

(2) Joe Pavelski and Brian Elliott, who were named to the second team of the All-Western Collegiate Hockey Association; and

(3) Brian Elliott, who was named the All-Western Collegiate Hockey Association Goaltending Champion of the Year;

Whereas Tom Gilbert, Joe Pavelski, and Brian Elliott earned All-American honors;

Whereas, after helping the University of Wisconsin men's hockey team win the 1977 national championship as a player, Head Coach Mike Eaves won his first national championship as a coach;

Whereas the University of Wisconsin men's hockey team has won the National Collegiate Athletic Association Division I Men's Hockey Championship 6 times;

Whereas the University of Wisconsin has won 3 national championships during the 2005–2006 academic year; and

Whereas the championship victory of the University of Wisconsin men's hockey team ended a terrific season in which the team outscored its opponents 145–79 and compiled a record of 30–10–3: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the University of Wisconsin men's hockey team, Head Coach Mike Eaves and his coaching staff, Athletic Director Barry Alvarez, and Chancellor John D. Wiley for an outstanding championship season; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

## ORDERS FOR THURSDAY, APRIL 27, 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, Thursday, April 27. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the 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 30 minutes, with the first 15 minutes under the control of the majority leader or his designee, the second 15 minutes under the control of the Democratic leader or his designee; further, that following morning business the Senate resume consideration of H.R. 4939, the emergency supplemental appropriations measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. MCCONNELL. Mr. President, tomorrow we will continue work on the emergency supplemental. We had six votes today. Senators should expect a full day, with as many votes as we can possibly process tomorrow.

## ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in adjournment under the previous order following the remarks of the Senator from Oregon, Mr. WYDEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Without objection, morning business is closed.

## MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—Continued

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

AMENDMENT NO. 3648, AS MODIFIED

Mr. VITTER. Mr. President, I ask that my amendment No. 3648, which I spoke about, be modified with the changes at the desk, which are technical in nature.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 3648), as modified, is as follows:

On page 140, on line 22, insert ''vessels and'' after ''repairing''.

Mr. VITTER. I yield back my time.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

AMENDMENT NO. 3665

Mr. WYDEN. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment numbered 3665.

(Purpose: To prohibit the use of funds to provide royalty relief)

On page 253, between lines 19 and 20, insert the following:

PROHIBITION OF FUNDS FOR OIL AND NATURAL GAS ROYALTY RELIEF

SEC. 7032. (a) No funds made available under this Act or any other Act for any fiscal year for royalty and offshore minerals management may be used by the Secretary of the Interior to provide relief from a requirement to pay a royalty for the production of oil or natural gas from Federal land during any period in which—

(1) for the production of oil, the average price of crude oil in the United States is greater than $55 a barrel; and

(2) for the production of natural gas, the average price of natural gas in the United States is $10 per 1,000 cubic feet of natural gas.

(b) In administering funds made available for royalty or offshore minerals management, the Secretary of the Interior may waive or specify alternative requirements if the Secretary of the Interior determines that royalty relief is necessary to avoid oil or natural gas supply disruptions as a consequence of hurricanes or other natural disasters.

Mr. WYDEN. Mr. President, the oil companies are supposed to pay royalties to the Federal Government when they extract oil from Federal lands. Now, in order to stimulate production of oil in our country, the Federal Government over the last decade has been discounting these royalty fees. These discounts now amount to billions of dollars. It appears that the royalty relief that is given to the oil companies is now the granddaddy of all of the subsidies.

We have been talking considerably on the floor of this body over the last few days about tax breaks for oil companies. The President, it seems to me, to his credit, over the last few days has indicated that he understands that these tax breaks are no longer needed. I was very pleased to see that because when the energy executives came to the committee, I literally went down the row and asked them if they continued to need all of these tax breaks. They don't, but Congress has continued to ladle them out. But on top of these record profits, record prices, and record tax breaks, there is now record amounts of royalty relief granted to the oil companies as well.

Now that the prices have shot up, I don't see how anybody can justify this multibillion-dollar subsidy. The point of this amendment is to say that we are going to get rid of these special oil company discounts, the special breaks that amount to billions of dollars, unless the price of oil comes down, or unless the Bush administration indicates that royalty relief is necessary to avoid supply disruption.

Mr. President, it is astounding that there is a tremendous chorus now of support, saying that royalty relief is needed. Yet nobody seems to be doing anything concrete to roll back these unnecessary subsidies.

For example, to show the bipartisan interest in this, not long ago, a distinguished member of the other body who chairs the resources committee, RICHARD POMBO, said in a newspaper interview that there is no need for this particular incentive. That is not the head of some consumer group; that is the distinguished chairman of the resources committee, Mr. POMBO, from California. He has said there is no need for this kind of royalty relief. Mr. Michael Coney, a lawyer for the Shell Oil Company, said the same thing. He basically said that in this kind of climate you cannot make a case for this particular kind of multibillion-dollar subsidy.

The architect of the program, our former colleague, Senator Bennett Johnston, has said that what has taken place with respect to the royalty relief program isn't anything close to what he had in mind when he developed this program.

So what you have is a Democratic Member of the Senate saying let's roll back these subsidies unless the Bush administration certifies they are needed to avoid disruption or unless the price goes down, and let's do it because there is a bipartisan consensus that this Royalty Relief Program is completely out of whack.

By the way, Mr. President, I know you have had great interest in the effort to target these subsidies. You and I have talked about it on a number of occasions. Consistently what we find is the way these multibillion-dollar subsidies find their way on to our tax rolls and Government programs is on a bipartisan basis somebody messes up. Somebody isn't watchdogging the way these dollars fly out the door, and that was certainly the case with the Clinton administration.

Previously, there had been a particular provision in the Royalty Relief Program that said when the oil prices shot up, when they went above a certain level—then it was considered about $34 a barrel—the companies would have to, once again, start paying these royalties. But the Clinton administration just wasn't watching the store, wasn't watchdogging this program as they should have, and so they didn't put that particular clause—the clause that protects the taxpayers—into a number of these royalty relief agreements. What has happened is we just had a litigation derby with scores and scores of lawsuits.

Now the General Accountability Office estimates that at a minimum, the Federal Government is going to be out $20 billion. This is the biggest subsidy of them all, and given all of the litigation that has taken place, this subsidy could go up and up.

Under the Energy bill signed into law last summer, the oil companies were given new subsidies in the form of reduced royalty fees for the oil and gas they extract from Federal land, including offshore drilling in the Gulf of Mexico. This particular new subsidy was signed into law when the companies were already reporting these extraordinary profits. We were already seeing the consumer taking a shellacking at the gas pump. It would have been the ideal time for the U.S. Congress to do what colleagues such as Congressman POMBO in the other body are talking about, lawyers for the Shell Oil companies tell the newspapers, what I and others and a bipartisan group who have been interested in this have said for a long time: It doesn't pass the smell test to be dispensing billions and billions of dollars of royalty relief to the oil companies on top of everything else they already receive from the taxpayers' wallet. So what I hope we will be able to do here is roll back this new subsidy.

By the way, the program was useful back when prices were low. For example, it significantly helped in the Gulf of Mexico at a time when prices were low. That is not the case now. As our colleague in the other body, Mr. POMBO, notes, they sure don't need any incentives when the marketplace is providing all the incentives anybody could possibly ask for.

Government subsidies, sure, when the price is low, when we have to stimulate production, when our economy needs a shot in the arm. But billions of dollars of royalty relief for oil companies in this kind of time? I don't get it, and tomorrow I hope a majority of the Senate will share my view and will share the view of other colleagues who have taken a good look at this particular program.

It seems to me this is a time when the Congress ought to say: Let's look carefully at all of these various subsidies and breaks. As the distinguished Senator from Oklahoma has said, let's shine some light on it, let's take a sharp pencil out and really make some concrete judgments about what is in the taxpayers' interest.

At a time when consumers are already paying more at work, they are paying more at home, they are paying more when they drive everywhere in between, we ought to be giving them a break in their personal energy bills before we give breaks to the oil companies on the amounts they owe for drilling on our Nation's lands.

With oil selling for more than $70 a barrel, $15 a barrel higher than the price that the President said incentives were not needed, Congress should not be giving away more taxpayer money for more unnecessary subsidies that benefit profitable energy interests.

Let me highlight that particular point and explain why it is so pivotal in this discussion for royalty relief for oil companies.

The President of the United States said that he doesn't see the case for additional incentives and Government benefits to encourage production when oil is over $55 a barrel. Now we are talking about oil at $70 a barrel. We are talking about billions of dollars of new payments to the companies at a time when the General Accountability Office says the minimum tab will be $20 billion. And all I am saying to the Senate tonight is I want to cut off those payments unless one of two things happens: If the price of oil comes down, you bet, let's go back and say we need some incentives for production. If the President of the United States, the Secretary of the Interior, the people who are in the administration who know a lot about the oil business say that we have to have these multibillion-dollar discounts in order to encourage production, my amendment doesn't apply.

In effect, the President of the United States can say we have to have the Royalty Relief Program in order to get the oil industry moving again in our country. But with prices high and no argument for these breaks, not on the basis of my judgment but on the basis of what the President has said in the past, I want to cut off these particular breaks.

I hope my colleagues will want to save our taxpayers money and promote fiscal responsibility. This is a program which is completely out of control. This is a program which has lost its moorings. You cannot defend this, in my view, in front of any group of our citizens. That is why a variety of leaders and individuals in the private sector, many of them coming from the oil industry itself, have said there is no logical argument for royalty relief at this particular time.

Certainly there are going to be some who will say it is never enough. There is litigation going on now where some companies are in court trying to secure additional information. I am looking at a recent article in the press authored by Edmund L. Andrews headlined: ''General Accounting Office Sees Loss in Oil Royalties of at Least $20 Billion.''

We know that the Government Accountability Office isn't an organization with any ax to grind. They are our nonpartisan investigators. Those are the people who take out the sharp pencil and are given the job of actually looking to see if taxpayer money is being used wisely. They have essentially said recently—this year, just months ago—that billions of dollars are going to be wasted with this Royalty Relief Program.

The Interior Department has indicated that they know they are going to lose billions of dollars in royalty payments. I don't see anybody saying that the price of oil is going to fall precipitously anytime soon. If it does, the President and the Department of Energy can essentially waive my amendment. We explicitly say that if the price of oil goes down, if there are any national security questions, any disruptions that threaten supply, the amendment can be set aside.

It is time to rein in these costs that are going through the stratosphere. The Royalty Relief Program is the granddaddy of all subsidies. I hope tomorrow, when the Senate has an opportunity to vote, we will say that we ought to prohibit further royalty relief, unless prices go down or we face a disruption, and save our citizens' hard-earned tax dollars for more worthy causes.

Mr. President, I hope my colleagues will support this amendment.

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. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COBURN). Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I am going to propound a unanimous consent request for wrap-up momentarily. I will also note, as I have been speaking on this amendment to forego some royalty relief for oil companies, that when we go back in at approximately 10 o'clock, I will continue a discussion regarding this amendment and hopefully have a chance to hear from colleagues on both sides of the aisle.

## ORDER FOR FILING

Mr. WYDEN. Mr. President, I ask unanimous consent that, notwithstanding the adjournment of the Senate, the RECORD remain open this evening until 8:45 p.m. in order for Senator FRIST or his designee to submit a statement relating to a notice of the suspension of the rules relative to the supplemental bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 tomorrow morning.

There being no objection, the Senate, at 7:47 p.m., adjourned until Thursday, April 27, 2006, at 9:30 a.m.

## CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, April 26, 2006:

THE JUDICIARY

PATRICK JOSEPH SCHILTZ, OF MINNESOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MINNESOTA.

# EXTENSIONS OF REMARKS

## IN HONOR AND RECOGNITION OF THE COUNCIL ON AMERICAN-ISLAMIC RELATIONS

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. KUCINICH. Mr. Speaker, I rise in recognition of the Council on American-Islamic Relations (CAIR) whose Cleveland office is hosting its 4th Annual Banquet and Fundraiser on Sunday, April 30, 2006. CAIR is a nonprofit, grassroots civil rights and advocacy group and the nation's largest Islamic civil liberties organization, with regional offices nationwide and in Canada. Since its establishment in 1994, CAIR has worked to promote a positive image of Islam and Muslims in America. Through media relations, lobbying, education and advocacy, CAIR puts forth an Islamic perspective to ensure the Muslim voice is represented.

Through its promotion of civil rights, research, education, conferences, seminars, internships, and public events such as the Cleveland chapter's 4th annual banquet, CAIR seeks to empower the American Muslim community and encourage its participation in political and social activism.

Mr. Speaker, I am pleased that CAIR is working nationwide and locally in the Greater Cleveland community to promote civil rights, civil liberties, and free speech and is able to educate the public about these issues by bringing such an outstanding program to the people of Northeast Ohio for their 4th annual banquet.

## VICTIMS' RIGHTS WEEK

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. ORTIZ. Mr. Speaker, I rise today to recognize and honor the goals and ideals set forth by the 2006 National Crime Victims' Rights Week taking place April 23 through April 29. The efforts to raise public awareness for—and participation in—the rights and concerns of crime victims in the United States is the noteworthy message advocated by Victims' Rights Week, whose theme this year is ''Victims' Rights: Strength in Unity.''

Crime is an indiscriminant crisis that impacts all constituencies. This week is one in which all people are encouraged to strengthen the voice of those victims and survivors of crime through involvement in crime prevention, victim assistance, and community safety.

It is not only through my tenure as a former law enforcement officer that I know firsthand the tragedies of crime, but it is also through the knowledge and experiences that people have shared with me.

A member of my staff has been affected by the consequences of crime very recently. Her nieces were victims of a domestic dispute that escalated into an appalling scenario. The criminal shot both his wife and six-year-old daughter in the head before failing in his suicide attempt. He was found guilty of attempted capital murder, injury to a child, and aggravated assault.

The long-term repercussions from this horrifying episode will be felt by all family members for the rest of their lives. The mother and child will live their entire lives with the physical disabilities they incurred, as well as the psychological trauma. The daughter suffers from seizures, and the mother has lost vision in one eye, which remains permanently closed.

To help families and victims through such difficult moments, I am proud to support the observance of Victims' Rights Week, which acknowledges crime victims and upholds their rights. The encouragement of public participation promoted by the Victims' Rights movement will support crime victims and address the impact of crime on communities with a single voice.

I ask the House of Representatives to join me and my fellow Victims' Rights Caucus colleagues today in honoring the observance of this noble cause—which through its advocacy for victims' justice, increased public awareness, and community collaboration has revolutionized American criminal jurisprudence.

## TRIBUTE TO COLONEL MICHAEL J. CONRAD, JR.

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. SKELTON. Mr. Speaker, let me take this opportunity to recognize the long and distinguished career of Colonel Michael J. Conrad, Jr., who is retiring after serving our Nation's military with distinction for 27 years.

Colonel Conrad received a Bachelor of Science degree from West Point, a Masters of Engineering degree in construction management from the University of Florida, and a Masters of Strategic Studies from the U.S. Army War College. He is a graduate of the Engineer Officer Basic and Advanced Courses, Airborne School, Ranger School, the Combined Arms Services Staff School, the Army Command and General Staff College, the Joint and Combined Staff Officer School, and the U.S. Army War College.

Colonel Conrad has served in many critical positions as an Army Engineer. His Corps of Engineer assignments included serving as a research coordinator at the Corps' Information Technology Laboratory, Waterways Experiment Station, Vicksburg, Mississippi, and as Deputy Area Engineer and Deputy District Engineer with the New Orleans District. He then served as a joint staff officer with the United States Forces Japan at Yokata Air Base, Japan. He served 2 years at the U.S. Army Engineer School, Fort Leonard Wood, Missouri, as the Director of Instruction and the Director of Training. Colonel Conrad deployed to Iraq in 2003 for 6 months and led a multi-functional Corps of Engineers team supporting the United States Agency for International Development. His outstanding service culminated as the Chief of the Programs Division, Office of the Chief, Legislative Liaison.

Mr. Speaker, I know the Members of the House will join me in paying tribute to Colonel Michael J. Conrad, Jr., for his service to the United States and will wish him and his family all the best in the days ahead.

## TRIBUTE TO MR. LEWIS GOLUB

### HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. SWEENEY. Mr. Speaker, I would like to take a moment to honor a distinguished constituent of the 20th District of New York; Mr. Lewis Golub. Mr. Golub's tireless contributions to his business, employees, and community are outstanding and have resulted in the formation of a successful company that has benefited many.

Over the past 50 years, Lewis Golub has worked vigorously to develop and support the Golub Corporation/Price Chopper Supermarkets, a large and extremely successful supermarket chain in Northern New York. Yet, Mr. Golub does not limit his efforts to his business. As the Regional Vice Chair of the New York State Business Council, an active member of the Board of Directors of the Saratoga Performing Arts Center, the Empire State College, and the Food Marketing Institute, Mr. Golub plays a pivotal role in many other facets of the community, extending himself to the services of his fellow neighbors. In addition, Mr. Golub has received the Humanitarian of the Year Award from the New York Chiefs of Police, the Arthritis Foundation's Accolade for Community Service, and the Community Service Award from the Interfaith Community of Schenectady, New York. These many awards reflect Mr. Golub's strong commitment to his community. He has distinguished himself through his financial support for his community; there are few who possess the same passion.

Mr. Golub has received numerous awards including, the United Way's CEO of the Year Award and the John J. O'Connor Excellence in Leadership Award, as well as the American Marketing Association's Marketer of the Year Award, the New York Capital District Business Review's Executive of the Year Award, and the Capital Region Business Hall of Fame Award, among others. The Golub Corporation/Price Chopper Supermarkets remain a sturdy pillar of business in the Upstate Region of New York.

Mr. Golub's charitable spirit is evident in every aspect of his life. It is through his tenacious character and generous qualities that

the community enjoys the services of Mr. Golub. Mr. Speaker, please join me as I recognize the significant life accomplishments of Mr. Lewis Golub and wish him all the best in his bright future. We can all take a chapter from his life and benefit from his example. My Congressional District is better served through the commitment to excellence Mr. Golub demonstrates and our communities are fortunate to call him a neighbor and friend.

## THE VOLUME THAT'S MAKING A LOUD NOISE: PEOPLE FLOCK TO HEAR ABOUT 'COVENANT'

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. RANGEL. Mr. Speaker, I rise today to commend Tavis Smiley for his publication of a remarkable analysis of the status of Black America, "The Covenant With Black America". Smiley, an instrumental American author, political commentator, and radio talk show host has contributed a great deal to the discussion on the goals of African Americans from fair minimum wage increases to equal and accessible healthcare. Smiley is determined to bring the plight of Blacks to the forefront of the national agenda by convincing African American leaders to embrace it. He introduced the covenant at a leadership conference in Atlanta and it appears to be succeeding in taking the covenant to other cities.

His Covenant with Black America is now number one on the Washington Post best seller list and number two on the New York Times best seller list, an indication of a significant audience for its proposals which is being augmented by the taking of the proposals to audiences in the Black community such as the Shiloh Baptist Church in downtown Washington.

The covenant includes pieces from an array of notable contemporary African Americans including former U.S. Surgeon General David Satcher; Marian Wright Edelman, Angela Glover Blackwell, and Cornel West. The book has African Americans all across the country gathering and discussing Black America as was done with Smiley's presentation at Shiloh Baptist Church in downtown Washington on Thursday, April 7, 2006. Smiley has made many think about their status as he has asked the very pertinent question, "Can we go from moment to momentum to movement?"

Also notable about "The Covenant" is that it is No. 1 on the Washington Post's paperback nonfiction bestseller list. This alone indicates that there are many who are interested in engaging in the discussion of the future of Black America. More than 200,000 copies have been sold since it was published less than two months ago.

I enter into the RECORD an article from the Washington Post entitled "The Volume That's Making a Loud Noise" for the acknowledgment and support of a book with such a profound and straightforward method for tackling the vital issues within the Black community. Now is the time for revitalization in those communities across this nation and the Black community must rise to the occasion.

[From The Washington Post, Apr. 7, 2006]

THE VOLUME THAT'S MAKING A LOUD NOISE: PEOPLE FLOCK TO HEAR ABOUT 'COVENANT'

(By Linton Weeks)

When a book becomes a collection of people, not just pages, we sit up and pay attention.

"The Covenant With Black America," a volume of essays pulled together by omnimedia personality Tavis Smiley, may be doing just that. At No. 1 on The Washington Post's paperback nonfiction bestseller list, "Covenant" is the book of the moment. It's been on the list for four weeks. And it is No. 2 on the upcoming New York Times paperback nonfiction list.

All across the country, many black Americans are gathering, mostly in churches, to hear Smiley spread his gospel of response and responsibility and to buy a bunch of books. The publisher, Third World Press, reports that more than 200,000 copies have sold—at $12 apiece—since "Covenant" was published less than two months ago.

In downtown Washington last night, Smiley's rousing presentation from the lectern of Shiloh Baptist Church is greeted with scores of amens and several standing ovations. Brandishing a copy, he says, "Make black America better, you make all America better."

Funny and self-effacing, Smiley asks the thousand or so people in the pews, "Can we go from moment to momentum to movement?"

The volume could also be titled "The Purpose Driven Community."

"Covenant" is a collection of pieces by notable contemporary African Americans, including former U.S. surgeon general David Satcher; Marian Wright Edelman, founder of the Children's Defense Fund; Angela Glover Blackwell, founder of the think tank PolicyLink; and Cornel West, who teaches religion at Princeton University.

The 250-plus-page book is divided into 10 core chapters, each plumbing a single subject, such as the right to health care, the unequal justice system or the racial digital divide. Arguments are buttressed with statistics and calls to personal and political action. For example, in the chapter on accessing economic prosperity, the book encourages elected officials to "increase the minimum wage to a living wage" and urges individuals to "open and maintain a savings account, no matter what your family's income is."

Smiley, who has written a handful of books and is a regular on public television, is proud that "Covenant" has sold mostly through the traditional African American grapevines of church meetings, talk radio and word of mouth. And that he has bypassed the Great American Buzzmaking Machine.

"We haven't been on 'Oprah'!" he shouts to the crowd. "We haven't been on the 'Today' show! And we haven't been on NPR! That's all black folks," he says about the book's phenomenal rise on the bestseller lists. "Black folks did this."

He uses the success of his book to illustrate the economic and political might of the African American community. He also points out that he chose Third World Press in Chicago, an influential African American publishing house founded in 1967, to publish his book.

"It's selling so fast we can't keep up with demand," says Bennett J. Johnson, vice president of Third World.

Johnson says one of his friends describes the book as "an oasis in the desert" because it is the rare volume that "allows black Americans to view their own interests in an organized fashion, and it provides white America with an articulated version of what black America wants."

This will be "a wedge book," Johnson predicts, that will make book buyers and the publishing industry look at black publishers and writers in a different light.

"'Covenant,'" he adds, "is not a bible. It's not 100 percent right on each issue. But it starts a dialogue."

The book does touch a certain chord with some people. Pamela Johnson, 38, of Upper Marlboro, for instance, who is sitting near an aisle in the church. She heard Smiley talking about his ideas on the Tom Joyner morning radio show. African Americans have to "understand what we have to do to improve our situations," Johnson says. An industrial engineer and a mathematics professor at Strayer University, she is especially interested in the book's emphasis on establishing an equitable system of public education.

Edelman, who is onstage with Smiley, wrote the book's statement of purpose. "Covenant," she writes, "calls on parents, educators, preachers, social service providers, community leaders, and policy-makers to act now and create a brighter future for our children."

The book grew out of several annual State of the Black Union symposiums that Smiley conducted. Contributor Blackwell explains from her home in California that Smiley wanted to take the conversations from those confabs "and harness the intellectual power and the energy."

## IN HONOR AND RECOGNITION OF WOMEN'S RIGHTS ACTIVIST BETTY FRIEDAN

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Betty Friedan, devoted social activist and writer, whose bestseller served to greatly benefit the women's movement. Ms. Friedan was a beloved sister, mother, grandmother, friend and mentor to many, whose activism, talent, and dedication changed the lives of women and sparked one of America's greatest social movements.

After graduating summa cum laude from Smith College in 1942, Ms. Friedan studied psychology for a year at the University of California at Berkeley. Frustrated with inequality in the workplace and women's accepted role as wife and mother, Ms. Friedan directed her passion and energy into her 1963 bestseller "The Feminine Mystique." Her commanding voice and passionate words opened the minds of women and led to substantial positive changes to define their status.

In 1966, Ms. Friedan co-founded the U.S. National Organization for Women, and became its first president. Her strong influence, beliefs, and wisdom laid the foundation for the organization that has grown exponentially to the size it is today. In addition to her vital work with NOW, she was essential in advancing women's rights to privacy, choice, and political participation. In 1979 she led an effort which resulted in women gaining half the delegate strength at the Democratic Party's nominating convention.

Mr. Speaker and colleagues please join me in honor and remembrance of Betty Friedan, whose enthusiasm, devotion, and ability to affect the world with her writing, has served to improve the status and lives of women everywhere. I extend my deepest condolences to

her family members and many friends. Betty Friedan's unwavering commitment to change and equality has served to make a difference within the lives of countless individuals, and on history itself. Betty Friedan's legacy of service and revolution will be honored and remembered for all time.

## RETIREMENT OF SERGEANT MAJOR MICHAEL DUDLEY, USA

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. ORTIZ. Mr. Speaker, I hope the House will join me today to pay tribute to an exceptional patriot and Non-Commissioned Officer in the United States Army, Sergeant Major Michael Roy Dudley, upon his retirement from active military service.

Sergeant Major Dudley's remarkable career spans over 31 years in the United States Army culminating with his appointment to Principal Announcer of The United States Army Band, ''Pershing's Own'' and Non-commissioned Officer-in-Charge of the United States Army Chorale.

He was also a producer, performer and announcer for numerous inaugural events for Presidents Carter, Reagan, G.H.W. Bush and Clinton. He was the announcer for the nationally televised September 11 Pentagon Memorial Services on September 11, 2002; internment of the Unknown Soldier from Viet Nam at Arlington National Cemetery; narrative soloist with the Boston Pops Orchestra and the Penn Woods Festival Orchestra at Penn State University for the 2000 National Governors' Conference performing Aaron Copland's ''A Lincoln Portrait.''

He has been the featured announcer and soloist numerous times for The United States Army Band's concerts at Lincoln Center and Carnegie Hall in New York City from 1993 to the present. Sergeant Major Dudley's talent and professionalism has been instrumental in the flawless performance of these international events.

Other significant performances by Sergeant Major Dudley include: The White House performance for the signing of the peace treaty between Egypt and Israel; featured vocal soloist for Gerald Ford and Friends Gala in Vail, Colorado; White House State Dinners and Christmas receptions (1975-present); numerous performances for the Kennedy Center Honors Program and the July 4, 1976 Bicentennial Concert of the United States with Johnny Cash on the grounds of the Washington Monument.

Sergeant Major Dudley has truly represented The United States Army and The United States of America in an exemplary manner which was quintessential to the overwhelming success of these very important events in the history of our nation. This soldier is the recipient of the United States Armed Forces Legion of Merit award for exceptionally meritorious conduct in his performance of outstanding service to this country.

He has established a renowned reputation both nationally and globally as a musical ambassador of goodwill. I ask my colleagues to join me today to thank Sergeant Major Dudley, his wife, Mary Lou, and his entire family for the commitment, sacrifice, and contribution that they have made throughout his honorable military career.

## IN MEMORY OF THE HONORABLE JOHN J. POLLARD

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of Representatives of the passing of my friend, the Honorable John J. Pollard of Lexington, Missouri. He was 96.

Judge Pollard was born on November 14, 1909, in Lexington, Missouri. After he graduated from Lexington High School in 1928, Judge Pollard worked various odd jobs. Judge Pollard was offered a special commission as deputy constable in 1931 and began, like his father before him, a lifelong career in law enforcement. In 1934, he was appointed deputy sheriff, designated the court bailiff, and moonlighted as a city fireman.

Judge Pollard married Genevieve Bray on January 11, 1936. That same year, Judge Pollard first campaigned for public office and was elected Constable. Judge Pollard was elected Constable twice more; in 1938 and again in 1940. He also continued as deputy sheriff until 1940.

In the fall of 1940, a conversation with Senator Harry S. Truman from Independence, Missouri, led to a position as one of the very first members of a security force being established at the new Lake City Ordinance Plant. Shortly after Judge Pollard was hired as a dispatcher and firearms inspector, war was declared. During World War II, the ammunition plant would reach a high of 23,000 employees, 600 of whom were on the security force. After World War II officially ended on September 2, 1945, Judge Pollard received a special ''Certificate of Meritorious Conduct'' from the United States Army, recognizing his service to the war effort.

Judge Pollard was the only security man kept on staff after the Lake City Ordinance Plant closed a month after the war. When the plant reopened in 1949, Judge Pollard was made Chief of Security. When the Korean Conflict began in 1950, the plant once again aided in the war effort and Judge Pollard, as head of security, held the military rank equivalent of Colonel. Before retiring in 1974, Judge Pollard attended a 40-hour course in shooting at the FBI Academy; completed the MP School of the Army at Fort Gordon, Georgia; and graduated from the U.S. Army Intelligence School. He also took courses in industrial security management, effective speaking, human relations, communications, and job relations.

In 1978, Judge Pollard was elected to the office of Municipal Judge of Lexington. When the legal qualifications to hold the office changed a year later, he was in the first group of judges to take the Supreme Court's mandatory test for Municipal Judges. His background in law enforcement served him well and he easily passed the test. He was held in high esteem by the local lawyers and was invited to become an ex-officio member of the Lafayette County Bar, a high honor for a non-lawyer. Judge Pollard resigned from office on May 30, 1989, having served for eleven years and one month.

Mr. Speaker, Judge John J. Pollard was more than a civil servant, he was a true friend. He is survived by his son Jack Pollard; Jack's wife Beth; one brother, Dale Pollard; and two grandchildren. He will be missed and I know the members of the House will join me in extending heartfelt condolences to his loved ones.

## TRIBUTE TO JOHN J. SANVIDGE

### HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. SWEENEY. Mr. Speaker, I would like to take this opportunity to honor and pay tribute to the late John J. Sanvidge, a dedicated and loyal public servant, and one of my outstanding constituents from the 20th District of New York. His professional and personal achievements are numerous and varied, and have positively shaped the lives of many in my District.

Throughout his life John worked to protect the people of his community and nation. He courageously defended our country in the European Theatre of World War II, while serving in the U.S. Navy. Locally, he was an advocate for the citizens of the 20th District through his service as Commissioner of Public Safety for the city of Troy, and while serving as Director of Civil Defense for Rensselaer County. John also worked to help those less fortunate. For over 50 years, the John J. Sanvidge Funeral Home, Inc., founded by John, has helped countless citizens of Renssealear, Albany, and Saratoga counties cope with some of the most difficult times in their life. He served as chairman of the Rensselaer County Muscular Dystrophy Association Drive and was influential in the first Jerry Lewis Telethon in New York City. John was an active member of his community as a member of the CSEA, Veteran of Foreign Affairs Post 8764, the Tibbits Cadets of Troy and the American Legion.

It is my privilege to honor such a dedicated member of my district. The selfless work of individuals like John Sanvidge constitutes the foundation of good citizenship and embodies true American values. The residents of my district have benefited from the efforts and achievements of John J. Sanvidge. I thank him for his contribution to our community and our Nation.

## REVEREND AL'S NEW FLOCK—SHARPTON NURTURES UP-AND-COMING ACTIVISTS

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. RANGEL. Mr. Speaker, I rise today to acknowledge the Reverend Al Sharpton for his continued encouragement of black youths in America to rise up and join the struggle against poverty, low performing schools, corruption and other ills that plague many of our inner cities across this nation. The Reverend believes that the time is now for new blood

with new and exciting ideas to speak up and become participants in the issues that directly influence their livelihood.

Sharpton is trying to train today's inner city youth on how to become leaders just as he was trained so many years ago. Reverend Al Sharpton was best known as the "Wonder Boy" in his youth. He was also known as the one who began delivering sermons at the Washington Temple Church in Brooklyn as a first-grader. Later at age 10, Sharpton preached a sermon before 10,000 people at the World's Fair. During this time, Sharpton was a teenager and had attracted the attention of the late Representative Adam Clayton Powell becoming part of the Harlem congressman's entourage.

Sharpton held his annual National Action Network meeting in New York this past week and in attendance were many of his up-and-comers who will likely be running cities and other municipalities along with Congress before long. The list includes Yaphet El-Amin who became the first female Muslim to hold state office in Missouri when she was elected in 2002. There is also Alicia Reece, a member in Sharpton's organization who is considered a rising star, and then there is the Reverend Jarrett Maupin, a 17 year-old from Phoenix, Arizona who is now Sharpton's youth director. Maupin made an unsuccessful bid for the Phoenix City Council, yet he retains the spirit and desire to run for his school board this year.

I enter into the RECORD an article published in the New York Daily News on Friday April 7, 2006 entitled, "Reverend Al's new flock", for highlighting the importance of implementing forms of community mentoring. As members of the old guard grow older, the time is now for the youth in our nation to stand up as we hand them their futures. More people need to take the time to do the same and encourage the leaders of tomorrow to rightfully take their place in society.

REVEREND AL'S NEW FLOCK

(By Errol Louis)

Here in New York, the Rev. Al Sharpton tends to be seen as a perennial political outsider and gadfly—his detractors inevitably dismiss him as a publicity-seeking hustler—but that cynical, out-of-date view ignores the impressive political network Sharpton has diligently been building from coast to coast.

In a dozen or so black communities where elders tend to monopolize leadership of the churches, schools, civic groups, political clubs and other key institutions, Sharpton has been busy grooming young, ambitious candidates for office.

By playing the role of mentor, promoter and fund-raiser, Sharpton does what many shortsighted black politicians refuse to do: actively encourage youngsters to join the struggle against poverty, broken schools, corruption and other inner-city ills.

Sharpton's approach should be copied by pols in communities where new blood and new ideas are desperately needed.

A batch of hopefuls from Generation Al—many of whom were in New York City this week for the annual meeting of Sharpton's National Action Network—has been particularly active lately. The list includes Yaphet El-Amin, a 35-year-old from St. Louis who became the first female Muslim to hold state office in Missouri when voters elected her to the legislature in 2002. She is running for state Senate this year.

Alicia Reece, an officer in Sharpton's organization who served as vice mayor of Cincinnati and lost a race for mayor last year, is considered a rising star. Brooklyn's own Kirsten Foy, one of Sharpton's staff members, is running for a district leadership in Crown Heights this fall.

And then there's the Rev. Jarrett Maupin, Sharpton's national youth director.

The 17-year-old from Phoenix, a college freshman who has been preaching since he was 10, is so much a Sharpton clone that he wears his hair in the same trademark conked-out style.

"I had my hair like this before I met Rev. Sharpton, but after I met him I decided to keep it," says Maupin. "It's a power look."

Maupin made an unsuccessful bid for the Phoenix City Council last year and plans to mount a run for school board this year.

Sharpton not only holds fund-raisers and stumps for his proteges, he freely connects them to political heavy-hitters. This morning, for instance, they will be meeting with Sen. John Kerry (D–Mass.), who is set to give a breakfast talk to Sharpton's group.

The reverend's interest in grooming young leaders dates to his own background as the Wonder Boy, a prodigy who began delivering sermons in Brooklyn's Washington Temple Church as a first-grader.

At age 10, Sharpton preached a sermon before 10,000 at the World's Fair. By the time he was a teenager, Sharpton had attracted the attention of the late Rep. Adam Clayton Powell, becoming part of the Harlem congressman's entourage. Whenever Powell came to town, he'd ask for "the kid."

Sharpton's decision to pass along the sort of mentoring he received stands in stark contrast to the way black politicians in New York and elsewhere cling to office for decades on end, passing their seats to relatives like heirlooms and doing everything in their power to drive newcomers away. But while the old guard gets older, Sharpton—who's mulling another run for President in 2008—is smartly playing the odds, collecting friends, fans and favors among a network of up-and-comers who will likely be running cities, states and Congress before long.

The reverend won't just have powerful friends. To the consternation of his enemies, he'll also get the last laugh.

## IN HONOR OF THE THIRTY-FIRST ANNIVERSARY OF THE OLD BROOKLYN COMMUNITY DEVELOPMENT CORPORATION

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Old Brooklyn Community Development Corporation (OBCDC), whose leaders, staff and members have uplifted, restored and energized all aspects of Cleveland's Old Brooklyn and Brooklyn Centre neighborhoods for thirty-one years.

The OBCDC, a non-profit community organization, was formed in 1975 by a small group of concerned citizens and business owners who set out to protect their neighborhood from falling into decline. The initial vision and effort, one that spans 31 years, was a united one, bringing together civic, religious, government and neighborhood and private business leaders to the table to begin the work of uplifting a neighborhood.

Beyond historic preservation, neighborhood revitalization and housing and commercial redevelopment programs and projects, the OBCDC has initiated numerous programs and services for residents and business owners, including the Old Brooklyn News. This award-winning monthly newspaper was established by the OBCDC in 1978 and still exists as a vital instrument of communication throughout the neighborhood. Another significant agency that sprung from the early work of the OBCDC includes Senior Citizen Resources, Inc. (SCR), a senior support organization that evolved from senior services provided by the OBCDC. The treasure of the neighborhood, the Benjamin Franklin Community Gardens, managed by the OBCDC, has attracted gardeners from all over the county for the past 26 growing seasons.

Mr. Speaker and Colleagues, please join me in honor and recognition of the members, staff and leaders, past and present, of the Old Brooklyn Community Development Corporation. Their collective dedication, vision, volunteerism and work on behalf of all residents has served to preserve the historic integrity of the neighborhood, promote new commercial growth and maintain a healthy living environment for residents, young and old, throughout Old Brooklyn and Brooklyn Centre, thereby strengthening the foundation of our entire Cleveland community.

## THE FLOUR BLUFF NJROTC CHAMPIONSHIP

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. ORTIZ. Mr. Speaker, I rise today to commend and congratulate South Texas' Flour Bluff High School's Navy Junior ROTC on winning their 10th consecutive Navy National Championship. These cadets have earned the state championship for the past 12 years and this year's victory marks their extraordinary 10th straight win in the national competition.

This year they placed first in armed drill exhibition, academics, unit inspection, and overall drill. This is a group that sincerely enjoys the challenging intricacies of competition.

Flour Bluff's NJROTC's unparalleled record comes from their ability to inspire future participants with their pride and dedication to excellence. They function like a family—always helping and learning from one another. Through the team's support and collaboration, they carry away memorable victories and lifelong friendships.

These cadets' discipline and enthusiastic dedication enhance their natural talent. Such sacrifice and practice are indicative of our nation's military future, an opportunity many of these young people seek. They are indeed our best and brightest, and I am so proud of all of them.

In high school competitions, as in life, the path to success requires hard work and an eager spirit. Competitions teach today's youth about teamwork and common effort, the fundamental components of life and work.

Year after year, the Flour Bluff cadets continue to bring distinction to their school and bring hope for the future of America. Their skill, perseverance, and commitment to quality are an exemplary representation of what South Texas has to offer.

These are the cadets who earned Flour Bluff's 10th consecutive Navy National Championship: Adrian Altamirano, Sade Auzenne, Arielle Carchidi, Sara Carmony, Leslie Cox, Dirk de Haan, Valerie Dimalanta, Miranda Edson, Julisa Ellerbe, Tomas Falkenberg, Deon Farmer, Devin Galindo, Melinda Garibay, Pancho Gonzales, Tyler Grant, David Guillen, Caz Haas, Jonathan Hada, Gustavo Hernandez, Josef Horn, Matthew Horn, William Joyce, Cassandra Leal, Gilbert Lozano, Ellysa Luehrs, Conor Morrison, Steven Murawski, Ruby Neisser, Amielyn Nillo, Danielle Pletcher, Rudy Ponce, Roxanne Reeder, Daniel Samuelson, Rafaelle Sheehan, Jaclyn Stewart, Tanis Thompson, Tempestt Thompson, Tyler Warren, Eric Webb, and Jeremiah Widder.

The coaches who led them to victory are CDR Armando R. Solis and assistants HMCS Lee Holloway and SKI David Pitts.

I ask the House of Representatives to join me today in recognizing these young champions who know first hand how to compete and win graciously. Mr. Speaker, these young students have inspired us to continually strive for success.

## IN HONOR OF THE RELATIONSHIP BETWEEN MONTEREY BAY AND MINAMIBOSO OF THE BOSO PENINSULA OF JAPAN

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. FARR. Mr. Speaker, Ms. ESHOO and I rise today to honor the 109th Anniversary of the Abalone Connection, a treasured connection between two Pacific regions, the Monterey Bay and Minamiboso of the Boso Peninsula of Japan. Both regions are centrally located on the Pacific Coasts of their respective regions and share not only the beautiful scenery of the Pacific Rim, but also the abalone fishing culture and the business that developed because of the abundant marine life found in the sea along their coastlines.

In 1897, Gennosuke and Nakajiro Kodani of Minamiboso, and Alexander M. Allan of Monterey partnered to create the first successful deep-water abalone diving business in the East Pacific. Mr. Allan firmly defended his Japanese partners and employees through the tense period of anti-Japanese sentiment in California during the early part of the 20th century.

Their partnership brought a steady stream of highly skilled Minamiboso abalone divers back and forth across the Pacific, bringing Japanese technology and culture to the Monterey Bay Region and taking back American culture to Japan.

Furthering the connection between Monterey Bay and Japan, in the 1990s, historians on both sides of the Pacific began reconnecting the ties between the Monterey Bay Region and Minamiboso that were interrupted by World War II.

In recognition of these connections, on September 3, 2005, the citizens of the Boso Peninsula held a Symposium, titled "A Bridge Across the Pacific: The Spirit Connecting the Southern Boso Peninsula and Monterey Bay, California," which was dedicated to "giving a peaceful world to our children". It exemplified the ongoing historic relationship of cooperation begun by the Gennosuke and Nakajiro Kodani and Alexander M. Allan.

Inspired by the Boso Peninsula Symposium, a group of Monterey Bay Region residents decided to hold a similar celebration in Monterey, California to celebrate the 109th anniversary of the connections between the Boso Peninsula and the Monterey Bay Region, as well as the contributions made by the citizens of each region to the history of the other.

Mr. Speaker, we're proud to honor the Abalone Connection as it celebrates its 109th anniversary. After more than a century, the Abalone Connection remains a source of pride for the Monterey Bay Region.

## TRIBUTE TO STEVE LUKENS

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mrs. EMERSON. Mr. Speaker, I rise today to honor Steve Lukens, Assistant Principal at R.O. Hawkins Junior High School in Jackson, Missouri. Recently, Mr. Lukens announced his retirement after 31 years of distinguished service in Missouri's Public Schools.

Mr. Lukens was born on June 23, 1947, to Harry and Ella Lukens in St. Louis, Missouri. Upon graduation from high school he joined the U.S. Navy and served as an air traffic controller from 1967 until 1972. After his honorable discharge, Mr. Lukens pursued a degree in education from Southeast Missouri State University, which is also where he met his future wife, Ellen. Upon graduation from the Southeast Missouri State, he commenced what would be a long and laudable career in education.

Mr. Lukens has dedicated his life to public education over the past 31 years. He embarked on his teaching career in the Cape Girardeau, Missouri, public school system, where he served as a language arts teacher for 21 years. Throughout his time in the Cape Girardeau Public Schools, he served in several capacities for many extracurricular activities, including sponsor of the Red Dagger Club and set director for theatric productions. In order to play an active role in the lives of even more students, Mr. Lukens pursued a position in school administration.

In 1996, Mr. Lukens accepted a position as Assistant Principal at R.O. Hawkins Junior High School and has served the school in this capacity for the past ten years. During his tenure, Mr. Lukens has overseen several massive construction projects to the school, a growing student population, and the everyday challenges associated with the instruction of adolescents. As the faces change every year in the halls of R.O. Hawkins Junior High, Mr. Lukens' dedication to education and cultivating the leaders of tomorrow remains a constant. To the students of R.O. Hawkins Junior High, Mr. Lukens is more than just a school administrator, he is a friend and mentor.

Although Mr. Lukens has led an exemplary career in education, it would not have been possible without the love and support of his family. Mr. Lukens' wonderful wife, Ellen, and two loving children, Jennie and Laura, undoubtedly enhanced his ability to change the lives of area youth. As I commend Mr. Lukens, I also recognize the efforts of his family to further his career. I once again congratulate Mr. Lukens on a successful career in education and wish him well in all his future endeavors.

## IN HONOR OF THE VIETNAMESE COMMUNITY OF CLEVELAND AND THE 31ST ANNIVERSARY OF THE FALL OF SAIGON

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance and recognition of the 31st Anniversary of the Fall of Saigon. This historical date commemorates the end of the Vietnam War, and represents the beginning of a new life for tens of thousands of Vietnamese people, as they began their hopeful journey to America.

On April 30, 1975, the ancient city of Saigon fell to the conquest of communist troops. This action solidified the communist takeover of South Vietnam. Thirty-one years later, I rise to honor the memory and sacrifice of the hundreds of thousands of American soldiers, South Vietnamese soldiers and civilians who made the ultimate sacrifice in the name of liberty.

Despite the takeover and the Communist rule that followed, the culture, spirit and hope reflected by the Vietnamese people remained steadfast. After the fall of Saigon, thousands of Vietnamese, determined to rebuild their lives, began a treacherous exodus out of Vietnam. Their daring escape was on foot, through thick jungles and over jagged mountains. They escaped by boat, through snake-infested rivers and across turbulent seas. They became refugees in many nations, including America, with nothing more than the clothes on their backs and the hope for freedom in their hearts.

Mr. Speaker and Colleagues, please join me to honor and remember the hundreds of thousands of men and women who struggle for peace and freedom, then and now. We also honor agencies and churches such as The Vietnamese Community of Greater Cleveland and St. Helena Catholic Church, which offer a haven of support, services and hope to immigrants from all over the world. The Vietnamese culture, through the care and commitment of its people, has flourished in Cleveland and across America, yet remains forever connected to its ancient cultural and historical traditions that spiral back throughout the centuries, connecting the old world to the new, spanning oceans and borders in the ageless quest for peace—from Vietnam to America.

## THE PORTER COWBOYS' 5A SOCCER TITLE

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to the Porter Cowboys, winners of the University Interscholastic League Class 5A

boys' soccer state championship. These young players came painstakingly close to defeat, but rose to victory in a 2–1 double-overtime win, earning Brownsville's first 5A state championship, and the pride of South Texas.

The Cowboys came back from a 1–0 deficit against the highly regarded team of Coppell in a match that went to two 10-minute overtime periods. The agility and perseverance of this team gained the recognition of even the rival coach who could not deny the heart the Cowboys put forth.

Less than a minute later, Porter tied up the game 1–1, after Coppell's only goal. The winning shot scored with 3:42 left on the stadium scoreboard, leaving the Cowboys' solid defense squad to protect the lead. The team left it all on the field to earn the Rio Grande Valley's first 5A title in soccer.

With such dedicated players and skilled coaching, it seems only right that their remarkable qualities led them to this year's championship. Their triumph is significant to both the team and their fans because it tells the story of how the road to victory is paved by those who never give up.

The Cowboys' success comes from sheer persistence and true teamwork. These young men have learned the supreme principles of both sports and life. They have experienced that winning is great but success is sweeter when teamwork and faith defy expectations and confront challenge.

These are the young champions: Eric Chapa, Edgar Sanchez, Aldo Sierra, Juan Razo, Jose Alvarado, Peter Ruiz, Victor Vela, Cristian Sierra, Wilfredo Fernandez, Edgar Acuna, Jorge Briones, Jovanny Briones, Alex Lara, Humberto Lopez, Gerardo Herrera, Mario Perez, Gerardo Martinez, Diego Rodriguez, Michael Cedillo, Angel Cardenas, Jesus Sanchez, Miguel Vasquez, Jose Mojica, Jorge Gandara, Abpsa Cardenas, Jose Sosa, and Abel Perez.

The coaches who led them to victory are Luis Zarate, Arturo A. Puig Jr., Pedro Valdez, and Miguel Marroquin.

I congratulate the Porter Cowboys who through their unwavering endurance and determination have brought great pride and joy to all of South Texas. I ask the House of Representatives to join me today in commending this outstanding band of champions who have learned the most important lessons of competition, faith, and commitment. Mr. Speaker, these young men have inspired us and made us exceptionally proud.

## COMMENDING APSEA ON THEIR SUCCESS AND ANNUAL DINNER

### HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Ms. MATSUI. Mr. Speaker, I rise in tribute to California's Asian Pacific State Employees Association as they celebrate their 31st anniversary and honor two of Sacramento's most outstanding citizens. Genevieve Shiroma will receive the President's Award for her distinguished career and advocacy in support the Asian Pacific Islander community and Raynor Tsuneyoshi will be honored with the Members Award for his dedication to APSEA and State employees. I ask all my colleagues to join me in saluting the Asian Pacific State Employees Association, as well as Ms. Shiroma and Mr. Tsuneyoshi for their accomplishments.

The Asian Pacific State Employees Association, formerly known as the Asian State Employees Association, was founded in 1975 for the purpose of working toward achieving equal opportunity within the State work force through professional development and community empowerment. The Association's vision is one of Asian Pacific State employee serving, enhancing, and leading State government agencies and their community.

Objectives adopted by the Association include advocating for Asian Pacific Islander State employee interests; providing an Asian Pacific network for its members and employers; advancing personal and professional development of its membership; consulting with members facing adverse action or other employment problems; working with the community to promote career opportunities, professionalism, cultural pride, self-esteem, and citizenship; and providing services and interchange with community, academic, and business groups.

Benefits and services offered by the Association include employee development, networking, scholarship opportunities, communications, and celebration of Asian Pacific contributions. At present time, the Asian Pacific State Employees Association has over 1,000 members statewide and includes chapters in the Southern, Central Valley, and Bay Area. Officers frequently serve on legislative fact-finding committees, and provide testimony before the legislative committees regarding advocacy and affirmative action policies.

I also would like to acknowledge and congratulate APSEA's special honorees. Through her work at the Agricultural Labor Relations Board and California Air Resources Board, Genevieve has constantly advocated for policies that benefit all Californians. In Sacramento, she continues to make her mark as a civic leader by working with numerous nonprofits and currently serves as president of the Sacramento Metropolitan Utility District's Board of Directors. Ray Tsuneyoshi is the director of the California Department of Boating and Waterways and serves on the National Boating Safety Advisory Council. He is known by many as one who all State employees can turn to for assistance.

Mr. Speaker, the Asian Pacific State Employees Association has evolved into a leading organization within the State, a dynamic force striving to improve the quality of life of its members and the general community. I am confident that Asian Pacific State Employees Association will continue to do great work and yield tremendous benefits to the Asian Pacific Islander State workers of California. I ask all my colleagues to join me in wishing the Asian Pacific State Employees Association continued success in the future.

## HONORING THE LIFE OF PHILIP THORNTON HAIRE

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the memory of Philip Thornton Haire, a very good friend and a beloved figure in Clewiston, Florida and the surrounding Glades area.

Phil led a remarkable life. As a marine in World War II, he fought in the Pacific Theater, winning a Bronze Star and a Purple Heart. Following his military service, Phil began a career as a radio sales executive working throughout the West and Midwest. In 1950, he moved to the Glades area, where he began his long association with radio station WSWN, known as "Sugar 900." In addition to his duties in sales, he became a sports announcer, copywriter, and eventually, Vice President and General Manager.

Phil Haire was an honest, decent man who always had a smile and a kind word for people he met. He was loved and respected throughout the Glades area. Phil truly left his mark on his community and on everyone who knew him. We will all miss him greatly.

On behalf of the Members of the House of Representatives, I would like to pass along our deepest condolences to Phil's family, friends, and loved ones.

## IN HONOR OF OFFICER CARTER JONES, RESERVE OFFICER SCOTT CHRISTIE, AND DEPUTY STEFAN FISH

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. FARR. Mr. Speaker, I rise today to honor the exceptional courage demonstrated by Officer Carter Jones, Reserve Officer Scott Christie, and Deputy Stefan Fish on February 2, 2006. The circumstance in which this heroic act was carried out is indeed incredible and it is my privilege to honor the selfless actions these officers performed.

On February 2, 2006, these three individuals assisted in a pursuit of a wanted parolee trying to evade arrest. The wanted parolee was driving a stolen vehicle and had an extensive criminal history, including weapon and narcotic violations.

Officer Jones and Reserve Officer Christie pursued the suspect as he dangerously attempted to evade arrest. Eventually the suspect crashed head-on into another vehicle, engulfing it in flames and pinning his own vehicle against the victim's car.

The suspect had managed to escape from his vehicle and attempted to flee on foot. The initial officers on the scene physically apprehended the suspect, despite his continued efforts to resist their arrest. They removed the suspect from the area due to the intense heat of the burning vehicle, only to return moments later to rescue the victims. Deputy Fish attempted to open the victim's cars doors but could not due to its precarious position. As smoke quickly filled the car, Deputy Fish used his baton to smash the rear window. Immediately, Deputy Fish, Officer Jones, and Reserve Officer Christie rushed in and successfully evacuated two children; a 7-year-old girl and her 5-year-old sister; and two adults.

Mr. Speaker, Officer Jones, Reserve Officer Christie, and Deputy Fish risked their lives to rescue four innocent people. Without their quick response under extreme emergency conditions, this incident could have turned

deadly. Their exceptional efforts are admirable and I applaud them for their courage and dedication under pressure.

## THE MILITARY DOMESTIC AND SEXUAL VIOLENCE RESPONSE ACT

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Ms. SLAUGHTER. Mr. Speaker, today, I am proud to introduce the Military Domestic and Sexual Violence Response Act. This important piece of legislation will ensure greater protections for service members and their families if they become victims of violence. It also will strengthen programs to prevent violence against fellow soldiers and military families.

Unfortunately, sexual assault and domestic violence are pervasive and serious problems throughout all branches of the military. In March 2006, the Department of Defense (DoD) released their second annual sexual assault report, which stated that there were 2,374 allegations of sexual assaults reported in 2005; this is up from 1,700 the previous year. In 2004, the DoD reported 9,000 incidents of spousal abuse. A 2005 Sexual Harassment and Assault Survey of the Service Academies found 6 percent of females and 1 percent of males said they were sexually assaulted in 2004–2005, and less than half the females who experienced sexual assault reported it. In this same survey, 60 percent of female cadets indicated sexual harassment was about the same as when they first enrolled at their academy.

While the DoD has been making efforts to improve its prevention and response to domestic and sexual violence, victim services remain incomplete and inconsistent among the various branches. There have been reports that victims advocates, charged with protecting the victim's rights, have been denied resources to do their job, and in some instances been forced off the base all together. Furthermore, DoD policies are not codified in the Uniform Code of Military Justice (UCMJ) and do not offer the same level of rights and protections afforded to civilian victims. Perhaps most importantly, victims are unable to seek confidential counseling and treatment without fear that their records might become public if they press charges against their assailant.

My bill, the Military Domestic and Sexual Violence Response Act, seeks to bring military law up to par with civilian laws by establishing a comprehensive approach for the military to address domestic violence and sexual assault among our soldiers. Specifically, this bill will:

Establish an Office of Victims Advocate (OVA) within DoD, bring the Family Advocacy Program under OVA, and create a Director of OVA to oversee and coordinate efforts to prevent and respond to cases of family violence, domestic violence, sexual assault, and stalking with the military and among military families;

Codify rights, restitution policies, treatment and other services for victims within the UCMJ, including creating comprehensive confidentiality protocols to protect the rights of victims within military law;

Strengthen policies for reporting, prosecuting and treating perpetrators of violence; and

Create counseling and treatment programs through the Department of Veterans Affairs.

The military should be at the forefront of prosecuting assailants and setting the highest standards for treatment of servicemen and women, or military family members, victimized by sexual assault and domestic violence. Our Armed Forces must be able to guarantee the most basic protedtions to ensure these victims can receive necessary counseling, treatment, and justice.

If a victim cannot access essential care for fear of stigma, public embarrassment, threats to their career, or because they just do not know what resources are available, the military will continue to lose valuable female and male soldiers. These service members put themselves in harms way to protect us and our Nation from threats at home and abroad. They should not be given lesser rights and protections than the civilians whose freedoms they protect. My bill ensures they are adequately protected when dealing with the horrible tragedy of sexual assault or domestic violence.

Do not allow our brave service members to be victimized twice, once by their perpetrator and then again by the military's lack of appropriate, compassionate, and confidential treatment and response.

Mr. Speaker, I encourage all Members to join me in cosponsoring the Military Domestic and Sexual Violence Response Act.

## RECOGNIZING REVEREND JOHN H. ROUSE, ON THE OCCASION OF HIS 51ST ANNIVERSARY OF SERVICE IN THE MINISTRY AND 31ST ANNIVERSARY AS PASTOR OF THE MOUNT ZION MISSIONARY BAPTIST CHURCH IN EAST ST. LOUIS, ILLINOIS

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing Reverend John H. Rouse, of the Mount Zion Missionary Baptist Church, in East St. Louis, Illinois, on the occasion of his 51st anniversary of service in the ministry and 31st anniversary as Pastor of Mt. Zion.

John Rouse is the son of Dr. W.B. and Evelyn Rouse. A native of Nashville, Tennessee, Rev. Rouse graduated with honors from Lincoln High School in East St. Louis, Illinois. Even though he was the president of his graduating class, Rev. Rouse was once counseled at Lincoln High School to compromise his ambition and settle for employment that did not require public speaking. How fortunate for all those who have benefited from his years of ministry that Rev. Rouse did not follow that advice.

Rev. Rouse began his formal ministry at the First Ward Baptist Church, in Clarksville, Tennessee, where he was pastor until 1970. During his time in Tennessee, Rev. Rouse continued his extensive education at American Baptist Seminary and College of the Bible, Tennessee State University, Austin Peay State University and George Peabody College.

Also during his years in Tennessee, Rev. Rouse became very involved in the civil rights struggle. His work to end segregation in Tennessee and later in Henderson, Kentucky has continued throughout his years of ministry as he has been a constant champion of civil rights and social justice.

It was through activities as a member of the NAACP that Rev. Rouse met Mary G. Avent, who would become his wife and mother of their four children.

In 1975, Rev. Rouse returned to East St. Louis to begin his pastorate at Mount Zion Missionary Baptist Church where he still serves as pastor today. While at Mt. Zion, Rev. Rouse has expanded his ministry to include Mt. Zion Baptist Mission East, as well as a community-based prison ministry. In addition to their own four children, Rev. and Mrs. Rouse have taken in a number of foster children and opened their hearts and helping hands to many within their congregation.

While Rev. Rouse has built an impressive congregation in East St. Louis, he has extended his ministry through speaking engagements, workshops and revivals across the country and as far away as Seoul, South Korea. Rev. Rouse has officiated at over 2,000 weddings and over 5,000 funerals. He has served on governing boards and commissions serving the church, education, government and community.

Rev. Rouse has traveled far and wide in his service to the Lord. He has also been a teacher, coach and funeral director. He has built congregations and mentored others in their quest to become ministers. The good work that he has done has extended far beyond the boundaries of his present congregation and will be felt for years to come.

Mr. Speaker, I ask my colleagues to join me in an expression of appreciation to Reverend Rouse for his 51 years of dedicated ministry and to wish him and his family the very best in the future.

## HONORING NEIL ARMSTRONG AS HE RECEIVES THE NASA AMBASSADOR OF EXPLORATION AWARD

### HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mrs. SCHMIDT. Mr. Speaker, I rise today to honor Neil Armstrong, a war hero, teacher, businessman, and one of the world's greatest explorers, who received the prestigious National Aeronautics and Space Administration (NASA) Ambassador of Exploration Award on April 18, 2006 at the Cincinnati Museum Center in Cincinnati, Ohio.

An Ohio native son, Neil Armstrong rewrote history in July of 1969 when he was the first man to set foot on the moon. Mr. Armstrong served as commander of Apollo 11, the first manned lunar landing mission. He was accompanied on this historical journey to the moon by Command Module Pilot Michael Collins and Lunar Module Pilot Edwin (Buzz) Aldrin.

Born in 1930, Mr. Armstrong always had a fascination for airplanes and space travel. He started taking flying lessons at the age of fifteen and received his pilot's license at the age of sixteen.

After graduating from high school in 1947, Mr. Armstrong entered Purdue University with

a U.S. Navy Scholarship. He started working toward an aeronautical engineering degree, but in 1949, he was called to active duty with the U.S. Navy. He was awarded his jet wings at Pensacola Naval Air Station in Florida at the age of 20, making him the youngest pilot in his squadron. During his service in Korea, he flew 78 combat missions in Navy panther jets earning three Air Medals. After his service, he returned to Purdue to complete his bachelor's degree in aeronautical engineering in 1955. He went on to earn his master's in aerospace engineering from the University of Southern California in 1970.

Mr. Armstrong joined NACA (National Advisory Committee for Aeronautics), NASA's predecessor, where as a research test pilot he piloted the X-I5, an experimental rocket plane. In 1962, he attained astronaut status and in 1966 served as command pilot for the Gemini 8 mission. Following his 1969 mission to the moon, Mr. Armstrong held the position of Deputy Associate Administrator for Aeronautics at NASA for several years.

Aside from his sizeable contributions to aeronautics, Mr. Armstrong has also made an impact in the college classroom. From 1971–1979, he was a professor of Aerospace Engineering at the University of Cincinnati.

He previously served as chairman of Computing Technologies for Aviation in Charlottesville, Virginia, and chairman of the board of AIL Systems, an electronics systems company located in New York. He currently serves as chairman of CTA Inc. in Lebanon, Ohio.

In addition to worldwide recognition for his role on the Apollo 11, Mr. Armstrong has earned countless awards and distinctions for his many accomplishments, including the Presidential Medal of Freedom, the highest award bestowed upon a U.S. citizen; the NASA Distinguished Service Medal; the NASA Exceptional Service Medal; and the Congressional Space Medal of Honor. He is a former Chairman of the Cincinnati Museum of Natural History.

Mr. Armstrong and his wife Carol currently reside in Indian Hill and own a farm in Warren County. He has two grown sons.

All of us in the Cincinnati area congratulate Neil Armstrong on receiving the National Aeronautics and Space Administration Ambassador of Exploration Award.

## HUMAN RIGHTS IN CHINA: IMPROVING OR DETERIORATING CONDITIONS?

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. SMITH of New Jersey. Mr. Speaker, on April 19, the day before Chinese President Hu Jintao's official visit to President George Bush, I held a hearing of the Subcommittee on Africa, Global Human Rights and International Operations to examine China's human rights record. The hearing focused on such areas as China's censorship of the internet, implementation of the right of Chinese citizens to worship freely, protection of minority rights, compliance with international labor standards, China's barbaric practice of organ harvesting, and the destructive effects on Chinese society—especially on women—of its government's coercive one-child policy.

Over the years, I have held more than 25 hearings on human rights abuses in China. While China's economy has improved somewhat, the human rights situation remains abysmal. So-called economic reform has utterly failed to result in the protection of freedom of speech, expression, or assembly.

President Hu Jintao' visit to the United States provided the U.S. Congress and people an opportunity to bring to the attention of U.S. policy makers and the world community the terrible human rights situation as it exists in China today. It also helped provide the vital context for any relationship we should have with China. And it conveyed our unshakeable regard and commitment to press Beijing for serious, measurable and durable reform. The people of China deserve no less. It is our moral duty to stand with the oppressed, not with the oppressor.

State Department human rights reports and the consistent reporting from very reputable NGOs indicate that Chinese government repression of its citizens continues. In fact, the current Chinese regime is one of the very worst violators of human rights in the world, and continues to commit every single day egregious crimes against its own citizens. China was first named a Country of Particular Concern (CPC) by the State Department in 1999 for ongoing, egregious and systemic violations of religious freedom, and has been a CPC every year since. Few if any nations can even begin to match China's unseemly record, from the systematic denial of political freedom and use of torture to interference in the most private matters of family and conscience. At a rough count, the most recent State Department Human Rights Report for China ran to about 45,000 words. Before it even gets down to details, the report lists 22 major human rights problems:

Denial of the right to change the government;

Physical abuse resulting in deaths in custody;

Torture and coerced confessions of prisoners;

Harassment, detention, and imprisonment of those perceived as threatening to party and government authority;

Arbitrary arrest and detention, including nonjudicial administrative detention, reeducation-through-labor, psychiatric detention, and extended or incommunicado pretrial detention;

A politically controlled judiciary and a lack of due process in certain cases, especially those involving dissidents;

Detention of political prisoners, including those convicted of disclosing state secrets and subversion, those convicted under the now-abolished crime of counterrevolution, and those jailed in connection with the 1989 Tiananmen demonstrations;

House arrest and other non-judicially approved surveillance and detention of dissidents;

Monitoring of citizens' mail, telephone and electronic communications;

Use of a coercive birth limitation policy, in some cases resulting in forced abortion and sterilization;

Increased restrictions on freedom of speech and the press; closure of newspapers and journals; banning of politically sensitive books, periodicals, and films; and jamming of some broadcast signals;

Restrictions on the freedom of assembly, including detention and abuse of demonstrators and petitioners;

Restrictions on religious freedom, control of religious groups, and harassment and detention of unregistered religious groups;

Restrictions on the freedom of travel, especially for politically sensitive and underground religious figures;

Forcible repatriation of North Koreans and inadequate protection of many refugees;

Severe government corruption;

Increased scrutiny, harassment and restrictions on independent domestic and foreign nongovernmental organization (NGO) operations;

Trafficking in women and children;

Societal discrimination against women, minorities, and persons with disabilities;

Cultural and religious repression of minorities in Tibetan areas and Muslim areas of Xinjiang;

Restriction of labor rights, including freedom of association, the right to organize and bargain collectively, and worker health and safety; and

Forced labor, including prison labor).

Beijing has increasingly viewed the information available on the internet as a potential threat to the Party's ability to control the population and monopolize political power. It has turned China into one of the most internet restrictive countries in the world. It is important to note that the freedoms that we enjoy in America allow individuals to publish information and news on the Web unfiltered. Those freedoms do not exist in China. Individuals who attempt to speak freely are imprisoned and even tortured. At the very least, U.S. corporations should not be aiding and abetting that process. Yet at a February hearing I chaired on the Internet in China, we learned in greater—and disturbing—detail, how some of the biggest corporations in America have partnered with the much-hated Chinese secret police to find, apprehend, convict and jail religious believers and pro-democracy advocates.

Yahoo told us at the hearing how profoundly they regret sending Shi Tao to prison for 10 years but they couldn't tell us—and didn't seem to know—how many others were condemned to jail and torture because of Yahoo's complicity with the secret police. When I asked under what terms and conditions—court order, police demand, a fishing trip—Yahoo surrenders emails and address files, Yahoo told us that they couldn't reveal this information to us because it would break Chinese law.

Google, for its part, created an exclusively Chinese search engine that only a Joseph Goebbels could love. Type in any number of vile words like human rights, or Tian An Men Square massacre, or Falun Gong, and you will get rerouted to government propaganda—much of it heavily anti-American and anti-President George Bush, and filled with hate, especially for the Falun Gong. How did Google respond to our deep concern about their enabling a dictatorship to expand its hate message? According to the New York Times report of late March, they hired big-time Washington lobbying firms like Podesta-Mattoon and the DCI group to put a good face on it all—and presumably kill my pending legislation, the Global Online Freedom Act of 2006,

Amazingly, Cisco showed no seller's remorse whatsoever that its technology—especially "Policenet"—a tool for good in the hands of honest cops and legitimate law enforcement, but a tool of repression in the hands of Chinese police has now effectively linked and exponentially expanded the capabilities of the Chinese police.

Microsoft also censors and shuts down blogs that "Big Brother objects to. You can be sure that no serious discussion on human

rights was on the agenda at President Hu visit with Bill Gates at Microsoft.

China's continued repression of religion is among the most despotic in the world. In February, the BBC reported that China had warned Hong Kong's newly-appointed Cardinal, Joseph Zen, a well-known critic of China's suppression of religious freedoms, to remain quiet on political issues. Citizens practicing a faith other than officially sanctioned religions are often subjected to torture, imprisonment, and death, at which time prisoner organs are frequently harvested to meet demand. Christians, Tibetan Buddhists, and Muslim Uyghurs are all being persecuted for their faith. Today, numerous underground Roman Catholic priests and bishops and Protestant pastors languish in the Lao Gai, China's infamous concentration camps, simply proclaiming the Gospel of Jesus Christ.

In the early 90's I meet with Bishop Su Zhimin of Baoding Province—a gentle and kind man who celebrated Mass for our small delegation. I was deeply inspired by his faith (he had recently been let out of jail) and by his compassion for those who had jailed and mistreated him. He had no animosity for them—only compassion and forgiveness. What kind of regime incarcerates a truly noble man like this? Soon after our visit, he was re-arrested on false charges, released, and re-arrested and jailed again. He has now spent at least 27 years of his life in jail—for loving God. What kind of barbaric regime hurts a man like this?

And then there is the special hate Beijing pours out on the Falun Gong. Nearly seven years ago the Chinese government began its brutal campaign to completely eradicate Falun Gong through whatever means necessary. Many Party Members and Army officials had begun to practice Falun Gong. Like all dictators and totalitarian terror systems, the PRC fears and hates what it cannot control. So it decided to destroy and intimidate those who practice Falun Gong. We see before us a Stalinist nightmare revived for the 21st century—hundreds, perhaps thousands, dead as a result of torture; tens of thousands jailed without trial, held in labor camps, prisons, and mental hospitals, where they are forced to endure torture brainwashing sessions.

Just over a year ago Beijing finally released the renowned human rights activist, Rebiya Kadeer, from prison, where she had been held for years on trumped up charges for defending the rights of her fellow Uyghur Muslims in China. We had hoped this signaled some sort of genuine improvement in Beijing's treatment of human rights, but now we know better: since Rebiya, who is now living in America, has continued to campaign for the recognition of the legitimate rights of her fellow Uyghurs, her relatives and business associates still in China are being subjected to renewed harassment by the authorities. Rebiya is with us here today to testify about China's continuing campaign against her peoples.

Coercive family-planning policy in China has slaughtered more innocent children than any war in human history. Coercive family planning has wounded Chinese women by the millions and the physical consequence is that 500 women commit suicide every day. China's one-child per couple policy, decreed in 1979, has killed hundreds of millions of babies by imposing Draconian fines—up to ten times annual salaries—on their parents to force them to abort. In China today brothers and sisters are illegal. Sex selection abortions—a direct consequence of allowing only one baby per couple, has led to gendercide—approximately 100 million girls are missing—in China. One Chinese demographer has admitted that by 2020, forty million Chinese men won't be able to find wives because Beijing's weapon of mass destruction—population control—destroyed the girls.

There is no recourse for millions of Chinese laborers trapped in poor working conditions. Those who protest unjust wage and labor practices outside of the government-controlled labor union are arrested and imprisoned. Chinese citizens are often persecuted just for going to court to secure rights which even current Chinese law, as restrictive as it is, guarantees them. And the lawyers who seek to help them are threatened, harassed, beaten, disbarred and jailed for doing their simple duty. They join countless prisoners of conscience in China's modern day concentration camps. These are found everywhere in China—more than 1,100 by one count.

Finally, we heard testimony about China's barbaric policy of harvesting human organs for sale and transplant. China admits it does this. According to China's Ministry of Health, since 1993, there have been over 65,000 transplant procedures performed in China. China's Deputy Health Minister recently stated that 95 percent of the organs for organ transplants performed in China are from executed Chinese prisoners. Of course it claims it only harvests the organs of executed prisoners, and only if they or their families consent. But what value can such a statement have in a country where the death penalty is virtually an assembly line process? Where according to the Department of State's Human Rights Report for 2005, foreign experts estimate between five and twelve thousand people are executed every year? Chinese courts hand down the death sentence for an ever-expanding range of crimes, including nonviolent and political crimes. Appeals are conducted hastily, if at all. In an effort to boost profits, it is reported that some provincial or local officials in China have begun to allow mobile medical vans at execution sites to facilitate the ease and efficiency with which prisoners' organs may be harvested. We have all heard the recent horrific stories that China is now targeting the thousands of innocent Falun Gong prisoners it holds for organ harvesting, and perhaps not even waiting until they are dead. The State Department and the UN Special Rapporteur for Torture, Manfred Nowak, have been investigating. They must get to the truth of these blood-curdling stories, and do everything to stop this shameful practice.

Human rights are everyone's rights. Governments are instituted to secure, protect and safeguard those rights. Human rights aren't privileges. Human rights are worth fighting for, even when they are costly, and even when it is inconvenient. Our witnesses, Mr. Ethan Gutmann, author of Losing the New China: a Story of American Commerce, Desire and Betrayal; Ms. Rebiya Kadeer, Human Rights Activist, Former Political Prisoner, and President of the International Uyghur Human Rights and Democracy Foundation; Mr. Joseph Kung, Director, Cardinal Kung Foundation; Ms. Thea Lee, Director of Public Policy, AFL–CIO; Mr. Steven Mosher, President Population Research Institute; Mr. Harry Wu; Executive Director, Laogai Research Foundation; and Mr. Lu Decheng, 1989 Tiananmen Square Protestor, who spent 9 years in jail, all provided vitally useful testimony today.

## HONORING THE JUNIOR ACHIEVEMENT OF THE INLAND NORTHWEST HALL OF FAME LAUREATES FOR 2006

### HON. CATHY McMORRIS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Miss. MCMORRIS. Mr. Speaker, I rise today to recognize Wendell J. Satre, Ron and Julie Wells, and Fidelity and Associates for being named Junior Achievement of the Inland Northwest Hall of Fame Laureates for 2006. These individuals embody the mission of Junior Achievement, which is to inspire young people to be successful in life through free enterprise education and help them envision and pursue their future roles in our society. These honorees serve as examples of good mentorship and civic responsibility.

Wendell J. Satre is the former chairman, president, and CEO of Washington Water Power, which has since become A vista Utilities. He has been actively involved in community service and philanthropic organizations, and was instrumental in securing a Washington State University campus in Spokane. His dedication has helped make Eastern Washington a place of charity, education, and mutual responsibility.

Ron and Julie Wells have been active and successful historical preservationists in the Spokane area. They see our historical structures as vehicles for remembering our past and understanding the present. The rich heritage available to the citizens of Spokane is in large part due to the work these individuals have done.

Hall of Fame Laureate Fidelity and Associates has served the Spokane area for 100 years and is 1 of the Inland Northwest's largest locally owned independent insurance agencies. Fidelity's dedication to the people of Eastern Washington is exemplified in its College Student Property Insurance Program which has helped alleviate one of the stresses of college life associated with living in dorms and houses.

Mr. Speaker, I rise today to acknowledge and thank these honorees for their service to the communities and citizens of Eastern Washington. I invite my colleagues to join me in congratulating these Junior Achievement Hall of Fame Laureates.

## INTRODUCTION OF FAA WAR RISK INSURANCE EXTENSION LEGISLATION

### HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. MICA. Mr. Speaker, I am introducing legislation today that would extend the Federal Aviation Administration's war risk insurance program for U.S. commercial air carriers. Ever since 9/11, the commercial insurance market has been unwilling to provide the war-risk insurance that our nation's airlines need. That

continues today and there is no foreseeable end to this situation. If airlines don't have that insurance coverage, as a practical matter they won't be able to fly. Because of this situation, Congress must extend the program to provide U.S. airlines the war-risk insurance that they need. The accompanying legislation would do that for five years.

As many of us remember, immediately after 9/11 commercial insurers in lockstep cancelled the airlines' war-risk policies. That withdrawal of essential insurance coverage caused a crisis that Congress on September 21, 2001 resolved by granting the Federal Aviation Administration the authority to issue war-risk insurance policies to U.S. airlines. The FAA today provides war-risk insurance to some 70 U.S. airlines. The FAA program has been generating roughly $150 million annually in premium payments to the treasury and we can expect about the same amount of payments in 2006. That is 6 or 7 times what the U.S. airline industry paid for that coverage before 9/11.

Congress has repeatedly extended the FAA's program since 2002 because we have recognized that war-risk insurance for the airlines is indispensable. Airlines won't fly without that coverage because they cannot bear the financial risk of a catastrophic act of terrorism against them. Expressed another way, no one wants large aircraft operating in the United States that do not have adequate insurance coverage.

I wish that I could report that the commercial market for aviation war-risk insurance has returned to its pre-9/11 condition. Unfortunately, it has not; the marketplace is failing to cover the terrorism risks to which airlines are exposed. Indeed, the situation has worsened. Premium costs and coverage terms in the commercial market have not been and are not today reasonable.

Of immediate concern is how the marketplace is treating coverage of aviation losses attributable to weapons of mass destruction. The FAA's insurance policy quite properly covers this risk. But if U.S. airlines were required to rely on the commercial market for war-risk insurance, today they effectively could not get WMD coverage for their aircraft (in insurance terms, their "hulls".) More ominously, it appears that this year the commercial market will stop providing most third-party WMD coverage. This means that if a WMD incident were to occur on an aircraft in flight, commercial insurance would not cover the death and injury of persons on the ground, or damage to property on the ground.

Neither airlines nor their employees, who have borne so much of the financial adversity that the U.S. airline industry has suffered since 9/11, can afford such an increase in premiums. Between 2001 and 2005, U.S. airlines had net losses of more than $40 billion. A staggering 135,000 jobs have been lost in the airline industry since 2001. The compensation of those who remain in the industry in many instances has been slashed. Current projections are that the airlines will lose another $2 billion in 2006. With stubbornly high oil prices, now $67 per barrel, that projection may turn out to be optimistic.

If Congress does not act, the already ailing U.S. airlines will be forced into a commercial market that provides war-risk insurance that is extraordinarily expensive; does not provide anywhere near the coverage that is necessary; and continues to write war-risk insurance policies with seven-day cancellation clauses, the same clauses that caused so much turmoil right after 9/11.

We must therefore renew the FAA's war-risk insurance program. And, realistically, we must do so for an extended period. We have had one-year renewals of the program since 2002. We would all be better served if the extension were lengthier, which is why the accompanying legislation would extend the program for 5 years. I am pleased to introduce this needed legislation today.

## STATEMENT ON THE LOSS OF CORPORAL BRIAN R. ST. GERMAIN

### HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. LANGEVIN. Mr. Speaker, it is with profound sorrow that I rise to recognize the loss of a brave Marine in Iraq, Corporal Brian R. St. Germain, a Rhode Island citizen who served his country with dignity and honor. I join his family and the people of Rhode Island in mourning this great loss.

Cpt. St. Germain grew up in West Warwick, RI. He was an honor student and a 2001 graduate of West Warwick High School, where determination and hard work led him to become an all-state hurdler on the track and field team. These traits were signs of the first-rate Marine that he would soon become.

Cpt. St. Germain was an active duty Marine on his second tour of duty in Iraq assigned to the 1st Marine Logistics Group, 1st Expeditionary Force. Cpl. St. Germain unselfishly volunteered to ride on dangerous convoys so that his fellow Marines with wives and children would be spared the additional risk. On April 2nd, Cpl. St. Germain was killed in a vehicle accident along with five other marines in the Al Anbar Province when their Medium Tactical Vehicle Replacement was caught in a flash flood and rolled over.

This loss causes us to reflect on the bravery demonstrated by our men and women in uniform as they carry out their obligations in the face of danger. When Cpl. St. Germain's nation called him to duty to preserve freedom, liberty and security, he answered without hesitation. We will remember him as a patriot who made the ultimate sacrifice for his country.

Cpl. St. Germain is survived by his parents, Lynn and Robert; his brother Nicholas; his grandmother Louise; and his uncle and godfather, Terence Adamo. May we keep his loved ones in our thoughts and prayers as they endure this difficult period.

We will also continue to hope for the safe and speedy return of all of our troops serving throughout the world.

## IN MEMORY OF DAN SCHAEFER

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. UDALL of Colorado. Mr. Speaker, I was saddened to learn of the death of former U.S. Representative Dan Schaefer, who represented Colorado's 6th Congressional District for 15 years before he retired at the end of the 105th Congress.

While I did not serve with Dan, we occasionally found each other on the familiar flights between Washington and Denver after his retirement from Congress, and like all Coloradans I am aware of his contributions to our state and the nation.

He took a leadership role in establishing the House's renewable-energy caucus and in support of the important work of the National Renewable Energy Laboratory (NREL)—a role that was appropriately recognized when NREL's visitors' center was named for him.

He also worked closely with my predecessor, Representative David Skaggs, in pressing for timely cleanup of the closed Rocky Flats nuclear-weapons facility—a goal that was finally achieved just last year.

And as our state experienced rapid population growth, he also worked to provide federal assistance to help fund essential transportation infrastructure, including funds for highway and light-rail construction and improvements.

In the words of The Denver Post, "Schaefer had a fine ability to disagree with people without being disagreeable. Besides leaving cleaner lands and water as his legacy, he left a record of civility and decency in public affairs that will be greatly missed in today's often strident politics."

He will be missed, in Colorado and in Congress. For the information of our colleagues, I am attaching a recent editorial about his career and contributions.

[From the Denver Post, Apr. 24, 2006]

SCHAEFER SERVED COLORADO WELL

Dan Schaefer's legacy can be seen in the native grasses that replaced the former Rocky Flats nuclear bomb factory and in the pavement of C–470. Schaefer, who last week died of cancer at age 70, represented Colorado's 6th Congressional District for 15 years until retiring in 1998. Called a conservative in his political career, today he would be a moderate Republican.

While in office, Schaefer focused on service to his district and state, and fiscal restraint in government. His national initiatives, to end the income tax and deregulate electrical utilities, failed on their merits.

Close to home, though, he successfully worked with David Skaggs, the Boulder Democrat who then represented the 2nd Congressional District, to fast-track Rocky Flats' cleanup. He pushed the U.S. government to meet the same environmental standards imposed on industry. He got crucial federal support for C–470 but supported mass transit, too. Schaefer was such a champion of renewable energy that the main building at the National Renewable Energy Laboratory in Golden is named after him.

Schaefer had a fine ability to disagree with people without being disagreeable. Besides leaving cleaner lands and water as his legacy, he left a record of civility and decency in public affairs that will be greatly missed in today's often strident politics.

## HONORING THE LADIES OF THE RED HAT SOCIETY

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. DINGELL. Mr. Speaker, I rise today to commemorate a very remarkable group of

women. As I'm sure many of us here can attest, the aging process can be a daunting experience. This special group has refused to accept that life after a certain age means confinement to a rocking chair. Now, it is hard for me personally to imagine that someone who is merely 50—the minimum age for membership—could approach this spry age with reservation; however, these women tell me that this birthday can be somewhat traumatic.

As the story goes, several years ago Sue Ellen Cooper of Fullerton, California read the poem, ''Warning'' by British poet Jenny Joseph. The poem begins,

''When I am an old woman I shall wear purple
With a red hat that doesn't go . . .''

So inspired was Ms. Cooper by this poem, that she decided to pass along a copy of it to a friend, accompanied by a vintage red fedora. Her friend loved the gift, and did the same for a friend of hers. On April 25, 1998, under the direction of Exalted Queen Mother Sue Ellen, The Red Hat Society first convened in a tearoom of ladies wearing purple dresses and—of course—red hats.

Although it took some convincing, these ladies had to explain to me that red and purple do not actually match. Nevertheless, this fashion faux pas stuck and is quite a sight to see indeed.

These wonderful women refer to themselves as a ''dis-organization'' determined to take on aging with a sense of humor, camaraderie and a fun-loving spirit. They organize social events, hold conferences and communicate with ''hat-quarters'' via their own webpage. This inclusive group even allows women of lesser maturity to join their ranks. To differentiate these ''ladies in waiting'' from full-fledged members, this sub-sect is confined to wearing lavender dresses with pink hats, reserving the truly outrageous garb for those who have hit ''the big one.'' My wife Deborah tells me that lavender and pink do not go very well together either, but they are generally preferable to red and purple.

Sue Ellen Cooper realized that behind every woman, no matter how responsible and upstanding of a citizen she was in her youth, is a crazy old spirit waiting to get out and cause some trouble. Ms. Cooper and her friends found a way to connect these women, and since that day in 1998, they have seen nothing but success. Any woman who is of a certain age and willing to go out in public dressed in particular flare can start her own chapter of Red Hats. California, Florida, and Michigan lead the nation in Red Hat chapters, with the 15th Congressional District alone boasting 91. There are thousands more active chapters across the United States, and even some international chapters as far away as Egypt and Japan.

Mr. Speaker, I ask that all of my colleagues join me today in commemoration of the official first meeting of the Red Hat Society and honor these thousands of inspiring women who endeavor to remain young at heart and in soul.

## RULE PROVIDING FOR CONSIDERATION OF AMENDMENTS TO H.R. 609

### HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. TIERNEY. Mr. Speaker, I rise in opposition to this restrictive rule and in opposition to H.R. 609.

First, I would like to state my support for specific provisions in the Manager's Amendment to H.R. 609 that eliminated the funding formula change to campus-based aid.

As introduced, H.R. 609 changed the formula for campus-based aid programs, including Work Study, Supplemental Educational Opportunity Grants and low-interest Perkins Loans. This would have resulted in substantial losses of this aid to schools across the country with a history of participation in the program. Students at schools in my state of Massachusetts would have lost $9.4 million in work study and other programs.

During Subcommittee and full Committee mark-ups, Mr. KIND and I offered amendments to ensure that students were not unfairly punished by the changes to the campus-based aid funding formula in H.R. 609. Our amendments gained support from both sides of the aisle and the votes were tied in both mark-ups. We were also joined by more than 80 of our colleagues in sending a letter to the Chairman of the Education and the Workforce Committee asking for these funding formula changes to be taken out of the bill before floor consideration. I would like to express my thanks to the outgoing and incoming Chairmen for heeding our call. They realized that changing the distribution formula would harm thousands of students because it would have simply taken funds from one group of needy students and shifted those funds to another group of needy students. Unless we increased the appropriations for campus-based aid, Mr. KIND and I felt strongly that we could not in good faith change the funding distribution formula.

While I am extremely pleased that the Manager's Amendment eliminates the campus-based aid cuts, I must turn now to the Rule before us today.

I am disappointed, but not surprised, that this restrictive rule does not make in order the amendments I brought before the Rules Committee on Tuesday afternoon.

My amendments would have helped make college more affordable for low- and middle-income students and families across the country. After all, what is the point of reauthorizing the Higher Education Act if we aren't going to make college more affordable?

Ms. MCCOLLUM and I attempted to offer several amendments, including an amendment based on our bill, the College Affordability and Accountability Act. Quite simply, the amendments would make college more affordable by:

Renewing states' commitment to affordable college education by ensuring that they maintain their own level of college financing, so states will no longer be able to push higher tuition taxes onto students and families;

Providing incentives to make tuition affordable;

Engaging schools in cost containment strategies; and

Putting students and families in control by giving them access to accurate information about the cost of college and steps individual schools are taking to offer affordable rates of tuition.

We also offered an amendment to commission a Government Accountability Office (GAO) study on college costs and the impact of state support for higher education on college costs. In my home state of Massachusetts and in other states around the country, state support for higher education has plummeted, pushing more of the burden of college on students and families.

I also sought to offer an amendment to commission a study by the Advisory Committee on Student Financial Assistance to review current student aid programs and recommend the steps that Congress must take in order to ensure that every qualified eligible student receives a sufficient comprehensive financial aid package. This financial aid package should come from a variety of sources, including the federal government, state governments, institutions of higher education and private sources, and it should cover at least the equivalent of a four-year public higher education.

All qualified high school graduates should be able to afford at least the equivalent of a four-year public higher education. Today, that is not the case. Many students are foregoing college, dropping out or incurring unmanageable levels of student loan debt.

Young people in their 20s and 30s are not only leaving college with much more personal debt—students graduate with an average of almost $20,000 of student loan debt—but also are burdened by rapidly increasing health care, energy and housing costs. To make matters worse, according to recent studies, young people are working longer hours and still earning less money. We must do more for young people in America today. We must restore the American dream so that young people can achieve financial prosperity through hard work and determination.

The amendments I offered to the Rules Committee would have helped us make college affordable and accessible for students and their families.

Mr. Speaker, we had a real opportunity to help make college affordable today, but instead students and families will be left to struggle with sky-rocketing tuition costs and mounting debt on their own. H.R. 609 will not make college more affordable. I urge Members to oppose the restrictive rule and oppose final passage of H.R. 609.

## WELCOMING THE PRESIDENT OF AZERBAIJAN

### HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mrs. BLACKBURN. Mr. Speaker, I would like to recognize Azerbaijan as a key ally in a region of significant importance and a valued partner to the United States. Azerbaijan has made important contributions in Iraq, Afghanistan, and Kosovo and supports efforts to combat terrorism. The country has also taken effective steps to foster pro-democratic principles leading to fair and free elections.

I also would like to welcome President Ilham Aliyev to Washington this week for meetings with President Bush, senior Administration officials, and key Congressional leaders to discuss the need for continued democratic reforms, regional cooperation, energy security and diversification, and our nations' commitment to working closely together to advance freedom, security, and economic independence.

It is clear now more than ever that we must develop new sources of energy and partners not controlled by Middle East and South American dictatorships.

Azerbaijan has been identified as key to the East-West transit corridor from the Caspian Sea to international markets. Sharing a 379 mile border with Iran, we should recognize that Azerbaijan is important to the United States relations in the region. I encourage my colleagues in the House to support the opening of the one million barrel per day Baku-Ceyhan (BTC) oil pipeline and Baku-Erzerum (SCP) natural gas pipeline, set to increase energy exports and availability for the West.

I welcome President Ilham Aliyev upon his first official visit to Washington.

## VICTIMS' RIGHTS AWARENESS WEEK

### HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Ms. HARRIS. Mr. Speaker, as a Co-Chair of the Congressional Victims' Rights Caucus, I rise to urge my colleagues to support H. Con. Res. 378, in recognition of the goals of National Crime Victims' Rights Week.

In 2004, according to the Department of Justice's National Crime Victimization Survey, approximately 24 million Americans became victims of a criminal action, including 5.2 million acts of violence.

While I celebrate the fact that this marks the lowest level ever recorded, I remain committed to providing a voice and a helping hand to those whose freedoms have been infringed.

In tribute to the more than 10,000 system- and community-based assistance programs that serve as a vital role in the recovery process, the theme of the 2006 National Crime Victims' Rights Week is ''Strength in Unity.''

Since the passage of the Victims of Crimes Act in 1984, more than $7 billion in fines and other assessments have been collected from those who prey on some of the weakest and most vulnerable members of our society.

Each year thousands of volunteers selflessly contribute their time and energy that enables an individual to make the important transformation from ''crime victim'' to ''crime survivor.'' Through various means of advocacy, we continue our work to ensure that no victim, nor family member, is forced to face a legal or medical appointment on their own; or, more importantly, left to face an anniversary alone.

Mr. Speaker, when the salacious interest of check-out stand voyeurs wanes, and the cable news programs turn their cameras to another sensational story, we must remain the crime victims' advocate and ally.

## HONORING JUDY TRAMMELL AND THE MESQUITE WOMEN IN SERVICE AND ENTERPRISE

### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. HENSARLING. Mr. Speaker, for the past five years, the greater Mesquite area has embraced the opportunity to honor many exceptional women in the community through the Women In Service and Enterprise (WISE) Award Luncheon and Style Show, Today I would like to honor this year's award recipient, Judy Trammell, who is a shining example of strong, capable and dedicated leadership. I would also like to recognize honorees Sammie Motley Coats, Officer Cheryl Gregg and JaLinda Grimland for their valuable service and commitment to their community.

Judy Trammell is a personal friend and is actually one of the first people I met in Mesquite. She has always been extremely helpful to me and I have had the chance to work firsthand with her on several occasions. Recently the Mesquite Service League was the recipient of a very kind charitable donation, and I was able to be there, with Judy, to witness the generosity and appreciation of the Mesquite community.

Judy is the Business Development/Marketing Director for Jefferson Bank in Mesquite. Since moving to Mesquite in 1985, she has held positions with Mesquite Savings and Loan, Mesquite National Bank and Colonial Bank.

Judy has served on numerous boards in the greater Mesquite community including: American Heart Association Mesquite, Exchange Club of Mesquite, Mesquite Chamber of Commerce, Mustanger Chamber of Commerce, Mesquite Service League, Advisory Board of Boys and Girls Club of Dallas—Mesquite Division, member of Main Street Mesquite and Mesquite Social Services.

In addition to being active in the community and holding leadership roles, Judy has also been recognized for her service. She has received the American Heart Association Regional Volunteer of the Year award in 1998, the Distinguished Service Award in 1999, and was awarded a research grant in her honor. She received the Mesquite Chamber of Commerce 2002 Volunteer of the Year award and the 2005 Committee Chair of the Year award.

Judy is not only constantly on the go at work and with community service activities, but she is also an energetic mother of two daughters and the proud grandmother of grandsons, Mason and Cameron. Judy truly embodies the ideals of a great volunteer; she knows how to lead, encourage others to follow and ''get her hands dirty.'' Judy's impact on our community is great and far-reaching and exemplifies an outstanding woman in service and enterprise.

Past WISE Award winners have served in a variety of ways, but they are united by the long-lasting impact they have made on their community. Their service, community involvement and dedication to enterprise also inspire younger generations. This year, Mesquite Social Services and the Mesquite Service League are, once again, partnering to honor six Junior WISE scholarship recipients: Phylecia Burk, Christine Nguyen, Renu Matthews, Cari Wheat, Bianca Rodriguez and Makiala Fivecoat. These six young ladies, who are graduating from local high schools in Mesquite, have all indicated their desire to attend college and enter a service-oriented field of study.

Today, I would like to recognize Judy Trammell and all of the WISE honorees for their outstanding service and congratulate them on their awards. Thank you, ladies, for helping make our community and country a better place.

## TRIBUTE TO JANE JACOBS

### HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. WEINER. Mr. Speaker, yesterday we lost one of New York City's greatest champions and a pioneer in the world of urban planning when Jane Jacobs died at the age of 89.

Millions of people visit New York every year, and many are overwhelmed by its sheer size. The hulking skyscrapers. The bustling crowds. The bright lights.

But the dynamism of Manhattan during rush hour is just a piece of the story.

A more complete picture of the Big Apple is colored by the scores of local communities that are defined not by big business of the world's economic capital, but rather by the rhythm of parents walking kids to a local elementary school, families attending religious services at a local church or synagogue, and mothers and fathers shopping along the neighborhood shopping strip.

While the Manhattan skyline may spring to mind when someone mentions New York, the DNA of the City's everyday life is defined much more by each local neighborhood. Forest Hills in Queens. Sheepshead Bay in Brooklyn. Throgs Neck in the Bronx. Stapleton on Staten Island. Jacobs' beloved West Village in Manhattan. There are so many others.

It was Jacobs' masterpiece—''The Death and Life of Great American Cities''—that argued that the health of the City as a whole depended on the vibrancy of its urban neighborhoods. At a time when grand visions of urban renewal were spurring planners to pave over entire communities, Jacobs stood at the forefront of a movement to preserve the City's most fundamental building blocks.

And today, as a result in part of Jacobs' efforts to preserve New York's neighborhoods, New York City is as vibrant as ever. We are a magnet for what Richard Florida has termed the ''Creative Class''—the highly-educated, highly-motivated young people who are key to economic growth.

And while scholars like Robert Putnam worry about the deterioration of social capital—afraid that Americans are interacting less and more likely to ''bowl alone''—the neighborhoods of New York City continue to have dynamic communities that interact on the street with a swirl of new and old faces.

In fact, today, Jacobs' successes have left New Yorkers with a new set of challenges. Because so many people want to live in New York, property values have skyrocketed, and tax bills along with them. Because so many people are using our public transportation systems to get to work, we're forced to invest in

building new infrastructure. Because so many young people want to raise families in the five boroughs, we are forced to foot the bill for building more schools.

Our new burden in New York is to manage the success of Jane Jacobs' vision of a vibrant, dense, growing, exciting city.

And for that, we owe Jane Jacobs a debt of gratitude.

## IN HONOR OF THE GRAND OPENING OF LONOKE COUNTY SAFE HAVEN, INC.

### HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. BERRY. Mr. Speaker, I rise here today to celebrate the grand opening of Lonoke County Safe Haven, Inc., an organization that provides critical resources to victims of domestic violence. This center will give women and their children a place to turn during difficult times and is a valuable addition to our community.

Lonoke County Safe Haven, Inc. was founded in March 2005 after J.M. Park read an article about a domestic violence victim. The article inspired Park and others to create a program where domestic violence victims can access vital recovery services. The organization began to help victims in September 2005, providing services such as a helpline, court advocacy, information on county, state, and federal resources, and recommendations for local shelters.

Today's grand opening is a significant step for Lonoke County Safe Haven, Inc. and a great milestone for our community. The new center, directed by Teresa Sims, will give battered women and their children throughout Lonoke County a place to seek assistance from dangerous living conditions. The center will provide services from 9 a.m. to 5 p.m., with hopes of one day expanding into a shelter of its own. The organization is already recognized by the Arkansas Coalition Against Domestic Violence for its work to strengthen the support system for battered women and their children.

On April 17, 2006, our community will gather to celebrate the grand opening of the Lonoke County Safe Haven, Inc. I ask my colleagues to join me in expressing our appreciation for this center and for all of the individuals committed to making Lonoke County a safer place for women and children.

## INTRODUCTION OF THE NATIONAL DEFENSE ENHANCEMENT AND NATIONAL GUARD EMPOWERMENT ACT OF 2006

### HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to introduce the National Defense Enhancement and National Guard Empowerment Act of 2006.

In support of this proposal, consider the following:

The U.S. continues to face a wide spectrum of threats at home and abroad, including terrorism, natural disasters, proliferation of weapons of mass destruction and other emerging perils. In meeting these threats, the U.S. relies heavily on the men and women of the National Guard. The National Guard is a force essential to the Nation's security and safety.

At no time in America's history has the National Guard played so critical a role in the security of our homeland and in our Nation's military objectives abroad.

The National Guard is a critical component of Department of Defense's contribution to the security of our Nation and has been key to the Department's accomplishments at home and abroad. Much of the success DOD has had would not have been possible without the participation of National Guard forces.

The National Guard's response to our Nation's emergencies in the post 9/11 world has been unparalleled.

The National Guard is a vital part of this Nation's security, and this country relies on the exemplary service provided this Nation by the members of the Guard, their families, their employers and their communities.

The men and women of the National Guard have earned the right to be represented at the highest levels of the Department of Defense.

To ensure the appropriate representation, manpower, training and equipment are provided to the National Guard for their future missions at home and abroad, the National Defense and National Guard Empowerment Act of 2006:

Establishes the National Guard Bureau NGB as a joint activity of the Department of Defense rather than strictly of the Departments of the Army and Air Force as it is now.

Increases the Chief of the National Guard Bureau billet from the grade of Lieutenant General to General.

Tasks the Chief of the National Guard Bureau to serve as an advisor to the Chairman of the Joint Chiefs of Staff and eliminates the current National Guard major general position established for that function.

Provides a seat on Joint Chiefs of Staff for the Chief of the National Guard Bureau.

Elevates responsibility for development of the NGB charter from the Secretaries of the Army and Air Force to the Secretary of Defense.

Specifies in law one of the functions of NGB to facilitate the use of National Guard forces for contingencies, military operations other than war, natural disasters and support to civil authorities—all in coordination with the States. This function exists in policy as part of the current NGB charter from the Departments of the Army and Air Force.

Requires NGB to, in coordination with the State Adjutant Generals identify gaps between Federal and State emergency response capabilities which might best be filled through military assistance to civil authorities and to make recommendations for National Guard programs and capabilities to fill those gaps, in coordination with the States.

Charges the Chief of the National Guard Bureau, in coordination with the State Adjutant Generals, to validate state requirements for military assistance to civil authorities, develop doctrine and training requirements, and acquire materiel, etc. for this purpose, in coordination with the States.

Requires a report on requirements for military assistance to civilian authorities that are validated but not funded—which in essence will become an unfunded requirements list.

Changes the titles of the Directors of the Army and Air National Guard to Vice Chiefs of the National Guard Bureau for Army and Air respectively to reflect the unity of purpose inside the organization.

Prohibits growth in the size of the NGB staff in order to answer concerns about the possibility of the NGB bureaucracy growing as a result of the changes sought herein.

Strengthens the Total Force talent pool by encouraging the Department of Defense to include Reserve Component major generals of the line for promotion to fill Lieutenant General positions.

Requires that the Deputy Commander of NORTHCOM be a National Guard officer.

The Committee on Government Reform and the Select Bipartisan Committee to Investigate the Preparation and Response to Hurricane Katrina, have conducted oversight investigations and have held many hearings that have focused on the contributions of the men and women of the National Guard. The following are findings that I submit for the RECORD. These 50 findings represent the States in the Union we seek to defend.

1. Within hours of the attacks on the World Trade Center, 1,500 New York National Guard troops reported for duty. Within 24 hours of the attacks, over 8,000 New York National Guard Soldiers and Air men and women were on active duty supporting New York State's security needs. These troops provided not just a calming presence on the streets of New York during unsettling times; they provided New York's first responders with critical perimeter security support, refueling for civilian emergency vehicles, emergency lighting, power generation, communications, emergency transportation, engineering assets and other logistical support.

2. At the request of the President, State Governors supplemented the security of the Nation's airports with National Guard personnel. Their missions encompassed over 400 airports in 52 States and territories. National Guard troops along the northern and southern borders were used to support the U.S. Customs Service, the Immigration and Naturalization Service, and the Border Patrol in the heightened post 9/11 security posture.

3. In contrast to Hurricane Andrew, 1992, in which National Guard forces constituted 24 percent of the military response, National Guard forces represented more than 70 percent of the military force for Hurricane Katrina.

4. The response to Hurricane Katrina proved that the National Guard is the Nation's first military responder and that the overwhelming majority of forces that respond to disasters in the United States will be National Guard who will be on the scene before the Department of Defense is requested to respond.

5. More than 9,700 National Guard soldiers and airmen were in New Orleans by August 30. National Guard deployed over 30,000 additional troops within 96 hours of the storms passing. In wake of the Hurricane Katrina devastation, the National Guard mobilized over 50,000 personnel in support of hurricane relief in the largest and fastest domestic deployment since World War II, saving over 17,000 lives. The Air National Guard flew nearly 3,500 flights and over 12,000 tons of cargo in support of all Hurricane relief in the last year.

6. The National Guard Bureau will be a part of any large-scale emergency response. As demonstrated during the Hurricane Katrina response, the National Guard Bureau is a significant joint force provider for homeland security missions.

7. The National Guard is continuously on active duty supporting State security missions, Federal security missions under Operation Noble Eagle and overseas military operations as part of Operation Enduring Freedom, Iraqi Freedom and more are engaged in regularly scheduled training and operational requirements around the Nation and the world. Under Title 32, counter-drug activities are a daily operational mission of the National Guard, fortifying a longstanding successful relationship with civil authorities.

8. The Department of the Army and the Department of the Air Force could not fulfill current title 10 responsibilities without the Army and Air National Guard. In 2005, National Guard units at one time made up 50 percent of the combat forces in Iraq.

9. The National Guard has mobilized over 340,000 soldiers and 46,000 airmen supporting the Global War on Terror since September 11, 2001.

10. Since September 11, 2001, more than 85 percent of the Army National Guard has been mobilized. Since September 11, 2001, the Air National Guard has flown over 226,000 sorties accumulating over 680,000 flying hours. These deployments abroad have created a battle hardened and seasoned force of experienced veterans ready for the challenges of the 21st century.

11. National Guard forces have provided: 55 percent of the Army's combat capability; 55 percent of the Air Force's airlift capability; 50 percent of the Army strategic and tactical manpower; 45 percent of all in-flight refueling missions; 33 percent of all aircraft in Operation Iraqi Freedom; 100 percent of Operation Enduring Freedom A–10 missions; 66 percent of Operation Iraqi Freedom A–10 missions; 45 percent of all F–16 fighter missions; 86 percent of Operation Iraqi Freedom tanker sorties; 94 percent of Strategic Air Defense Alert; and 75 percent of all domestic combat air patrols in the Global War on Terror.

12. The National Guard offers unique efficiencies between State and Federal, and domestic and overseas missions, operating under three different command relationships: Federal funding and Federal control; Federal funding and State control; and State funding and State control.

13. National Guardsmen and women are their State's primary emergency response force, providing support in their communities and to civil authorities and other first responders throughout their States.

14. The National Guard is invaluable to civil support mission, homeland defense and emergency preparedness. The National Guard has an undeniable record of military assistance to civilian authorities since the birth of this Nation, responding heroically and meeting every mission asked of them, particularly in times of crisis—terrorism, natural disasters, plane crashes, blizzards, wildfires, floods.

15. There must be strong agreement between State and Federal leadership as to the operational objectives during emergencies. State concerns about maintaining sovereignty must be respected. Governors, who are most intimately familiar with and better understand the National Guard's unique capabilities, must retain the ability and authority to deploy their National Guard forces in times of crisis.

16. Governors using State-to-State emergency mutual assistance compacts are an integral part of the use of National Guard resources in responding to emergencies at home.

17. The National Guard and State Adjutants General provide an invaluable nexus of coordination between Federal and State planning, exercising and response to emergencies and disasters. Over 50 percent of State Adjutants General are also in charge of their State's Emergency Management operations, thereby offering unparalleled integration of planning, preparation and response capabilities in emergencies.

18. National Guard forces are also uniquely positioned to engage within the U.S. and its territories by virtue of their geographic dispersal and relationships to State and local governments.

19. The National Guard is familiar with the local area and local culture. The National Guard has close ties with first responders such as local and State law enforcement, fire departments, and other emergency service providers. The local community relies upon the National Guard because they are part of the community. National Guard personnel are more likely to have more experience working with local responders than the active component.

20. WMD Civil Support Teams are a specialized homeland security capability based entirely in the National Guard.

21. As America prepares for an influenza pandemic, the National Guard has more domestic response training and decentralized capabilities than any other military organization and is ready to respond on a moment's notice.

22. The National Guard Bureau has proved its ability to plan for and respond to natural and man-made events with the development of essential concepts including: Joint Force Headquarters-State, Joint Task Force State, CBRNE Enhanced Response Force Packages, CERFP, National Guard Reaction Force, NGRF, and the Joint CONUS Communications Support Environment, JCCSE.

23. The Department of Defense has not adapted to the significant role of the National Guard in this Nation's security.

24. The Department of Defense, the Department of the Army and the Department of the Air Force have not sufficiently integrated the National Guard into planning, procuring or decision-making processes.

25. The Department of Defense, the Department of the Army and the Department of the Air Force do not have a long-term strategy to equip the National Guard at a high level of readiness for overseas or domestic missions.

26. The Department of Defense does not adequately resource or equip the National Guard for its current operational missions. Currently the National Guard receives only 4.5 percent of the Department of Defense's budget.

27. The Army National Guard has long been equipped at less than war-time readiness levels and is forced to transfer equipment to deploying units. Army National Guard units that have returned from overseas deployments have also been directed by the Department of the Army to leave behind hundreds and in many cases, thousands of equipment items for use by follow on units. Army officials do not track accurately or develop plans to replace this Guard equipment.

28. Army and Air National Guard forces are generally expected to perform homeland defense and civil support missions only with equipment supplied for their warfighting mission or equipment supplied by the States.

29. In the current budget, the Department of the Air Force does not fund the Air Sovereignty Alert, ASA, mission of the Air National Guard at full capacity.

30. During the BRAC process, the Air Force failed to adequately solicit input of National Guard Bureau leadership and systemically failed to confer with State Adjutants General.

31. When developing Future Total Force Strategy, the Air Force has failed to adequately consult Air National Guard leaders and State Adjutants General.

32. The Department of Defense does not have adequate knowledge of the role of the National Guard at home nor has it incorporated the National Guard's significant capabilities into plans for homeland defense or security. Left unchecked, the Department of Defense will continue to ignore the Federal requirements of the National Guard to perform homeland defense and civil support missions.

33. The Department of Defense has not recognized the value of including State Adjutants General in all homeland defense and military support to civilian authority planning.

34. The Department of Defense has not recognized that Governors will rely on National Guard manpower and equipment before relying on Federal forces.

35. Although DOD has a Strategy for Homeland Defense and Civil Support, which recognizes the National Guard's critical role in Federal and State missions, the strategy does not detail what the Army or Air National Guard's role or requirements will be in implementing the strategy.

36. The Department of Defense and Northern Command have not articulated specific requirements or capabilities that National Guard forces need during major homeland disasters. Without formal requirements, equipment deemed necessary for the National Guard to assist civilian authorities in Katrina had not been purchased by the Department of the Army or the Department of the Air Force.

37. The readiness of the National Guard to perform homeland missions that may be needed in the future is unknown because the National Guard's roles in these missions has not been defined; requirements for manpower, equipment and training have not been established; and preparedness standards and measures have not been developed by the Department of Defense. The Department of Defense does not provide for the purchase of equipment for the National Guard specifically for military assistance to civilian authorities.

38. WMD Civil Support Teams' face challenges and shortfalls in personnel, equipment acquisition and facilities under current Department of Defense and service budgets.

39. Lack of coordination of National Guard and active duty forces hampered the military response to Katrina. Advance planning between active-duty personnel and the Guard is vital during emergencies. The Department of Defense and the National Guard must plan and exercise together to prepare for events in the homeland.

40. National Guard Bureau leadership and State Adjutants General are not adequately involved in Department of Defense planning

guidance developed at Northern Command, including concept of operations plans and functional plans for military support to civilian authorities.

41. There was a lack of coordination of Joint Task Force Katrina and the National Guard Joint Forces headquarters in supporting states.

42. The Department of Defense has not adequately incorporated or funded the National Guard to participate in joint exercises in military assistance to civil authorities, which would have allowed for a more effective response to Hurricane Katrina and other homeland emergencies.

43. Northern Command does not have adequate insight into State response capabilities or adequate interface with governors, which contributed to a lack of mutual understanding and trust during the Katrina response.

44. There is an unresolved tension between the Department of Defense and the States regarding the role of the military in emergency response that could be resolved if along with the Department of Homeland Security, the Department of Defense adopted and made the National Incident Management System a priority for emergency management.

45. The National Guard lacked communications equipment during Hurricane Katrina, suggesting that the Pentagon does not assign homeland defense and military assistance to civilian authorities a sufficiently high priority.

46. The Department of the Army decided to reduce Army National Guard force structure and end-strength without substantive consultation with National Guard Bureau leaders or State Adjutants General, and the Air Force has decided to reduce Air National Guard force structure and end-strength without substantive consultation with National Guard Bureau leaders or State Adjutants General.

47. The Department of the Army currently plans to scale back the Army National Guard to 324,000 soldiers from 350,000. The Department of the Air Force plans to scale back the Air National Guard by 14,000 airmen and women. To cut Guard manpower in this time of increased homeland need, and the fluxation of current Department of Defense transformation policies affecting the Army and Air National Guard, creates an unacceptable risk to the security of this Nation.

48. States and Governors are not adequately represented at the Department of Defense when planning and exercising for homeland events.

49. The role of the National Guard Bureau as the channel of communications between the Department of Defense and the Department of Homeland Security and the States needs to be enhanced.

50. USNORTHCOM and its subordinate headquarters lack knowledge of their domestic theater of operations, specifically State emergency plans and resources, and knowledge of National Guard resources. USNORTHCOM and its subordinate headquarters need to be reformed to include substantially increased National Guard general officer command presence and participation by other senior National Guard personnel in all levels of their operations.

Mr. Speaker, the front line in the global war against terrorism is right here at home. Cold War structures and distinctions separating projected active duty forces and stateside reserve components no longer meet the strategic imperatives of this century. This proposal updates those structures to reflect the integral role of the National Guard in the modern battle plan and ensures the Guard will have the clout and resources necessary to meet that vital mission.

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES, INC.,
*Washington, DC, April 25, 2006.*

Hon. THOMAS M. DAVIS III,
*Chairman, Committee on Government Reform, House of Representatives, Washington, DC.*

DEAR CHAIRMAN DAVIS: The National Guard Association of the United States (NGAUS) applauds your introduction of a House version of the National Defense Enhancement and National Guard Empowerment Act of 2006.

This legislation is a powerful first step in providing the appropriate presence for the leadership of the National Guard in the decision making processes of the Department of Defense. The security of American citizens was forever altered on September 11, 2001. Since that date, the National Guard has grown in stature and importance as a full partner in ensuring their well-being.

It is completely logical that the policies and procedures that heretofore have guided the effective use of the National Guard should be considered for revision in light of the sweeping changes to the missions and employment of our armed forces. NGAUS looks forward to working with you and with members of the United States Senate in passage of similarly innovative legislation.

Thank you for your efforts on behalf of the National Guard.

Sincerely,

STEPHEN M. KOPER,
*Brigadier General (ret), President.*

ADJUTANTS GENERAL ASSOCIATION
OF THE UNITED STATES,
*Washington, DC, April 26, 2006.*

Hon. THOMAS M. DAVIS III,
*House of Representatives, Washington, DC.*

DEAR CONGRESSMAN DAVIS: The Adjutants General Association of the United States heralds the introduction of the National Defense Enhancement and National Guard Empowerment Act of 2006. This legislation which you have created along with members of the U.S. Senate bravely seeks to ensure the National Guard will have a strong voice in matters of national security, homeland defense, and homeland security.

Events associated with Hurricane Katrina, BRAC, and QDR highlighted important instances where National Guard leadership was not consulted on key matters of national interest and citizen safety. As the National Guard faces major issues in re-equipping and transformation, a strong voice in defense circles is more vital than ever.

Thank you for your efforts on behalf of appreciative Adjutants General.

Sincerely,

ROGER P. LEMPKE,
*Major General, Adjutant General.*

## INTRODUCTION OF THE CHILDREN'S DEVELOPMENT COMMISSION ACT

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mrs. MALONEY. Mr. Speaker, today I am again re-introducing legislation that is intended to help solve the shortage of available, affordable child care facilities. In my congressional district in New York City, more than half of all women with pre-school children are in the workforce and the need for child care is enormous. This is not a local problem but one that is national in nature.

The Children's Development Commission Act or Kiddie Mac, will address this problem by authorizing HUD to issue guarantees to lenders who are willing to lend money to build or rehabilitate child care facilities. It also creates the Children's Development Commission which will certify the loans and create federal child care standards. Kiddie Mac will also give micro-loans to facilities which need to make the necessary changes to come up to licensing standards, as well as provide them with lower cost fire and liability insurance. Through some of the premiums paid by the lenders, a non-profit foundation will be formed which would focus on research on child care and development, as well as create educational materials to guide potential providers through the certification process.

I have introduced this legislation in several past Congresses but the need for it has only grown more acute. I urge my colleagues to consider the proposal and join me in enacting it this year.

## RECOGNIZING THE CENTENNIAL ANNIVERSARY OF THE AMERICAN COMMUNITY SCHOOL AT BEIRUT

### HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. ISSA. Mr. Speaker, I rise today to honor the Centennial Anniversary of the American Community School at Beirut.

The American Community School was founded in 1905 as the Faculty School by a group of American missionary families living in Lebanon. The school was supported by the American University of Beirut, the American Presbyterian Mission and Aramco. It was the first American K–12 school in Lebanon and is an independent, non-profit, co-educational school chartered in the state of New York. Today, the school's enrollment exceeds 1,000 and the school is an ambassador of American education to the Middle East.

The American Community School's student population has changed over the years and is now composed of a diverse community made up of students from American, Lebanese and international families. The school offers numerous activities to supplement the education of its students. Alumni of the school have gone on to do great things, with many of them excelling in careers serving the United States government and Lebanese-American relations.

I would like to commend the American Community School's leadership for their innovative vision in implementing and carrying out the school's mission of providing quality American-style education. The school's teachers should be recognized for their consistent dedication and for inspiring their students to pursue a well-rounded, life-long education. Finally, past and present students of the school should be applauded for their success in such an independent, challenging environment.

The school is appreciative of the support of the United States Congress. America's direct

support of this and other educational institutions in the Middle East plays an important role in our public diplomacy efforts.

Mr. Speaker, it is an honor to pay tribute to the American Community School at Beirut in this year of its Centennial Anniversary. I congratulate the school on its distinguished history and look forward to its promising future.

## HONORING DON DEHART

### HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Don DeHart, a compassionate and caring man who dedicated his life to helping those in need.

Don DeHart grew up in Indiana and quickly became an indispensable part of his father's construction business. He earned three engineering degrees and became the general manager of a successful road construction firm. Don also volunteered as a pastor in remote rural areas, but became restless because, as his wife Eva said, ''he felt there was more to God's work than thicker cushions on pew seats.''

Don and Eva began making mission trips to help impoverished Haitians in the late 1960s. They eventually co-founded ''For Haiti With Love,'' a charity dedicated to providing much needed medical and other services to poor Haitians. The DeHarts eventually moved to Florida to be closer to their mission work.

The DeHarts built a small medical clinic which helped provide basic medical services to some of Haiti's neediest people. Though he was not trained as a medical doctor, Don quickly became an expert on treating bums, which are quite common in Haiti, saving many lives in the process. The DeHarts also helped nourish some of the country's poorest residents in Cap Haitien, Haiti's second-largest city.

Don befriended one of his patients, a young girl named Roseline, who had a crippling spinal condition. Don and Eva brought her to America for surgery, and when her mother died, adopted her. Roseline, now 22, graduated from one of the fine high schools in my congressional district and has taken over her adoptive father's mission.

Mr. Speaker, Don DeHart left this earthly life on April 15 after a long battle against cancer, a disease he had beaten several decades ago. Don lived a life of service and compassion, leaving no doubt that the world is a much better place for having had him in it. I hope his friends and family can take comfort knowing that his legacy will live on long after our warm words of remembrance are forgotten. May he rest in peace and may God watch over his family and those he dedicated his life to helping.

## TRIBUTE TO EDNA EDWARDS PRITCHETT

### HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to Mrs. Edna Edwards Pritchett on the occasion of her 90th birthday which will be celebrated on April 28, 2006.

Edna Pritchett has been a pillar in our community. She has lived her entire life in the First Congressional District of the Great State of Missouri. She is a 1934 graduate of the historic Sumner High School and was the second of three generations of her family to attend that landmark institution. During her outstanding career spanning 42 years, Mrs. Pritchett has served with distinction with the American Cancer Society and the Homer G. Phillips Hospital—another landmark institution in my congressional district. She also worked in several capacities with the St. Louis Board of Education.

In 1969, Mrs. Pritchett joined the Monsanto Company and retired from its International Division in 1979. But, her service to our community did not end at that point. She continued to be a conscientious citizen and a neighborhood beacon—serving in a number of capacities including Neighborhood Watch and First Night Programs which she continues to this very day.

Through the years, Mrs. Pritchett has given the full measure of her abilities, dedicated services and wise counsel to the St. Louis community. She gave tirelessly of her time as a Girl Scout Troup Leader at the All Saints Episcopal Church and later as a poll worker with the St. Louis County Board of Elections. She also volunteered with the University City Public Schools as a reading advocate for children and with other educational programs throughout the school district.

Edna Pritchett was the devoted wife for 43 years to Raymond W. Pritchett until his passing in 1985. She has been a dedicated homemaker, a loving, nurturing and caring mother to her four children, Mattelyn, Edna Jean, Harriet and Raymond, as well as a trusted confidant and friend to her late sister, Regina Edwards. Her shining personality and indomitable spirit has brought warmth and cheer to her family and into the lives of all who have had the opportunity to know her.

Mr. Speaker, I am proud to represent such a respected and beloved constituent. I urge my colleagues to join me in recognizing the great humanity and lifetime achievements of Mrs. Edna Edwards Pritchett and extend my very best wishes to her as she celebrates this great milestone with her family and friends.

## A TRIBUTE TO VINCENT HOSANG

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Vincent HoSang, a distinguished member of the business community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

Mr. Speaker, Vincent HoSang was born in Springfield St. James, Jamaica WI to Mr. and Mrs. Henry HoSang who migrated from China in the early 1900s. He is the eighth child of ten, six boys and four girls. Mr. HoSang's parents operated a store, similar to a department store today, selling everything from groceries, hardware, and raw materials for making clothes, to liquor. They also operated a bakery, which consisted of a brick-oven and a machine called a ''doughbreak'', everything else was done by hand; bear in mind that there was no electricity and no running water.

At the age of about 12 years, Mr. HoSang's parents sold the business and moved to Montego Bay where he went to live with an uncle. Mr. HoSang attended Cornwall College High School for three years and had the ambition of studying medicine; however, he had to leave school in fourth form to help his uncle in his grocery store. At age 19, Mr. HoSang rejoined his parents who had just started a grocery store in Kingston, at the same time; he also helped his cousin who operated a bakery nearby.

In February of 1968, Mr. HoSang migrated to the Bronx, New York. He got a job in a briefcase factory assembling attaché cases, where he received the minimum wage of $1.60 an hour, taking home $49 per week after taxes. Mr. HoSang stayed at that job for only a short time until he got a better job with Imperial Dairies on East 233rd Street in the Bronx, delivering milk to homes at night. In 1974, Mr. HoSang met his wife, Jeanette, who is from Spanish Town, Jamaica, and got married in August 1976 and started a family in April of 1977.

Mr. HoSang always wanted to have his own business ever since he came to the United States, but lack of capital, inexperience, and he admits, a bit of cowardice held him back just a bit. However, with the burning desire ever-present, Mr. HoSang waited until he saved some money and built up his courage to jump right in. In February 1978, Mr. HoSang and his wife bought a fast food store known as ''Kingsbridge Delight'' in the West Bronx, selling fried chicken, shrimp, ribs, and French fries. He knew the business was not making a profit but their goal was to introduce the Jamaican cuisine and patties. Jeanette was very instrumental in the development of the Jamaican dishes and after about six months, some long hours per day for seven days a week, and a lot of sacrifices, the business started to show a small profit. In 1980, Sunrise Bakery on Dyre Avenue, which was owned by another West Indian, became available. Mr. and Mrs. HoSang bought it in December 1980 with the intention of making it a full-fledged Jamaican bakery and changed its name to Royal Caribbean Bakery and operated as a retail bakery. In 1984, they expanded into a 15,000 sq. ft. facility on East 233rd street in the Bronx where Caribbean Food Delights was incorporated and became the frozen food division of Royal Caribbean Bakery. The company at this stage expanded into the wholesale trade. Three years later in 1987, both companies expanded into a 20,000 sq. ft. facility in Mount Vernon, New York.

The HoSangs took a big risk when they bought a 73,000 sq. ft. building on 10 acres of property in Tappan, New York in 1993 and named it Caribbean Food Delights. It produces a variety of Jamaican cuisine, including Jamaican style patties: beef, chicken, vegetable, soy and shrimp, which are oven-baked, unbaked, and microwaveable. New to their product line are jerk chicken and jerk fish patties. Today, the HoSangs own the largest Jamaican frozen food plant in the U.S. and the Mount Vernon plant continues to manufacture the bread, buns, cakes, and pastries.

The patties, which are in great demand, are available nationwide through retailers such as

Costco Wholesale, BJ's Wholesale Club, Sam's Wholesale Club, Wal-Mart, PathMark, Key Food, Stop & Shop, Met Food, and many other neighborhood supermarkets. The patties are also available through Caribbean Food Delights by contacting them directly at 845–398–3000. The company can also be found on the worldwide web at www.caribbeanfooddelights.com where one can learn more about product information and their upcoming JerkQ'zine Caribbean Grille Franchise Opportunities.

The kindness shown by Mr. HoSang and his wife in giving back to communities, organizations, churches, fundraisers and scholastic events such as the Penn Relays keeps multiplying their efforts.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Vincent HoSang, CEO, Royal Caribbean Bakery and Caribbean Food Delights, Inc., as he offers his talents and philanthropic services for the betterment of our local and national communities.

Mr. Speaker, Vincent HoSang's selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

## RECOGNIZING THE 84TH BIRTHDAY OF COACH GUY EDWARD PHIPPS

### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. TANNER. Mr. Speaker, I rise today to recognize a man whom I consider to be one of the greatest influences of my early years—a man whose guidance helped change the lives of several generations of young people. I rise today to honor my high school basketball coach, a talented, caring educator and my dear friend, Coach Guy Edward Phipps, who earlier this month celebrated his 84th birthday.

Coach Phipps was born in Hickman, Kentucky, and, after graduating from Hickman High School, served 3 years in the United States Army. Following his honorable discharge, he attended nearby Murray State University while also raising a family; his daughter, now Janice Phipps Jones, was only three years old when Coach Phipps began his college education.

After earning both a Bachelors Degree and a Masters Degree at Murray State University, he began his career as a teacher and basketball coach in Fulton, Kentucky. Four years later, he moved just across the state line to South Fulton, Tennessee, for a new coaching job. Three seasons later, Coach Phipps and his team set school history with an unprecedented 28–0 record in the regular season.

That same year, however, Coach Phipps and the Red Devils were beat in the district tournament by Union City High School in my hometown of Union City, Tennessee. Shortly thereafter, in 1956, Coach Phipps made the professional move 14 miles away to Union City High School to take over the coaching duties with the Union City Golden Tornadoes. Coach Phipps helped lead the team to five consecutive district and regional tournament wins and brought the school to its first-ever state tournament appearance.

In 1959, I joined the Union City High School basketball team as a sophomore and was honored to train under Coach Phipps for three years. His leadership helped teach my teammates and me sportsmanship, teamwork and maturity that have been important to me throughout my life, and I feel confident that my former teammates are as grateful as I am to have had the opportunity in our formative years to work with such an exceptionally talented leader.

Coach Phipps also taught courses in industrial arts and engineering drawing while at Union City High School. He was known in our school district for a special goal he set—to choose a different student every day or every week whom he felt needed a friend and someone to believe in him or her. This approach touched the lives of many students over Coach Phipps' career and is still a tradition among many of the educators in northwest Tennessee.

After a brief time working at a local doctor's clinic, Coach Phipps chose to return to Union City High School, but this time as principal, where he continued to serve for 4 years. Later he served as head basketball coach at David Lipscomb College in Nashville and as dean of students at Nashville Tech.

Mr. Speaker, I hope you and our colleagues will join me in honoring the 84th birthday of a man who has been a hero in Tennessee and Kentucky for generations. The true measure of a successful educator is how many young people's lives he has touched. As one of Coach Phipps' former players and a good friend of his today, I know he meets that test of being a truly successful teacher and coach.

## TRIBUTE TO RUTH NAGLER

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to one of the most extraordinary women in the Bay Area, Ruth Nagler. Mrs. Nagler has lived in the 12th District of California for the past 50 plus years and her contributions to the community deserve recognition.

Ruth Nagler was born and raised in New York. Nagler received an undergraduate degree from College of the City of New York in 1943, and subsequently received a Master of Arts in education from New York University in 1945. She and her husband, Edmund, are parents to three children.

Mr. Speaker, after moving to San Mateo Ruth Nagler immediately immersed herself in our community, joining the League of Women Voters of the Mid-Peninsula in 1951, eventually serving as the president of this valuable organization for three years. In addition, Ruth Nagler served for 10 years as a trustee of the San Mateo City Elementary School District Board, where she was a leader and integral component of one of the earliest state school desegregation programs in California, and in our nation. With this background, Ruth Nagler was the perfect choice to become Director of Community Education for Canada College, one of the three colleges of the San Mateo County Community College District. Ruth Nagler left her mark both at Canada College and at the San Mateo County Community College District during the 20 years she worked for the institution. During that time, she initiated, designed, developed and administered non-credit short courses, workshops, conferences and special events for more than 48,000 people.

Mr. Speaker, since retirement Ruth Nagler has remained active in community activities, and in fact her involvement in the community is too long to list here but allow me to highlight a few of the things she has done. She was coordinator of the "San Mateo County 2000" drive for the public school system, she was chair of the Friends of the Advisory Council on Women, a member of the Mills-Peninsula Hospital Board of Trustees, chair of the San Mateo Performing Arts Center Board of Directors, and directed a successful effort to refurbish the High School District's theater.

In addition to these organizations and her continued work with San Mateo League of Women Voters, Ruth Nagler has also selflessly devoted herself to a myriad of community service organizations including; Planned Parenthood, American Association of University Women, United Nations Association, San Mateo County American Cancer Society, San Mateo Parents Cooperative Nursery School, and the San Mateo City Citizens Task Force to Study Needs of Seniors. Mr. Speaker, the wide range of associations with which Ruth Nagler been has involved clearly highlight her commitment to our community.

For her diligent work, she has been duly recognized over the years. Notably, in 2003, she was named "Woman of the Year" by California Assemblyman Gene Mullin. In 1990, Ruth Nagler was the recipient of the Beyond War Foundation award for "helping to build a global community and thereby create a secure and sustainable future for all."

Mr. Speaker, Ruth Nagler is an inspirational leader and we can learn much from her actions, her leadership and her ability to create change. I urge all of my colleagues to join me in tribute to Ruth Nagler for her tireless efforts to better the San Mateo County community and our nation.

## CONGRATULATING JUDGE ROBERT C. BROOMFIELD FOR RECEIVING THE UNIVERSITY OF ARIZONA'S DISTINGUISHED CITIZEN AWARD

### HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. PASTOR. Mr. Speaker, I rise today to recognize the Honorable Robert C. Broomfield, Senior United States District Judge and a 1961 graduate of the University of Arizona James E. Rogers College of Law. It was my pleasure to work with Judge Broomfield when I was a County Supervisor, and I always found him to be reasonable, understanding, and well respected by all, whether they be private citizens, elected officials, or his judicial peers. Therefore I was pleased to learn that he was being honored by his alma mater on April 22nd with its Distinguished Citizen Award, and I would like to take this opportunity to acknowledge and thank him for many years of service to the nation and the State of Arizona.

Judge Broomfield has served with distinction in the courts for more than 34 years, first as a judge and presiding judge on the Maricopa

County Superior Court and, since 1985, as a judge in the federal system. In 2002, the late Chief Justice William Rehnquist appointed him to the Foreign Intelligence Security Act Court where he was one of 11 judges rotating assignments. In each of these endeavors, he has earned respect as a keen jurist, a superb administrator, and as a person who exemplifies the best traditions of integrity and professionalism.

As a judge of the United States District Court for the District of Arizona, and its Chief Judge from 1994 to 1999, he has served on numerous circuit court committees and in national positions by appointment of the Chief Justice of the United States Supreme Court. He has served on, or chaired, at least 15 committees designed to improve court operations and the administration of justice. In addition, he was a member of the Arizona Town Hall for over a decade, a Director of the community leadership association Phoenix Together, a trusted advisor for youth groups, and a pleasure to work with through the appropriations process as we labored to secure funding for the Sandra Day O'Connor Courthouse.

His colleagues characterize Judge Broomfield in laudatory terms, noting his self-effacing manner, quiet integrity, and single-minded commitment to the continued vitality of democratic governance through an independent, fair, and impartial judicial system.

Mr. Speaker, I join my friends at the University of Arizona James E. Rogers College of Law and its Law College Association in commending a man whose life's work so well defines American citizenship, leadership, and service.

## 100TH ANNIVERSARY OF THE GREAT SAN FRANCISCO EARTHQUAKE OF 1906

### TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. LANTOS. Mr. Speaker, 100 years ago on April 18, 1906 at 5:12 a.m. the Bay Area was struck by one of the most catastrophic natural disasters in modern history as San Francisco, a great city of 400,000, was shaken to rubble and burned.

The quake, estimated at a magnitude of 7.8, killed some 3,000 people and rendered homeless as many as three-quarters of the entire city's population. Other disastrous consequences soon followed as a massive firestorm created by ruptured natural gas mains swept across the city. The quake's destruction of water mains and cisterns left the fire department able to do little but dynamite buildings in a futile effort to stop the relentless advance of the flames. Separate fires converging in the downtown area created an inferno that destroyed nearly 500 city blocks and took four days to quell.

Officials of local, state and federal agencies attempted to deal with the massive chaos, but disruption of communications and the scale of destruction made it difficult to maintain order.

The aftermath of the quake, Mr. Speaker, was even more catastrophic than its initial effects. As many as 300,000 San Franciscans were homeless and there was great risk of disease, water contamination, and crime. The total scale of damage was immense with over 80% of the city destroyed and over $400 million in damage in 1906 dollars. Adjusted for today's dollars, the cost would be over $8 billion in damage. I know some of you have read or are reading Simon Winchester's A Crack in the Edge of the World: America and the Great California Earthquake of 1906. Winchester recounts this extraordinary story of disaster, response and recovery, and I recommend his excellent book.

Mr. Speaker, the recovery from the quake changed San Francisco forever. The response to the disaster was truly remarkable—and much more impressive than the United States government's response to the Katrina disaster last fall.

Following the devastation, the call for help went out. The first relief train with wagonloads of packaged food and medicine arrived in Oakland from Los Angeles at midnight on the day of the disaster—less than 20 hours after the first rumbling of the earthquake. The War Department and Congress acted. Trains were sent from every corner of the nation. Every military tent in the country was sent to house the refugees. Within weeks ten percent of the United States Army was in the Bay Area.

A U.S. military officer, second in command at the Presidio, Brigadier General Fred Funston, did not wait for orders, did not wait for his boss to return from out of town, and did not wait or hesitate to take the initiative. He immediately ordered troops from the Presidio and Fort Mason to come to the aid of the city, and he sent dispatches demanding help.

Mr. Speaker, the House Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina recently released its final report entitled, "A Failure of Initiative." This 379-page report details 90 findings of failure at all levels of government and lays primary fault with the passive reaction and misjudgments of top Administration officials, including the Homeland Security Secretary, the Homeland Security Operations Center and the White House Homeland Security Council. It concludes that "earlier presidential involvement could have speeded the response" because the President could have cut through all bureaucratic resistance.

The White House has issued its own report, "The Federal Response To Hurricane Katrina: Lessons Learned," which identified 17 lessons the executive branch learned after reviewing and analyzing the response to Katrina, made 125 specific recommendations to the President, and listed 11 critical actions to be completed before June 1, 2006, when hurricane season begins again.

It is not like the events of Katrina were unique or original. The disaster in San Francisco a century earlier gave us clear indications of what to do and what not to do. On February 16, 2006 the San Francisco Chronicle editorialized that there is "a bigger message than the rearview-mirror blame-game that goes with government bungling. California and the Bay Area remain at nature's mercy from weather, earthquakes or fire. It's time to check and recheck local plans to make sure everyone's on the same page, and emergency planners can take on the dicey game of managing disasters on the fly."

And furthermore, "Emergency workers have tried to anticipate such disasters, working hard to prepare the response of public-safety agencies and the public. Still, as Katrina showed, the results can hinge on official judgment and initiative. Let's make sure we're ready."

In early 2001, FEMA warned against three major disasters that could face the nation: a terrorist attack on New York City, a major hurricane in New Orleans, and an earthquake in San Francisco. Yet according to a recent letter from Department of Homeland Security Secretary Chertoff to California Senator BARBARA BOXER, the Department of Homeland Security has no specific federal strategy for responding to a catastrophic earthquake in California and will depend primarily on local and state efforts. As Benjamin Franklin warned, by failing to prepare we prepare to fail.

Mr. Speaker, as we remember the 100th Anniversary of the great San Francisco Earthquake and Fire I commend the people of San Francisco who demonstrated the determination of recovery and renewal that rebuilt the great city by the Bay. To me that San Francisco spirit is a key part of the American spirit. It is the dream that brought the 49ers of the Gold Rush era to California, and it was the dream that rebuilt San Francisco after the disaster of 1906. It was the dream that built Silicon Valley, that brought to California the miracle of biotechnology and stem cell research.

Mr. Speaker, I invite my colleagues to join me in commending the people of San Francisco and the Bay Area as they celebrate this historic anniversary, and in calling on federal, state and local government officials to learn from the tragic events of the Earthquake of 1906 and the equally tragic events of the Katrina disaster of 2005 to prepare for the catastrophic events that will surely come in the future.

## PAYING TRIBUTE TO CHUCK WORLEY

### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. PORTER. Mr. Speaker, I rise today to honor Chuck Worley for service to the State of Nevada.

Chuck has dedicated his time for the last three years to help the Bureau of Land Management, BLM, with public land stewardship and to help protect recreation access to public lands. He established the Friends of Wilson Canyon in 2003, and has been an active member since. Prior to the creation of this organization, the BLM was unable to provide a consistently strong level of recreation management to Wilson Canyon due to its distance and location from personnel. Chuck, along with the Friends of Wilson Canyon, have contributed more than 800 hours of volunteer labor, and $12,000 worth of materials, tools and heavy equipment to install Off Highway Vehicle, OHV, management barriers and informational signage in Wilson Canyon.

Through his volunteer service and working with the Friends of Wilson Canyon, Chuck initiated on-site awareness meetings with the U.S. Forest Service, BLM, Lyon County and local residents to avoid protective land closures. He then initiated volunteer action to work towards preserving and protecting the natural resources and public land recreation opportunities by organizing clean-ups, applying for and being awarded Recreation Trails

Grants and participating in the development of long-term management of the area. Worley also created and maintains the Friends of Wilson Canyon Web site which helps keep the public informed and teaches proper land use ethics and OHV responsibility.

Because of his dedicated service, Chuck has been chosen as one of the Bureau of Land Management's, BLM, national volunteer award winners. The national Making a Difference volunteer awards will be presented May 11, 2006, at a special ceremony at the Department of the Interior in Washington, DC. Chuck is one of 8 winners around the U.S. chosen for his outstanding volunteer service to BLM. The BLM's Making a Difference national awards program supports the President's call for increased service to America and is part of the Take Pride in America initiative.

Mr. Speaker, I am honored to recognize Chuck Worley on the floor of the House today. I commend him for his service to southern Nevada.

## REMARKS OF DEMOCRATIC LEADER OF THE HOUSE, CONGRESSWOMAN NANCY PELOSI, ON THE 100TH ANNIVERSARY OF THE 1906 SAN FRANCISCO EARTHQUAKE

### TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. LANTOS. Mr. Speaker, very, very early on the morning of April 18, 2006, I joined thousands of San Franciscans and Bay Area residents on the corner of Kearny and Market Streets at Lotta's Fountain—one of San Francisco's most beloved landmarks. The Fountain was donated to the citizens of San Francisco in 1875 by Lotta Crabtree, a performer who began her show business career at age 6 dancing for miners in the gold country and eventually becoming one of America's most popular performers. During the 1906 Earthquake the fountain became a famous meeting place and bulletin board for families and survivors. It is the oldest surviving landmark in the city of San Francisco, and survivors of the 1906 Earthquake still gather for reunions around the fountain at each anniversary of the '06 quake.

This year's commemoration was a celebration of the centennial anniversary of the Earthquake. My dear friend and our most distinguished colleague Democratic Leader Nancy Pelosi and San Francisco Mayor Gavin Newsom spoke at this historic occasion remembering this great tragedy. They spoke of the courage and the pioneering spirit of the people of San Francisco following this devastating event.

Mr. Speaker, I ask my colleagues to join me in remembering the 100th anniversary of the great San Francisco Earthquake, and I ask unanimous consent that the full text of the excellent statement by Congresswoman PELOSI be placed in the RECORD.

THE PEOPLE OF SAN FRANCISCO DID THE IMPOSSIBLE—REBUILT OUR CITY BETTER THAN BEFORE ADDRESS OF CONGRESSWOMAN NANCY PELOSI

Good Morning, San Francisco. Thank you all for coming this morning, and thank you Mayor Newsom. It is appropriate that the Mayor would be presiding over San Francisco rising. He comes from good pioneer stock. His family was here at the time of the earthquake, and they have contributed to rebuilding this city ever since. Let's hear it again for Mayor Newsom.

I am pleased to be here with my colleague Tom Lantos of California and other members of the official family of San Francisco.

To some, it may have seemed impossible that San Francisco could be rebuilt when they saw this headline in the Call Chronicle Examiner on April 19th: ''Earthquake and Fire: San Francisco in Ruins.'' But they had faith and they had the San Francisco Fire Department.

The City of San Francisco lived by the words of our patron saint, St. Francis of Assisi: ''Start by doing what is necessary; then do what is possible; and suddenly you are doing the impossible.'' That is what the people of San Francisco did. The Mayor said 250,000 were left homeless. They lived in our parks, built temporary shelters, thousands lost loved ones, and they gathered here at this fountain to find news of the missing. Separated by class and race and neighborhood, they came together in common cause.

Frances Mae Duffy, who was 11 months old at the time of the quake and is here this morning, said it best: ''No matter how rich or poor you were, you got shook up just the same.''

One week after the quake, Governor Pardee declared, ''I expect to see the great metropolis replaced on a much grander scale than ever before.'' And indeed that happened.

A year later, just a year later, a newspaper reported that ''a miracle was wrought. Discipline was restored in a day; orderly government was established in a week; relief was organized almost before there was hunger to assuage; reorganization was planned before the destruction was complete, and begun before the ashes had cooled; courage was never lost.'' That is our San Francisco.

Courage was never lost because the San Franciscans of a century ago were pioneers or they were children of pioneers. Winston Churchill could have been speaking of them and our great survivors here whom we honor when he said: ''We have not journeyed all this way across the centuries, across the oceans, across the mountains, across the prairies because we are made of sugar candy.'' We are made of sterner stuff. For many of them, just getting here was a dangerous journey—over the Rockies, through the swamps of Panama, across the Pacific, or around Cape Horn. They were pioneers and risk-takers. Once they arrived, they began building a city and a future limited only by their imagination. And when the earthquake and the fire leveled the city, their imagination was sparked even further, and they began rebuilding San Francisco better than before.

Today as we commemorate a tragedy, we also celebrate the survivors here today. You represent the heart and soul of San Francisco.

And when we have the moment of silence here at Lotta's Fountain we must remember that this is hallowed ground. This is where people came 100 years ago in the hopes of finding news of their loved ones, and sometimes they found their loved ones.

Over the years, these survivors and their fellow citizens did what was necessary, they did what was possible, and then did the impossible—they made San Francisco what it is today.

And so to the survivors I say, there's an Italian expression: Cent'anni—may you live 100 years. Well, they did. We are very fortunate indeed that they did and we are very honored by their great contribution to our city. Cent'anni all over again.

## COMMEMORATING THE ARMENIAN GENOCIDE

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. WAXMAN. Mr. Speaker, this week marks the 91st anniversary of the start of the Armenian Genocide. We remember and mourn the mass killing of more than 1.5 million Armenians and the forced relocation of over one million others.

The painful memory of this brutal campaign is only compounded by the Turkish government's refusal to acknowledge the events of history. Instead of recognizing the crimes perpetrated by the Ottoman Empire, Turkish leaders have prosecuted journalists who write about the massacres. Turkey also continues to blockade Armenia and stifle its economic growth by locking Armenia out of the regional economy.

Despite these challenges, Armenia has worked diligently to overcome its difficult past and make progress on democratic reform, promote development and expand public services. The United States has been a strong partner in this effort. In March, the U.S. and Armenia signed a Millennium Challenge Corporation compact to provide $235 million for programs to reduce rural poverty in Armenia over the next five years. Our close ties are further reinforced with the robust investment in the Armenian economy by Armenian businesses and communities across the United States.

Today, as we remember the victims of the Armenian Genocide, we endeavor to ensure that the atrocities are not forgotten. As we pay tribute to the survivors who preserved the history, culture and tradition that paved the way for the emergence of an independent Armenian state, let us pledge to continue building an even brighter future of prosperity and opportunity for the Armenian people.

## PAYING TRIBUTE TO ANGELA BERG

### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. PORTER. Mr. Speaker, I rise today to honor Angela Berg, whose passion for nursing has greatly improved the lives of children.

Angela Berg began working as a licensed practical nurse in 1991 and subsequently got her nursing degree in 1992. She later earned her Bachelor of Science degree in nursing in 1999. Angela has worked with children throughout her career, and has looked for ways to assist parents to care for critically ill children. She has campaigning for their safety and creates plans to keep children with their families. Since 2001, Angela has been playing an advocacy role in the fight to immunize children from the threat of childhood disease. She has served as co-chair of the Southern Nevada Immunization Coalition and has created a number of campaigns to educate the medical community about the importance of immunization. Angela has also worked with the state of Nevada to create an electronic immunization database.

Mr. Speaker, I am proud to honor Angela Berg for her efforts to educate the public regarding the importance of childhood immunization. Her work as greatly contributed to the overall welfare of the children in the state of Nevada. I wish her the best in her future endeavors.

## CONGRATULATING NORM SIELING

### HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. GUTKNECHT. Mr. Speaker, I rise today to congratulate Mr. Norm Sieling of Lake Crystal, Minnesota, on his induction into the Minnesota Future Farmers of America Hall of Fame.

The Minnesota Future Farmers of America strives to make a positive difference in the lives of students by developing their potential for premier leadership, personal growth and career success through agricultural education. By maintaining the ideals of the past and incorporating the ideas of the future, the Minnesota Future Farmers of America continually seeks new, innovative ways to join agriculture and education with today's world of technology. The Hall of Fame is an honor reserved for those alumni who are a living example of this mission.

For his commitment to these ideals, Mr. Norm Sieling was inducted into Minnesota FFA Hall of Fame. As an agriculture teacher for 39 years in Lake Crystal, Minnesota, and a mentor for new agriculture teachers at the University of Minnesota, Mr. Sieling has demonstrated his dedication to the future of agriculture. He has helped students to achieve their goals, while encouraging the expansion of the agricultural industry.

I extend my sincere congratulations to Mr. Sieling on receiving this achievement. His dedicated service to the young farmers of Minnesota and the agricultural community is greatly appreciated.

## PAYING TRIBUTE TO FRANCES WRIGHT

### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. PORTER. Mr. Speaker, I rise today to honor the memory of Frances Wright, a resident of Henderson Nevada, who died at the age of 101.

Born Fanny Schneider on Feb. 14, 1905, in Poland, she was the third of four children of Louis and Molly Schneider. Her family came to the United States when she was 6 months old. Her father was a tailor for an upscale men's clothier on Temple Street in Los Angeles. By the time she was 10, Frances was an aspiring child actress who took the stage name of Fanny Snyder. She claimed to have had a big part in the classic and controversial 1915 silent film "The Birth of a Nation" and often told friends that she enjoyed working on the film, which paid 50 cents a day and included a box lunch.

Fanny attended Los Angeles Polytechnic High School where she lettered in volleyball, swimming and softball and was captain of those teams. She also was senior class president. Her yearbook listed her as most likely to become the "first woman president of the United States." After graduating in 1921, Fanny became a part of the flapper scene while attending business school. In 1927 she married car salesman David Wright. They were married for 71 years. He died in 1998.

Adept at poker, mah-jongg, canasta and pan, Fanny was a longtime regular in Southern California card rooms. From the early 1950s until the late 1990s, she would alternate residences between Los Angeles and Las Vegas. She worked at Bains and Sloats, a women's clothing store on the Las Vegas strip, but Fanny's real love was hanging around Strip resorts, getting a deep tan at the poolside and hobnobbing with celebrities. She was a frequent patron at the Sahara's Casbah Lounge when Louis Prima and the Mary Kaye Trio performed there.

Unconventional to the end, Fanny took her doctors' advice last month to start using medical marijuana so she would get "the munchies" and eat to bulk up her thin frame. Fanny credited her longevity to being a good athlete in her youth, maintaining a good diet and taking a shot of bourbon at 4 p.m. every day.

In addition to her daughter, Wright is survived by a son, Ronald Wright of Los Angeles; six grandchildren; six great-grandchildren; and one great-great-granddaughter.

Mr. Speaker, I am honored to recognize the life of Frances Wright on the floor of the House.

## SIKH ACTIVIST ARRESTED FOR MAKING SPEECH—BETRAYAL OF DEMOCRATIC PRINCIPLE OF FREEDOM OF SPEECH

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. TOWNS. Mr. Speaker, I was distressed to note that on April 20, Sikh activist Daljit Singh Bittu was arrested after making a speech. He was charged with sedition and "making inflammatory speeches." Mr. Bittu spoke out against the acquisition of the land of poor farmers by Punjab on behalf of private business firms. We have had cases in this country where the government has taken land by eminent domain for private usage, Mr. Speaker, and no one ever gets arrested for speaking out against it. Radio and television commentators across the spectrum have opposed this and they are still on the air. Yet in India, speaking out against this can now get you arrested.

Mr. Bittu is a proponent of freedom for Khalistan, the Sikh homeland that declared its independence from India on October 7, 1987. Recently, Dr. Jagjit Singh Chohan, another Sikh activist, was arrested for predicting on television that Khalistan will be free by 2007. All he did was make a prediction. Is that a crime? If that is a crime, then the jails will overflow with sportscasters, weather reporters, psychics, and others who predict things routinely.

In addition, leaders of Dal Khalsa have been arrested for holding marches, making speeches, and raising a flag. A former member of Parliament was also arrested. It looks like the late General Narinder Singh was right when he said that "Punjab is a police state."

This is unacceptable, Mr. Speaker, especially as the United States and India move towards greater cooperation in numerous endeavors. We must insist on the full expression of democracy and basic human rights there if we are going to do business with India as a normal member of the family of free nations. And the essence of democracy is the right to self-determination.

The time has come to stop our aid and trade with India until it stops arresting people for making speeches, raising flags, and holding marches. The time has come for the U.S. Congress to put itself on record in support of freedom and self-determination for all the nations of South Asia. In 1948, India promised a free and fair plebiscite on the status of Kashmir. No such vote has ever been held in "the world's largest democracy." Why don't we insist on a simple democratic vote, with monitors, in Kashmir, in Punjab, Khalistan, in predominantly Christian Nagalim, and wherever people seek their freedom from India? As long as we turn a blind eye to the repression, the repression will continue. We must be the ones to strike a blow for freedom. Only when all people in the subcontinent enjoy freedom fully will there be stability and peace there.

Mr. Speaker, the Council of Khalistan recently published a press release on the arrest of Daljit Singh Bittu. I would like to place it in the RECORD at this time.

DALJIT SINGH BITTU ARRESTED FOR MAKING SPEECH—WHERE IS FREEDOM OF SPEECH IN INDIA?

WASHINGTON, DC., April 26, 2006.—Indian police arrested Daljit Singh Bittu. leader of the Shiromani Khalsa Dal, on charges of sedition and "delivering inflammatory speeches" at Fatehgarh Channa. Sardar Bittu was arrested on April 21 from his home in Ludhiana. He was held by the police, who sought "foreign currency" and a CD of his speeches.

"Where is the freedom of speech in India?" asked Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "How can a democratic state arrest people for making speeches? This shows us again that there is no place for Sikhs in India."

India proudly bills itself as "the world's largest democracy" and its constitution guarantees freedom of speech. But the arrest of Sardar Bittu is the latest incident in which people have been arrested for making speeches, holding marches, or raising a flag. "The drive for freedom is alive and strong in Punjab," he said. "What kind of democracy arrests people for demanding freedom?" asked Dr. Aulakh.

Leaders of Dal Khalsa have been arrested for sponsoring marches in Punjab in support of a free Khalistan, the Sikh homeland that declared its independence from India on October 7, 1987. In addition, Dr. Jagjit Singh Chohan was arrested for making a statement in which he made the prediction that Khalistan will be free by 2007. "Since when is making a prediction a crime in India?" Dr. Aulakh asked. "Will the weathermen in Delhi now be arrested for predicting rain?"

"The time is now to begin a Shantmai Morcha to liberate Khalistan," said Dr. Aulakh. "India is showing its weakness with these arrests," he said. "As Professor Darshan Singh, a former Jathedar of the Akal Takht Sahib, said, 'If a Sikh is not for Khalistan, he is not a Sikh.'" Every day in prayer Sikhs recite "Raj Kare Ga Khalsa," which means "The khalsa shall rule."

The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians since 1948 as well as tens of thousands of Christians throughout the country, over 90,000 Muslims in Kashmir since 1988, 2,000 to 5,000 Muslims in Gujarat, tens of thousands of Muslims elsewhere in India, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and others. An Indian newspaper reported that the police in Gujarat were ordered to stand aside in that massacre and not to get involved, a frightening parallel to the Delhi massacre of Sikhs in 1984. The Indian Supreme Court called the Indian government's murders of Sikhs ''worse than a genocide.''

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family. The police never released the body of former Jathedar of the Akal Takht S. Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. No one has been brought to justice for the Khalra kidnapping and murder or for the murder of Jathedar Kaunke. Yet according to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial, some since 1984!

Recently, a new wave of violence has erupted against Christian churches. States are enacting laws prohibiting Hindus from converting to any other religion. Missionary Graham Staines was murdered along with his two sons, ages 8 and 10, by a mob of militant, fundamentalist Hindu nationalists who set fire to the jeep, surrounded it, and chanted ''Victory to Hannuman,'' a Hindu god. None of the people involved has been tried. The persons who have murdered priests, raped nuns, and burned Christian churches have not been charged or tried. The murderers of 2,000 to 5,000 Muslims in Gujarat have never been brought to trial.

''Only in a free Khalistan will the Sikh Nation prosper and get justice,'' said Dr. Aulakh. ''India's illegal occupation of our homeland, Khalistan, must end,'' he said: ''India should act like a democracy and allow a free and fair plebiscite on independence for all the nations of South Asia,'' Dr. Aulakh said. ''We must free Khalistan now.''

SIKHS CELEBRATING 307TH ANNIVERSARY OF REVELATION OF KHALSA NATION BY GURU GOBIND SINGH SAHIB

WASHINGTON, D.C., April 26, 2006.—Sikhs all over the world have been celebrating Vaisakhi Day, the anniversary of the revelation of the Khalsa Panth by Guru Gobind Singh in 1699. There have been parades in Washington, D.C., Vancouver, Stockton, Seattle, London, and may other cities. There will be an annual Sikh Day parade in New York on April 29. Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, will be speaking at the New York parade. In previous years, Dr. Aulakh's speeches have been punctuated by chants of ''Khalistan Zindabad.''

Vaisakhi Day is one of the most joyous days in the Sikh calendar. celebrating the emergence of the Khalsa Panth as a distinct people. Sikhs have been celebrating with devotion and reverence. Guru Gobind Singh proclaimed the sovereignty of the Sikh Nation: ''In grieb Sikhin ko deon patshahi.'' Every morning and evening Sikhs recite ''Raj Kare Ga Khalsa,'' meaning ''the Khalsa shall rule,'' and ''Khalsa Bagi Yan Badshah,'' meaning ''either the Khalsa is in rebellion or the ruler.'' Sovereignty is the birthright of all people, and it is the heritage of the Sikh nation. As former Akal Takht Jathedar Professor Darshan Singh has said, ''If a Sikh is not a Khalistani, he is not a Sikh.''

''We must remind ourselves of our heritage by raising slogans of 'Khalistan Zindabad' and beginning a Shantmai Morcha to liberate our homeland, Khalistan,'' said Dr. Aulakh. ''Whoever is honest and dedicated in leading that Shantmal Morcha deserves our support.''

India is stepping up its efforts to repress the Sikh Nation's demand for freedom. Recently, Sardar Daljit Singh Bittu, leader of the Shiromani Khalsa Dal, was arrested for making a speech. Sikh activist Dr. Jagjit Singh Chohan was arrested after he said on India's Zee TV that Khalistan will be free by 2007. Leaders of Dal Khalsa have been arrested for leading marches, making speeches, and raising the Khalistani flag. In January, Sikh farmers were expelled from Ultaranchal Pradesh and their land was seized. They were beaten up by the police. Their homes were bulldozed by paratroopers. Their homes in many cases were built using their life savings and by their own hands.

''It is evident that the Indian government is scared of the increasing amount of peaceful activism in Punjab in support of Khalistan,'' said Dr. Aulakh. ''The Ume of Khalistan's liberation is near. India will fall apart soon,'' he said. ''This office has worked unwaveringly for a sovereign Khalistan for over 20 years,'' he noted.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. ''We only hope that the breakup will be peaceful like that of Czechoslovakia and not violent like that of Yugoslavia,'' said Dr. Aulakh.

The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians in Nagaland, over 90,000 Muslims in Kashmir, tens of thousands of Christians and Muslims throughout the country, and tens of thousands of Tamils, Assamese, Manipuris, and others. The Indian Supreme Court called the Indian government's murders of Sikhs ''worse than a genocide.''

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family. The police never released the body of former Jathedar of the Akal Takht S. Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. No one has been brought to justice for the Khalra kidnapping and murder. Yet according to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial, some since 1984!

''Only in a free Khalistan will the Sikh Nation prosper and get justice,'' said Dr. Aulakh. ''India's illegal occupation of our homeland. Khalistan, must end,'' he said. ''India should act like a democracy and allow a free and fair plebiscite on independence for all the nations of South Asia,'' Dr. Aulakh said. ''We must free Khalistan now.''

## A TRIBUTE TO MAYOR ROBERTA COOPER

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Mayor Roberta Cooper for her 26 years of dedicated service to the City of Hayward, California. On June 15, 2006, the City of Hayward will host a farewell dinner to honor her as she retires from office at the end of her term on June 6, 2006.

The Mayor has been instrumental in the initiation and development of many projects in Hayward including a new City Hall, B Street Marketplace and Parking Structure, Albertson's Shopping Center, Atherton Place Condominiums, City Walk Condominiums, Fire Station 1 at C and Main, and the Theater Complex at Foothill & B coming in 2007. All of the mentioned projects were related to Hayward's downtown redevelopment.

Other areas of Hayward have also benefited from her exemplary leadership including the development of Fire Station 9, Oliver Sports Park of Hayward, Eden Shores Development, Harder Road Railroad Under-crossing, the Twin Bridges neighborhood and the accompanying Mission Foothills of Hayward Golf Course and the Route 238 Corridor Improvement Project.

Mayor Cooper is a longtime resident of Hayward. Prior to assuming the helm of the city's leadership as Mayor, she was an educator. She taught in the Hayward Unified School District from 1968 until her retirement in 1994.

She was elected to the Hayward City Council in 1988 and re-elected to the Council in 1992. She was elected Mayor in April 1994, re-elected in 1998 and reelected again in March 2002.

Mayor Cooper serves on many public agencies focused on economic development, capital improvement, transportation, the environment and city governance. She involves herself in community service with equal interest and dedication. A host of non-profit organizations have benefited from her leadership, such as The Kids Breakfast Club, Literacy Plus Project, Hayward's Human Services Commission and the Eden Youth Center.

She lists among her personal pet projects the Hayward New Start, a Tattoo Removal Program, the Hayward Honor Band, and cHime-In.

I join Mayor Cooper's constituents, friends and admirers in congratulating her on a job well done. She plans to use her time to garden, read, learn to use her home computer and travel. I hope she accomplishes all this and much more as she embarks on a well-deserved retirement.

Thank you to my friend, Bertie Cooper, for all you have done to make a difference in our community.

## PAYING TRIBUTE TO SERGEANT MARK A. PLEASANTS

### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. PORTER. Mr. Speaker, I rise today to honor Sergeant Mark A. Pleasants, currently

the Non-Commissioned Officer of Broadcast Production, assigned to the 99th Communications Squadron at Nellis Air Force Base, Nevada.

Since joining the United States Air Force in 1990, Sergeant Pleasants has reached impressive degrees of achievement and has a distinguished record of service. Having served in such foreign locales as Portugal, Germany and San Vito, Sergeant Pleasants has earned a number of accolades. In 1994 and 1995, while serving at Kaiserlautern in Germany, Sergeant Pleasants earned two Air Force level awards for his reporting and won the regional and worldwide Air Force talent competitions as a singer and announcer. In 1996, while assigned to the Air Force News Agency's Regional News Center at Ramstein Air Base, he was a key member pioneering the two most award winning shows in Air Force history; Air Force Prime Time and AFNEWS: On Assignment. Sergeant Pleasants was reassigned to the 99th Communications Squadron at Nellis Air Force Base in Nevada in 2003 where he immediately applied his expertise in Television and Production to revamp an inactive television program called Eye on Nellis. Through his efforts, the program developed into a monthly 30–minute news show reaching 14 million homes around the world and has won recognition as Best Commander's Access Channel in the Air Force.

Sergeant Pleasants' career is celebrated by a number of awards and commendations, having won the Air Force Commendation Medal three times, the Air Force Achievement Medal four times, Air Force Level Recognition thirteen times, and the National Defense Medal twice.

Mr. Speaker, I am proud to honor Sergeant Mark A. Pleasants for his distinguished record of service and his commitment to providing quality news service to the Air Force community. I wish him the best in his future endeavors.

## CONGRATULATING DR. ANN VOGEL

### HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. GUTKNECHT. Mr. Speaker, I rise today to congratulate Dr. Ann Vogel of New Ulm, Minnesota, on receiving the Sertoma Club's Service to Mankind Award.

The Sertoma Club is an organization that strives to better people's lives through philanthropic activities. Since 1960, the Sertoma Foundation has positively influenced the lives of its members and hundreds of communities internationally. Sertoma primarily focuses on service projects assisting the more than 50 million people with speech, hearing and language disorders. Sertoma also sponsors community projects to promote freedom and democracy, to assist youth, and to benefit a variety of other local community needs. Every year Sertoma clubs raise more than $20 million for these local community service projects.

The Sertoma Club also recognizes the efforts of citizens who volunteer their time and service to the local community. The Service to Mankind Award, the highest honor a non-Sertoma member can receive, is awarded to an individual who has gone above and beyond the call of duty.

This year, The Service to Mankind Award was given to Dr. Ann Vogel by the New Ulm Sertoma Club. Dr. Vogel devotes her time to working at the Open Door Health Center in Mankato, a non-profit organization that seeks to provide care to uninsured and underinsured people in southern Minnesota. Additionally, Dr. Vogel led the funding drive for the Friends of German Park, a group dedicated to the redevelopment of the community area; while also dedicating her time as a storyteller with Bavarian Blast. Her community involvement also includes volunteering at Heritagefest and the Oak Hills Assisted Living Center.

I extend my sincere congratulations to Dr. Ann Vogel for receiving this commendable award. Her commitment to public service is greatly appreciated and an inspiration to all.

## SIKHS CELEBRATE VAISAKHI, REVELATION OF SIKH NATION

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. TOWNS. Mr. Speaker, I would like to congratulate the Sikhs on celebrating their important holiday, Vaisakhi Day, around the world. There were marches in Washington, Vancouver, London, and many other cities around the world. There will be a parade April 29 in New York, the annual Sikh Day event.

Vaisakhi Day marks the revelation of the Sikh Nation as a distinct entity by guru Gobind Singh in 1699. At that time, he proclaimed the Sihks sovereign. Today, Sikhs struggle to reclaim this lost birthright as Indian troops occupy their country, Khalistan. As you know, Mr. Speaker, the Sikhs declared themselves independent in 1987, but Indian troops to the tune of half a million continue to occupy Khalistan.

Recently, several Sikh activists have been anested for simply making speeches, raising flags, or holding peaceful marches in support of Khalistan. Is this democracy, Mr. Speaker? Is this how a free country conducts itself?

Mr. Speaker, without the most basic freedoms, such as freedom of speech and self determination, how can the Sikhs hope to survive as a people? In India, it is now iilegal in many parts of the country to join another religion besides Hinduism. The intent to establish a Hindu state is clear.

We can help put an end to these practices as we congratulate the Sikhs on Vaisakhi Day. We must cut off our aid and our trade with India. Although there is a burgeoning middle class, half the country lives under the international poverty line. Losing our dollars would have a significant effect on India. And we must stand up for the principles on which America was founded.

About the same time in the calendar as Vaisakhi Day is the birthday of Thomas Jefferson, who wrote that government is legitimately founded on "the consent of the governed" and that "whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

Clearly, that time has come for too many of the minorities of South Asia—the Sikhs of Khalistan, the Muslims in Kashmir, the predominantly Christian Naga community, and so many others. Let us help them to achieve the basic right of self-determination by putting our Congress on record in support of a free and fair plebiscite in these places on the question of independence. By doing so, we will be helping to achieve freedom, stability, peace, dignity, and prosperity for al1 the peoples and nations of South Asia.

Mr. Speaker, I request the permission of the House to add the Council of Khalistan's press release and open letter on Vaisakhi to the RECORD at this time.

SIKHS WILL CELEBRATE VAISAKHI DAY

APRIL 14

Happy Vaisakhi Day to you and your family and the Khalsa Panth. On April 14, the Sikh Nation will be observing the 307th anniversary of the day Guru Gobind Singh established the Khalsa Panth. The Guru granted sovereignty to the Sikh Nation, saying "In Grieb Sikhin Ko Deon Patshahi." We must remind ourselves of our heritage by raising slogans of "Khalistan Zindabad" and beginning a Shantmai Morcha to liberate our homeland, Khalistan. Whoever is honest and dedicated in leading that Shantmai Morcha deserves our support. Every morning and evening we recite, "Raj Kare Ga Khalsa." Now is the time to act on it. Do we mean what we say every morning and evening?

The flame of freedom continues to burn brightly in the heart of the Sikh Nation. No force can suppress it. Within the past few days, Dal Khalsa and the Shiromani Khalsa Dal announced that they are uniting for sovereignty for Khalistan. This was met with chants of "Khalistan Zindabad." Chief Minister Amarinder Singh, whose own Legislative Assembly proclaimed the sovereignty of Punjab when he cancelled the water agreements, has ordered the leaders of Dal Khalsa and the Shiromani Khalsa Dal placed under police watch for their speeches. Kanwarpal Singh Dhami of the Guru Asra Trust, and Dr. Jagjit Singh Chohan were arrested this month for making speeches in support of Khalistan. Dr. Chohan said, "Khalistan will be free." In January of last year and again in June of last year Sikh activists, mostly from Dal Khalsa, were arrested merely for raising the Khalistani flag and making pro-Khalistan speeches. During his recent visit to India, President George W. Bush walked over to Sukhbir Singh Badal and said, "Give my best wishes and regards to your people from the people of America." Even the President of the United States is aware of our situation. "I wish you could visit Punjab," said Sukhbir Singh. When Khalistan is free, that will happen. President Bush has said, "Freedom is the birthright of every man, woman, and child." These events show that the movement to free our homeland is on the rise. It has gotten the attention of the world. The movement to liberate our homeland is stronger than it has ever been and it has frightened the Indian regime. Now is the time to rededicate ourselves to the liberation of Khalistan.

The Indian government is reacting to the rising tide of freedom for the Sikh Nation. Earlier this year, Prime Minister Manmohan Singh apologized to the Sikh Nation for the Delhi massacres of November 1984 that killed over 20,000 Sikhs. It is good that he apologized and it clearly shows India's responsibility, but what good does it do the Sikh Nation? Where are the apologies for the Golden Temple attack and the other atrocities? Where is the compensation for the victims' families?

In January, Sikh farmers were expelled from Uttaranchal Pradesh and their land was

seized. They were beaten up by the police. Their homes were bulldozed by paratroopers. Their homes in many cases were built using their life savings and by their own hands. We condemn this act of state terrorism by the government of Uttaranchal Pradesh. As you know, Sikhs are prohibited from buying land in Rajasthan and Himachal Pradesh. Now Uttaranchal Pradesh joins that list. Yet there are no restrictions on land ownership in Punjab by non-Sikhs. People from anywhere can buy land in Punjab, including people from Rajasthan and Himachal Pradesh. India is trying to subvert Khalistan's independence by overunning Punjab with non-Sikhs while keeping Sikhs from escaping the brutal repression in Punjab. It is incumbent on the Sikh diaspora to free Khalistan. We must redouble our efforts. That is the only way to keep these atrocities from continuing and to protect the Sikh Nation and the Sikh religion.

Any organization that sincerely supports Kalistan deserves the support of the Sikh Nation. However, the Sikh Nation needs leadership that is honest, sincere, consistent, and dedicated to the cause of Sikh freedom. But we should only support sincere, dedicated, honest leaders. Dal Khalsa deserves the praise of the Sikh nation and I call on every Sikh to support them and every other organization that is working to liberate Khalistan.

The Council of Khalistan has stood strongly and consistently for liberating our homeland, Khalistan, from Indian occupation. For over 18 years we have led this fight while others were trying to divert the resources and the attention of the Sikh Nation away from the issue of freedom in a sovereign, independent Khalistan. Yet Khalistan is the only way that Sikhs will be able to live in freedom, peace, prosperity, and dignity.

The Sikhs in Punjab have suffered enormous repression at the hands of the Indian regime in the last 22 years. The Indian government has murdered over 250,000 Sikhs since 1984. Inderjit Singh Jaijee and Bibi Baljit Kaur of the Movement Against State Repression (MASR) told me that if the Sikhs outside India had not exposed the atrocities of the Indian regime, they could have killed ten times as many Sikhs. Another 52,268 of our brothers and sisters are being held as political prisoners, according to MASR. Some have been in illegal custody since 1984! Over 50,000 Sikh youth were picked up from their houses, tortured, murdered in police custody, then secretly cremated as ''unidentified bodies.'' Their remains were never even given to their families! How can Sikhs have any freedom living under a government that would do these things? India should be ashamed of the genocide it has committed against Sikhs, Christians, Muslims, and other minorities.

Sikhs can never forgive or forget the Indian government's military attack on the Golden Temple and 39 other historic Gurdwaras throughout Punjab. Over 20,000 Sikhs were murdered in those attacks, known as Operation Bluestar, including Sant Jarnail Singh Bhindranwale, General Shabeg Singh. Bhai Amrik Singh, and over 100 Sikh religious students ages 8–13 who were taken out into the courtyard and shot. These attacks accelerated the Sikh independence movement and deepened the desire for independence in the hearts of Sikhs, a fIre that burns brightly in the hearts of the Sikh Nation to this day.

The Akali Dal conspired with the Indian government in 1984 to invade the Golden Temple to murder Sant Bhindranwale and 20,000 other Sikhs during June 1984 in Punjab. Among those who conspired with the government, according to Chakravyuh: Web of Indian Secularism, were Dr. Chohan, Ganga Singh Dhillon, and Didar Singh Bains. It appears the Indian regime is even willing to arrest its own agents to suppress the movement for Khalistan! Now Badal and Chief Minister Amarinder Singh have been accusing each other of being tied in with ''terrorists.'' These leaders view support for Khalistan as terrorism, as the Indian government does. They have shown where their loyalties lie. How will these so-called Sikh leaders account for themselves? Remember the words of former Jathedar of tile Akal Takht Professor Darshan Singh: ''If a Sikh is not a Khalistani, he is not a Sikh.'' It seems that Badal and Amarinder are not Sikhs.

Never forget that the Akal Takht Sahib and Darbar Sahib and the present Akali and Congress leadership are under the control of the Indian government, the same Indian government that has murdered over a quarter of a million Sikhs in the past twenty years. These institutions will remain under the control of the Indian regime until we free the Sikh homeland, Punjab, Khalistan, from Indian occupation and oppression and sever our relations with the New Delhi government.

Sikhs will never get any justice from Delhi. Ever since independence, India has mistreated the Sikh Nation, starting with Patel's memo calling Sikhs ''a criminal tribe.'' What a shame for Home Minister Patel and the Indian government to issue this memorandum when the Sikh Nation gave over 80 percent of the sacrifices to free India.

There is no place for Sikhs in supposedly secular, supposedly democratic India. Our moment of freedom is closer than ever. Let us work to make certain that we shake ourselves loose from the yoke of Indian oppression and liberate our homeland, Khalistan, so that all Sikhs may live lives of prosperity, freedom, and dignity.

Sincerely,

GURMIT SINGH AULAKH,
*President, Council of Khalistan.*

## OPPOSING PRESIDENT BUSH'S MARCH TO WAR IN IRAN

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. STARK. Mr. Speaker, I rise in opposition to the Iran Freedom Support Act. I certainly share my colleagues' concerns about Iran's apparent push to develop nuclear weapons, but I oppose H.R. 282 because I fear President Bush will use this legislation to lead America into an unnecessary war with Iran. This President used this same pattern in his last march to war in Iraq.

The resolution calls upon the United States to request that the United Nations Security Council impose sanctions against Iran. President Bush used Iraq's violation of similar sanctions to justify his initiation of the ill-fated Iraq War.

The legislation also authorizes President Bush to fund the Iranian opposition to radical Ayatollah Ali Khamenei and President Mahmoud Ahmadinejad despite the fact that American support for pro-Western leaders has often backfired. In fact it's backfired in Iran before! America's historic support for the Shah propelled former radical leader Ayatollah Ruhollah Khomeini to power. Is it any wonder then that the Washington Post recently reported that pro-democracy forces in Iran do not want U.S. funding since their association with America taints their credibility within their country?

The United States spent millions of dollars in Iraq to fund the opposition to Saddam Hussein. In return, the Bush Administration received bogus information from informants that claimed that Iraq had weapons of mass destruction. The Administration then used this information to scare America into war against Iraq.

Finally, H.R. 282 advocates regime change and I find it difficult to believe Iran will cooperate with our diplomatic proposals if they understand our ultimate goal to be the overthrow of their government.

America can prevent Iran from acquiring nuclear weapons through peaceful and thoughtful diplomacy. But this legislation sets us on the road to war rather than diplomacy. I therefore urge my colleagues to join me in voting against it.

## PAYING TRIBUTE TO COLBY RUPERT

### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. PORTER. Mr. Speaker, I rise today to honor Colby Rupert for his heroic actions following an accident on Interstate 15 on March 18, 2006.

Colby and an ambulance crew had initially responded to a pickup truck that had run off the road. While responding to the emergency, a bus heading southbound on I–15 struck their rescue unit, virtually destroying the vehicle. Colby and his partner were still in their vehicle at the time of the collision and received painful injuries as a result. Nonetheless, Paramedic Rupert administered aid to a number of passengers on the bus. He carried a generator and the Jaws of Life from the crashed rescue truck to the Greyhound bus while dragging his injured leg. Despite his serious injuries, he ignored his wounds and aided injured persons in a desperate and critical accident scene. Only after assistance arrived sometime later did Colby receive medical treatment. He had to be literally forced to stop assisting others so he could receive medical attention.

Mr. Speaker, I am proud to honor Colby Rupert for his heroic actions. Colby's unwavering courage speaks volumes about his character. His dismissal of his own injuries serves as an example of the dedication our First Responders show in their service to their fellow citizens.

## CONGRATULATING JULIE STEVENSON

### HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. GUTKNECHT. Mr. Speaker, I rise today to congratulate Mrs. Julie Stevenson of Worthington, Minnesota, on receiving the 2006 Athena Award from the Worthington Travelodge.

The Athena Award is presented each year to a woman who has demonstrated excellence, initiative and creativity in her profession.

This award recognizes one woman's time and energy put in to improving the lives of her peers. This woman also acts as a mentor for other women in the community.

Mrs. Julie Stevenson received this award for her many contributions to the community of Worthington. She has served as the executive director of the Southwest Minnesota Chapter of the American Red Cross and she has volunteered with Big Brothers/Big Sisters, United Way, YMCA, Youth Area Baseball Association, Junior Achievement, Nobles County Integration Collaborative and the Worthington Area Chamber of Commerce. Currently, at the Minnesota West Campus, Mrs. Stevenson has helped bring the college and the community together through a variety of programs. These include the Winter Wonderland and Golf the Links at Minnesota West and Kids College. She has been a co-host for a United Way telethon as well as a trainer in a teen asset building workshop at Thrivent Financial for Lutherans.

I extend my sincere congratulations to Mrs. Stevenson for receiving this commendable award. Her commitment to service has helped to grow many individuals and to strengthen the community.

## HONORING THE ACHIEVEMENTS OF WILLIAM A. KOCH TO PRESERVE THE ABRAHAM LINCOLN BOYHOOD HOME IN LINCOLN CITY, INDIANA

### HON. MICHAEL E. SODREL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. SODREL. Mr. Speaker, I rise today to call attention to an upcoming meeting of the Abraham Lincoln Bicentennial Commission (ALBC) at the Lincoln Boyhood National Memorial in my district and to honor the achievements of the deceased William A. Koch and Congressman Winfield K. Denton, for their contributions to preserving the memory of Abraham Lincoln's early life in Indiana by establishing this national park.

On May 1, 2006, the Abraham Lincoln Bicentennial Commission will meet in Lincoln City, Indiana, at the Lincoln Boyhood National Memorial, established through legislation signed into law by President John F. Kennedy on February 19, 1962. This national park is the site of the farm on which Abraham Lincoln spent 14 years of his early life, a time when Lincoln grew physically and intellectually into a man. This was a place where he laughed with his father, cried over the death of his mother, read books, and faced the adversities of life at that time. It is only fitting that the ALBC meet at this site while planning events for the celebration in 2009 of Lincoln's birth and, while there, to honor the family of the man who contributed so much to preserve the legacy of President Lincoln's early life, William A. Koch.

A local, influential businessman, Mr. Koch conceived the idea of a national park to preserve Lincoln's legacy in the late 1950s. With the cooperation and leadership of Congressman Winfield K. Denton, he worked tirelessly and patiently through studies, hearings, and debates. And, in 1962, the idea that Bill Koch developed and nurtured was accomplished. The transfer of the Nancy Hanks part of the Lincoln Memorial to the Department of the Interior was completed.

To William Koch, whose widow and children carry on his mission, we owe a debt of gratitude, for without his vision and perseverance, the memory of Lincoln's Indiana years would be greatly diminished and lost on future generations. Today, visitors from around the world can visit his boyhood home to learn what life was like for Lincoln and other early pioneers in the Midwest.

## INTRODUCTION OF U.S.-CHINA ENGAGEMENT ACT

### HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. KIRK. Mr. Speaker, today I am introducing the U.S. China Engagement Act of 2006 with Congressman RICK LARSEN. The goal of our bill is to ensure American students and businesses are equipped to compete with China throughout the 21st century.

The U.S. China Engagement Act of 2006 provides grants for Chinese language instruction programs for American students, expands the U.S. diplomatic presence in China, and establishes new trade offices which support our U.S. exports to China, ensuring our small and medium size businesses are able to compete in Asia.

This legislation will help give our American students the tools to compete in a global marketplace. By one measure, China is now the world's second largest economy. According to the Asian Conference, 50,000 American students are studying Chinese versus 110 million Chinese students studying English. The U.S. China Engagement Act of 2006 will provide resources to primary, secondary and post-secondary schools so that all levels of our educational system can provide the proper exposure to the Chinese language and economy.

The U.S. China Engagement Act of 2006 triples funding to the State Department for public diplomacy in China and authorizes the creation of a new consulate and ten "diplomatic presence posts" in larger Chinese cities. It also increases the U.S. contribution to the Asia Pacific Economic Cooperation, a 21 Member Organization whose goal is to promote free trade throughout the Asia-Pacific region. America must embrace a strong diplomatic partnership to increase the chance our children will enjoy a stable, economically prosperous and peaceful future with China.

Today, China produces more steel than the U.S.; it has more cell phone users and is building its own space station. Hundreds of U.S. companies from McDonald's to Motorola are heavily invested in the Chinese market. China has bought several airplanes from Boeing and Chinese purchases of other U.S. exports are climbing at a rate of 15 percent a year. At her present rate of growth, China's economy has the potential to become larger than America's. The U.S. China Engagement Act takes steps to help small and medium size American businesses enter the China market by increasing resources to the Foreign Commercial Service Office of the Commerce Department and creating new export promotion programs.

The U.S. China Engagement Act is an important step in addressing the most critical relationship of the 21st century. It is vital that Americans be prepared for this relationship. We must be prepared diplomatically, educationally, and economically. Our students must have the ability to both culturally understand our competition while also having the ability to communicate with them in their language. This bill will give American students and American businesses the tools to compete in the new and expanding market of China.

I want to thank my co-chair of the U.S.-China Working Group, Congressman RICK LARSEN, for being the lead co-sponsor on this legislation. And I want to thank Senators LIEBERMAN and ALEXANDER who have a companion bill. I look forward to working with them on these important issues surrounding China.

## PAYING TRIBUTE TO ROBERT SEARS

### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. PORTER. Mr. Speaker, I rise today to honor Bob "Chief" Sears for his 40 years of service in the Fire ServIce.

Bob Sears has vigilantly served in a number of different capacities in the fIre service in several different cities. Sears, a graduate of the National Fire Academy in Maryland, began his career in 1951 and was promoted to Fire Chief of the Richfield Township Fire Department in Ohio in 1960, at that time he was the youngest Fire Chief in the State of Ohio. He subsequently served for 5 years as the Fire Chief for Kerr-McGee Chemical Corporation in California. Bob has also served over 21 years as Boulder Cities Fire Chief, while in this role he designed innovative programs which increase the efficiency of the Department in terms of firefighting capabilities, community awareness, and staff management.

Chief Sears is very active in the community, donating his time to many organizations; Bob is currently on the Board of Directors, Past President, Life Member and has served as interim Executive Director of the Boulder City Chamber of Commerce. He has also served as President of the Nevada Fire Chiefs Association and Charter President of the Southern Nevada Fire Chiefs Association. He has served as chairman for the American Heart Association's Nevada Affiliate, the local Salvation Army, and is a charter member of the Boulder Sumise Rotary Club. Chief Sears also serves on the Military Selection Committee for the United States Service Academies representing Nevada's Congressional Delegation.

Mr. Speaker, I am proud to honor Bob Sears for his long career in the Fire Service and for his dedication to many different community organizations. His record of professional service and devotion to the many organizations he was involved with serves as an inspiration to us all. I wish him the best in his retirement.

## TRIBUTE TO PRESTONSBURG, KENTUCKY SOCIAL SECURITY OFFICE

### HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to commend the staff of the Prestonsburg Social Security Office for their strong, effective, and compassionate service to the people of Kentucky.

Social Security plays an important role in the lives of more Americans than any other federal program. Whether providing a Social Security number for a newborn baby, mailing a check to a retired worker, or helping a disabled individual receive benefits, the Social Security Administration touches the lives of just about everyone.

The field office in Prestonsburg, Kentucky, is a shining example for this massive federal agency. The Prestonsburg staff consistently goes beyond the call of duty to provide valuable benefits to the people of Kentucky. Because of this unwavering commitment to helping others, the Social Security Administration recognized the Prestonsburg Office as the Best Level I Field Office in the Atlanta Region for fiscal year 2005.

Mr. Speaker, on behalf of my colleagues and myself, I want to thank the staff at the Prestonsburg Social Security Office for their hard work and dedication to serving the people of Kentucky. These fine Americans are an inspiration to us all, and I salute them for their commitment to helping others.

## SUPPORTING THE GOALS AND IDEALS OF FINANCIAL LITERACY MONTH

SPEECH OF

### HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 5, 2006*

Mr. HINOJOSA. Mr. Speaker, I would like to submit for the RECORD the following letters in support of H. Res. 737, a bill "Recognizing the Goals and Ideals of Financial Literacy Month" that falls in April of each year. The bill was reported to the House favorably by the Committee on Government Reform and passed the House on April 6, 2006 by a recorded vote of 423–1. The documents I am submitting include letters of support for the bill from the Texas Credit Union League, the Texas State Securities Board, the Credit Union National Association, and the National Association of Mortgage Brokers.

TEXAS CREDIT UNION LEAGUE,
*Dallas, TX, April 10, 2006.*

Hon. RUBÉN HINOJOSA,
*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN HINOJOSA: On behalf of the Texas Credit Union League, I would like to thank you for your work to pass H. Res. 737 and your commitment to improving financial literacy in our country. Credit Unions see financial education as a cornerstone of financial independence. Knowledge of financial products, with their benefits along with their disadvantages, allows consumers to make better decisions and improve their lives and the lives of their families.

Recognizing Financial Literacy month helps in the effort to educate our citizens about financial products and services. We look forward to working with you on this important issue in the future and applaud your leadership in bringing it to the forefront of the Congressional agenda.

Respectfully,

DICK ENSWEILER
*President and CEO,*
*Texas Credit Union League.*

TEXAS STATE SECURITIES BOARD,
*Austin, TX, April 13, 2006.*

Re House Resolution 737.

Hon. RUBÉN HINOJOSA,
*Congressman,*
*Washington, DC.*

DEAR CONGRESSMAN HINOJOSA: Congratulations on being awarded the Federal Legislator Award from the Jump$tart Coalition for Personal Financial Literacy. Texas investors are fortunate to have someone in Washington who understands the need for financial education and awareness and works so hard to help address that need.

I also want to thank you for cosponsoring H. Res. 737, which supports the goals and ideals of Financial Literacy Month. As the Resolution details, the need for financial education in the United States has never been greater. By teaching our state's investors about personal finance, we can encourage Texans to focus on saving, investing, and home ownership and help them avoid investment fraud.

The Texas State Securities Board will join. in celebrating "Financial Literacy Month" by reaching out to Texans of all ages. As you know, it is important to make individuals more knowledgeable about personal finance, the capital markets, investment choices and fraud. Our staff continues to make presentations throughout the state to help educate Texans about investing and preparing for retirement.

Enclosed are brochures both in English and Spanish that exemplify our investor education initiatives. We look forward to working with you in the future regarding this and other important securities-related issues.

Very truly yours,

DENISE VOIGT CRAWFORD,
*Securities Commissioner.*

CREDIT UNION NATIONAL ASSOCIATION,
*Washington, DC, April 3, 2006.*

Hon. RUBÉN HINOJOSA,
*Washington, DC.*

DEAR REPRESENTATIVE HINOJOSA: On behalf of the Credit Union National Association (CUNA), which represents 87 million credit union members, I would to thank you for your introduction of H. Res. 737, which supports the goals and ideals of Financial Literacy Month.

CUNA strongly supports H. Res. 737 which supports financial literacy initiatives by calling on schools, nonprofit organizations, businesses, government entities on the federal, state, and local levels, and citizens to observe the month with appropriate programs and activities.

To aid in this endeavor, CUNA establishes a yearly National Credit Union Youth Week, this year scheduled to take place April 23rd–29th. To date, 278 credit unions have committed to participating in CUNA's Youth Savings Challenge for that week, and are estimating to tally 50,000 youth deposits valued at $3.6 million.

CUNA provides financial literacy resources to credit unions year-round to assist young people and help them manage their own money wisely, and has partnered with the National Endowment for Financial Education (NEFE) and the Cooperative Extension Service to provide schools with free workbooks on financial literacy that can easily fit into an existing curriculum. Many credit unions have volunteered their time to teach the materials to better prepare students for college, covering issues such a credit cards, interest, minimum payments, and checking accounts. Additionally, CUNA recently developed a program called "Thrive by Five" which offers free materials on our website for parents to work with pre-school, aged children on basic financial concepts such as spending and saving.

Again, CUNA and its member credit unions strongly support H. Res. 737, as well as your leadership with the Congressional Caucus on Financial and Economic Literacy. We look forward to working with you and greatly appreciate your efforts to bring financial literacy to students nationwide.

Sincerely.

DANIEL A. MICA,
*President & CEO.*

NATIONAL ASSOCIATION OF MORTGAGE BROKERS,
*McLean, VA, April 7, 2006.*

Rep. RUBÉN HINOJOSA,
*House of Representatives,*
*Washington, DC.*

REPRESENTATIVE HINOJOSA: On behalf of the 27,000 members of the National Association of Mortgage Brokers (NAMB), I would like to thank you and your colleagues for your work on House Resolution 737, supporting the goals of National Financial Literacy Month.

At a time when home buyers and consumers in general face the hurdles of a complicated marketplace and predatory lenders, your work educating consumers is invaluable. As you know, an educated consumer is a protected consumer.

Too often, home buyers and other consumers are neither educated nor protected when it comes to making sound financial decisions. As H. Res. 737 makes clear, smart financial management is the result of a lifetime of sound spending habits and financial education. Encouraging consumers to develop these good habits is essential to ensuring strong credit and a healthy financial outlook. NAMB is dedicated to maintaining the highest commitment to consumer education on mortgage and home-buying issues.

NAMB works to improve the financial understanding of consumers across the country in a variety of ways. First, our work with Freddie Mac's CreditSmart and CreditSmart Español has helped lower-income workers and families better manage their financial futures. Second, we inspire a commitment to consumer education in the next generation of mortgage brokers through our work with Delta Epsilon Chi (DECA). DECA is an international association of high school and college students studying business and entrepreneurship.

NAMB also works closely with the financial services industry as part of its on-going commitment to consumer education, and to helping all Americans realize the American dream of homeownership. For example, NAMB has created the Industry Partners Program to make it easier for a wide range of financial professionals to collaborate with mortgage brokers and bring greater professionalism to the industry.

NAMB applauds your commitment to this issue and your dedication on behalf of consumers in Texas and across the nation. We salute your efforts to improve the lives and financial futures of hard-working Americans.

Sincerely,

JIM NABORS II, CRMS,
*President,*
*National Association of Mortgage Brokers.*

## PAYING TRIBUTE TO CATHOLIC CHARITIES OF SOUTHERN NEVADA

### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. PORTER. Mr. Speaker, I rise today to honor the Catholic Charities of Southern Nevada recognize their 65 years of distinguished service to the community.

The Catholic Charities of Southern Nevada was formed to carry on charitable work in the fields of religion, education and social services. Catholic Charities is one of the largest nonprofit social service providers in the state of Nevada, offering the most comprehensive range of human services which include Adoption Services, Child Care Services, St. Vincent Lied Dining Facility, Immigration Services, Migration and Refugee Services, Residential Services, Senior Services and Thrift Stores. The agency now encompasses many diverse programs that are designed to aid individuals in gaining self-sufficiency, independence and dignity.

Mr. Speaker, I am proud to honor the Catholic Charities of Southern Nevada for their 65 years of admirable service. Their tireless work to provide a wide array of services to the people of southern Nevada is a noble mission and I wish them the best in their continued efforts.

## U.S. FAMILY HEALTH PLAN MARKS 25 YEARS OF CARING FOR UNIFORMED SERVICES FAMILIES

### HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. EDWARDS. Mr. Speaker, on this, the 26th day of April 2006, the U.S. Family Health Plan celebrates its commitment and service to the nation's military health system with 25 years caring for our military families. Through the years, the U.S. Family Health Plan has been a valued partner with the U.S. Department of Defense by continuing to serve nearly 100,000 military beneficiaries today.

U.S. Family Health Plan's roots date back to 1981 when the OmnibU.S. Reconciliation Act designated 10 public health hospitals as U.S. Treatment Facilities to provide care for the uniformed services through and agreement with DoD. In 1993, that designation evolved into a fully at-risk managed healthcare plan named U.S. Family Health Plan. The Plan's popularity grew in the regions where it was offered. In 1996, the National Defense Authorization Act designated the U.S. Treatment Facilities as TRICARE Prime Designated Providers and made the U.S. Family Plan Health a permanent part of the military health system.

The U.S. Family Health Plan is a proud member of the TRICARE program. It has distinguished itself by consistently earning the highest beneficiary satisfaction ratings among all TRICARE providers. The plan is administered by some of this nation's finest health care institutions, including John Hopkins (Maryland), Brighton Marine Health Center (Massachusetts), Martin's Point Health Care (Maine), St. Vincent Catholic Medical Centers (New York), CHRISTUS Health (Texas), and Pacific Medical Centers (Washington State).

Please join me in congratulating the U.S. Family Health Plan on their 25 years of service to our nation's military families and for their outstanding contributions to military health care.

## INTRODUCTION OF H. RES. 777

### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 26, 2006*

Mr. MEEK of Florida. Mr. Speaker, yesterday I introduced H. Res. 777, which would establish a month as Haitian-American Heritage Month.

I think it is important to recognize the many influences of the Haitian people to the history and culture of the United States.

Since our Revolutionary War, Haitians have allied themselves with the United States, sharing our common values of democratic governance and self-determination. While their country was still bound by servitude, Haitian freemen fought alongside U.S. troops at the Siege of Savannah in 1779, even as their own fate remained uncertain at home.

It was eight years after the end of our revolution that Haitians rose up to fight for their own independence from France—a struggle for freedom that was to play a key role in U.S. history.

In an effort to subjugate the Haitian people and suppress Haiti's revolution, France assembled in Haiti the largest expeditionary force it had ever sent to the Americas, composed of its very finest troops. However, by 1803, France had lost most of these troops and expended countless resources. As a result, instead of fortifying and exploiting its position in Louisiana, France was forced to sell it to the United States. In what became known as the Louisiana Purchase, this territory now comprises 22.3 percent of the United States.

Haiti's independence, which was officially declared in 1804, made it the first black republic in the world; the second democracy in our hemisphere; and the only country born of a successful slave revolt.

Haitians and their descendents have been instrumental in numerous American achievements in the sciences, in the arts, in our culture and in our commerce.

During the month of May, these contributions and accomplishments will be commemorated in Miami, Florida as part of community-wide, Haitian-American heritage celebrations. These events correspond with numerous Haitian holidays that are observed throughout the month of May.

In light of these events, Mr. Speaker, I strongly urge my colleagues to support the passage of H. Res. 777 as an appropriate way for our government to recognize and celebrate the contributions of Haiti to our nation.

H. RES. 777

Whereas freemen from the French colony of Saint Domingue, now the Republic of Haiti, fought alongside the United States Continental Army at the Siege of Savannah in 1779;

Whereas Jean Baptiste Point du Sable, a Haitian, built the first permanent settlement of what later became the city of Chicago, Illinois, in 1779;

Whereas the significant loss of life and financial burden of the failed efforts to quell Haiti's revolution prompted France to sell Louisiana to the United States in 1803, territory that now comprises 22.3 percent of the United States;

Whereas, on January 1, 1804, Haiti declared its independence from France to become the world's first Black republic and the second democracy after the United States;

Whereas Major Joseph Savary, a Haitian, was the first Black Major in the United States Army, and led the Second Battalion of Freemen of Color at the Battle of New Orleans, January 8, 1815, under then-General Andrew Jackson, who became the first Governor of the Territory of Florida in 1821;

Whereas, in 1889, Frederic Douglas, the period's foremost spokesman on human rights and prominent leader of the anti-slavery movement in the United States, became the first United States Minister and Consul-General to Haiti;

Whereas the longest occupancy of a foreign state by American troops was in Haiti, circa 1915–1934;

Whereas an estimated 1,200,000 persons of Haitian descent now live throughout the United States;

Whereas Haitians and their descendants have contributed greatly to the arts and sciences, including John James Audubon, the acclaimed naturalist and wildlife artist who inspired the American conservation society that bears his namesake, and W.E.B. DuBois, the Haitian-American author and political activist, who became one of the most prominent, intellectual leaders of African-American society during the twentieth century;

Whereas the close proximity of Haiti to American shores, in conjunction with our common bond of mutual values and commitment to democracy, ensures lasting comity of nations and continued trade and diplomatic relations;

Whereas Haiti—the only republic to rise from a successful slave rebellion—inspires pride, solidarity, and self-reliance;

Whereas the last Sunday of May is commemorated in Haiti as Mother's Day;

Whereas the 18th of May is Flag Day, the most celebrated holiday in Haiti, and is observed by people of Haitian descent throughout the world;

Whereas in Miami, Florida, home to the largest Haitian-American population in the United States, there are numerous cultural events and celebrations planned during the month of May to honor Haitian heritage; and

Whereas May is an appropriate month to establish a Haitian-American Heritage Month: Now, therefore, be it

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

(1) ''Haitian-American Heritage Month'' be established; and

(2) the people of the United States should observe the month with appropriate ceremonies, celebrations, and activities.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 27, 2006 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### MAY 1

2:30 p.m.
Energy and Natural Resources
To resume hearings to examine the economic and environmental issues associated with coal gasification technology and on implementation of the provisions of the Energy Policy Act of 2005 addressing coal gasification.
SD–366

### MAY 2

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the implementation of the peanut provisions of the Farm Security and Rural Investment Act of 2002.
SH–216

Budget
To hold hearings to examine S. 2381, to amend the Congressional Budget and Impoundment Control Act of 1974 to provide line item rescission authority.
SD–608

Judiciary
To hold hearings to examine Federal Bureau of Investigation oversight.
SD–226

2:30 p.m.
Armed Services
Personnel Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007.
SR–222

3:30 p.m.
Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007.
SR–232A

4 p.m.
Judiciary
To hold hearings to examine certain judicial and executive nominations.
SD–226

5:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007.
SR–222

### MAY 3

9 a.m.
Armed Services
SeaPower Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007.
SR–222

10 a.m.
Armed Services
Airland Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007.
SR–232A

Aging
To hold hearings to examine the future of social services for older Americans.
SD–106

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Government Printing Office, Congressional Budget Office, and Office of Compliance.
SD–138

11:30 a.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007.
SR–222

2:30 p.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2007.
SR–222

### MAY 4

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2007.
SR–222

10 a.m.
Energy and Natural Resources
To hold hearings to examine the nomination of Dirk Kempthorne, of Idaho, to be Secretary of the Interior.
SD–366

### MAY 5

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2007.
SR–222

### MAY 10

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the implementation of the sugar provisions of the Farm Security and Rural Investment Act of 2002.
SR–328A

### MAY 17

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine accelerating the adoption of health information technology.
Room to be announced

### MAY 24

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.
SD–138

### JUNE 14

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine alternative energy technologies.
Room to be announced

# *Daily Digest*

## HIGHLIGHTS

**The House passed the H.R. 5020, Intelligence Authorization Act for FY 2007.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S3527–S3634***

**Measures Introduced:** Eleven bills and two resolutions were introduced, as follows: S. 2652–2662, and S. Res. 446–447. **Pages S3588–89**

**0Measures Passed:**

***Recognizing Crop Science Society of America:*** Senate agreed to S. Res. 446, recognizing the 50th Anniversary of the Crop Science Society of America. **Pages S3631–32**

***Congratulating University of Wisconsin Men's Hockey Team:*** Senate agreed to S. Res. 447, congratulating the University of Wisconsin Badgers men's hockey team for winning the 2006 National Collegiate Athletic Association Division I Men's Hockey Championship. **Page S3632**

**Emergency Supplemental Appropriations:** Senate continued consideration of H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, taking action on the following amendments proposed thereto: **Pages S3532–68, S3632–34**

Adopted:

By 59 yeas to 39 nays (Vote No. 94), Gregg Modified Amendment No. 3594, to provide, with an offset, emergency funding for border security efforts. **Pages S3532–43**

Durbin Amendment No. 3632, to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred. **Pages S3553–55**

Hutchison/Burns Amendment No. 3647 (to Amendment No. 3642), to clarify the availability of funds. **Page S3563**

By 84 yeas to 13 nays (Vote No. 98), Akaka Amendment No. 3642, to provide an additional $430,000,000 for the Department of Veterans Affairs for Medical Services for outpatient and inpatient care and treatment for veterans, as amended. **Pages S3560–64**

Rejected:

By 44 yeas to 54 nays (Vote No. 95), Reid Amendment No. 3604, to provide, with an offset, emergency funding for border security efforts. **Pages S3532–44**

Thomas Amendment No. 3615, in the nature of a substitute. (By 72 yeas to 26 nays (Vote No. 96), Senate tabled the amendment.) **Pages S3551–52**

Ensign Motion to Recommit the bill to the Committee on Appropriations, with instructions that it be reported back with a total net spending not exceeding $94.5 billion. (By 68 yeas to 28 nays (Vote No. 97), Senate tabled the motion to recommit.) **Pages S3562–63**

Coburn Amendment No. 3641 (Division I), to prohibit the availability of certain funds for the Rail Line Relocation Capital Grant program. (By 49 yeas to 48 nays (Vote No. 99), Senate tabled Division I of the amendment.) **Pages S3557–60, S3564–66**

Pending:

Harkin/Grassley Amendment No. 3600, to limit the compensation of employees funded through the Employment and Training Administration. **Page S3532**

McCain/Ensign Amendment No. 3616, to strike a provision that provides $74.5 million to States based on their production of certain types of crops, livestock and or dairy products, which was not included in the Administation's emergency supplemental request. **Page S3544**

McCain/Ensign Amendment No. 3617, to strike a provision providing $6 million to sugarcane growers

in Hawaii, which was not included in the Administration's emergency supplemental request. **Page S3544**

McCain/Ensign Amendment No. 3618, to strike $15 million for a seafood promotion strategy that was not included in the Administration's emergency suplemental request. **Page S3544**

McCain/Ensign Amendment No. 3619, to strike the limitation on the use of funds for the issuance or implementation of certain rulemaking decisions related to the interpretation of ''actual control'' of airlines. **Page S3544**

Warner Amendment No. 3620, to repeal the requirement for 12 operational aircraft carriers within the Navy. **Pages S3544–48**

Warner Amendment No. 3621, to equalize authorities to provide allowances, benefits, and gratuities to civilian personnel of the United States Government in Iraq and Afghanistan. **Page S3544**

Coburn Amendment No. 3641 (Divisions II through XIX), of a perfecting nature. **Pages S3557–60**

Vitter Amendment No. 3627, to designate the areas affected by Hurricane Katrina or Hurricane Rita as HUBZones and to waive the Small Business Competitive Demonstration Program Act of 1988 for the areas affected by Hurricane Katrina or Hurricane Rita. **Page S3567**

Vitter/Landrieu Amendment No. 3626, to increase the limits on community disaster loans. **Page S3567**

Vitter Amendment No. 3628, to base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages. **Pages S3567–68**

Vitter Modified Amendment No. 3648, to expand the scope of use of amounts appropriated for hurricane disaster relief and recovery to the National Oceanic and Atmospheric Administration for Operations, Research, and Facilities. **Pages S3568, S3632**

Wyden Amendment No. 3665, to prohibit the use of funds to provide royalty relief. **Pages S3632–34**

During consideration of this measure today, Senate also took the following action:

Chair sustained a point of order against Stabenow Amendment No. 3633, to provide an immediate Federal income tax rebate to help taxpayers with higher fuel costs, as being in violation of rule XVI of the Standing Rules of the Senate, which prohibits legislation on appropriation matters, and the amendment thus fell. **Pages S3548–50**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10 a.m., on Thursday, April 27, 2006. **Page S3632**

**Messages From the President:** Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the notification of an Executive Order blocking property of additional persons in connection with the national emergency with respect to Syria; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–45) **Page S3586**

**Nominations Confirmed:** Senate confirmed the following nomination:

Patrick Joseph Schiltz, of Minnesota, to be United States DistrictJudge for the District of Minnesota. **Pages S3631, S3634**

**Messages From the House:** **Page S3586**

**Measures Referred:** **Pages S3586–87**

**Executive Communications:** **Pages S3587–88**

**Executive Reports of Committees:** **Page S3588**

**Additional Cosponsors:** **Pages S3589–91**

**Statements on Introduced Bills/Resolutions:** **Pages S3591–99**

**Additional Statements:** **Pages S3585–86**

**Amendments Submitted:** **Pages S3599–S3624**

**Notices of Intent:** **Pages S3624–30**

**Notices of Hearings/Meetings:** **Page S3630**

**Authorities for Committees to Meet:** **Pages S3630–31**

**Privileges of the Floor:** **Page S3631**

**Record Votes:** Six record votes were taken today. (Total—99) **Pages S3543, S3543–44, S3552, S3563, S3564, S3566**

**Adjournment:** Senate convened at 9:30 a.m., and adjourned at 7:47 p.m., until 9:30 a.m., on Thursday, April 27, 2006. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3632.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## BIOFUELS INDUSTRY

*Committee on Agriculture, Nutrition, and Forestry:* Committee concluded a hearing to examine the state of the biofuels industry, after receiving testimony from Bob Dinneen, Renewable Fuels Association, Washington, D.C.; Joe Jobe, National Biodiesel Board, Jefferson City, Missouri; Jay Derbertin, CHS, Inc., St. Paul, Minnesota; and Robert C. Brown, Iowa State University Center for Sustainable Environmental Technologies, Ames.

## APPROPRIATIONS: NATIONAL GUARD & RESERVE

*Committee on Appropriations:* Subcommittee on Defense concluded a hearing to examine proposed budget estimates for fiscal year 2007 for the National Guard and Reserve, after receiving testimony from Lieutenant General H. Steven Blum, Chief, National Guard Bureau; Lieutenant General Clyde A. Vaughn, Director, Army National Guard; Major General Charles Ickes, II, Acting Director, Air National Guard; Lieutenant General James R. Helmly, Chief, Army Reserve; Vice Admiral John G. Cotton, Chief, Naval Reserve; Lieutenant General John W. Bergman, Commander, Marine Forces Reserve; and Lieutenant General John A. Bradley, Chief, Air Force Reserve.

## APPROPRIATIONS: GAO

*Committee on Appropriations:* Subcommittee on Legislative Branch concluded a hearing to examine proposed budget estimates for fiscal year 2007 for the Government Accountability Office, after receiving testimony from David M. Walker, Comptroller General of the United States, Gene L. Dodaro, Chief Operating Officer, Sallyanne Harper, Chief Administrator Office, and George G. Strader, Controller, all of the Government Accountability Office.

## APPROPRIATIONS: NASA

*Committee on Appropriations:* Subcommittee on Commerce, Justice, and Science, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2007 for the National Aeronautics and Space Administration, after receiving testimony from Michael D. Griffin, Administrator, National Aeronautics and Space Administration.

## NOMINATIONS

*Committee on Armed Services:* Committee ordered favorably reported 2,043 nominations in the Army, Navy, Air Force, and Marine Corps.

## MATH AND SCIENCE EDUCATION

*Committee on Commerce, Science, and Transportation:* Subcommittee on Technology, Innovation, and Competitiveness concluded a hearing to examine certain efforts to foster innovation in math and science education, after receiving testimony from Mary Ann Rankin, University of Texas at Austin; Paul Dugan, Washoe County School District, Reno, Nevada; Thomas N. McCausland, Siemens Medical Solutions, Malvern, Pennsylvania; and Ioannis Miaoulis, Museum of Science, Boston, Massachusetts.

## CLIMATE CHANGE

*Committee on Commerce, Science, and Transportation:* Subcommittee on Global Climate Change and Impacts concluded a hearing to examine projected and past effects of climate change, focusing on certain marine and terrestrial systems, after receiving testimony from Steven A. Murawski, Director, Scientific Programs and Chief Science Advisor, National Marine Fisheries Service and Ecosystem Goal Team Leader, National Oceanic and Atmospheric Administration, Department of Commerce; Thomas R. Armstrong, Program Coordinator, Earth Surface Dynamics Program, U.S. Geological Survey, Department of the Interior; Syun-Ichi Akasofu, International Arctic Research Center, Fairbanks, Alaska; Robert W. Corell, American Meteorological Society, Grasonville, Maryland; and Paul Reiter, Institut Pasteur, Paris, France.

## BUSINESS MEETING

*Committee on Environment and Public Works:* Committee ordered favorably reported the nominations of Richard Capka, of Pennsylvania, to be Administrator of the Federal Highway Administration, Department of Transportation, and James B. Gulliford, of Missouri, to be Assistant Administrator for Toxic Substances, and William Ludwig Wehrum, Jr., of Tennessee, to be an Assistant Administrator, both of the Environmental Protection Agency.

Also, Committee adopted a proposal to amend Committee Rule 7(d) on the naming of public buildings and facilities.

## CUSTOMS AND TRADE AUTHORIZATIONS

*Committee on Finance:* Committee held a hearing to examine authorizations for activities of the United States International Trade Commission, United States Immigration and Customs Enforcement, United States Customs and Border Protection, and for an International Trade Data System, receiving testimony from Stephen Koplan, Chairman, International Trade Commission; Julie Myers, Assistant Secretary for Immigration and Customs Enforcement, and Jayson P. Ahern, Assistant Commissioner, Office of Field Operations, United States Customs and Border Protection, both of the Department of Homeland Security; Timothy E. Skud, Deputy Assistant Secretary of the Treasury for Tax, Trade, and Tariff Policy; Marian Duntley, Toyota Motor Sales USA, Inc., Torrance, California, on behalf of the American Association of Exporters and Importers; Peter H. Powell, C.H. Powell, Company, Westwood, Massachusetts, on behalf of the National Customs Brokers and Forwarders Association of America, Inc.; Brian Monks, Underwriters Laboratories, Inc., Northbrook, Illinois; Jerry Cook, Sara Lee Branded Apparel, Winston-Salem, North Carolina; and Mic Dinsmore, Port of Seattle, Seattle, Washington.

Hearing recessed subject to the call.

### U.S.-INDIA ATOMIC ENERGY COOPERATION

*Committee on Foreign Relations:* Committee concluded a hearing to examine United States-India atomic energy cooperation, focusing on strategic and nonproliferation implications, including S. 2429, to authorize the President to waive the application of certain requirements under the Atomic Energy Act of 1954 with respect to India, after receiving testimony from Ashton B. Carter, Harvard University Belfer Center for Science and International Affairs, Cambridge, Massachusetts; William J. Perry, Stanford University Hoover Institution, Stanford, California; Robert L. Gallucci, Georgetown University Edmund A. Walsh School of Foreign Service, Ashley J. Tellis, Carnegie Endowment for International Peace, Robert J. Einhorn, Center for Strategic and International Studies, Gary Milhollin, Wisconsin Project on Nuclear Arms Control, and Stephen P. Cohen, Brookings Institution, all of Washington, D.C.; and Ronald F. Lehman, II, Lawrence Livermore National Laboratory, Livermore, California.

### HIV/AIDS

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Federal Financial Management, Government Information, and International Security held an oversight hearing to examine Federal efforts to ensure early diagnosis and access to treatment for HIV/AIDS, focusing on how federal funding is being distributed to provide AIDS drugs and HIV testing opportunities in the United States, receiving testimony from Deborah Parham Hopson, Associate Administrator, HIV/AIDS Bureau, Health Resources and Services Administration, and Kevin Fenton, Director, National Center for HIV, STD, and TB Prevention, Centers for Disease Control and Prevention, both of the Department of Health and Human Services; Marcia Crosse, Director, Health Care, Government Accountability Office; Beth Scalco, National Alliance of State and Territorial AIDS Directors, Washington, D.C.; and Michael Weinstein, AIDS Healthcare Foundation, Los Angeles, California.

Hearing recessed subject to the call.

### DIGITAL RADIO REVOLUTION

*Committee on the Judiciary:* Committee held a hearing to examine the future of the music industry in the digital radio revolution, focusing on parity, platforms, and protection issues, receiving testimony from Edgar Bronfman, Jr., Warner Music Group, New York, New York; Gary Parsons, XM Satellite Radio Inc., Washington, D.C.; Bruce T. Reese, Bonneville International Corporation, Salt Lake City, Utah, on behalf of the National Association of Broadcasters; N. Mark Lam, Live365, Inc., Foster City, California, on behalf of the Digital Media Association; Anita Baker, Grosse Point, Michigan; Todd Rundgren, Darby, Pennsylvania; and Victoria Shaw, Nashville, Tennessee.

Hearings recessed subject to the call.

### FINANCING AND ENTREPRENEURIAL DEVELOPMENT PROGRAMS

*Committee on Small Business and Entrepreneurship:* Committee concluded a hearing to examine the reauthorization of the Financing and Entrepreneurial Development programs administered by the Small Business Administration, after receiving testimony from Hector V. Barreto, Administrator, Small Business Administration; Harry C. Alford, National Black Chamber of Commerce, Inc., Washington, D.C.; Mark Morrissette, North Atlantic Capital, Portland, Maine, on behalf of the National Association of Small Business Investment Companies; James R. Baird, Bay Area Development Company, Walnut Creek, California; and James A. Maxwell, Granite State Economic Development Corporation/New England Business Finance, Portsmouth, New Hampshire.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 20 public bills, H.R. 5196–5215; and 10 resolutions, H. Con. Res. 390–394; and H. Res. 778–782 were introduced. **Pages H1851–53**

**Additional Cosponsors:** **Pages H1853–54**

**Reports Filed:** Reports were filed today as follows:

H.R. 3496, to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes, amended (H. Rept. 109–440); and

H. Res. 783, providing for consideration of the bill (H.R. 4975) to provide greater transparency

with respect to lobbying activities, and for other purposes (H. Rept. 109–441). **Page H1851**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Capito to act as Speaker pro tempore for today. **Page H1745**

**Chaplain:** The prayer was offered by the guest Chaplain, Rev. John Hergenrother, Presiding Judge, Tribunal of the Archdiocese of Chicago. **Page H1745**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

***Urging the Government of China to reinstate all licenses of Gao Zhisheng and his law firm, remove all legal and political obstacles for lawyers attempting to defend criminal cases in China, including politically sensitive cases, and revise law and practice in China so that it conforms to international standards:*** H. Con. Res. 365, to urge the Government of China to reinstate all licenses of Gao Zhisheng and his law firm, remove all legal and political obstacles for lawyers attempting to defend criminal cases in China, including politically sensitive cases, and revise law and practice in China so that it conforms to international standards, by a yea-and-nay vote of 421 yeas with none voting ''nay'' and 1 voting ''present'', Roll No. 104; and

**Pages H1751–54, H1785**

***Iran Freedom Support Act:*** H.R. 282, amended, to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran, by a yea-and-nay vote of 397 yeas to 21 nays, Roll No. 105.

**Pages H1754–74, H1785–86**

**Discharge Petition:** Representative Markey moved to discharge the Committees on Ways and Means, Energy and Commerce and Education and the Workforce from the consideration of H.R. 4263, to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil, to establish the Consumer Energy Assistance Trust Fund, and to provide for a rebate to energy consumers (Discharge Petition No. 12).

**Committee Election:** The House agreed to H. Res. 778, electing Representative Berman to the Committee on Standards of Official Conduct, to rank immediately ahead of Representative Jones of Ohio.

**Page H1786**

**Intelligence Authorization Act for Fiscal Year 2007:** The House passed H.R. 5020, to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, by a recorded vote of 327 ayes to 96 noes, Roll No. 108.

**Pages H1786–H1812**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. **Pages H1795–H1808**

Rejected Mr. Schiff motion to recommit the bill to the Committee on Intelligence with instructions to report the same back to the House forthwith with amendments, by a recorded vote of 195 ayes to 230 noes, Roll No. 107, after ordering the previous question without objection. **Pages H1809–11**

Agreed to:

Hoekstra amendment (No. 1 printed in H. Rept. 109–438) strikes a provision relating to the Freedom of Information Act in Section 421 of the Committee Amendment, relating to protection of intelligence sources and methods. The amendment clarifies that the membership of the Drug Enforcement Administration on the intelligence community is limited to the Office of National Security Intelligence of the Drug Enforcement Administration; **Pages H1800–01**

Fossella amendment (No. 2 printed in H. Rept. 109–438) authorizes $5 million for a study to be conducted by the Secretary of the Department of Homeland Security (DHS) and the Director of National Intelligence (DNI) to identify the problems and the successes of terrorist-threat information sharing between the Federal, State, and local levels of government. The amendment also authorizes $10 million to establish centers of best practices. $3 million is authorized for the following five years to cover operational expenses of the centers;

**Pages H1801–02**

Lee amendment (No. 3 printed in H. Rept. 109–438) requires a report to House and Senate Intelligence committees describing any authorization granted during the past 10 years to engage in intelligence activities related to the overthrow of a democratically elected government; **Pages H1803–04**

Price of North Carolina amendment (No. 4 printed in H. Rept. 109–438) requires: (1) the DNI to report to Congress on regulations issued by agencies within the Intelligence Community regarding minimum standards for hiring and training of contractors, functions appropriate for private sector contractors, and procedures for preventing waste, fraud, and abuse; (2) contractors awarded Intelligence Community contracts to provide a transparent accounting of their work to their contracting officers within Intelligence Community agencies; (3) the DNI to submit an annual report to Congress on the contracts awarded by Intelligence Community agencies; and (4) the

DNI to make recommendations to Congress on enhancing the Intelligence Community's ability to hire, promote, and retain highly qualified and experienced professional staff; **Pages H1804–05**

Andrews amendment (No. 5 printed in H. Rept. 109–438) requires the Director of National Intelligence to provide the Congress with a quarterly classified intelligence report on insurgent forces in Iraq. The report would contain intelligence on (1) the number of insurgent forces in Iraq, (2) the number of insurgent forces that are former members of the Ba'ath Party, (3) the number of insurgent forces that are members of al Qaeda or other known terrorist organizations, and (4) a description of where the insurgent forces are located, their capabilities and sources of funding; and **Pages H1805–06**

Renzi amendment (No. 6 printed in H. Rept. 109–438) makes findings with respect to the President's authority to protect national security information and the harm from unauthorized disclosures of classified information, and express the Sense of Congress that the President should utilize his constitutional authority to the fullest extent practicable (where warranted) to classify and protect national security information and take action against persons who commit unauthorized disclosures (by a recorded vote of 366 ayes to 56 noes with 1 voting ''present'', Roll No. 106). **Pages H1806–08**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H1812**

H. Res. 774, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote of 227 yeas to 198 nays, Roll No. 103, after agreeing to order the previous question by a yea-and-nay vote of 228 yeas to 194 nays, Roll No. 102. **Pages H1774–85**

**Tax Relief Act of 2005—Motion to Instruct Conferees:** The House completed general debate on the McDermott motion to instruct conferees on H.R. 4297, to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006. Further consideration will resume at a later date. **Pages H1813–19**

**Presidential Message:** Read a letter from the President wherein he transmitted notification of his issuance of an Executive Order blocking property of persons in connection with the terrorist act in Beirut, Lebanon, on February 14, 2005 and to take additional steps to a national emergency with respect to the Government of Syria—referred to the Committee on International Relations (H. Doc. 109–100). **Pages H1819–20**

**Senate Message:** Message received from the Senate today appears on page H1750.

**Senate Referrals:** S. Res. 443 was held at the desk.

**Quorum Calls—Votes:** Four yea-and-nay votes and three recorded votes developed during the proceedings of today and appear on pages H1783–84, H1784–85, H1785, H1785–86, H1808, H1810–11, and H1811–12. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 12:01 a.m.

# *Committee Meetings*

## FEDERAL CROP INSURANCE PROGRAM

*Committee on Agriculture:* Subcommittee on General Farm Commodities and Risk Management held a hearing to review the Federal Crop Insurance Program. Testimony was heard from John Hoeven, Governor, State of North Dakota; and public witnesses.

## ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Energy and Water Development, and Related Agencies held a hearing on Oversight of Reform of the DOE Nuclear Weapons Complex. Testimony was heard from Clay Sell, Deputy Secretary, Department of Energy; Gene Aloise, Director, National Resources and Environment, GAO; David Klein, Assistant to the Secretary, Nuclear, Chemical, and Biological Defense Programs, Department of Defense; and a public witness.

## FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Foreign Operations, Export Financing, and Related Programs held a hearing on USAID. Testimony was heard from Ambassador Randall L. Tobias, Administrator, U.S. Agency of International Development, Department of State.

## SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Science, the Departments of State, Justice, Commerce, and Related Agencies held a hearing on Bureau of Alcohol, Tobacco, Firearms and Explosives. Testimony was heard from Carl J. Truscott, Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

*Committee on Armed Services:* Subcommittee on Military Personnel approved for full Committee action

H.R. 5122, National Defense Authorization Act for Fiscal Year 2007.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

*Committee on Armed Services:* Subcommittee on Strategic Forces approved for full Committee action, as amended, H.R. 5122, National Defense Authorization Act for Fiscal Year 2007.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

*Committee on Armed Services:* Subcommittee on Tactical Air and Land Forces approved for full Committee action H.R. 5122, National Defense Authorization Act for Fiscal Year 2007.

## GULF COAST RECOVERY

*Committee on Education and the Workforce:* Held a hearing entitled ''Gulf Coast Recovery: Facing Challenges and Coming Back Stronger in Education.'' Testimony was heard from public witnesses.

## COMMUNICATIONS OPPORTUNITY, PROMOTION, AND ENHANCEMENT ACT

*Committee on Energy and Commerce:* Ordered reported, as amended, the Communications Opportunity, Promotion, and Enhancement Act.

## AMERICA's CAPITAL MARKETS

*Committee on Financial Services:* Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises held a hearing entitled ''America's Capital Markets: Maintaining Our Lead in the 21st Century.'' Testimony was heard from former Speaker of the House of Representatives Newt Gingrich of Georgia; and public witnesses.

## TITLE INSURANCE: COST AND COMPETITION

*Committee on Financial Services:* Subcommittee on Housing and Community Opportunity held a hearing entitled ''Title Insurance: Cost and Competition.'' Testimony was heard from Orice M. Williams, Director, Financial Markets and Community Investment, GAO; Gary M. Cunningham, Deputy Assistant Secretary, Regulatory Affairs and Manufactured Housing, Department of Housing and Urban Development; and public witnesses.

## TRANSIT ZONE OPERATIONS

*Committee on Government Reform,* Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled ''Transit Zone Operations: Can We Sustain Record Seizures and Declining Resources.'' Testimony was heard from James F. X. O'Gara, Deputy Director, Supply Reduction, Office of National Drug Control Policy; RADM Jeffrey Hathaway, USN, Director, Joint Interagency Task Force—South, Department of Defense; Michael Braun, Director, Operations, DEA, Department of Justice; the following officials of the Department of Homeland Security: RADM Wayne Justice, USCG, Assistant Commandant, Enforcement and Incident Management, U.S. Coast Guard; and MG Michael Kostelnick, USAF (ret.), Assistant Commissioner, Customs and Border Protection; and a public witness.

## REAL ESTATE INVESTMENT THRIFT SAVINGS ACT; REAL ESTATE INVESTMENT TRUST

*Committee on Government Reform:* Subcommittee on Federal Workforce and Agency Organization held a hearing ''Adding a Real Estate Investment Trust (REIT) Index Option to the Thrift Savings Plan: Considering the Views and Advisory Role of the Employee Thrift Advisory Council (ETAC).'' Testimony was heard from the following officials of the Federal Retirement Thrift Investment Board: Gary A. Amelio, Executive Director; and Thomas J. Trabucco, Director, External Affairs; and public witnesses.

## SAFE PORT ACT

*Committee on Homeland Security:* Ordered reported, as amended, H.R. 4954, SAFE Port Act.

## IRAQ: UPDATE ON U.S. POLICY

*Committee on International Relations:* Held a hearing on Iraq: Update on U.S. Policy. Testimony was heard from James Jeffrey, Senior Advisor to the Secretary and Coordinator for Iraq, Department of State; and the following officials of the Department of Defense: Peter W. Rodman, Assistant Secretary, International Security Affairs; and BG Michael D. Jones, USA, Deputy Director, Politico-Military Affairs (Middle East), J–5, The Joint Staff.

## ENDANGERED CHILDREN OF NORTHERN UGANDA

*Committee on International Relations:* Subcommittee on Africa, Global Human Rights and International Operations held a hearing on the Endangered Children of Northern Uganda. Testimony was heard from the following officials of the Department of State: Jeffrey Krilla, Deputy Assistant Secretary, Bureau of Democracy, Human Rights and Labor; and Leonard Rogers, Senior Deputy Assistant Administrator, U.S. Agency for International Development; and and public witnesses.

## U.S. POLICY IN CENTRAL ASIA

*Committee on International Relations:* Subcommittee on the Middle East and Central Asia continued hearings

on U.S. Policy in Central Asia: Balancing Priorities (Part II). Testimony was heard from the following officials of the Department of State: Richard A. Boucher, Assistant Secretary, South and Central Asian Affairs; and Drew W. Luten, Acting Assistant Administrator, Bureau for Europe and Eurasia, U.S. Agency for International Development; James McDougal, Deputy Assistant Secretary, Department of Defense; and public witnesses.

## U.S.-MEXICO RELATIONS

*Committee on International Relations:* Subcommittee on Western Hemisphere held a hearing on U.S.-Mexico Relations. Testimony was heard from Elizabeth A. Whitaker, Deputy Assistant Secretary, Mexico, Canada, and Public Diplomacy, Department of State; John M. Melle, Deputy Assistant Trade Representative, North America, Office of the United States Trade Representative; Audrey Adams, Deputy Assistant Commissioner, Office of International Affairs, U.S. Customs and Border Protection, Department of Homeland Security; and public witnesses.

## OVERSIGHT—DEPARTMENT OF JUSTICE

*Committee on the Judiciary:* Subcommittee on Commercial and Administrative Law held an oversight hearing on the Department of Justice: Executive Office for United States Attorneys, Civil Division, Environment and Natural Resources Division, Executive Office for United States Trustees, and Office of the Solicitor General. Testimony was heard from the following officials of the Department of Justice: Michael Battle, Director, Executive Office for United States Attorneys; Peter D. Keisler, Assistant Attorney General, Civil Division; Sue Ellen Woolridge, Assistant Attorney General, Environment and Natural Resources Division; and Clifford White, Acting Director, Executive Office for United States Trustees.

## MISCELLANEOUS WATER MEASURES

*Committee on Resources:* Subcommittee on Water and Power held a hearing on the following bills: H.R. 1711, New Mexico Water Planning Assistance Act; H.R. 4750, Lower Republican River Basin Study Act; and S. 166, Deschutes River Conservancy Reauthorization Act of 2005. Testimony was heard from Larry Todd, Deputy Commissioner, Bureau of Reclamation, Department of the Interior; and public witnesses.

## LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT

*Committee on Rules:* Granted, by a vote of 9 to 2, a structured rule providing one hour of general debate on H.R. 4975, to provide greater transparency with respect to lobbying activities, and for other purposes, equally divided and controlled by the Majority Leader and the Minority Leader, or their designees. The rule waives all points of order against consideration of the bill. The rule provides that in lieu of the amendments recommended by the Committees on the Judiciary, Rules, and Government Reform now printed in the bill, the amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated April 21, 2006, modified by the amendment printed in part A of the Rules Committee report accompanying the resolution shall be considered as adopted in the House and in the Committee of the Whole. The rule provides that the bill, as amended, shall be considered as the original bill for purpose of further amendment, and shall be considered as read. The rule makes in order only those amendments printed in part B of the Rules Committee report, which 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 amendments printed in part B of the Rules Committee report. The rule provides one motion to recommit with or without instructions.

The rule provides that in the engrossment of H.R. 4975, the Clerk shall add the text of H.R. 513, as passed by the House, as new matter at the end of H.R. 4975 and shall make appropriate conforming changes. The rule provides that after the passage of H.R. 4975, it shall be in order to take from the Speaker's table S. 2349 and to consider the Senate bill in the House. The rule waives all points of order againt consideration of the Senate bill. The rule provides that it shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 4975 as passed by the House. The rule waives all points of order against that motion. Finally, the rule provides that if that motion is adopted and the Senate bill, as amended, is passed, it then shall be in order to move that the House insist on its amendment to the Senate bill and request a conference thereon. Testimony was heard from Chairman Tom Davis of Virginia and Representatives Daniel E. Lungren of California, King of Iowa, Gohmert, Shays, Leach, Hefley, Castle, Wicker, Shadegg, Kirk, Garrett of New Jersey, Conyers, Jackson-Lee of Texas, Waters, Meehan, Van Hollen, Waxman, Obey, George Miller of California, Doggett, Sherman, Bordallo, Emanuel, and Bean.

## CUTTING THE TRADE DEFICIT

*Committee on Small Business:* Held a hearing entitled "Cutting Our Trade Deficit: Can the U.S. Muster Its Diverse Trade Promotion Operations to Make an Impact?" Testimony was heard from Representative Mica; Franklin Lavin, Under Secretary, International Trade, Department of Commerce; Loren Yager, Director, International Affairs and Trade, GAO; and public witnesses.

## OVERSIGHT—U.S. RAIL CAPACITY CRUNCH

*Committee on Transportation and Infrastructure:* Subcommittee on Railroads held an oversight hearing on the U.S. Rail Capacity Crunch. Testimony was heard from Joseph Boardman, Administrator, Federal Railroad Administration, Department of Transportation; Frank Busalacchi, Secretary, Department of Transportation, State of Wisconsin; and public witnesses.

## OVERSIGHT—CORPORATE COMMITMENT TO HIRING VETERANS

*Committee on Veterans' Affairs:* Held an oversight hearing on Corporate Commitment to Hiring Veterans. Testimony was heard from public witnesses.

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## COMMITTEE MEETINGS FOR THURSDAY, APRIL 27, 2006

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Appropriations:* Subcommittee on Transportation, Treasury, the Judiciary, and Housing and Urban Development, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2007 for the Internal Revenue Service, Department of the Treasury, 9:30 a.m., SD–138.

Subcommittee on Legislative Branch, to resume hearings to examine the progress of the Capitol Visitor Center construction, 10:30 a.m., SD–124.

*Committee on Armed Services:* to hold a closed briefing on operations and intelligence, 10 a.m., SR–222.

*Committee on Commerce, Science, and Transportation:* Subcommittee on Disaster Prevention and Prediction, to hold hearings to examine drought issues, 10 a.m., SD–562.

*Committee on Foreign Relations:* Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs, to hold hearings to examine the progress of implementing the Western Hemisphere Travel Initiative, 2:30 p.m., SD–419.

*Committee on the Judiciary:* business meeting to consider the nominations of Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit, Brett M. Kavanaugh, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit, Michael Ryan Barrett, to be United States District Judge for the Southern District of Ohio, Brian M. Cogan, to be United States District Judge for the Eastern District of NewYork, Thomas M. Golden, to be United States District Judge for the Eastern District of Pennsylvania, Timothy Anthony Junker, to be United States Marshal for the Northern District of Iowa, and Patrick Carroll Smith, Sr., of Maryland, to be United States Marshal for the Western District of North Carolina, S. 2557, to improve competition in the oil and gas industry, to strengthen antitrust enforcement with regard to industry mergers, S. 2453, to establish procedures for the review of electronic surveillance programs, S. 2455, to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, S. 2468, to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, S. 2292, to provide relief for the Federal judiciary from excessive rent charges, S. 489, to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and S.J. Res. 1, proposing an amendment to the Constitution of the United States relating to marriage, 9:30 a.m., SD–226.

Full Committee, to hold hearings to examine renewing the temporary provisions of the Voting Rights Act, 2:30 p.m., SD–226.

*Committee on Veterans' Affairs:* business meeting to consider the nomination of Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits of the Department of Veterans Affairs; to be followed by a hearing on issues relating to VA research, 10 a.m., SR–418.

*Select Committee on Intelligence:* closed business meeting to consider pending calendar business, 2:30 p.m., SH–219.

### House

*Committee on Agriculture,* hearing to review the Futures Market and Gasoline Prices, 10 a.m., 1300 Longworth.

*Committee on Appropriations,* Subcommittee on Science, the Departments of State, Justice, Commerce, and Related Agencies, on SEC, 10 a.m., H–309 Capitol.

*Committee on Armed Services,* Subcommittee on Projection Forces, to mark up H.R. 5122, National Defense Authorization Act for Fiscal Year 2007, 11 a.m., 2212 Rayburn.

Subcommittee on Readiness, to mark up H.R. 5122, National Defense Authorization Act for Fiscal Year 2007, 9 a.m., 2118 Rayburn.

Subcommittee on Terrorism, Unconventional Threats and Capabilities, to mark up H.R. 5122, National Defense Authorization Act for Fiscal Year 2007, 1 p.m., 2118 Rayburn.

*Committee on Education and the Workforce,* Subcommittee on Workforce Protections, hearing entitled "Examining the Use of Non-Consensus Standards in Workplace Health and Safety," 10:30 a.m., 2175 Rayburn.

*Committee on Energy and Commerce,* Subcommittee on Energy and Air Quality, hearing on Pipeline Safety: A Progress Report Since the Enactment of the Pipeline Safety Improvement Act of 2002, 10 a.m., 2322 Rayburn.

Subcommittee on Health, hearing entitled ''Reauthorizing the Ryan White CARE Act: How to Improve the Program to Ensure Access to Care,'' 9 a.m., 2123 Rayburn.

*Committee on Financial Services,* Subcommittee on Domestic and International Monetary Policy, Trade and Technology, hearing entitled ''CFIUS and the Role of Foreign Direct Investment in the United States,'' 11 a.m., 2128 Rayburn.

*Committee on Government Reform,* hearing entitled ''Financial Friendly Fire: A Review of Persistent Military Pay Problems,'' 10 a.m., 2154 Rayburn.

*Committee on Homeland Security,* Subcommittee on Intelligence, Information Sharing and Terrorism, executive, briefing on the GAO report Information Sharing: The Federal Government Needs to Establish Policies and Processes for Sharing Terrorism-Related and Sensitive but Unclassified Information (GAO–06–385). 10 a.m., 311 Cannon.

*Committee on International Relations,* hearing on United Nations Reform: Improving Internal Oversight Within the UN, 1 p.m., 2172 Rayburn.

Subcommittee on Asia and the Pacific and the Subcommittee on Africa, Global Human Rights and International Operations, joint hearing on North Korea: Human Rights Update and International Abduction Issues, 10 a.m., 2172 Rayburn.

*Committee on the Judiciary,* Subcommittee on the Constitution, oversight hearing on the Constitution and Line Item Veto, 2 p.m., 2141 Rayburn.

Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on Patent Harmonization, 9 a.m., 2141 Rayburn.

*Committee on Resources,* oversight hearing on The Report by the Administration's Task Force on Puerto Rico's Status, 10 a.m., 1324 Longworth.

Subcommittee on Forests and Forest Health, oversight hearing on the GAO Report on Promoting Woody Biomass for Energy and Other Uses, 1 p.m., 1334 Longworth.

Subcommittee on National Parks, hearing on the following bills: H.R. 1796, Mississippi River Trail Study Act; H.R. 3085, to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, and components, and campgrounds associated with that trail; and H.R. 4612 Wright Brothers-Dunbar National Historic Park Designation Act, 2:30 p.m., 1324 Longworth.

*Committee on Science,* hearing on H.R. 5143, H-Prize Act of 2006, 9:30 a.m., 2318 Rayburn.

*Committee on Small Business,* Subcommittee on Workforce Empowerment and Government Programs, hearing entitled ''Healthcare and Small Business: Proposals That Will Help Lower Costs and Cover the Uninsured,'' 10:30 a.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure,* Subcommittee on Coast Guard and Maritime Transportation, oversight hearing on Implementation of the Oil Pollution Act, 10 a.m., 2167 Rayburn.

*Committee on Veterans' Affairs,* Subcommittee on Economic Opportunity, hearing on the following: H.R. 4791, Disabled Veterans Adaptive Housing Improvement Act; the Veterans Employment State Grant Improvement Act of 2006; the GI Bill Flexibility Act of 2006; the Veterans and Credentialing Act of 2006; and a proposal to amend to H.R. 3082, Veterans-Owned Small Business Promotion Act of 2005, 1:30 p.m., 334 Cannon.

*Permanent Select Committee on Intelligence,* executive, briefing on Global Updates/Hotspots, 9 a.m., H–405 Capitol.

## Joint Meetings

*Joint Economic Committee:* to hold hearings to examine the current economic outlook, 10 a.m., SH–216.

*Next Meeting of the* SENATE

9:30 a.m., Thursday, April 27

Senate Chamber

**Program for Thursday:** After the transaction of any morning business (not to extend beyond 30 minutes), Senate will continue consideration of H.R. 4939, Emergency Supplemental Appropriations.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

9 a.m., Thursday, April 27

House Chamber

**Program for Thursday:** Consideration of H.R. 4975—Lobbying Accountability and Transparency Act of 2006 (Subject to a Rule).

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