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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BOUSTANY).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC, *May 16, 2006*.

I hereby appoint the Honorable CHARLES W. BOUSTANY, Jr. to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

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

NSA'S PHONE RECORDS PROGRAM

Mr. DEFAZIO. I thank the Chair.

Well, when we first heard about widespread wiretapping by the administration without legal authority under the Federal Intelligence Surveillance Act, the President said not to worry, just a handful of individuals, and only when they are communicating with people outside the U.S. Well, maybe not a handful. Maybe a few hundred. No, maybe 10,000 or thousands.

Oops. Now it actually turns out that they are monitoring and have asked for the records of the phone calls of hundreds of millions of Americans. Over a trillion phone call records, we are told. They say they need this to protect America. What are they going to do with this mountain of data? They are going to apply a complicated mathematical algorithm to it and they are going to find some terrorists. Thus far they have raided two takeout services and one call center. That is what they have yielded from this. How about good old-fashioned intelligence with humans and police work?

Let's look at the bungling that led up to 9/11. Actually the new nominee who headed the NSA who has perhaps perjured himself about these billions of monitored records, he had in his hands a communication from al Qaeda on 9/11, actually on 9/10, saying, tomorrow is zero hour. But the NSA didn't bother to translate that until after 9/11.

Then we had the FBI. Now, Agent Samit said he had a communication about Moussaoui from French intelligence in August after he had been arrested by the FBI saying he was very dangerous, indoctrinated in radical Islamic fundamentalism, completely devoted to radical fundamentalism and Osama bin Laden. But his superiors didn't think that was enough to give him a warrant to open Moussaoui's computer and perhaps stop 9/11.

That's why we need to monitor the phone calls of billions of phone calls made by Americans, because of the incompetence of the people running these agencies.

Now, Agent Samit sent a letter to FBI headquarters accusing Moussaoui of plotting international terrorism and air piracy. This is August. August, before 9/11. Then Agent Rowley came forward and also gave us the same information. Agent Samit also asked for help from the FBI's London, Paris and Oklahoma City offices, FBI headquarters, CIA counterterrorism center, Secret Service, Immigration and Naturalization Service, Federal Aviation Administration, an intelligence agency not identified but presumed to be the National Security Agency headed by General Hayden who failed to translate the warning before 9/11. But we need to monitor the phone calls of law-abiding Americans, billions of them. What a wild goose chase. They want to cover up the extraordinary incompetence that allowed these stumblebums to launch a devastating attack on America by saying they are doing something now by monitoring billions of phone calls. This is absolutely outrageous.

Let's go back a little further. There were two other guys involved, Nawafal Hazmi and Khalid al Mihdhar. Now, they were tracked to the planning meeting, pretty good work, by the CIA over in Southeast Asia. That's good. Unfortunately, they didn't have listening devices, they didn't have agents go through them, they didn't know what they were planning, but they knew they were bad guys planning something. Then they lost track of them. Where did they go? Well, they traveled legally to the United States of America with visas issued by the Bush State Department, they lived openly in San Diego with listed phone numbers, but they were never visited or monitored by the FBI or anybody else, even though the CIA knew these were bad guys.

But what are we going to do in response to this incompetence? Well, we'll give the people involved gold medals and great retirements. Mr. Tenet, who was heading the CIA, he got a gold medal for freedom from the President. No one has ever taken the fall for this incompetence. Now, instead, they are trying to divert us and say, what we're going to do is monitor all the telephone conversations of all Americans and apply a mathematical algorithm. So the next time we have a terrorist in hand, we won't open his computer, either, because we'll be watching the algorithms and the phone calls of law-abiding Americans.

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What unbelievable incompetence on the part of this administration, in addition to law-breaking. The American people are not well served by this. We need to clean up this mess and truly protect America.

NEWBORN SCREENING SAVES LIVES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentlewoman from California (Ms. ROYBAL-ALLARD) is recognized during morning hour debates for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, this past Sunday was Mother's Day. Across our Nation, America's mothers were honored with cards, gifts, flowers and phone calls. But for any mother, the most precious gift of all is a strong and healthy baby. Today, to help ensure that mothers receive that most precious of gifts, I am introducing the Newborn Screening Saves Lives Act of 2006.

Newborn screening is a public health intervention that involves a simple blood test used to identify many life-threatening genetic illnesses before any symptoms begin. Approximately 5,000 babies are born each year with detectable and treatable disorders. Forty years ago, these disorders would have gone undetected until symptoms appeared. As a result, these children unnecessarily died or suffered lifelong disabling consequences. Today, these severe disorders, mostly inborn errors of metabolism, can be detected in newborn babies and treated in time to prevent serious complications. But due to the fact that a national newborn screening law does not exist in this country, there is great disparity and variation from State to State in the quality and number of newborn screening tests an infant may receive. Consequently, each year approximately 2,000 infants are permanently disabled or die from otherwise treatable disorders. This bill could prevent these tragedies and save millions of dollars in health care costs to both families and States.

The Newborn Screening Act of 2006 seeks to eliminate these unnecessary deaths and severe disabilities by educating parents and health care professionals about the advisability of newborn screening and improves the system for follow-up care for infants detected with an illness through the newborn screening tests. The bill encourages States to uniformly test for all recommended disorders and provides resources for States to expand and improve their newborn screening programs. It also requires the CDC to ensure the quality of laboratories involved in newborn screening and establishes a system for collecting and analyzing data that will help researchers develop better detection, prevention and treatment strategies.

Mr. Speaker, somewhere in our country today, there is a mother holding her newborn son or daughter totally unaware that her seemingly healthy baby is being attacked by a genetic disease because her State or birthing facility did not offer the one test that could have provided her with this critical information. If she knew, she could have begun the treatment needed to protect her baby from permanent disability or death.

Mr. Speaker, we have the power to help prevent this tragedy. By passing the Newborn Screening Saves Lives Act of 2006, we can ensure that parents and health providers are knowledgeable about newborn screening and that babies receive the comprehensive and consistent testing they need. It is a challenge we simply cannot ignore.

I urge my colleagues to join me in presenting a Mother's Day gift to the 4 million women who give birth each year by becoming cosponsors of the Newborn Screening Saves Lives Act of 2006 and helping to pass it into law.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 41 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

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

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal God, You are forever faithful.

Our history reveals Your constant protection and guidance of this Nation, so we have placed all our trust in You.

As Your faithful people, we are always optimistic about the future because we rely not on human endeavor alone, but upon Your promises. ''I am Your Lord God. I am with You.''

As Your people, we become a people filled with promise. That does not mean we expect to see everything fulfilled according to our own timing. We simply mull over the seed of promise in our own hearts and plant Your promises in others.

With hope rooted in Your promises, O Lord, we foster the growth of vision in a world of neighbors and in the next generation by what we say and how we act. You alone fulfill every promise and will recreate the face of the earth now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. KELLER 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.

NATIONAL GUARD TROOPS BELONG ON THE BORDER

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

Mr. KELLER. Madam Speaker, I rise today to applaud President Bush's decision to place additional National Guard troops on the Mexican border. I recently returned from a week long trip to the Mexico-California border. And as this photograph shows, I met with National Guard troops who were constructing a border security fence in the San Diego area.

President Bush's decision has been criticized from two sources.

First, some American politicians have complained that National Guard troops have no business being involved with border security. Well, this photograph clearly shows that National Guard troops are already playing a key role in helping to secure our borders.

Second, Mexico's President Vicente Fox complained about the U.S. possibly militarizing our border. This is the height of hypocrisy. Mexico was the first one to put their military on their southern border to stop illegals from coming into Mexico from Guatemala.

The American people want less whining from the open borders crowd and more action from the rest of us to secure our borders. This is a step in the right direction.

RECOGNIZING ELIZABETH STEPP

(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, thousands of high school students across America are participating in Poetry Out Loud, a national competition which helps students master public speaking skills and learn about their literary heritage.

On April 8, Elizabeth Stepp proudly represented Richland Northeast High School in the 2006 National Endowment for the Arts South Carolina Poetry Out Loud State Competition. After performing poetry before Poet Laureate Marjory Wentworth and Kwame Dawes, founder of the South Carolina Poetry Initiative, Elizabeth was awarded the South Carolina State Championship.

Tonight Elizabeth will represent South Carolina in the Poetry Out Loud

National Finals held at the Lincoln Theater in Washington. As she prepares for this exciting event, I would like to recognize her tremendous accomplishment and wish her best wishes for continued success.

In conclusion, God bless the memory of Congressman Sonny Montgomery, God bless our troops, and we will never forget September 11.

BLACK CLOTH OF SACRIFICE

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

Mr. POE. Madam Speaker, today I would like to remember the 155 men and women ripped from the ranks, gunned down, stabbed, ambushed, killed. Not soldiers in Iraq or Afghanistan, but American peace officers fighting an insurgency on American streets.

We honor those who died and those who survive them. They drape their badges in the black cloth of sacrifice to respect their fellow warriors. They lay their friends to rest, but they still risk their own lives to protect and serve.

One of the 13 Texas officers murdered last year, Officer Hank Nava, Jr., of Fort Worth, was savagely gunned down by an outlaw on parole who shot Officer Nava in the face.

Just days ago, Detective Vicky Armel of Fairfax County, Virginia, was ambushed by a street punk firing more than 70 rounds from an attack rifle.

We do not know the agony of these officers, but we know their indifference to danger. This Police Week we honor the honorable. We give our gratitude to police officers nationwide for their courage. We say thank you to those who turn toward turmoil so that we may turn toward safety.

And that's just the way it is.

NATIONAL GUARD IS A GOOD FIRST STEP

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

Mr. PRICE of Georgia. Madam Speaker, last night the President spoke to the American people about his plan for establishing a secure border and a sound immigration policy.

The highlight of President Bush's plans is to send up to 6,000 National Guard troops to assist Border Patrol agents, and I applaud the President for taking steps necessary to try and secure the borders. For far too long this Nation has had a policy of benign neglect, one that has left our system of immigration fundamentally broken. National Guard troops are an excellent short-term solution. However, this action must not be part of a real effort to enforce our laws and must not be coupled with a thinly veiled attempt to grant amnesty. The American people want assurances that our sovereignty and security are being respected.

America is a nation of immigrants. It is built upon the dreams and sacrifices of those who came to share in our common goals of liberty, fairness and adherence to law. It is in celebration of these principles and in honor of those who came before us that we should act in respect for law and in respect for liberty.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. 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 tomorrow.

RIGHT-TO-RIDE LIVESTOCK ON FEDERAL LANDS ACT OF 2005

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 586) to preserve the use and access of pack and saddle stock animals on public lands, including wilderness areas, national monuments, and other specifically designated areas, administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service where there is a historical tradition of such use, and for other purposes.

The Clerk read as follows:

H.R. 586

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 ''Right-to-Ride Livestock on Federal Lands Act of 2005''.

SEC. 2. USE AND ACCESS OF PACK AND SADDLE ANIMALS ON PUBLIC LANDS.

(a) NATIONAL PARK SYSTEM LANDS.—Section 12 of Public Law 91–383 (16 U.S.C. 1a–7) is amended by adding at the end the following new subsection:

''(c) USE AND ACCESS OF PACK AND SADDLE ANIMALS.—

''(1) GENERAL RULE.—The Secretary of the Interior shall provide for the management of National Park System lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) RULES OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

''(A) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

''(B) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

''(C) to create a preference for one recreational use for any unit of the National Park System, without consideration of the stated purpose of the unit.''.

(b) BUREAU OF LAND MANAGEMENT LANDS.—Section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732) is amended by adding at the end the following new subsection:

''(e) USE AND ACCESS OF PACK AND SADDLE ANIMALS.—

''(1) GENERAL RULE.—The Secretary shall provide for the management of public lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) RULES OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

''(A) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

''(B) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

''(C) to create a preference for one recreational use for any area of the public lands, without consideration of the stated purpose of the area.''.

(c) NATIONAL WILDLIFE REFUGE SYSTEM LANDS.—Section 4(d) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(d)) is amended by adding at the end the following new paragraph:

''(5)(A) The Secretary shall provide for the management of System lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(B) Nothing in subparagraph (A) shall be construed—

''(i) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

''(ii) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

''(iii) to create a preference for one recreational use for any unit of the System,

without consideration of the stated purpose of the unit.''.

(d) NATIONAL FOREST SYSTEM LANDS.—Section 15 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1613) is amended—

(1) by inserting ''(a)'' before ''Regulations''; and

(2) by adding at the end the following new subsection:

''(b) USE AND ACCESS OF PACK AND SADDLE ANIMALS.—

''(1) GENERAL RULE.—The Secretary shall provide for the management of National Forest System lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) RULES OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

''(A) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

''(B) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

''(C) to create a preference for one recreational use for any unit of the National Forest System, without consideration of the stated purpose of the unit.''.

(e) ISSUANCE OF RULES.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall issue final rules to define the meaning of a historical tradition of use of pack and saddle stock animals on Federal lands for purposes of the amendments made by this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Members may be given 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 California?

There was no objection.

Mr. RADANOVICH. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I am the author of H.R. 586, which is identical to the legislation that passed the House of Representatives in the 108th Congress. This bill would preserve the use and access of pack and saddle stock animals on our public lands where there is a historic traditional use.

Perhaps no other activity is more synonymous with the exploration of our vast open lands than that of the use of pack and saddle stock. Who could forget those images of President Teddy Roosevelt and John Muir on horseback at what was to become the Grand Canyon and Yosemite National Parks?

While some may claim that this bill singles out pack and saddle use and affords it greater consideration than other forms of recreation or commercial use, I would argue that the pack and saddle use has played a fair and greater historic role on our public lands, particularly in our western States than simply recreation. What may be perceived by some today as recreation was once a vital part of everyday living throughout our Nation's history.

In addition, this bill in no way diminishes the Secretary of the Interior's ability to implement emergency closures or permanent reductions in the use and access of these pack and stock animals after complying with the full public review process required under the National Environmental Policy Act.

H.R. 586 codifies our commitment to access and to preserving one of the most fundamental and truly historic ways to experience our public lands. I urge its adoption.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. KIND. Madam Speaker, H.R. 586 has a checkered history. While there has been no action by the Resources Committee on the legislation in this Congress, questions and concerns were raised about identical legislation in the last session of Congress. In fact, the Bush administration has gone on record saying the legislation was both unnecessary and unwise.

Numerous recreational uses occur on our public lands, including hunting, fishing, hiking, camping. Singling out the recreational use of pack and saddle animals for special treatment creates the potential for conflict with these other recreational uses and complicates resource management of the public lands. At the very least, I think the Resources Committee should take time out of our schedule this session to explore the ramifications of what is being requested here. This will be the only recreational use codified in law.

With this noted, however, I will not object to the further consideration of this measure at this time. I appreciate my good friend and gentleman from California's interest in the subject. In fact, our office has received some e-mails and letters on this very subject ourselves.

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

Mr. RADANOVICH. Madam Speaker, I would like to introduce into the RECORD a letter from Chairman GOODLATTE of Virginia. The Committee on Agriculture also received jurisdiction on this bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, May 15, 2006.

Hon. RICHARD POMBO,
Chairman, Committee on Resources,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for notifying the Committee on Agriculture with regards to your intention to move H.R. 586, a bill entitled as the ''Right-to Ride Livestock on Federal Lands Act of 2005'', under suspension of the rules.

As you are aware, the Committee on Agriculture received an additional referral of this legislation on those provisions of H.R. 586 that fall within this Committee's jurisdiction. However, after conferring with Chairman GUTKNECHT of the Subcommittee on Department Operations, Oversight, Nutrition, and Forestry, I will be glad to waive further consideration of this measure so as to allow its timely consideration by the entire House of Representatives.

This action is not intended to waive this Committee's jurisdiction over this matter for all purposes, and in the event a conference with the Senate is requested in this matter, I would ask you to support the Committee on Agriculture's request to be represented.

Thank you very much for your courtesy in this matter and I look forward to continued cooperation between our Committees as we deal with these issues in the future.

Sincerely,

BOB GOODLATTE,
Chairman.

Mr. RAHALL. Madam Speaker, as the Ranking Democratic Member of the Resources Committee I would first observe that we on this side of the aisle also cherish the proud American tradition of horsemanship.

Whether it be thoroughbreds—and a potential Triple Crown winner this year possibly in the making judging from Barbaro's smashing performance in the Kentucky Derby—Appaloosas, Arabians, Clydesdales, our wild Mustangs on the Western Plains, Palominos, and even the Chincoteague Pony made famous by the book "Misty," our country's history and indeed, still in the present, is deeply intertwined with the horse.

With that noted, while we will not object to the consideration of H.R. 586 today, there are certain problems with the legislation. In effect, the bill hampers the ability of local federal land managers to administer trails under their jurisdiction in a flexible fashion taking into account changed local circumstances. In effect, the pending bill says that trails historically open to pack and saddle stock horses shall always remain open to them within units of our National Park System, National Forest System, Wildlife Refuges and BLM lands. This not only ties the hands of the local land managers to make adjustments if warranted, but appears to be a nationwide rubber stamp approach to what has not been a national problem with respect to public trail usage.

I would observe there is one out, one means to make a change in the horse first rule this legislation advances, and that would be to go through a full-scale review under the National Environmental Policy Act. Here, I applaud those of my colleagues who are promoting this legislation because many of these have consistently voted in the Resources Committee to overturn, override, and exempt the application of NEPA to other matters.

I am also concerned about the precedent we are setting here. It is my understanding that the American Horse Council fully backs the pending bill. A noble organization, which does good service for the equine community. Yet, what if the American Motorcyclist Association catches wind of this bill. Can we expect a counter proposal from them, to make trails open to off-road motorcycles also deemed to be the highest and best use of public trails. I would expect their members would not want to be viewed as second class citizens when it comes to trail use. And the hikers, the bikers, the ATV groups. The list goes on.

With that Madam Speaker, I have some trepidation over the course this legislation sets, and this comes from a gentleman who is a strong defender of our horse tradition in this country.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 586.

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

A motion to reconsider was laid on the table.

ALLOWING ASSINIBOINE AND SIOUX TRIBES OF FORT PECK INDIAN RESERVATION TO ENTER INTO A LEASE OR OTHER TEMPORARY CONVEYANCE OF WATER RIGHTS

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2978) to allow the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation to enter into a lease or other temporary conveyance of water rights recognized under the Fort Peck-Montana Compact for the purpose of meeting the water needs of the Dry Prairie Rural Water Association, Incorporated, and for other purposes.

The Clerk read as follows:

H.R. 2978

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

SECTION 1. MONTANA INDIAN TRIBES; AGREEMENT WITH DRY PRAIRIE RURAL WATER ASSOCIATION, INCORPORATED.

(a) IN GENERAL.—The Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation (referred to in this section as the ''Tribes'') may, with the approval of the Secretary of the Interior, enter into a lease or other temporary conveyance of water rights recognized under the Fort Peck-Montana Compact (Montana Code Annotated 85–20–201) for the purpose of meeting the water needs of the Dry Prairie Rural Water Association, Incorporated (or any successor entity), in accordance with section 5 of the Fort Peck Reservation Rural Water System Act of 2000 (Public Law 106–382; 114 Stat. 1454).

(b) CONDITIONS OF LEASE.—With respect to a lease or other temporary conveyance described in subsection (a)—

(1) the term of the lease or conveyance shall not exceed 100 years;

(2) the lease or conveyance may be approved by the Secretary of the Interior without monetary compensation to the Tribes; and

(3) the Secretary of the Interior shall not be subject to liability for any claim or cause of action relating to the compensation or consideration received by the Tribes under the lease or conveyance.

(c) NO PERMANENT ALIENATION OF WATER.—Nothing in this section authorizes any permanent alienation of any water by the Tribes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. 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 bill under consideration.

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

There was no objection.

□ 1415

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

H.R. 2978, introduced by our colleague DENNIS REHBERG of Montana, allows two Fort Peck Indian Reservation Tribes to lease water to nearby non-Indian communities.

In northeastern Montana, water supplies are very scarce. For this reason Congress authorized a rural water supply protection for the Fort Peck Indian Reservation and some of its neighbors a few years ago. As the project is now under construction, water users realize that the underlying law needs to be clarified in order to ensure a water transfer. This bill makes this commonsense clarification on the Federal level. The State Water Commission has already approved the conveyance, and I urge my colleagues to support this noncontroversial bill.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. KIND. Madam Speaker, simply put, H.R. 2978 brings much-needed clean drinking water to over 31,000 residents of northeastern Montana. It does so by bringing together the plans of these tribes and the Dry Prairie Rural Water Association to convey water from an area of surplus to an area of need, with no compensation being asked and with full recognition and protection of the tribes' water rights.

Too often in this body, we are witness to conflicts over resources, and this is especially true for the limited precious water supply that we have. This bill is a welcomed departure from all of that.

Madam Speaker, we strongly support the adoption of H.R. 2978.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 2978.

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

A motion to reconsider was laid on the table.

COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF 2005

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1869) to reauthorize the Coastal Barrier Resources Act, and for other purposes.

The Clerk read as follows:

S. 1869

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 ''Coastal Barrier Resources Reauthorization Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

(1) OTHERWISE PROTECTED AREA.—The term ''otherwise protected area'' has the meaning given the term in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591).

(2) PILOT PROJECT.—The term ''pilot project'' means the digital mapping pilot project authorized under section 6 of the Coastal Barrier Resources Reauthorization Act of 2000 (16 U.S.C. 3503 note; Public Law 106–514).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) SYSTEM UNIT.—The term ''System unit'' has the meaning given the term in section 3 of the Coastal Barrier Resources Act (16 U.S.C. 3502).

SEC. 3. DIGITAL MAPPING PILOT PROJECT FINALIZATION.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report regarding the digital maps of the System units and otherwise protected areas created under the pilot project.

(b) CONSULTATION.—The Secretary shall prepare the report required under subsection (a)—

(1) in consultation with the Governors of the States in which any System units and otherwise protected areas are located; and

(2) after—

(A) providing an opportunity for the submission of public comments; and

(B) considering any public comments submitted under subparagraph (A).

(c) CONTENTS.—The report required under subsection (a) shall contain—

(1) the final recommended digital maps created under the pilot project;

(2) recommendations for the adoption of the digital maps by Congress;

(3) a summary of the comments received from the Governors of the States, other government officials, and the public regarding the digital maps;

(4) a summary and update of the protocols and findings of the report required under section 6(d) of the Coastal Barrier Resources Reauthorization Act of 2000 (16 U.S.C. 3503 note; Public Law 106–514); and

(5) an analysis of any benefits that the public would receive by using digital mapping technology for all System units and otherwise protected areas.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $500,000 for each of fiscal years 2006 through 2007.

SEC. 4. DIGITAL MAPPING PROJECT FOR THE REMAINING JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM UNITS AND OTHERWISE PROTECTED AREAS.

(a) IN GENERAL.—The Secretary shall carry out a project to create digital versions of all of the John H. Chafee Coastal Barrier Resources System maps referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), including maps of otherwise protected areas, that were not included in the pilot project.

(b) DATA.—

(1) USE OF EXISTING DATA.—To the maximum extent practicable, in carrying out the project under this section, the Secretary shall use any digital spatial data in the possession of Federal, State, and local agencies, including digital orthophotos, color infrared photography, wetlands data, and property parcel data.

(2) PROVISION OF DATA BY OTHER AGENCIES.—The head of a Federal agency that possesses any data referred to in paragraph (1) shall, on request of the Secretary, promptly provide the data to the Secretary at no cost.

(3) PROVISION OF DATA BY NON-FEDERAL AGENCIES.—State and local agencies and any other non-Federal entities that possess data referred to in paragraph (1) are encouraged, on request of the Secretary, to promptly provide the data to the Secretary at no cost.

(4) ADDITIONAL DATA.—If the Secretary determines that any data necessary to carry out the project under this section does not exist, the Director of the United States Fish and Wildlife Service shall enter into an agreement with the Director of the United States Geological Survey under which the United States Geological Survey, in cooperation with the heads of other Federal agencies, as appropriate, shall obtain and provide to the Director of the United States Fish and Wildlife Service the data required to carry out this section.

(5) DATA STANDARDS.—All data used or created to carry out this section shall comply with—

(A) the National Spatial Data Infrastructure established by Executive Order No. 12906 (59 Fed. Reg. 17671); and

(B) any other standards established by the Federal Geographic Data Committee established by the Office of Management and Budget circular numbered A–16.

(c) REPORT.—

(1) IN GENERAL.—Not later than 5 years after the submission of the report under section 3(a), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report regarding the digital maps created under this section.

(2) CONSULTATION.—The Secretary shall prepare the report required under paragraph (1)—

(A) in consultation with the Governors of the States in which the System units and otherwise protected areas are located; and

(B) after—

(i) providing an opportunity for the submission of public comments; and

(ii) considering any public comments submitted under clause (i).

(3) CONTENTS.—The report required under paragraph (1) shall contain—

(A) a description of the extent to which the boundary lines on the digital maps differ from the boundary lines on the original maps;

(B) a summary of the comments received from Governors, other government officials, and the public regarding the digital maps created under this section;

(C) recommendations for the adoption of the digital maps created under this section by Congress;

(D) recommendations for expansion of the John H. Chafee Coastal Barrier Resources System and otherwise protected areas, as in existence on the date of enactment of this Act;

(E) a summary and update on the implementation and use of the digital maps created under the pilot project; and

(F) a description of the feasibility of, and the amount of funding necessary for—

(i) making all of the System unit and otherwise protected area maps available to the public in digital format; and

(ii) facilitating the integration of digital System unit and otherwise protected area boundaries into Federal, State, and local planning tools.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2006 through 2010.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is amended by striking ''2001, 2002, 2003, 2004, and 2005'' and inserting ''2006 through 2010''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Members may be given 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 California?

There was no objection.

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

This legislation, which was introduced by the distinguished chairman of the Senate Environment and Public Works Committee, would extend the authorization of appropriations for the Coastal Barrier Resources Act until September 30, 2010.

This law, first enacted in 1982, governs the John H. Chafee Coastal Barrier Resources System, which is made up of coastal barrier units delineated on maps adopted by Congress. Today this system is comprised of 856 units and more than 3 million acres of fastland and associated aquatic habitat.

In addition to allowing the Fish and Wildlife Service to continue to administer this vital program, the bill authorizes the digital mapping of the entire coastal barrier system. After more than 20 years of using outdated and many times inaccurate paper maps, it is time we provided this agency with the money to utilize modern technology.

According to the Department of the Interior, the Coastal Barrier Resources Act has saved the taxpayers in excess of $1.2 billion. Inclusion of this property within the Coastal Barrier Resources System does not prevent private development of the land, and the Fish and Wildlife Service is responsible for advising landowners whether their coastal property is within the boundaries of the system. Due to the nature of the existing maps, Congress has approved several technical corrections to the bills that have restored Federal flood insurance to taxpayers who were unfairly penalized by mapping errors.

I compliment Senator JAMES INHOFE for moving this program into the 21st century. I urge adoption of S. 1869.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. KIND. Madam Speaker, as described by the previous speaker, this legislation would reauthorize the Coastal Barrier Resources Act for another 5 years.

The very essence of the John H. Chafee Coastal Barrier Resources System is the series of paper maps that identify every undeveloped coastal barrier land form lying along the coasts of the Atlantic Ocean, the Gulf of Mexico, and the Great Lakes.

In the quarter century that has elapsed since the time these maps were first created, there has been a quantum leap in the development of modern information technologies, especially technologies for utilizing geographic and other spatial data.

This legislation would authorize the U.S. Fish and Wildlife Service to transition from the current series of paper maps to a new, modern, digital data format. In the end, a digitized database should produce map products at a lower cost that are far more accurate, accessible, and easy to use to the general public.

In order to allow the service to begin this overdue process at the earliest possible date, Fisheries Subcommittee Chairman WAYNE GILCHREST and ranking Democratic member on the Fisheries Subcommittee, Congressman FRANK Pallone, and the respective staffs have worked closely with the other body to develop this important piece of legislation.

I commend Mr. GILCHREST and Mr. PALLONE for their cooperation, and I urge Members to support this noncontroversial bill.

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

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

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

the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the Senate bill, S. 1869.

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

A motion to reconsider was laid on the table.

NEOTROPICAL MIGRATORY BIRD CONSERVATION IMPROVEMENT ACT OF 2006

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 518) to require the Secretary of the Interior to refine the Department of the Interior program for providing assistance for the conservation of neotropical migratory birds, as amended.

The Clerk read as follows:

H.R. 518

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 ''Neotropical Migratory Bird Conservation Improvement Act of 2006''.

SEC. 2. AMENDMENTS TO NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

(a) FINDINGS.—Section 2(1) of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101(1)) is amended by inserting ''but breed in Canada and the United States'' after ''the Caribbean''.

(b) PURPOSES.—Section 3(2) of such Act (16 U.S.C. 6102(2)) is amended by inserting ''Canada,'' after ''United States,''.

(c) DEFINITION OF CARIBBEAN.—Section 4 of such Act (16 U.S.C. 6103) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (5), respectively;

(2) by inserting after paragraph (1) the following:

''(2) CARIBBEAN.—The term 'Caribbean' includes Puerto Rico and the United States Virgin Islands.''; and

(3) by inserting after paragraph (3), as so redesignated, the following:

''(4) FUND.—The term 'Fund' means the Neotropical Migratory Bird Conservation Fund established by section 9(a).''.

(d) AUTHORIZATION OF PROJECTS TO ENHANCE CONSERVATION IN CANADA.—Section 5(c)(2) of such Act (16 U.S.C. 6104(c)(2)) is amended by inserting ''Canada,'' after ''the United States,''.

(e) COST SHARING.—Section 5(e) of such Act (16 U.S.C. 6104(e)) is amended—

(1) in paragraph (1) by striking ''25 percent'' and inserting ''50 percent''; and

(2) in paragraph (2) by amending subparagraph (B) to read as follows:

''(B) FORM OF PAYMENT.—

''(i) PROJECTS IN THE UNITED STATES AND CANADA.—The non-Federal share required to be paid for a project carried out in the United States or Canada shall be paid in cash.

''(ii) PROJECTS IN LATIN AMERICA AND THE CARIBBEAN.—The non-Federal share required to be paid for a project carried out in Latin America or the Caribbean may be paid in cash or in kind.''.

(f) ADVISORY GROUP.—

(1) COMPOSITION.—Section 7(b)(1) of such Act (16 U.S.C. 6106(b)(1)) is amended by adding at the end the following: ''The advisory group as a whole shall have expertise in the methods and procedures set forth in section 4(2) in each country and region of the Western Hemisphere''.

(2) ENCOURAGEMENT TO CONVENE.—The Secretary of the Interior is encouraged to convene an advisory group under section 7(b)(1) of such Act by not later than 6 months after the effective date of this Act. This paragraph shall not be considered to authorize delay of the schedule previously established by the United States Fish and Wildlife Service for the submission, judging, and awarding of grants.

(g) REPORT.—Section 8 of such Act (16 U.S.C. 6107) is amended by striking ''October 1, 2002,'' and inserting ''2 years after the date of the enactment of the Neotropical Migratory Bird Conservation Improvement Act of 2006''.

(h) NEOTROPICAL MIGRATORY BIRD CONSERVATION FUND.—

(1) IN GENERAL.—Section 9 of such Act (16 U.S.C. 6108) is amended by striking so much as precedes subsection (c) and inserting the following:

''SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury a separate account, which shall be known as the 'Neotropical Migratory Bird Conservation Fund'. The Fund shall consist of amounts deposited into the Fund by the Secretary of the Treasury under subsection (b).

''(b) DEPOSITS INTO THE FUND.—The Secretary of the Treasury shall deposit into the Fund—

''(1) all amounts received by the Secretary in the form of donations under subsection (d); and

''(2) other amounts appropriated to the Fund.''.

(2) ADMINISTRATIVE EXPENSES.—Section 9(c)(2) of such Act (16 U.S.C. 6108(c)(2)) is amended by striking `$80,000' and inserting `$150,000'.

(3) CONFORMING AMENDMENTS.—Such Act is amended further as follows:

(A) In section 4 (16 U.S.C. 6103), by striking paragraph (1) and inserting the following:

''(1) FUND.—The term 'Fund' means the Neotropical Migratory Bird Conservation Fund established by section 9(a).''.

(B) In section 9(d) (16 U.S.C. 6108(d)), by striking ''Account'' and inserting ''Fund''.

(4) TRANSFER.—The Secretary of the Treasury may transfer to the Neotropical Migratory Bird Conservation Fund amounts that were in the Neotropical Migratory Bird Conservation Account immediately before the enactment of this Act.

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of such Act (16 U.S.C. 6109) is amended to read as follows:

(1) by inserting ''(a) IN GENERAL.—'' before the first sentence;

(2) by striking ''$5,000,000 for each of fiscal years 2001 through 2005'' and inserting ''for each of fiscal years 2006 through 2010 the amount specified for that fiscal year in subsection (b)''; and

(3) by adding at the end the following:

''(b) AUTHORIZED AMOUNT.—The amount referred to in subsection (a) is—

''(1) $5,000,000 for each of fiscal years 2006 and 2007;

''(2) $5,500,000 for fiscal year 2008;

''(3) $6,000,000 for fiscal year 2009; and

''(4) $6,500,000 for fiscal year 2010.

''(c) AVAILABILITY.—Amounts appropriated under this section may remain available until expended.

''(d) ALLOCATION.—Of amounts appropriated under this section for each fiscal year, not less than 75 percent shall be expended for projects carried out outside the United States.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. 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 bill under consideration.

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

There was no objection.

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

Madam Speaker, I would urge my colleagues to support this legislation to extend the Secretary of the Interior's authority to approve grants for the conservation of neotropical migratory birds. The Neotropical Migratory Bird Conservation Account was established in 2000 and has been widely popular.

In fact, the Fish and Wildlife Service, which administers the program, has received 690 grant requests to assist neotropical migratory birds. To date, the service has approved 146 conservation projects in 30 different countries. These projects have cost the Federal Government about $13.8 million, but they have generated almost $65 million in private matching funds. This is a remarkable achievement.

This bill would reauthorize the act for 4 years, expand the definition of the Caribbean to include Puerto Rico and all the U.S. Virgin Islands, reduce the matching fund requirement, allow conservation projects to be funded in Canada, and increase the authorization levels from $5 million to $6.5 million in fiscal year 2010.

I urge an ''aye'' vote on H.R. 518.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. KIND. Madam Speaker, I rise today in support of H.R. 518, the Neotropical Migratory Bird Conservation Improvement Act of 2006. This important legislation provides a comprehensive approach to addressing the varied and significant threats facing numerous species of migratory birds.

This act was first passed by Congress in 2000 and has a proven track record of reversing habitat loss and degradation. It also has advanced innovative management and habitat restoration strategies for a broad range of neotropical birds. This noncontroversial legislation would make technical and conforming improvements, most notably to broaden its scope to include Canada and adjust nonFederal matching fund requirements.

It is fitting that we are debating this bill on the House floor given that the

International Migratory Bird Day was just celebrated last week on May 12. The International Migratory Bird Day was created in 1993 to focus public attention on the need to protect birds and their habitats. This annual event celebrates one of the most important and spectacular events in the life of a migratory bird: its annual journey between summer and winter homes.

Moreover, last Saturday the Department of Interior announced $3.9 million in grants for neotropical migratory bird conservation to be provided to 43 conservation partners in 34 States and 17 Latin American and Caribbean countries. These partners will contribute an additional $17 million in matching funds to undertake projects that include researching, monitoring, and managing migratory bird populations.

Migratory birds contribute to our environmental and economic well-being. Many of these species protect crops and forests by feeding on insect pests. In addition, birds support a significant component of the economy. I know throughout my congressional district, which borders more shoreline along the Mississippi River than any other congressional district in the Nation, bird watching has become a large part of our recreational economy. In fact, the Upper Mississippi River Basin is North America's largest waterfowl migrating route. Each year 40 percent of all waterfowl species pass through the basin during migration. Additionally, nearly 70 million Americans spend more than $20 billion each year participating in bird-related activities. Birding is the fastest growing outdoor recreational activity in many parts of the country.

Finally, this legislation would provide a very modest increase in funding over 5 years. While I feel more funding is needed given the tremendous track record of the matching funds and private contributions that the partners make to these programs, I believe this legislation is important and the reauthorization needs to move forward. Therefore, I urge my colleagues to support this bill.

I also want to personally thank Chairman POMBO and Ranking Member RAHALL, as well as the Chair and ranking member of the subcommittee, Mr. GILCHREST and Mr. PALLONE, for their help and effort in the reauthorization process.

Again, I encourage adoption of this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 518, as amended.

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

A motion to reconsider was laid on the table.

JAMES CAMPBELL NATIONAL WILDLIFE REFUGE EXPANSION ACT OF 2005

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1165) to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii.

The Clerk read as follows:

S. 1165

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 ''James Campbell National Wildlife Refuge Expansion Act of 2005''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States Fish and Wildlife Service manages the James Campbell National Wildlife Refuge for the purpose of promoting the recovery of 4 species of endangered Hawaiian waterbirds;

(2) the United States Fish and Wildlife Service leases approximately 240 acres of high-value wetland habitat (including ponds, marshes, freshwater springs, and adjacent land) and manages the habitat in accordance with the National Wildlife Refuge System Improvement Act (16 U.S.C. 668dd note; Public Law 105–312);

(3) the United States Fish and Wildlife Service entered into a contract to purchase in fee title the land described in paragraph (2) from the estate of James Campbell for the purposes of—

(A) permanently protecting the endangered species habitat; and

(B) improving the management of the Refuge;

(4) the United States Fish and Wildlife Service has identified for inclusion in the Refuge approximately 800 acres of additional high-value wildlife habitat adjacent to the Refuge that are owned by the estate of James Campbell;

(5) the land of the estate of James Campbell on the Kahuku Coast features coastal dunes, coastal wetlands, and coastal strand that promote biological diversity for threatened and endangered species, including—

(A) the 4 species of endangered Hawaiian waterbirds described in paragraph (1);

(B) migratory shorebirds;

(C) waterfowl;

(D) seabirds;

(E) endangered and native plant species;

(F) endangered monk seals; and

(G) green sea turtles;

(6) because of extensive coastal development, habitats of the type within the Refuge are increasingly rare on the Hawaiian islands;

(7) expanding the Refuge will provide increased opportunities for wildlife-dependent public uses, including wildlife observation, photography, and environmental education and interpretation; and

(8) acquisition of the land described in paragraph (4)—

(A) will create a single, large, manageable, and ecologically-intact unit that includes sufficient buffer land to reduce impacts on the Refuge; and

(B) is necessary to reduce flood damage following heavy rainfall to residences, businesses, and public buildings in the town of Kahuku.

SEC. 3. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(2) REFUGE.—The term ''Refuge'' means the James Campbell National Wildlife Refuge established pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. EXPANSION OF REFUGE.

(a) EXPANSION.—The boundary of the Refuge is expanded to include the approximately 1,100 acres of land (including any water and interest in the land) depicted on the map entitled ''James Campbell National Wildlife Refuge—Expansion'' dated October 20, 2005, and on file in the office of the Director.

(b) BOUNDARY REVISIONS.—The Secretary may make such minor modifications to the boundary of the Refuge as the Secretary determines to be appropriate to—

(1) achieve the goals of the United States Fish and Wildlife Service relating to the Refuge; or

(2) facilitate the acquisition of property within the Refuge.

(c) AVAILABILITY OF MAP.—

(1) IN GENERAL.—The map described in subsection (a) shall remain available for inspection in an appropriate office of the United States Fish and Wildlife Service, as determined by the Secretary.

(2) NOTICE.—As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register and any publication of local circulation in the area of the Refuge notice of the availability of the map.

SEC. 5. ACQUISITION OF LAND AND WATER.

(a) IN GENERAL.—Subject to the availability of appropriated funds, the Secretary may acquire the land described in section 4(a).

(b) INCLUSION.—Any land, water, or interest acquired by the Secretary pursuant to this section shall—

(1) become part of the Refuge; and

(2) be administered in accordance with applicable law.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, I am pleased to urge the adoption of S. 1165, introduced by Senator DANIEL INOUYE. This bill is virtually identical to H.R. 2866, sponsored by our distinguished Resources Committee colleague, Congressman NEIL ABERCROMBIE.

This bill would increase the size of the James Campbell National Wildlife Refuge on the Island of Oahu by up to 800 acres of land. This refuge, which

was created in 1976, provides essential wetland habitat for some 75 endangered plants and animals including four species of highly imperiled waterbirds. The birds depend on the protection of the James Campbell Refuge for their survival.

The sole owner of the property is the James Campbell Estate, and their legal representative testified that the estate is a willing seller of this property for inclusion within the refuge. The timing of this transaction is critical because the James Campbell Trust, which was created over 100 years ago, terminates on January 20, 2007. By acquiring this property, the two noncontiguous existing parts of the refuge will be connected. Historical wetland habitat will be restored and a new protected flyway will be created, and the Army Corps of Engineers will have the opportunity to provide some badly needed flood protection for a neighboring community. This refuge expansion will also conserve the last remaining large coastal dune ecosystem on Oahu, preserve native strand plants and protect threatened coastal wildlife including sea turtles, migratory shorebirds, and Hawaiian monk seals.

I urge an ''aye'' on S. 1165.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. KIND. Madam Speaker, as described by my good friend from California, this noncontroversial legislation would authorize the expansion of the existing James Campbell National Wildlife Refuge, located on the north shore of the Island of Oahu in the State of Hawaii.

Members should also be aware that this legislation would accomplish other important conservation objectives such as wetland restoration, local flood protection, and the preservation of beach habitat for threatened and endangered species, especially green sea turtles and monk seals.

S. 1165 is virtually identical to H.R. 2866, companion legislation introduced in the House by my colleague from Hawaii, Congressman NEIL ABERCROMBIE.

In order to allow the U.S. Fish and Wildlife Service to proceed with these acquisitions at the earliest possible date, Mr. ABERCROMBIE has agreed to move this bill, passed by the other body, in order to expedite its passage by the Congress and the signing by the President.

□ 1430

I commend the gentleman from Hawaii for his vision and foresight in developing this thoughtful conservation legislation, and I urge Members to support this noncontroversial bill.

Mr. CASE. Madam Speaker, I rise today in strong support of passage of S. 1165, the James Campbell National Wildlife Refuge Expansion Act of 2005. I cointroduced the House version of this bill (H.R. 2866) with my colleague, Congressman NEIL ABERCROMBIE.

S. 1165 expands the authorized boundary of the James Campbell National Wildlife Refuge in Honolulu, Hawaii, to include approximately 1,100 acres of land. The U.S. Fish and Wildlife Service, USFWS, has managed the James Campbell National Wildlife Refuge in Kahuku, Hawaii, for the past 30 years to protect four endangered Hawaiian water birds—the Hawaiian stilt (ae'o), the Hawaiian moorhen ('alae 'ula), the Hawaiian coot ('alae ke'oke'o), and the Hawaiian duck (koloa maoli)—and at least 25 different North American migratory birds. In 2005, USFWS acquired fee title to the 240-acre refuge located in two separate parcels. The expansion area will allow for acquisition of adjacent land to create a single, large, manageable, and ecologically intact unit that includes sufficient buffer land to reduce impacts on the Refuge. The acquisition will also facilitate a solution to area flooding problems.

The expanded acreage would allow for restoration of critical wetland habitat, which would form the largest managed freshwater wetland on Oahu. It would connect the two existing units and create a protected corridor between them to provide essential habitat for four endangered waterbird species and migratory waterbirds. It would also protect the last remaining large-scale and intact coastal dune ecosystem on Oahu and preserve native strand plants and protect coastal wildlife such as threatened green sea turtles, seabirds, migratory shorebirds, and possibly the endangered Hawaiian monk seal. Support facilities could be constructed on upland areas to support environmental education and interpretation programs, visitor services, and habitat management programs. All land proposed for purchase is owned by the Estate of James Campbell, a willing seller.

Heavy floods occur frequently in this area, devastating residents who live in the adjacent town of Kahuku. Because of the location and natural function of this floodplain, the land acquisition also serves as the crucial component for the proposed Kahuku flood control project by preserving the floodwater retention of these wetlands and providing an area where flood control design can be made more efficient.

This habitat restoration proposal represents the most significant wetland enhancement project ever undertaken in Hawaii. By combining effective wetland restoration, endangered species conservation, environmental education, visitor opportunities, and flood control, benefits provided will serve not only the local communities, but also Hawai'i residents and visitors for generations to come.

Mr. ABERCROMBIE. Madam Speaker, thank you for considering S. 1165 on the floor today. By authorizing the expansion of the James Campbell National Wildlife Refuge, NWR, we are protecting endangered and migratory birds from the effects of an increasingly urban island.

Located on the northern end of the island of Oahu, the Campbell NWR is the premier recovery area on the island for all four endangered Hawaiian waterbirds. The refuge consists of approximately 241 acres of naturally occurring, spring-fed marsh and manmade ponds in two separate parcels. Although the refuge was established specifically to benefit the endangered Hawaiian stilt (ae'o), coot ('alae ke'oke'o), moorhen ('alae 'ula), and duck (koloa maoli), it also provides essential habitat for at least 25 species of wintering migratory birds coming from as far away as Alaska, New Zealand, and Asia.

The expansion proposed by S. 1165 would connect these two parcels, providing a protected flyway and essential habitat. The expansion would also incorporate significant coastal property and preserve the last remaining large scale sand dune ecosystem. This boundary enlargement will preserve native strand species as well as coastal wildlife such as threatened green sea turtles, seabirds, migratory shorebirds and possibly the threatened Hawaiian monk seal.

As a dual benefit, this expansion would also help protect the neighboring town of Kahuku from devastating floods. The refuge expansion serves as an important component of the Kahuku flood control project by increasing drainage capacity and preserving the floodwater retention of these protected wetlands. In turn, the flood mitigation project could potentially enhance the wetland area to ensure maximum production and survival of endangered Hawaiian waterbird populations. The importance of this added benefit has been made clear as recent rains in Hawaii have flooded the town of Kahuku along with its schools and homes.

The Campbell NWR is a haven to endangered and migratory birds. Its expansion would further the goals of the refuge and the Refuge System while helping to protect an adjacent town from intermittent flooding.

I would also like to thank Chairman POMBO and Ranking Member RAHALL for their support and efforts in addressing this issue. I respectfully request my colleagues to support this measure and its intent to protect the wildlife on the north shore of Oahu.

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

Mr. RADANOVICH. Madam Speaker, I thank the gentleman from Wisconsin.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the Senate bill, S. 1165.

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

A motion to reconsider was laid on the table.

ELIZABETH HARTWELL MASON NECK NATIONAL WILDLIFE REFUGE

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3682) to redesignate the Mason Neck National Wildlife Refuge in Virginia as the Elizabeth Hartwell Mason Neck National Wildlife Refuge.

The Clerk read as follows:

H.R. 3682

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

SECTION 1. ELIZABETH HARTWELL MASON NECK NATIONAL WILDLIFE REFUGE.

(a) REDESIGNATION.—The Mason Neck National Wildlife Refuge in Virginia, is hereby redesignated and shall be known as the

''Elizabeth Hartwell Mason Neck National Wildlife Refuge''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the National Wildlife Refuge in Virginia referred to in subsection (a) shall be deemed to be a reference to the ''Elizabeth Hartwell Mason Neck National Wildlife Refuge''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Members may be given 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 California?

There was no objection.

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

Madam Speaker, H.R. 3682 was introduced by two of our distinguished Virginia colleagues, TOM DAVIS and FRANK WOLF. This measure would rename the Mason Neck National Wildlife Refuge after Mrs. Elizabeth Hartwell. While I never had the opportunity to meet this remarkable woman, there seems to be no debate that she dedicated her life to conservation.

After nearly 20 years of tireless work to stop the destruction of the Mason Neck Peninsula, Mrs. Hartwell and her supporters were successful in their efforts to create the Mason Neck National Wildlife Refuge.

This refuge, which was the first established to protect the American bald eagle, has grown to 2,277 acres of land. In addition to one of the largest concentrations of bald eagles in the lower 48 States, Mason Neck is home to the largest great blue heron rookery in the mid-Atlantic region and more than 200 species of birds, 41 species of reptiles and amphibians, and 31 species of mammals.

I am sure the authors of this legislation will attest that this refuge would not exist had it not been for Mrs. Elizabeth Hartwell. Despite powerful and well-financed opponents, she was successful because she lived her life committed to the philosophy of one of our Nation's greatest conservationists, Theodore Roosevelt, who reminds us that ''it is not what we have that makes us a great Nation; it is the way in which we use it.''

This legislation proposes a fitting tribute to someone who was affectionately called the ''Eagle Lady.''

I urge an ''aye'' vote on H.R. 3682.

Madam Speaker, I reserve balance of my time.

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

Madam Speaker, we have no objection to this legislation that would rename the Mason Neck National Wildlife Refuge to honor the late Elizabeth Hartwell, a local conservationist who dedicated much of her life to protecting this refuge located along the Potomac River.

I encourage my colleagues to support the name change.

Madam Speaker, I reserve the balance of my time.

Mr. RADANOVICH. Madam Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Madam Speaker, I am honored today to speak today in support of H.R. 3682, a bill to rename the Mason Neck National Wildlife Refuge after Elizabeth Hartwell.

For almost 20 years, Mrs. Hartwell spearheaded efforts to protect the Mason Neck area. Her efforts led to the establishment of the 2,300-acre Mason Neck National Wildlife Refuge, the 1,800-acre Mason Neck State Park, and the 1,000-acre Pohick Bay Regional Park.

Mrs. Hartwell began her environmental crusade in February 1965 when she learned about a rezoning application in Fairfax County for the development of a satellite city of 20,000 people on the most ecologically sensitive area of Mason Neck. She decided to lead an effort to stop this development and to preserve Mason Neck habitat for the endangered American bald eagle.

During the ensuing weeks and months, she organized a watchdog group called the Conservation Committee For Mason Neck. She made films of the wildlife that thrived there to show other civic organizations around the region. Mrs. Hartwell even gave tours by boat along Mason Neck's waterways and enlisted the support of several environmental organizations at the local, regional, State, and Federal levels.

The Mason Neck National Wildlife Refuge was established in 1969 for the protection of nesting, feeding, and roosting habitat for bald eagles. It was the first Federal refuge established specifically for the then-endangered bald eagle. Today, there are multiple nests on the refuge and on neighboring public and private lands.

I am pleased to support the effort of several Mason Neck area homeowners associations to rename the Mason Neck National Wildlife Refuge in honor of Mrs. Hartwell, who passed away on December 14, 2000. She dedicated her life to nature and to helping the environment, and it would be a fitting tribute to rename the Mason Neck Refuge after the woman who fought so valiantly for its creation.

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

Mr. RADANOVICH. Madam Speaker, I too have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 3682.

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

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF PEACE OFFICERS MEMORIAL DAY

Mr. TOM DAVIS of Virginia. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 788) supporting the goals and ideals of Peace Officers Memorial Day.

The Clerk read as follows:

H. RES. 788

Whereas the well-being of all people of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 870,000 law enforcement personnel in the United States serve their fellow citizens as guardians of peace;

Whereas peace officers are on the front line in preserving the right of the children of the United States to receive an education in a crime-free environment, a right that is all too often threatened by the insidious fear caused by violence in schools;

Whereas 155 peace officers across the Nation were killed in the line of duty during 2005, well below the decade-long average of 164 deaths annually, and a major drop from 2001 when 237 officers were killed, including 72 officers in the September 11th terrorist attacks;

Whereas a law enforcement officer is killed in the United States every 53 hours, and there are 56,000 assaults against our law enforcement officers each year, resulting in 16,000 injuries;

Whereas section 136 of title 36, United States Code, requests that the President issue an annual proclamation designating May 15 as Peace Officers Memorial Day in honor of Federal, State, and local officers killed or disabled in the line of duty; and

Whereas on May 15, 2006, more than 20,000 peace officers are expected to gather in Washington, D.C. to join with the families of their recently fallen comrades to honor those comrades and all others who have fallen before them: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Peace Officers Memorial Day to honor Federal, State, and local peace officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. TOM DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, each day, law enforcement officers in this country face grave danger as they protect the rights and freedoms we enjoy as Americans. Their commitment and sacrifice make our streets safer, our neighborhoods stronger, and our families more secure.

May 15 is set aside each year to honor the service and sacrifice of America's law enforcement officers and their families. It also promotes increased public support for the law enforcement profession and helps to promote law enforcement safety. The more than 850,000 men and women who guard our communities do so at great risk. Each year, one in 15 officers is assaulted, one in 46 is injured, and one in 5,255 is killed in the line of duty.

After the hijacked planes hit the World Trade Center in New York City on 9/11, 72 peace officers died while trying to ensure their fellow citizens got to safety. That act of terrorism resulted in the highest number of peace officers killed in a single incident in the history of this country.

Just 8 days ago, the tragedy of an officer killed in the line of duty struck my community in Fairfax County. Police officer Vicky Armel was killed and two officers were wounded after a gunman opened fire with high-powered weapons in the parking lot of a Chantilly police station during a shift change. These tragic events shook the community, and the Fairfax police force, to the core.

It is important to recognize the sacrifices that these officers and their families make each day to ensure that we will have a safe environment in which to live, work, and raise our families. National Peace Officers Memorial Day will provide the people of the United States with an opportunity to honor the extraordinary service and sacrifice given year after year by our police forces.

The annual ceremony, which was held the evening of May 13, featured several contributions from police officers all over the country, including the singing of the National Anthem by Fairfax County, Virginia, police officer Laura Zambron. Following the ceremony, prominent law enforcement leaders, survivors, and law enforcement supporters read the names of the 466 fallen officers whose names were officially added to the memorial.

I urge all Members to come together to honor the dedication of these brave men and women, like Detective Armel, by adopting House Resolution 788.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, each day, peace officers nobly protect our families, friends, and neighbors from crime and work to improve the quality of life for all of us. For that, they deserve our sincere appreciation and respect.

While it is impossible to suitably thank these brave Americans for the tremendous sacrifices they make, we pause this week to salute them for their courage, dedication, and service and to pay our respects to those who have fallen in the line of duty.

In 1962, President John F. Kennedy designated May 15 of every year as Peace Officers Memorial Day. This day was set forth to give special recognition to the brave men and women who protect our lives every day, often at great risk to their health and lives.

On average, a crime is committed in this country every 2 seconds, and you can rest assured that one of the nearly 800,000 law enforcement officers in this great country will respond promptly and courageously, no matter how dangerous the situation might be. It is appropriate that we both honor current peace officers and memorialize fallen heroes for the safety and assistance they provide us all.

Recent events just miles from this building in Fairfax, Virginia, offered a clear and present example of the dangers law enforcement officers face each day. In this past year alone, 155 law officers were killed and over 10,000 were assaulted in the line of duty as they protected and served their communities. While this number is down from the previous decade's average of 169 annually, it is still very unacceptable.

This week, thousands of law enforcement officers from around the country gathered in Washington, D.C., to pay tribute and to mourn together. Those of us who benefit from their hard work and sacrifice also honor their work and sacrifices. We all owe them a debt of gratitude that we can never repay.

Madam Speaker, I support the goals and ideals of Peace Officers Memorial Day, as I am sure every Member of the House does, to honor Federal, State and local peace officers killed or disabled in the line of duty; and I support this day to honor those who stand for us every day in the line of duty. I call upon the people of the United States to observe such a day with appropriate ceremonies and respect, wherever they are.

Madam Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Madam Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from Colorado (Mr. HEFLEY), the author of this resolution.

Mr. HEFLEY. Madam Speaker, I thank the chairman for bringing this to the floor today. This is something we don't have to sell.

Madam Speaker, I rise, as the chairman and ranking member have to honor more than 20,000 peace officers from around the Nation who are visiting Washington, D.C., this week in honor of Peace Officers Memorial Day and National Police Week. These officers will commemorate the lives of 155 officers who died last year in the line of duty.

Today, we recognize May 15 as National Peace Officers Memorial Day and pay tribute to the commitment, sacrifice, and public safety and the services these officers provide for all Americans on a daily basis.

As we all know, September 11 stands out as one of the most tragic days in American history. We lost 72 police officers on that one day. That is the most on any single day in history. While that was unusual and an extreme example, these law enforcement officers are serving us and sacrificing and protecting us, showing heroism and valor every day in every community around the Nation.

Last year, as I said, 155 police officers were killed in the line of duty. Though unquestionably this is tragic, the 155 deaths were below the decade-long average of 163. Still, this is the second consecutive year that the numbers have increased and a trend that must come to an end in 2006, and thankfully is on track to do so so far.

Peace officers in every community have an admirable record of service and sacrifice, yet too many Americans lack a true understanding and appreciation of law enforcement's worth. This is why several years ago I participated in establishing the National Law Enforcement Museum in Washington, D.C. This past Saturday, 466 names of brave men and women were officially added to the memorial, including seven from my own home State of Colorado.

Peace officers face unprecedented risks, while bravely protecting our communities and our freedoms, and I hope my colleagues will join me today in paying tribute to our Nation's fallen officers and expressing our gratitude for the work these men and women do for us every day.

□ 1445

Ms. NORTON. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Madam Speaker, I thank my good friend and colleague from the District for yielding me this time.

Madam Speaker, I do rise in support of this resolution which is supporting the goals and the ideals of the Peace Officers Memorial.

Madam Speaker, as a former prosecutor and special prosecutor in the State of Wisconsin, it was my honor, or privilege really, of being able to work each day with these law enforcement officers in our community and throughout the State. I have always been impressed with their dedication and professionalism, their commitment to the community.

These men and women in uniform wake up every morning with a shared goal of trying to make our communities just a little bit safer, trying to make us and our children and grandchildren and all of our families just a little bit safer during the day.

And all too often we hear the tragic stories or read about it or see on the

news of fallen officers who fell in the line of duty. And it is right and proper that we have a National Peace Officers Memorial Day to honor their sacrifice made on behalf of all of us.

But what we do not hear about is the tremendous courage and dedication that officers exhibit each and every day and the cases that they sometimes find themselves in, which places their life and safety in great danger. And this, unfortunately, occurs on an all too frequent basis.

Madam Speaker, I also want to just take a moment and commend a member of my own family, my youngest brother, Terry Kind, for his years of dedicated service as a police officer for the Town of Holmen Police Department in western Wisconsin.

I have the chance to talk to him from time to time to try to keep a foot in the law enforcement community back home. And sometimes the stories that he relates to me are blood-curdling and quite startling. Not only talking about the victims of crime, but also the incredible danger that our officers face from time to time.

Madam Speaker, I would encourage all of my colleagues to support this resolution today. I want to commend my colleagues on the floor here for bringing this resolution forward and speaking so favorably about it. I also want to commend and thank those law enforcement officers across our country who do a tremendous job under very difficult and dangerous circumstances each and every day of their dedicated lives.

Mr. CANTOR, Madam Speaker, I rise in strong support of this resolution to support the goals and ideals of Peace Officers Memorial Day.

Recently, Virginia lost Detective Vicky Armel with the Fairfax County Police Department. Our Nation and the Commonwealth of Virginia experienced great loss as this fine police officer gave her life in line of duty.

Law enforcement officers take a solemn oath to protect and serve the communities they serve. With honor, they uphold our laws and protect the innocent.

As a nine-year veteran of the force, Detective Armel specialized in burglary crimes. She worked tirelessly each day to investigate and bring to justice those criminals who violated our homes, property, and peace of mind.

Her loss is felt deeply by her husband, Tyler, who is also a proud member of the Fairfax County Police Department, and their two children, 4-year-old daughter Mason and 7-year-old son Thomas. I stand with Detective Armel's community and congregation in support of her family.

Detective Armel's dedication and the sacrifices she made symbolize the honor of the law enforcement profession. Our thoughts and prayers are with her family, friends, and the community in which she served as we honor her passing on this Peace Officers Memorial Day.

Recently, Virginia lost Officer Gary J. Buro of the Chesterfield County Police Department. Our Nation and the Commonwealth of Virginia experienced great loss as this fine police officer gave his life in line of duty.

Law enforcement officers take a solemn oath to protect and serve the communities they serve. With honor, they uphold our laws and protect the innocent.

Officer Buro proudly served his Nation at home and abroad. As a U.S. Marine during the Gulf War, he defended our Constitution and fought to liberate Kuwait from Saddam Hussein's grasp. After returning home, he began a distinguished 11-year career in law enforcement. He served with the Lantana, Florida and New York City Police Departments. Only recently, Officer Buro brought his experience and dedication to Virginia and joined the Chesterfield County Police Department in January of this year.

Officer Buro's dedication and the sacrifices he made symbolize the honor of the law enforcement profession. Our thoughts and prayers are with his family, friends, and the community in which he served as we honor his passing on this Peace Officers Memorial Day.

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

Mr. TOM DAVIS of Virginia. Madam Speaker, I yield back the balance of my time, and urge Members to support the adoption of House Resolution 788.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 788.

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

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4217

Mr. KUHL of New York. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4217.

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

There was no objection.

RECOGNIZING CULTURAL AND EDUCATIONAL CONTRIBUTIONS OF AMERICAN BALLET THEATRE

Mr. KUHL of New York. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res 751) recognizing the cultural and educational contributions of American Ballet Theatre throughout its 65 years of service as ''America's National Ballet Company''.

The Clerk read as follows:

H. RES. 751

Whereas American Ballet Theatre (ABT) is recognized as one of the world's great dance companies;

Whereas ABT is dedicated to bringing dance to America and American dance to the world;

Whereas over its 65-year history, ABT has appeared in all 50 States of the United States, in a total of 126 cities, and has performed for more than 600,000 people annually;

Whereas ABT has performed in 42 countries as perhaps the most representative American ballet company, with many of those engagements sponsored by the Department of State;

Whereas ABT has been home to the world's most accomplished dancers and has commissioned works by all of the great choreographic geniuses of the 20th century;

Whereas Dwight D. Eisenhower recognized ABT's ability to convey through the medium of ballet ''some measure of understanding of America's cultural environment and inspiration'';

Whereas over the years ABT has performed repeatedly at the White House, most recently in December 2005;

Whereas ABT is committed to bringing dance to a broad audience and provides exposure to dance to more than 20,000 underprivileged children and their families each year;

Whereas ABT's award-winning Make a Ballet program and its other outreach initiatives help to meet the need for arts education in underserved schools and communities;

Whereas ABT's Studio Company brings world class ballet to smaller communities like Rochester, New York; Stamford, Connecticut; Sanibel, Florida; South Hadley, Massachusetts; and Winston-Salem, North Carolina; and

Whereas The Jacqueline Kennedy Onassis School at ABT and the ABT's other artistic development initiatives provide the highest quality training consistent with the professional standards of ABT: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and commends American Ballet Theatre for over 65 years of service as ''America's National Ballet Company'', during which it has provided world class art to citizens in all 50 States;

(2) recognizes that American Ballet Theatre also serves as a true cultural ambassador for our Nation, by having performed in 42 countries and fulfilling its reputation as one of the world's most revered and innovative dance companies; and

(3) recognizes that American Ballet Theatre's extensive and innovative education, outreach, and artistic development programs both train future generations of great dancers and expose students to the arts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KUHL) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KUHL of New York. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous information on H. Res. 751.

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

There was no objection.

Mr. KUHL of New York. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it gives me great pleasure to rise in support of House Resolution 751, recognizing the cultural and educational contributions of American Ballet Theatre throughout its 65 years of service as ''America's National Ballet Company.''

When the American Ballet Theatre began, it inspired to develop a repertoire of the best ballets from the past, and to encourage the creation of new works by gifted young choreographers, whenever they might be found. Since then it has continued to be dedicated to bringing dance to America and American dance to the world.

I would say it has succeeded. Today the American Ballet Theatre is recognized as one of the great dance companies of the world, and throughout its 65-year history, the American Ballet Theatre has appeared in 50 U.S. States, in a total of 126 cities around the world, and has performed for more than 600,000 people annually.

America's National Ballet Company has also made 15 international tours to 42 countries, and has been sponsored by the U.S. Department of State on many of these engagements.

It was also the first American company to dance in the Soviet Union. Additionally the theatre has commissioned works by all of the great choreographic geniuses of the 20th century and many of the world's most accomplished dancers, including Mikhail Baryshnikov, have called the American Ballet Theatre home.

Lastly, Madam Speaker, I would like to emphasize the many enrichment programs the American Ballet Theatre offers for families, for training young and future dancers, and for the public and private schools.

I would specifically like to point out the work that the American Ballet Theatre has done to expose more than 20,000 underprivileged families and children in the fine art of dance, as well as introducing such children to career opportunities in the arts, both on stage and back stage, while also helping students develop valuable life skills.

Madam Speaker, I want to thank my colleague and fellow New Yorker, Mrs. MALONEY, for introducing this resolution. I am happy to join my colleagues in recognizing the accomplishments and contributions of America's National Ballet Company, the American Ballet Theatre, and ask my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. KIND. Madam Speaker, I rise today in support of House Resolution 751, recognizing the cultural and educational contributions of the American Ballet Theatre throughout its 65 years of service as America's National Ballet Company.

Madam Speaker, I also want to applaud Congresswoman CAROLYN MALONEY for her leadership in sponsoring this resolution. Unfortunately, due to illness, it prevents her from being here on the House floor today to speak about it.

Madam Speaker, H. Res. 751 recognizes the anniversary of one of the finest and most distinguished ballet companies in the world, the American Ballet Theatre. The ABT is recognized as a living national treasure. Using dance as its medium, the American Ballet Theatre has brought joy to audiences here and abroad for over 40 years.

Equally important to the ABT has been its educational programs. Not only have they trained world class ballerinas, but ABT brings its art into the classroom by sponsoring dance programs in public schools across the country.

The Young People's Ballet Workshop offers students who would not ordinarily have the opportunity to experience the ballet to see the company perform and learn about the art of ballet. Again, I join my colleagues here today, and especially Congresswoman MALONEY, in supporting this resolution and congratulate the American Ballet Theatre on its 65th anniversary.

Mr. REYNOLDS. Madam Speaker. I rise today in support of H. Res. 751 to honor the American Ballet Theatre. For 65 years, the theatre has entertained and educated thousands, becoming a national cultural icon as ''America's National Ballet Company.''

The American Ballet Theatre has performed in all 50 states inspiring and thrilling Americans with their skilled artistry. The company has also served as America's cultural ambassador by bringing American dance to more than 42 countries, often as representatives of the State Department.

Yet beyond being one of the world's truly great ballet companies, the American Ballet Theatre has also excelled off the stage in its remarkable education efforts, Throughout its history, the company has brought classical dance to communities not typically able to experience world-class ballet and to students throughout the country. The theater has created some of the most innovative educational programs dealing with the arts, including the Make a Ballet program, empowering at-risk students by giving them the resources and confidence to produce and stage their very own ballet.

In my community, the American Ballet Theatre has also been a giving and vital artistic institution, providing Rochester-area residents rare performances and indispensable educational opportunities. In 2004, the company presented an extraordinary internationally-themed program at New Auditorium Theatre in Rochester, giving audience members the unique chance to see up close famed performers and dance styles from throughout the world. The American Ballet Theatre also offered a class—taught by the former theater dancer and artistic director John Meehan—giving local dance students the opportunity to learn and perform alongside up-and-coming ABT dancers.

Madam Speaker, I urge my colleagues to join me in supporting H. Res. 751 to celebrate and honor an important cultural icon of America, the American Ballet Theatre.

Mrs. MALONEY. Madam Speaker, I rise today in support of H. Res. 751, recognizing the cultural and educational contributions of American Ballet Theatre.

For 65 years American Ballet Theatre has educated and inspired us through their artistry and commitment to bringing dance to America and American dance to the world.

While ABT is truly a national company and has performed for countless people in all 50 states and 42 countries, I want to speak today about the special relationship between American Ballet Theatre and the city of New York.

In my district we have been the beneficiaries of six decades of American Ballet Theatre's world-class art. Next week, ABT will open their annual engagement at the Metropolitan Opera House, performing their renowned mix of great ballet classics and challenging new works.

These performances are a primary reason that American Ballet Theatre is universally regarded as one of the world's great ballet companies. From the scale of the productions to the artistry of the dancers, ABT's performances are truly something to behold and I encourage my colleagues to see one of their engagements at the Kennedy Center, in New York City, or in your home state.

ABT's importance to my city transcends these annual performances at the Met, however. Every year the company performs a second series at smaller venues in New York, allowing ballet fans the unique opportunity to watch many of the world's greatest dancers in an intimate setting and enhancing New York's status as one of the world's cultural capitals.

Beyond their performances, American Ballet Theatre's educational mission and their focus on bringing ballet and the classic arts to audiences that otherwise would not have access is truly special. For over 10 years, ABT has offered extensive outreach and in-school arts programming in public schools, completely free of charge. ABT focuses its efforts in underserved communities and ''at-risk'' schools in New York, bringing the arts to schools that suffer from budgetary cuts to arts programming, and they reach over 20,000 New York students each year. During the 2006 spring season at the Metropolitan Opera House, ABT will distribute 10,000 complimentary tickets to New York students who would not otherwise have access to ABT's incredible artistic resources.

American Ballet Theatre truly is an American treasure, and should be recognized for enriching the cultural landscape of New York and our country. I want to thank my cosponsors and the leadership of both parties for bringing this resolution to the floor. And again, I encourage all of my colleagues to experience the talent and artistry of American Ballet Theatre.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KUHL) that the House suspend the rules and agree to the resolution, H. Res. 751.

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

A motion to reconsider was laid on the table.

□ 1500

CALLING ON GOVERNMENT OF UNITED KINGDOM TO ESTABLISH INQUIRY INTO MURDER OF NORTHERN IRELAND DEFENSE ATTORNEY PAT FINUCANE

Mr. MCCOTTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 740) calling on the Government of the United Kingdom to immediately establish a full, independent, public judicial inquiry into the murder of Northern Ireland defense attorney Pat Finucane, as recommended by international Judge Peter Cory as part of the Weston Park agreement and a way forward for the Northern Ireland Peace Process, as amended.

The Clerk read as follows:

H. RES. 740

Whereas human rights defense attorney and solicitor Patrick Finucane was brutally murdered in front of his wife and children at his home in Belfast on February 12, 1989;

Whereas many international bodies and nongovernmental human rights organizations, including Amnesty International, British Irish Rights Watch, the Committee for the Administration of Justice, and Human Rights First, have called attention to serious allegations of collusion between loyalist paramilitaries and British security forces in the murder of Mr. Finucane;

Whereas in July 2001 the Governments of Ireland and the United Kingdom under terms of the Weston Park Agreement appointed retired Canadian Judge Peter Cory to investigate the allegations of collusion between loyalist paramilitaries and British security forces in the murder of Mr. Finucane and other individuals;

Whereas Judge Cory reported to the Governments of Ireland and the United Kingdom in April 2004 that sufficient evidence of collusion existed to warrant a public independent, judicial inquiry into the murder of Mr. Finucane and recommended that a public inquiry take place without delay;

Whereas the Government of the United Kingdom in April 2005 adopted the Inquiries Act 2005 which empowers the Government to block scrutiny of state actions and limits independent action by the judiciary in inquiries held under its terms, and, after the enactment of this legislation establishing new limited inquiry procedures, the Government announced that an inquiry into the murder of Mr. Finucane would be established which would operate under terms of the new legislation;

Whereas Judge Cory, in a written statement presented to the Committee on International Relations of the House of Representatives in 2005, stated that his 2004 recommendation for a public inquiry into the murder of Mr. Finucane had ''contemplated a true public inquiry constituted and acting pursuant to the provisions of the 1921 Act'' (the Tribunals of Inquiry (Evidence) Act 1921), and also stated that ''it seems to me that the proposed new Act would make a meaningful inquiry impossible'';

Whereas the family of Mr. Finucane has rejected the limited authority of an inquiry conducted under terms of the Inquiries Act of 2005;

Whereas Amnesty International, British Irish Rights Watch, the Committee for the Administration of Justice, and Human Rights First have likewise rejected any proposed inquiry into the murder of Mr. Finucane established under procedures of the Inquiries Act of 2005 and have called for the repeal of the Act;

Whereas the Dial Eireann (Parliament of Ireland) adopted a resolution on March 8, 2006, calling for the establishment of a full public independent judicial inquiry into the murder of Patrick Finucane; and

Whereas the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) and House Resolution 128 (April 20, 1999) support the establishment of a public independent judicial inquiry into the murder of Patrick Finucane: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses to the family of Patrick Finucane deepest condolences on his death, commends their steadfast pursuit of justice in his brutal murder, and thanks his wife Geraldine and son Michael for their willingness to testify on this matter before committees of the House of Representatives on numerous occasions;

(2) supports the efforts of the Administration in seeking the full implementation of the Weston Park Agreement and the establishment of an independent judicial inquiry into the murder of Patrick Finucane;

(3) calls on the Government of the United Kingdom to reconsider its position on the matter of an inquiry into the murder of Mr. Finucane, to amend the Inquiries Act of 2005, and to take fully into account the objections of Judge Cory, objections raised by officials of the United States Government, other governments, and international bodies, and the objections raised by Mr. Finucane's family; and

(4) urges the Government of the United Kingdom immediately to establish a full, independent, and public judicial inquiry into the murder of Patrick Finucane which would enjoy the full cooperation and support of his family, the people of Northern Ireland, and the international community as recommended by Judge Cory.

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to the rule, the gentleman from Michigan (Mr. MCCOTTER) and the gentleman from Florida (Mr. WEXLER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. MCCOTTER. 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 resolution under consideration.

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

There was no objection.

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

Madam Speaker, I rise in support of H. Res. 740. I thank my colleague from New Jersey (Mr. SMITH) for his leadership on human rights matters worldwide and for offering this important legislation regarding human rights in Northern Ireland.

Last month, on April 4, 2006, we voted nearly unanimously, 399–1, for H. Res. 744, that important resolution sponsored by the chairman of the House International Relations Committee, HENRY HYDE, expressed our support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland, and support for continued police reforms in Northern Ireland as a critical element in the peace process.

U.S. support was crucial to the signing of the Good Friday Agreement signed 8 years ago, and our support continues to be vital. H. Res. 744 rightly commended the progress which has been made in Northern Ireland. As a result of the Good Friday Agreement, there is a new Police Service of Northern Ireland, PSNI. Under the leadership of Chief Constable Hugh S. Orde, the PSNI has made giant strides toward fair and nonsectarian policing. There is a vigorous and fiercely independent Police Ombudsman's Office, whose chief, Nuala O'Loane, has been a catalyst for reform. There is now a policing board in Northern Ireland composed of independent and party representatives designed to provide civilian control and fair nonsectarian policing. There is a new historical inquiries team established by Chief Constable Orde which will provide a thorough and independent examination of unresolved deaths that occurred in connection with the Troubles from 1968 to 1989.

But H. Res. 740, which we shall vote on today, is the indispensable companion of Mr. HYDE's H. Res. 744. Even with all the improvements I have noted in policing, Madam Speaker, significant further work remains to be done in order to ensure acceptance by all communities of the Police Service in Northern Ireland. A key stumbling block to that greater acceptance has been the lack of resolution of charges of official collusion in the murder of human rights lawyer Patrick Finucane, who was gunned down in front of his home in front of his wife and three small children in 1989.

Pat Finucane was not only a courageous human rights activist and loving father and husband, he is also a symbol of the horrible culture of official collusion and terrorism and crime in Northern Ireland. Resolving the question surrounding his murder will help to put an end to that culture once and for all and allow Northern Ireland's still fragile peace to flourish in a new atmosphere of trust.

We have twice gone on record supporting establishment of a public independent judicial inquiry into the murder of Pat Finucane. In 1999, we adopted House Resolution 128 offered by the gentleman from New Jersey (Mr. SMITH) which condemned the murder of attorney Rosemary Nelson and requested a public inquiry into the Finucane murder.

In 2003, Congress passed and the President signed the Foreign Relations Authorization Act, which included a provision offered by the gentleman from New Jersey supporting public judicial inquiries into the murders of both Rosemary Nelson and Patrick Finucane. We have moved the issue towards resolution, but we are not there yet.

In 2001, the British and Irish governments jointly appointed Judge Peter

Cory, a preeminent retired justice of the Supreme Court of Canada, to determine whether independent commissions should investigate possible state-sponsored collusion in six notorious and horrific murders. They also pledged to abide by his recommendations. In 2004, Judge Cory issued his report, yet the British Government still has not appointed an inquiry commission into the murder of Patrick Finucane. Our colleague, CHRIS SMITH, who could not be here today as he attends the funeral of Congressman Sonny Montgomery, has chaired numerous hearings on human rights and police reform in Northern Ireland since 1997, and in every one the issue of state-sponsored collusion in the Finucane murder has been central, yet still nothing has been done.

On March 8, the Irish Parliament passed an all-part motion fully supported by the Irish Government calling on the U.K. to immediately establish ''a full independent public judicial inquiry into the murder of Pat Finucane as recommended by Judge Cory, which would enjoy the full cooperation of the family and the wider community throughout Ireland and abroad.''

The U.K. Government must find a way to institute a credible inquiry which would be accepted by all: by Judge Cory, the Irish public, by the world community, and, most of all, by the Finucane family. I commend my colleagues CHRIS SMITH, ELTON GALLEGLY, PETER KING, JIM WALSH, RICHARD NEAL, DON PAYNE, and TOM LANTOS for their work on this issue.

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

Mr. WEXLER. Mr. Speaker, I rise in strong support of H. Res. 740 and yield myself such time as I may consume.

Mr. Speaker, first I too would like to thank Chairman SMITH for introducing this important resolution. Congressman SMITH has been a tireless advocate in calling for full accountability in Northern Ireland, particularly as it relates to the 1989 slaying of Belfast attorney Patrick Finucane. I commend him for his dedication and determination to seek justice in this case along with the Finucane family, which has waited far too long for the truth to be unveiled.

Mr. Speaker, the resolution on the floor today simply calls on the Government of the United Kingdom to immediately establish a full independent public judicial inquiry into the murder of Pat Finucane as recommended by Judge Peter Cory as part of the Weston Park Agreement.

The fact remains that Mr. Finucane's brutal murder has been unresolved for 17 years. To this end, it is critical that the British Government fulfill its commitment to the Weston Park Agreement and agree to hold an independent public inquiry recognized as credible by the international community, the affected family, the Irish Government, the United States Congress that will shed light on the serious allegations of collusion between loyalist paramilitaries and British security forces in this egregious murder.

Mr. Speaker, just yesterday Northern Ireland's legislature met for the first time in 3½ years. I applaud this development that will hopefully lead to greater compromise and cooperation between Protestants and Catholics. The convening of the assembly along with the relevant tranquility and economic success that people of Northern Ireland have experienced since the signing of the Belfast agreement is deeply encouraging. However, issues at the core of the conflict remain unresolved, ultimately holding back lasting reconciliation. At the heart of this impasse are the public inquiries into high-profile murders in Northern Ireland, including the slaying of Mr. Finucane. The resolution before us states unequivocally Congress's interest as well as that of the United States to see a just, swift, and fair resolution to this unconscionable crime which must be resolved in order to ensure long-term peace and stability in Northern Ireland for generations to come.

Mr. Speaker, I strongly urge my colleagues to support this resolution.

Mr. ENGEL. Mr. Speaker, I rise in strong support of H. Res. 740 which calls on the government of the United Kingdom to immediately establish a full, independent, public judicial inquiry into the murder of Patrick Finucane. I would also like to commend CHRIS SMITH, the Chair of the Human Rights Subcommittee and the sponsor of this resolution, for his consistent attention to this tragic case.

On February 12, 1989, human rights defense attorney and solicitor Patrick Finucane was brutally murdered in front of his wife and children at his home in Belfast on February 12, 1989. There have been serious allegations of collusion between loyalist paramilitaries and British security forces in the murder of Mr. Finucane.

In July 2001, the Irish and British Governments made new commitments in the Weston Park Agreement to hold public inquiries into high profile murders if so recommended by former Canadian Supreme Court Judge Peter Cory. Indeed, Judge Cory found sufficient evidence of collusion to warrant a public inquiry into the murder of Patrick Finucane.

It was clearly understood that such an inquiry would be held under the United Kingdom Tribunals of Inquiry (Evidence) Act 1921, which would provide a fair procedure for the discovery of evidence and other matters. Yet, despite widespread criticism, the British government is attempting to set up a restricted inquiry under the controversial 2005 Inquiries Act, which gives control to a government minister rather than an independent tribunal. This would give the minister the power to decide what information is kept secret or excluded, to end the inquiry at any time, and to edit the inquiry's final report.

The Inquiries Act has been rejected as inadequate by Judge Cory, the Finucane family, the Irish Government and human rights groups. In fact, last year, Judge Cory submitted written testimony to the House International Relations Committee stating that the new legislation is ''unfortunate to say the least'' and ''would make a meaningful inquiry impossible'' .

Mr. Speaker, I have met several times with the Finucane family and human rights groups dedicated to a just inquiry into Patrick's murder. I stand with them today as the House of Representatives takes up this important resolution. Let their courage and determination be a symbol to all those fighting to uncover the truth of such horrors.

I would also like to commend Mitchell Reiss, the special envoy for the Northern Ireland Peace Process, who is continuing to push for full implementation of the Weston Park Agreement and the establishment of an appropriate investigation into Patrick Finucane's murder.

It is my hope that in the days ahead, after seeing this resolution, the United Kingdom will reconsider its position on the Finucane case and will immediately establish a full, independent, public judicial inquiry into the murder of Pat Finucane, as recommended by Judge Cory. Such an inquiry will have the support of the Finucane family and the confidence of all who follow this case.

Mr. SMITH of New Jersey. Mr. Speaker, H. Res. 740, which I introduced with bipartisan support, will do just what it says: provide a way forward for the Northern Ireland Peace Process.

I thank my colleague from Michigan, Mr. THAD MCCOTTER, for managing this bill so ably on the floor. I thank Chairman HENRY HYDE, Reps. ELTON GALLEGLY, PETER KING, JIM WALSH, TOM LANTOS, the Ranking Member of the House International Relations Committee and many others for their work and support on this bill.

Yesterday, the Northern Ireland Legislative Assembly met for the first time since 2002. Yet it still faces crucial challenges over community policing, and acceptance by the nationalist community of the Police Service of Northern Ireland (PSNI). For the population of Northern Ireland to fully transfer its trust to the police, it must have confidence that the police and the authorities deserve trust and will be held accountable.

A key stumbling block to that greater acceptance has been the lack of resolution of charges of official collusion in the murder of human rights lawyer Patrick Finucane, who was gunned down in his home, in front of his wife and three small children, in 1989. Pat Finucane was not only a courageous human rights activist, but also a loving father and husband. His murder symbolizes the depth and danger of official State sponsored collusion in

Northern Ireland. Resolving the questions surrounding this murder will help restore confidence in the agencies of government in the north, and allow Northern Ireland's still fragile peace to flourish in a new atmosphere of trust.

That is a major reason why this inquiry needs to be done, and done right, as soon as possible. This is the purpose of H. Res. 740, which calls on the British government to establish the kind of full, public, independent, judicial inquiry into Patrick Finucane's killing called for by Judge Peter Cory, an esteemed Supreme Court judge from Canada who was asked by the British and Irish Governments to investigate this murder and make a recommendation regarding the possibility of collusion.

H. Res. 740 calls for exactly the type of inquiry that nongovernmental human rights organizations, including British Irish Rights Watch, the Committee for the Administration of Justice, Human Rights First, and Amnesty International have demanded. This is what the Irish Government and Parliament have urged. It is what we in Congress have supported. In 1999 the House passed House Resolution 128, which I authored, and in 2003 the full Congress passed, and the President signed into law, Chairman HYDE's Foreign Relations Authorization Act (Public Law 107–228).

But most of all, this is what the Finucane family, which for 17 years has courageously campaigned for justice, for Pat Finucane and all the victims in Northern Ireland, has demanded. Let us once again join them in their struggle.

I have held eleven hearings on human rights and police reform in Northern Ireland since 1997. In every one of those hearings witnesses have testified to the central role the Finucane murder has played in advancing an atmosphere of distrust and no confidence in state agencies. We've had family members, other Northern Ireland attorneys, nongovernmental human rights activists, as well as Mitch Reiss, President Bush's special envoy for the Northern Ireland Peace Process and Param Cumaraswamy, the United Nations' Special Rapporteur all testify that properly investigating this case is key to securing a just and lasting peace in Northern Ireland.

This is a crucial moment in the peace process in Northern Ireland. A credible public, independent, judicial inquiry into Pat Finucane's murder will help ensure confidence in the rule of law in the north of Ireland and will help bring the people of both sides of the divide to a just, stable and lasting peace which they richly deserve.

Mr. Speaker, I would like to again express my deepest condolences to the Finucane family and thank them for their courageous and tireless efforts on behalf of justice not only for their loved one but also for others who may have been victims of state-sponsored collusion in the north of Ireland. Similarly, I would like to acknowledge the work and support from many human rights activists including Jane Winter of British Irish Rights Watch, Elisa Massimino from Human Rights First formerly the Lawyers Committee for Human Rights), and Maggie Beirne, Martin O'Brien and Paul Mageean who have testified before Congress on behalf of the Committee on the Administration of Justice. Finally, Mr. Speaker, I would also like to remind my colleagues of the riveting testimony offered on this matter in 1998 by Rosemary Nelson, an attorney from Northern Ireland who told Congress that defense attorneys there feared that they could be murdered themselves because no one had been held accountable in the murder of Patrick Finucane. Six months after her testimony, Rosemary Nelson was killed, the victim of a car bomb.

For the Finucanes, for Rosemary Nelson and her family, and for peace and justice in Northern Ireland, I urge my colleagues to vote to pass this important resolution.

I ask unanimous consent to include in the RECORD the statement from the Honorable Judge Peter Cory, March 15, 2005 and a copy of the resolution adopted by Dail Eireann on March 8th urging an independent, judicial, public inquiry into the murder of Patrick Finucane.

THE HONORABLE PETER CORY,
C.C., C.D., Q.C.,
Toronto, ON, March 15, 2005.

Chairman CHRIS SMITH,
Rayburn HOB,
Washington, DC.

DEAR CHAIRMAN SMITH: The proposed legislation pertaining to the public inquiries is unfortunate to say the least.

First, it must be remembered that when the Weston Park Accord was signed, the signatories would have had only one concept of a public inquiry. Namely, that it would be conducted pursuant to the 1921 Public Inquiry Act. Indeed, as an example, the Bloody Sunday Inquiry would have commenced its work as a public inquiry by that time.

The families of the victims and the people of Northern Ireland would have thought that if a public inquiry were to be directed it would be brought into existence pursuant to the 1921 Public Inquiry Act.

To change the ground rules at this late date seems unfair. It seems as well unnecessary since the security of the realm would be ensured by the courts when the issue arose in a true public inquiry.

My report certainly contemplated a true public inquiry constituted and acting pursuant to the provisions of the 1921 Act.

Further, it seems to me that the proposed new Act would make a meaningful inquiry impossible. The commissions would be working in an impossible situation. For example, the Minister, the actions of whose ministry was to be reviewed by the public inquiry would have the authority to thwart the efforts of the inquiry at every step. It really creates an intolerable Alice in Wonderland situation. There have been references in the press to an international judicial membership in the inquiry. If the new Act were to become law, I would advise all Canadian judges to decline an appointment in light of the impossible situation they would be facing. In fact, I cannot contemplate any self respecting Canadian judge accepting an appointment to an inquiry constituted under the new proposed act.

Yours sincerely,

THE HON. PETER DEC. CORY.

''That Dáil Éireann:

Recalling the brutal murder of solicitor, Patrick Finucane at his home in Belfast on 12 February 1989;

Noting the on-going allegations of collusion between loyalist paramilitaries and British security forces in the murder of Mr. Finucane;

Recalling the commitments made at the Weston Park talks in July 2001 by the British Government to hold a public inquiry into the Finucane case, if so recommended by the Honourable Judge Peter Cory, it being clearly understood that such an inquiry would be held under the UK Tribunals of Inquiry (Evidence) Act, 1921;

Noting that Judge Cory found sufficient evidence of collusion to warrant a public inquiry into the case and recommended that such an inquiry take place without delay;

Recalling that in his conclusions, Judge Cory set out the necessity and importance of a public inquiry into this case and that the failure to hold a public inquiry as quickly as reasonably possible could be seen as a denial of the agreement at Weston Park;

Noting that the limited form of inquiry under the UK Inquiries Act 2005, proposed by the British Government has been rejected as inadequate by Judge Cory, the Finucane family, the Government and human rights groups;

1. Commends the Finucane family for their courageous campaign to seek the truth in this case of collusion;

2. Deeply regrets the British Government's failure to honour its commitment to implement Judge Cory's recommendation in full;

3. Welcomes the sustained support of successive Governments and all parties for the Finucane family over the past decade in their efforts to find the truth behind the murder;

4. Acknowledges the work of the Oireachtas Sub-Committee on Human Rights in highlighting this case;

5. Welcomes the Taoiseach's commitment and efforts in pursuing the case with the British Prime Minister Tony Blair;

6. Endorses the Government's international efforts at highlighting the case in the US, at the United Nations and at the Council of Europe in Strasbourg,

7. Calls on the British Government to reconsider its position on the Finucane case to take full account of the family's objections and amend the UK Inquiries Act 2005;

8. Calls for the immediate establishment of a full, independent, public judicial inquiry into the murder of Pat Finucane, as recommended by Judge Cory, which would enjoy the full co-operation of the family and the wider community throughout Ireland and abroad.

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

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

The SPEAKER pro tempore (Mr. GOHMERT). The question is on the motion offered by the gentleman from Michigan (Mr. MCCOTTER) that the House suspend the rules and agree to the resolution, H. Res. 740, 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. MCCOTTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this question will be postponed.

CONDEMNING IN THE STRONGEST TERMS THE TERRORIST ATTACKS IN DAHAB AND NORTHERN SINAI, EGYPT, ON APRIL 24 AND 26, 2006

Mr. MCCOTTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 795) condemning in the strongest terms the terrorist attacks in Dahab and Northern Sinai, Egypt, on April 24 and 26, 2006.

The Clerk read as follows:

H. RES. 795

Whereas, on April 24 and 26, 2006, a series of explosions at Dahab and in Northern Sinai, Egypt, planned and carried out by terrorists, resulted in the deaths of scores of civilians and the injury of many others;

Whereas the people of Egypt have been subjected to several other deadly terrorist attacks over the past years; and

Whereas President George W. Bush called President Hosni Mubarak of Egypt to extend condolences on behalf of the American people for the loss of life: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest terms the terrorist attacks on Dahab and Northern Sinai, Egypt and other terrorist attacks directed against Egypt;

(2) expresses its condolences to the families and friends of those individuals who were killed in the attacks and expresses its sympathies to those individuals who have been injured;

(3) joins with President George W. Bush in expressing the solidarity of the people and Government of the United States with the people and Government of Egypt as they recover from these cowardly and inhuman attacks; and

(4) expresses its readiness to support the Egyptian authorities in their efforts to bring to justice those individuals responsible for the recent attacks in Egypt and to pursue, disrupt, undermine, and dismantle the networks which plan and carry out such attacks.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. MCCOTTER) and the gentleman from Florida (Mr. WEXLER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. MCCOTTER. Mr. 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 resolution under consideration.

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

There was no objection.

Mr. MCCOTTER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of House Resolution 795. With this resolution, the House reflects on the recent bombings in the Sinai which cut short dozens of lives. We take this opportunity to share with our friends, the people of Egypt, our sorrow, our sympathy, and our determination to help Egypt defend itself against such attacks.

The Egyptian people have been subject to terrorist attacks for many years; they have responded strongly and generally effectively. While there were several successful attacks during 2005, there were also antiterrorism successes. According to the State Department's ''Country Report on Terrorism,'' two attempts to target tourists in Cairo were thwarted by Egyptian authorities. Nevertheless, because the Egyptian economy relies so strongly on tourism, each incident has an effect that is magnified for the country and has an impact that goes beyond the personal tragedies of those who are killed and injured. Anyone who has had the opportunity to visit Egypt will have experienced the gracious hospitality for which Egyptians are famous. It is a terrible shame that the Egyptians in the tourism sector, many of whom are economically deprived, must bear the burden of the vicious terrorist strikes.

Mr. Speaker, Egypt and the United States have a good level of antiterrorism cooperation. I hope that the combined antiterrorism efforts of Egypt and the United States will continue to bear fruit. We must continue to work together.

Mr. Speaker, let me conclude by quoting the statement of the Secretary of State, Dr. Condoleezza Rice, on April 4, 2006: ''The United States condemns the vicious terrorist bombings in Dahab, Egypt today. We extend our deepest sympathies to those injured by this attack and to the families and loved ones of those killed. There could be no justification for this barbaric act of terrorism. Our thoughts and prayers are with the people of Egypt at this time of grief. We have been in contact with the Egyptian Government to extend our condolences and to offer whatever assistance they may need. We will support our Egyptian friends in their commitment to fight terror and to bring justice to those who are responsible for this crime.''

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

Mr. WEXLER. Mr. Speaker, I rise in strong support of H. Res. 795 and yield myself as much time as I may consume.

Mr. Speaker, I want to thank my colleagues Congressman DAVIS and Congressman ISSA for joining me in introducing this important resolution being considered on the floor today.

On April 24 and April 26, a series of attacks were carried out in the Sinai region of Egypt, claiming the lives of 23 innocent civilians and injuring more than 60 men, women, and children. These horrific acts further demonstrate that no nation is free from the scourge of terror that has targeted the United States and our allies in Europe, Asia, and the Middle East. From Taba to Dahab to Sharm al-Shaykh, the terrorist attacks perpetrated by Islamic extremists in Egypt are deplorable and should be condemned by every nation that shares a commitment to security and peace. It is in this regard that I call on leaders of the international community and especially the Arab world to join the United States in decrying these horrific acts, these action by terrorists, and exhaust ever measure to work with Egypt in combating extremism and terror.

Today, Congress expresses its solidarity with the people of Egypt who have suffered greatly at the hands of terror. As allies in the war on terror, the United States and Egypt share a common commitment to security in the Middle East. As such, the people of America stand shoulder to shoulder with the people of Egypt and renew our commitment to eradicating terror throughout the world.

Mr. Speaker, I strongly urge our colleagues to support this resolution.

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

Mr. MCCOTTER. Mr. Speaker, I yield so much time as he may consume to the gentleman from Virginia (Mr. TOM DAVIS), the sponsor of the resolution.

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Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H. Res. 795, a resolution I introduced condemning the terrorist attacks in Dahab and northern Sinai in Egypt.

On April 24 and 26, 2006, a series of explosions at Dahab and in northern Sinai, Egypt, planned and carried out by terrorists, resulted in the deaths of scores of civilians and the injuries of many others.

Over the years, the relationship between the United States and Egypt has proven to be of critical importance to both countries. These relations have always been founded on mutual and deep understanding of each country's interests and role, both at the regional and international levels, in creating a world that is more safe and secure.

Like the United States, Egypt is a prime target of terrorism. President Sadat lost his life in 1981 as a price for signing the peace accords with Israel. Between 1990 and 1997, Egypt suffered from a series of terrorist attacks, mainly targeting the tourism sector that had long been the anchor of economic growth in the country.

Since September 11, Egypt has been a crucial ally to the United States in the global war on terror. Egypt, along with other Middle East allies such as Israel and Jordan, have paid a price for that too. Terrorist attacks rocked the Sinai Peninsula three times over 18 months. Moreover, last year, Egypt lost its Ambassador to Iraq.

The bloody attacks that took innocent lives in Dahab earlier this month indicate that terrorism does not discriminate by race, ethnicity, or region. Instead, terrorists target those seeking to live a peaceful and free life. We must hunt the terrorists down and bring them to justice. There is no other way

to respond to those so committed to the destruction of life. We must also stand with the Egyptian people in solidarity.

This resolution does just that, making it clear that Congress and the American people are behind them during this difficult period.

Mr. Speaker, let the House of Representatives speak in unison and with clarity on this issue: Terrorism has no place in this world and it will not be tolerated.

I want to thank my colleagues, DARRELL ISSA, Mr. WEXLER and Ms. ROS-LEHTINEN for their work on this resolution. It is only through their efforts that we were able to bring it to the floor so quickly. I also want to thank my colleague, Mr. MCCOTTER, for managing this so well. In addition, I thank the leadership on both sides for allowing this bill on the floor today, and I urge an ''aye'' vote.

Mr. LANTOS. Mr. Speaker, I rise in strong support of H. Res. 795. The cruel and deadly terrorist attacks last month in Egypt's Sinai Peninsula took place on the weekend of the Coptic Orthodox Easter and an Egyptian national holiday commemorating the Israeli withdrawal from the Sinai. Its casualties included Egyptian Muslims and Egyptian Christians, as well as foreigners. In all, 18 people were murdered—12 of them Egyptian—and 85 wounded.

These attacks have proven once again that the extreme ideology of violent Islamic fundamentalism poses a danger not only to the Western World but to all peace-loving people on the globe. The terrorists do not distinguish between Christians, Jews, or Muslims—or between Arabs and non-Arabs—in their search to destroy the core values of civilization.

Mr. Speaker, at this difficult time we extend our deepest sympathies to the Egyptian people—and to the loved ones of all those of many nations who perished in the April 24 bombings. We also offer sincere expressions of concern to all those wounded in the bombings on April 24 and 26—in the latter of which only the would-be murderers themselves lost their lives.

The rise of terrorism in the once placid Sinai is a source of great concern to Egypt, its neighbors, and to all its friends. This was the third major bombing at Sinai resorts in the past 18 months, following attacks on Taba and its environs on October 7, 2004, which left 34 dead, and on Sharm el-Sheikh on July 23, 2005, which murdered 64. The April 26 attack to which I alluded a moment ago was directed at both Egyptian police and a contingent of the U.S.-led Multinational Force and Observers (MFO) in the Sinai, people who have no purpose other than preserving the peace between Israel and Egypt.

We want the Egyptian people to know they have our full support as they seek to hunt down those who planned and implemented all these heinous attacks and as they seek to eradicate the scourge of fundamentalist violence that has afflicted Egypt in ebbs and flows over the years—the same scourge that took the life of Anwar Sadat, one of the towering figures of the twentieth century, as well as the life of Farag Hoda, a brilliant author and highly principled secularist.

I believe the ultimate answer to this problem lies in education, economic development, and political reform. But now is not the time to debate such issues.

For now, Mr. Speaker, let us stand as one with the Egyptian people and government in opposing and rejecting the violent ideology of hate, of which Egypt has been but the latest victim.

Mr. Speaker, I strongly support this resolution, and I urge all my colleagues to join me in doing likewise.

Mrs. CUBIN. Mr. Speaker, I rise today in strong support of House Resolution 795, condemning the terrorist bombings in Egypt on April 24 and 26, 2006. The deplorable and cowardly acts of violence perpetrated against civilians on those two days of terror are worthy of our condemnation, and illustrate the depths to which terrorists will sink to spread their hatred and violence. I urge my colleagues to support this resolution on its own merits, but also out of respect for four good people from my hometown of Casper, Wyoming, all of whom were severely injured in the April 24 blast in Dahab.

On the evening of April 24, 2006, Betsy Lamberson, Tom South, Bruce Lamberson and Cindy Parrish were attempting to enjoy a nice dinner together at this resort town on the Gulf of Aqaba. Their plans were suddenly and brutally cut short when a terrorist group affiliated with Al-Qaeda detonated three separate blasts, killing 24 people and injuring more than 80. These four Wyoming folks were among those seriously injured. We can thank God that all of them lived through the ordeal. However, with broken limbs and serious shrapnel injuries, each of them has a long road to recovery.

Mr. Speaker, there can be no greater reminder to us of what is at stake in our war against terrorism then four innocent people from my hometown nearly cut down by the senseless hatred of radical Islamists. Will cannot and will not live in the shadow of this violence, unable to visit family in far away places out of fear for our very lives. Our resolve is only hardened by these attacks on our countrymen, and our commitment to defeating terrorism across the globe is renewed today.

On behalf of Wyoming and her citizens, I pray that Betsy, Tom, Bruce, and Cindy will fully recover from their injuries and be able to enjoy all that life has yet to offer them. I urge my colleagues to support this resolution, which sends a clear message to terrorists wherever they may be hiding: we will not stand idly by while you so callously attempt to harm innocent people, and destroy the freedoms they deserve.

Mr. WEXLER. Mr. Speaker, I yield back the remaining time.

Mr. MCCOTTER. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. MCCOTTER) that the House suspend the rules and agree to the resolution, H. Res. 795.

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

The yeas and nays were ordered.

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

CONDEMNING MURDER OF AMERICAN JOURNALIST PAUL KLEBNIKOV ON JULY 9, 2004, IN MOSCOW AND MURDERS OF OTHER MEMBERS OF THE MEDIA IN THE RUSSIAN FEDERATION

Mr. MCCOTTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 499) condemning the murder of American journalist Paul Klebnikov on July 9, 2004, in Moscow and the murders of other members of the media in the Russian Federation, as amended.

The Clerk read as follows:

H. RES. 499

Whereas on July 9, 2004, American journalist Paul Klebnikov was murdered by gunmen as he exited the Moscow offices of Forbes Magazine;

Whereas no person has been convicted of any offense in connection with the murder of Mr. Klebnikov;

Whereas Mr. Klebnikov is survived by his wife Helen, and his three young children;

Whereas twelve journalists have been murdered in the Russian Federation since 2000 and Mr. Klebnikov was the first and only United States citizen among these journalists;

Whereas the Department of State's 2005 Country Reports on Human Rights Practices states government pressure in Russia continues to weaken freedom of expression and the independence and freedom of the media, particularly among the major national television networks and regional media outlets;

Whereas the Russian Prosecutor General's office arrested and tried Musa Vahaev and Kazbek Dukzov for the murder of Mr. Klebnikov;

Whereas Musa Vahaev and Kazbek Dukzov were acquitted on May 5, 2006, of the charges of murdering Mr. Klebnikov;

Whereas the Government of Russia has stated that Mr. Klebnikov's murder was ordered by Khozh-Akhmed Nukhayev, a fugitive Chechen criminal gang leader, but has not publicly released any evidence of Mr. Nukhayev's complicity;

Whereas it remains unclear who ordered the murder of Mr. Klebnikov or if any party will be convicted of this crime; and

Whereas a group of United States investigative journalists has launched an independent inquiry into the death of Mr. Klebnikov: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the murder of American journalist Paul Klebnikov on July 9, 2004, in Moscow and the murders of other members of the media in the Russian Federation;

(2) commends the Russian Prosecutor General's office for its continuing investigation of the murder of Mr. Klebnikov;

(3) urges the Government of Russia to continue its inquiries to determine and bring to justice all parties involved in the murder of Mr. Klebnikov;

(4) urges the Government of Russia to accept offers of assistance with the investigation of Mr. Klebnikov's murder from the United States and other concerned governments;

(5) urges the Government of Russia to take appropriate action to protect the independence and freedom of the Russian media and all visiting members of the media; and

(6) commends all journalists working and living in Russia for their courageous dedication to transparency and the truth.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. MCCOTTER) and the gentleman from Florida (Mr. WEXLER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. MCCOTTER. Mr. 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 resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H. Res. 499, a resolution that condemns the murder of American journalist Paul Klebnikov in Moscow and the murder of other members of the media in the Russian Federation. H. Res. 499 was a product which I introduced, and I commend and thank the chairman of the Europe and Emerging Threats Subcommittee, Mr. GALLEGLY, and, of course, the chairman of the committee, Chairman HYDE, for all of their help with this legislation, as well as all of my colleagues on the International Relations Committee, and not surprisingly, I strongly urge its passage.

On July 9, 2004, Paul Klebnikov, the editor-in-chief of the Russian edition of Forbes Magazine, was shot 10 times outside his office building in Moscow. He left behind a wife and three young children. As part of his work, Mr. Klebnikov had developed into one of the foremost experts on the intersection between organized crime, politics, law enforcement and big business in Russia. Unfortunately, the murder of Paul Klebnikov is not an isolated attack on members of the press. In the past 6 years alone, 12 journalists have been murdered in the Russian Federation.

H. Res. 499 condemns this brutal murder, as well as the murder of other members of the Russian media. While applauding the work of the Russian prosecutor general's office for its ongoing investigation, the legislation urges the Government of Russia to continue its inquiry and bring to justice all parties involved in this horrific crime. It also calls upon Russia to accept offers of assistance from the United States and other rightly concerned governments.

Finally, H. Res. 499 commends Russian-based journalists for their courageous dedication to transparency and the truth and urges the Russian Government to take appropriate action to protect the independence and freedom of members of the press working and living in Russia.

H. Res. 499 was approved both by the Subcommittee on Europe and Emerging Threats and the full International Relations Committee.

Mr. Speaker, it is often wondered why in the United States our Constitution refers to freedom of speech rather than freedom of conscience. It is because the founders of this country and the framers of our Constitution understood that there can be no freedom of conscience where there is not freedom of speech to express it. What the Founding Fathers knew has been perverted by many who would enslave and subjugate their fellow human beings, which is why we in the United States who enjoy a freedom of speech and its concomitant freedom of conscience must be ever alert to ensure that the watchdogs of liberty, a free and unfettered press, are forever protected from intimidation or extermination at the hands of dictators.

Again, I would like to thank my colleagues on the International Relations Committee, and I would like to urge my colleagues to adopt this resolution.

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

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

I rise in strong support of H. Res. 499, and I want to thank Congressman MCCOTTER for introducing this important resolution that is being considered on the floor today.

Mr. Speaker, American journalist Paul Klebnikov devoted his career to exposing corruption within Russia. He was committed to seeing Russia become a free and wholly democratic society. I think I can speak for everyone in this room today that we all share his dream.

Unfortunately, Mr. Klebnikov will not be witness to this, as he was ruthlessly gunned down outside the Moscow offices of Forbes Magazine. He, like 11 other journalists since the Putin administration took office, was murdered in cold blood, chilling freedom of speech and the media in Russia.

Last year, President Putin announced publicly that fighting corruption and protecting the Russian people from crime is a priority for his administration. For this promise not to be seen as yet another hollow gesture, President Putin must do everything in his power to investigate and prosecute the perpetrators of Mr. Klebnikov's murder. A free media will never exist in Russia unless the murderers are brought to justice.

Mr. Speaker, I strongly urge our colleagues to support this resolution.

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

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

I just wish to thank the gentleman from Florida (Mr. WEXLER), the gentleman from California (Mr. SCHIFF), and of course, the ranking member of the International Relations Committee, the gentleman from California (Mr. LANTOS), who has been a staunch opponent of totalitarianism and a champion of freedom in this institution for decades.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. MCCOTTER) that the House suspend the rules and agree to the resolution, H. Res. 499, as amended.

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

A motion to reconsider was laid on the table.

ILLEGAL IMMIGRATION

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

Mrs. BLACKBURN. Mr. Speaker, today the phones in our district offices and our D.C. offices are ringing off the hook, and most of those calls are coming in about the situation that our country faces with illegal immigration.

Mr. Speaker, it is not that complicated an issue. The Members of this body and here in the House agree, secure the border first. That is the first thing that needs to be done.

The Republican leadership in the House worked hard to pass the bill that we passed last December, which addresses border security and employer enforcement.

So to my constituents and to the other Members of this body I say, let us say no to amnesty or any type of amnesty. Let us continue to support construction of a border, whether it is a wall or surveillance. Let us secure our border. I do support the use of military presence on the border as an emergency measure.

Mr. Speaker, it is time for action. The time has passed. It is time for us to be certain that this Nation is secure. It is an issue of national security.

HAPPY MOTHER'S DAY

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

Mr. MCCOTTER. Mr. Speaker, ordinarily I would have recognized the work and dedication of a special constituent from Michigan's 11th District on Sunday. However, she was away from home.

I would like to thank Georgia Joan McCotter, a mother, for a lifetime of trying to make sure that her two sons, Thaddeus and Dennis, were raised to be good and decent people. Although she fully succeeded in my brother's case, I would like to assure her that I am still trying, but that the love in my heart for her will never diminish over time.

So, to her belatedly, if you are home, if you are listening, Happy Mother's Day.

□ 1530

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 gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

(Mr. BILIRAKIS 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. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO 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 California (Mr. HUNTER) is recognized for 5 minutes.

(Mr. HUNTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE 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 Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from 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 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 Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

(Mr. GOHMERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ENERGY PRODUCTION AND SUPPLY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the majority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, recently our Secretary of State, Condoleezza Rice, made a statement that I would like to read. In this statement she said: ''We do have to do something about the energy problem. I can tell you that nothing has really taken me aback more as Secretary of State than the way that the politics of energy is, I will use the word 'warping diplomacy,' around the world. We have simply got to do something about the warping now of diplomatic effort by the all-out rush for energy supply.''

Mr. Speaker, the 8th of this March was a really historic date, and it passed and really very few people knew how historic it was. It was 50 years since a report given in San Antonio, Texas, by a world-famous scientist. And I will talk about that a bit more in a few minutes.

The 15th of March of this year marked one year from the date that I first came to this floor to talk about the problem that Condoleezza Rice was talking about, about the energy problem; and since that time I have been to the floor several times to talk about that. Since then, there have been two major government studies on this same topic. One of them is known as the ''Hirsch Report,'' from Robert Hirsch, who was the principal investigator for SAIC, a very large prestigious scientific engineering organization.

This study was sponsored by the Department of Energy; and for several months after the report was available, it was kind of bottled up inside the agency and we were kind of asking the question, why wasn't it out on the street sooner because it really makes some very significant points.

A second study was done at the request of the Army by the Corps of Engineers. And I have those two reports here. Here is the ''Peaking of World Oil Production: Impacts, Mitigation and Risk Management.'' The project leader was Dr. Robert Hirsch. And here is that report, paid for by our Department of Energy and done by SAIC. That was dated February of 2005.

A few months later, in September of 2005, a report by the Corps of Engineers, and here is a copy of that report, which just got out to the street about 3 months ago, by the way. So for a number of months this was bottled up inside the Pentagon. Both of these reports say essentially the same thing, and I would like to spend a few minutes this afternoon talking about what these two reports say.

The first is a quote from the ''Energy Trends and Their Implications, U.S. Army Installations.'' And, Mr. Speaker, anywhere in this report that the Army is mentioned, you could put the United States in, or for that matter the world, and it would have the same meaning. But since they are a part of the Army and this was an Army study, they talk about the Army.

This first statement: ''In general, all nonrenewable resources,'' and fossil fuels are generally perceived of as being in the time scale that we are concerned about, nonrenewable. ''In general, all nonrenewable resources follow a natural supply curve. Production increases rapidly, slows, reaches a peak, and then declines at a rapid pace similar to its initial increase. The major question for petroleum is not whether production will peak, but when. There are many estimates of recoverable petroleum reserves, giving rise to many estimates of when peak will occur and how high the peak will be. A careful review of all of the estimates leads to the conclusion that world oil production may peak within a few short years, after which it will decline. Once a peak occurs, then historic patterns of world oil demand and price cycles will cease.''

And the next is a quote from the ''Hirsch Report'': ''World oil peaking is going to happen,'' saying the same thing as the Army Corps of Engineers. And, by the way, we have no reason to believe that there was any interchange between these two groups that were doing the study. ''World oil production is going to peak. World production of conventional oil will reach a maximum and decline thereafter.'' Exactly the same thing that the Army Corps of Engineers was saying. ''That maximum is called the peak. A number of competent forecasters project peaking within a decade, others contend it will be later. Prediction of the peaking is extremely difficult because of geological complexities, measurement problems, pricing variations, demand elasticity, and political influences. Peaking will happen, but the timing is uncertain.''

''Oil peaking presents a unique challenge,'' they say. And then this astounding statement: ''The world has never faced a problem like this.'' There is no precedent. You cannot go back in history to find a problem like this. They say: ''The world has never faced a problem like this. Without massive mitigation more than a decade before the fact, '' and most of the world experts believe we do not have a decade, in fact, we may be there, ''without massive mitigation more than a decade before the fact, the problem will be pervasive and will not be temporary. Previous energy transitions, wood to coal and coal to oil, were gradual and evolutionary. Oil peaking will be abrupt and revolutionary.''

The next chart shows that these same data inspired 30 prominent Americans, Boyden Gray, Jim Woolsey, and Frank Gaffney, and 27 other very prominent people, among them several retired four-star generals and admirals, to write a letter to the President. In effect what they said was, Mr. President, the fact that we have only about 2 percent of the world's reserves of oil, and we use 25 percent of the world's oil and we import about two-thirds of what we use, presents a totally unacceptable national security risk. We really have to do something about that.

As the chart shows here, we represent a bit less than 5 percent of the world's population, about 1 person out of 22. And we are really good at pumping our oil. We have only 2 percent of the reserves, which from that 2 percent of the reserves we are pumping 8 percent of the world's oil, which means we are pumping our wells four times faster than the average.

Now, what are they talking about? As the next chart shows, this was all predicted quite awhile ago. To understand the history of this, to put it in context, we have to go back more than half a century to the 1940s and 1950s. A scientist by the name of M. King Hubbert was working for the Shell Oil Company, and he observed the pumping and the exhaustion of individual oil fields. The United States was pretty much first on the scene in any large way. At one time we were the world's largest producer of oil, and I believe the world's largest exporter of oil. And right when we were in our heyday in 1956, M. King Hubbert went to San Antonio, Texas, and gave that famous paper I referred to a few minutes ago, saying that in just 14 years, in about 1970, the United States would peak in oil production; we would reach a maximum.

Shell Oil Company did not believe that was going to happen and cautioned that he would make himself a fool and them a fool for hiring him if he went to give that paper and published it. And he went anyway. Then 14 years later, right on schedule, we peaked in oil production.

The smooth green curve here was the M. King Hubbert's curve. The more ragged green curve with the larger symbols is the actual production data. And you see that that peaked in 1970 and then fell off. Now, this is the lower 48. In just a moment, we will put another chart up here which shows what happens when you include the Alaskan oil finds.

This is the lower 48, and this is what has happened in the lower 48. The red curve there, by the way, is the former Soviet Union, and they kind of came unglued when the Soviet Union fell apart. You see that their production did not reach the potential. They are already on the downside, by the way. They have somewhat more oil than we. They peaked a little bit later. They had a second small peak, but then it is all downhill after that.

The next chart shows where our oil has come from in our country. And the rest of the U.S. and Texas, the dark blue and light blue, are what M. King Hubbert was talking about, and these are the actual data points from 1935 to now. We have added to this now the natural gas liquids and the Alaskan oil find, that big oil find in Alaska, Prudhoe Bay, Dead Horse. I have been there, at the very beginning of that 4-foot pipeline through which about a fourth of our domestic production has been flowing. That is on the downside now, by the way, and it is becoming less and less. Notice that there was just a blip and the slide down the other side of Hubbert's Peak with that big Alaska oil find.

The thing on this chart, Mr. Speaker, which interests me is that little yellow there on the downside. Just a blip. A small blip. That is the famed Gulf of Mexico oil find. You may remember that. It wasn't all that many years ago we found that, and, boy, that was a lot of oil. There are now 4,000 oil wells out there in the Gulf of Mexico. And that was to save us. It just barely, barely is a ripple in our slide down the other side of Hubbert's Peak.

The next chart puts this in world perspective. We have been talking about the United States, and now this takes us to the world. The big bars here are the discovery of oil, and you will notice some of that was found way back in the 1940s, some big discoveries, then the 1950s, and, boy, the 1970s and the 1980s. But notice that since 1980, the finds of oil have been ever less and less, and that is in spite of really good techniques for finding oil.

We now have 3D seismic, we have computer modeling, and we have been very aggressive. You see, since about 1980, we have been finding less oil than we are using, because the consumption curve here is this solid black line. At about 1980, you see there the consumption of oil exceeded the oil that we were finding. So for that period between 1980 and now, the deficit between what we found and what we are using has been filled with reserves that we have. Worldwide, pretty big reserves.

□ 1545

Not much in our country because we have been pumping our oil for a long time, very aggressively.

This is an interesting chart, and anyone who works with these charts knows that the area under one of these curves represents the total amount available. So if you add up all of these little bars, we made a smooth curve through the discovery here. The area under that discovery curve would represent the total amount of oil that we have discovered. Similarly, the area under the consumption curve will represent the total amount of oil that we have consumed.

Now, what is very obvious is that you can't consume oil that you haven't found. So what does that mean? Now, you can have any projection for the future that you like. You can assume that we are going to do a lot of enhanced oil recovery, that we are going to find a little bit of oil, most experts believe there isn't that much left, the little bit of oil that remains and pump it very quickly.

But one thing is certain: you cannot pump what you haven't found. And so ultimately the area under the consumption curve cannot be greater than the area under the discovery curve.

Notice that they are suggesting in this little chart that peaking is going to be at about 2010. Some believe that it may have already occurred.

The next chart is an interesting one from the Energy Information Agency, and they use a very strange, in a way, bizarre application of statistics. We have the 95 percent probability in statistics which is the most probable, and something is significant if it is the 95 percent probability. It is highly significant at 97. You can go on down with the 50 percent probability or a 5 percent probability.

You can get a little sense of these probabilities when you look at the little chart they draw about a hurricane's path. You notice that for the next 24 hours it is a fairly narrow funnel, and then it gets wider and wider as they go out because of the increased uncertainty as you go out.

Well, here the Energy Information Agency has drawn the oil curve, and

you see that they peaked in 1970. We have been going downhill ever since. And back there, a little bit before 2000 I guess on this graph they made a projection of where we were going. Now, they are using these statistics you see at the bottom down there, the past, which is the red line, and then the 95 percent probability and the mean, which is the 50 percent.

The 50 percent probability is not the mean, Mr. Speaker. If you were going to draw this chart realistically, you would have to have another green line that came as far below the yellow line as that one is above it like here, and another blue line that is down here. They are using the 50 percent probability as if it were the mean and saying that is the most probable. Of course in statistics, 95 percent probability is obviously more probable than the 50 percent probability.

Well, this bizarre use of statistics results in something that the next chart will show. But just a moment on this one. Notice what has happened since they made this projection. Notice where the red line has been going. It has of course been following the 95 percent probability, although they believe that it should be following the 50 percent probability, or the green line. In other words, we should be finding more and more oil.

The next chart looks at that in another way. By the way, they say here the probability, they say 95 percent is low probability. That is the highest probability. I have no idea how you get this warped statistic; 95 percent is the highest probability. The 50 percent probability is not the mean, and the lowest probability is 5 percent.

Well, they mean that the lowest amount of oil you would find is a 95 percent probability. The highest amount is 5 percent. But the 5 percent could just as well be the other side of the 95 percent probability which would be really, really low.

Well, here is a graph that they have drawn, and this graph points out something very interesting, the peak for the 95 percent probability, which says that the world had totally about 2,000 gigabarrels of oil. By the way, we use ''giga'' rather than billion because in England a million million is a billion. In our country it is a thousand million, which is a billion. But giga means the same thing to everybody world around, so we use gigabarrels.

If we have in fact 2,000 gigabarrels total, we have used about a thousand of that, and about a thousand remains, which means that we are at this point here; and this should start sliding downhill after that. But they have imagined another thousand gigabarrels of oil to be found; and if that is true, notice that moves the peak out only to 2016.

We are using oil at such a horrendous rate in the world, that even if we found 50 percent more oil than we have ever found, that moves the peak out only that far. And then they show what happens if you go out to 2037. If you have enhanced oil recovery and so forth and get that much more, look what happens. Look at the way it drops there.

The next chart is an interesting one. It shows the same thing pretty much that we showed in that big oil chart that showed the discovery curve. And these are, this is the relationship of discovery to use. Notice, in about 1980 here, we started using more than we had discovered. So this curve says the same kind of thing that the previous one said, only this shows the relationship of discoveries to use.

The next chart is another statement from the ''Hirsch Report,'' and I want to spend a few minutes now on these two reports because they are really very meaningful reports. I will note, Mr. Speaker, that both of these reports have come out in the past year after we gave our first discussion here a year ago, the 14th of March.

This again is from the ''Hirsch Report.'' The peaking of world oil production presents the United States and the world with an unprecedented risk management problem. As peaking is approached, liquid fuel prices and price volatility will increase dramatically. And without timely mitigation, the economic, social and political cost will be unprecedented. Viable mitigation options exist on both the supply and demand side, but to have substantial impact they must be initiated more than a decade in advance of peaking.

Mr. Speaker, we probably do not have a decade. As a matter of fact, we may be here. Dealing with world oil production peaking will be extremely complex, involve literally trillions of dollars, and require many years of intense effort.

Mr. Speaker, the question I am asking is, If this is true, and if this report was paid for by the Department of Energy, why aren't the leaders in our country telling the American people this?

Now, if they didn't believe this report, just a few months later came the report from the Corps of Engineers that says essentially the same thing as we will see from some following charts. The next chart is another quote from the ''Hirsch Report'': ''We cannot conceive of any affordable government-sponsored crash program to accelerate normal replacement schedules.'' They are talking now about what will we do to make sure that there is enough oil available when we have reached peak production; what can we fill that gap with.

They are saying they can't conceive of any affordable government-sponsored crash program to make this happen, so as to incorporate higher energy efficiency technologies in the privately owned transportation sectors. Significant improvements in energy efficiency will thus be inherently time consuming on the order of a decade or more. For some things like efficient automobiles, the average light trucks and cars out there, some 16 to 18 years in the fleet, the big 18-wheelers are out there 28 years. So if you are going to make any impact on efficiency in that market, you have to really wait awhile unless you think people are going to scrap their newly purchased SUV.

The next chart is from the Corps of Engineers study, and this is really an interesting chart. Remember the date of this was September '05. The current price of oil is in the $45 to $57 per-barrel range and is expected to stay in that range for several years. Mr. Speaker, I don't think $70 a barrel is within the range of 45 to 57. And it has been less than a year.

So what this shows is that even the experts, these people who spend a long while studying this, when they look at the picture, they didn't anticipate the extent, the seriousness of this problem.

Oil prices may go significantly higher and some have predicted prices ranging up to $180 a barrel in a few years. Mr. Speaker, if that is true, why aren't the leaders of our country telling the American people this?

Friends, we have got a problem ahead of us. It is not an insoluble problem; but the longer we wait, the tougher it is going to be to get through it. We really need to get started now. I don't here our leadership telling us that, Mr. Speaker. And in view of these two reports both saying essentially the same thing, I am wondering why.

Another chart from the Army Corps of Engineers study: oil is the most important form of energy in the world today. I think few would deny that. In addition to transportation, and we use 70 percent of our oil in transportation, it is the feed stock from a really large petrochemical industry. We live in a plastic world. Just look around you at all the things made of plastic. Without oil, most of them wouldn't be here.

Historically, no other energy source equals oil's intrinsic qualities of extractability, transportability, versatility, and cost. The qualities that enabled oil to take over from coal as the front-line energy source for the industrialized world in the middle of the 20th century are as relevant today as they were then.

And another chart from this same Corps of Engineers study, over and over, Mr. Speaker, they are saying the same thing: we face a big challenge.

Petroleum experts Colin Campbell, John LaHerrere, Brian Fleay, Roger Blanchard, Richard Duncan, Walter Youngquist and Albert Bartlett, no relative of mine, but you can pull up on the Web Albert Bartlett, do a Google search for Albert Bartlett and he gives the most interesting 1-hour lecture I have ever heard on energy and the exponential principle, have all estimated that a peak in conventional oil production will occur around 2005. This is 2006.

The corporate executive officers, CEOs at Eni SPA Italian oil companies and ARCO have also published estimates of a peak in 2005. So the problem may already be here.

The next chart shows a very interesting quote from one of the experts in

this area, and this really focuses on a chart that we had just a few minutes ago. Jean LaHerrere made an assessment of the USGS report that concludes, now, USGS says that we are going to find half again the oil that we have already found. We have found about 2,000 gigabarrels, used about 1,000 of that. They say we are going to find another 1,000 gigabarrels. This is what Dr. LaHerrere says. The USGS estimate implies a fivefold increase in discovery that is over the present anemic discovery, a fivefold increase in discovery rate and reserve addition, for which no evidence is presented.

Such an improvement in performance is in fact utterly implausible, given the great technological achievements of the industry over the past 20 years, the worldwide search, and the deliberate effort to find the largest remaining prospects.

In other words, he is saying that we have been looking really hard with really good technique and we haven't found it for the last decade. There is just no justification to this euphemistic projection that we are going to find another 1,000 gigabarrels of oil.

The next chart puts this in kind of a global and time perspective. The chart on the top shows the last 400 of 5,000 years of recorded history. And it shows the beginning of the Industrial Revolution with wood, and it did begin with wood. We were making steel with wood, with charcoal, denuded the hills of New England, carrying it to England to make steel. You can visit Little Catoctin Furnace up here in Frederick County, and we denuded the hills of Northern Frederick County to make charcoal for that little furnace there.

And then we discovered coal. And on the ordinate here is quadrillion Btus. That is the amount of energy you produce. Not very much from wood down there. You see the brown.

It really got six or eight times bigger with coal. And look what happened when we found oil and gas. That is the red curve there which seems to go almost straight up. This is only about a 2 percent increase.

Albert Einstein said that the force of compound interest is the most powerful force in the universe which, after discovering nuclear energy he was asked, Dr. Einstein, what will be the next great force in the universe? And he said that it was the power of compound interest, which is exponential growth, of course.

Notice what happened in the 1970s there, and the downturn. There really was a world recession. We used less oil, fortunately, because what was happening up until that time, Mr. Speaker, is really quite phenomenal. Every decade we were using as much oil as had been used in all of previous history. What that means is that when we used half of all the oil, only one decade of oil remained at current-use rates.

Of course that is not the rate at which oil will be used. We are now about 150 years into the age of oil; 5,000 years of recorded history. That curve is now coming down. It is peaking and will be coming down. And it will come down for about another 100, 150 years. So in 200, 300 years we will have been through the age of oil.

It is interesting, Mr. Speaker, to put this in this perspective: 5,000 years of recorded history, we found this incredible wealth under the ground. It really was incredible wealth. Just one barrel of this oil provides you the energy of 12 people working all year for you; 12 people working all year. You can buy that for a little more than $100, 42 gallons, a little more than $100 at the pump.

□ 1600

If you produce electricity with it, for less than 25 cents a day, an electric motor will do more work than a hard-working, athletic worker. Really incredible wealth.

What the world should have done when we discovered this, realizing that it could not be infinite, that there just had to be an end to it, that the world is not made of oil and even if it was made of oil, there would still be an end to it by and by, but it is not made of oil; we should have stopped and said, what can we do with this incredible wealth to provide the most good for the most people for the longest time? That clearly is not what we did. As this chart shows here, we just pigged out like kids who found the cookie jar, with no thought for tomorrow. We behaved as if oil was infinite, that it would be there absolutely forever. And, of course, that could not be true.

I started asking myself these questions maybe 40 years ago. I knew that oil and gas and coal could not be forever, and I asked myself what does that mean? Is it something that we need to worry about in 10 years, 100 years, 1,000 years, 1 million years? What does it mean? And a number of people have been asking themselves this question.

The next chart is interesting, and it kind of simplifies this curve. By the way, this is the same curve that we saw before, the red curve going up very steeply. All we have done here is to compress the scale on the ordinate and expand the scale on the abscissa so that now we have a more gradual curve. But it is still a 2 percent growth rate. That doubles in 35 years.

At the beginning of the little yellow there, which is the difference between what we would like to use, that is, the demand curve, and the supply curve, which is the blue-green curve, that is doubled at the end over there. So we know that took 35 years to get there because it doubles in 35 years. If we are there, and there should be a question mark after that because we are not dead certain, what this shows is that the shortage actually starts to occur a bit before the peak occurs, as you are breaking away from that nice, smooth curve. And, of course, there are going to be ups and downs, as we have seen in the price of oil. It is up $5 and down $4 and up another $5 and down $4, but ever up and up as we go through. We face some big challenges.

What most people want to do since we are, as the President says, hooked on oil, we would like to keep that habit. We do not want to kick that habit. We would like to keep that habit. So what most people are focusing on is how do we fill the gap? The gap is that yellow. The gap is the difference between what we have and what we would like to use. And as time goes on, that gets bigger and bigger.

I would like to make the argument, and we will come back to that in a few minutes, that we probably should not be trying to fill the gap, for a couple of reasons. One is that I do not think that we can fill the gap. And the second thing is that there will be a future and we do have kids and we do have grandkids, and to the extent that we are successful today in finding and pumping what oil remains, we are dooming them to an increased crisis where they are going to have less and less opportunity to live like we have lived because our incredibly lavish lifestyle is in large measure built on this really high-quality fossil fuel energy.

The next chart shows us what we will ultimately transition to, and there is no escaping this, oil is finite. There will be a peaking. It could be now; it could be in a few years. It is not if, it is when. And there are some finite resources that we can have that we can work with, but they are finite, although they are enormous in volume. For instance, the tar sands, the Canadians would rather call them oil sands because ''tar'' does not have a good sound to it. But it is tar. It is not much better quality than the asphalt out here in the roadway, which flows with the hot sun, as you may notice. The cars sit on it and it sinks down. Put a blowtorch on it and it will really flow. The oil shales in our west and coal are all finite resources.

The Canadians are aggressively pursuing the production of oil from their tar sands, or oil sands, as they like to call them. But I understand that they are using more energy from natural gas to cook that oil sand to get the oil out and more energy from natural gas than they are getting out of the oil. From a business perspective, that makes good sense because that gas up there is stranded. It is in Alberta, Canada. There are not very many people there. Gas is hard to transport, and stranded gas is very cheap. So they use a cheap gas to produce very expensive oil. It costs them about $18 a barrel, I understand, to produce it. And they are getting $70 a barrel. That is a really good dollar/profit ratio. The energy/profit ratio is less than one; so ultimately that is not sustainable, of course, using more energy in than you get out.

The oil shales in our west, there have been some very glowing articles in the papers. I talked to the investigator there. He attended a conference out in Denver, Colorado a few months ago that I was at. And Shell Oil Company,

it will be several years before they decide whether or not it is even feasible economically to get oil out of our oil shales. There is an enormous quantity there, nearly as much as the world has found, but not all recoverable. There are estimates that 800 billion barrels may be recoverable, but at what cost? What they do out there is to drill a series of holes around the periphery, and they freeze that so that the oil that they melt out in the middle will not contaminate the groundwater, and then they cook it with steam for about a year. And then after they have cooked it for about a year, heating it up, they drill a well there and they start pumping and cooking, and they do that for another year or two, and they can get meaningful amounts of oil. But the scalability of this and the economic feasibility of this are still unknown, so they are pursuing that.

I would caution, Mr. Speaker, not to be too euphoric about their prospects of getting energy out of these tar sands and oil shales. There is a lot of energy there. It will be difficult to get it out economically, particularly difficult to have a meaningful energy/profit ratio getting it out. But it is there and we have to do the best we can to get it out as efficiently as we can.

Then coal, you will hear we have 250 years of coal, and the next chart shows that is true. We do have 250 years of coal at current use rates, at no growth. But notice what happens when there is only 2 percent growth. Now, I think that as we have less oil, we are going to have to use coal more. Hitler ran his whole economy and his military on oil from coal. So did South Africa with the embargoes that we had there. With just 2 percent growth rate, this exponential growth has an incredible effect. This 2 percent, the 250 years shrinks to about 85 years. And for most of its uses, you cannot use coal. You are going to have to convert it to a gas or a liquid. And if you take the energy to do that, you have now shrunk it down to about 50 years. And that is only 2 percent growth. I believe we will have to increase the use of coal more than 2 percent.

Now, back to this chart of the potential alternative sources:

Nuclear. Nuclear produces now about 8 percent of our total energy in this country and about 20 percent of our electricity. In France it produces about 80, 85 percent of their electricity. There are three kinds of nuclear power. Two kinds of nuclear fission: the lightwater reactor and breeder reactors. We use only lightwater reactors in this country. The only breeder reactors we ever used were in producing the fuel for our nuclear missiles. The world has a limited supply. It is hard to get good numbers on that, but the world has a limited supply of fissionable uranium, and then we will have to go to breeder reactors, which, as the name implies, produce more fuel than they use. But you also buy big problems with that, transporting it around and enriching it, and some of it is weapons grade; so you have to deal with those problems if you want to go to fission with a breeder reactor.

I have friends here in the Congress who were devoutly opposed to nuclear. They are bright people, and when they are considering the alternative, which may be shivering in the dark if we do not have enough electricity, now nuclear is not looking all that bad to them if the alternative is shivering in the dark. Nuclear could and maybe should grow. But in this country it is very difficult to site a plant and to build it. It may take 10 years, and I understand that the plant has to be operating maybe 20 years before you get back the amount of fossil fuel energy that went into producing the plant.

Again, Mr. Speaker, on many of these things we need good numbers. It is hard to have a rational discussion when there is so much disagreement in numbers, and we really do need to enlist an honor broker so that we can agree on numbers because it is very difficult to have a rational discussion when there are such wide differences of opinion as to how much is out there of this and that.

Nuclear fusion. If we can discover that, we are home free. That is what the sun does to produce all the energy we get from the sun. And we are just a tiny, tiny speck in that whole sphere around the sun and the incredible amount of energy that comes from the sun. We are home free if we get there, by the way. But I think the odds of getting there are about the same as the odds of your or my solving our personal economic problems by winning the lottery. That would be nice, but I doubt, Mr. Speaker, that you are plotting your economic future on the assumption that you are going to win the lottery, and I do not think we ought to plot our energy future on the assumption that we are going to get fusion. I support all of the money, about $250 million a year or so. Of course, it goes into fusion. I hope we get there. But, frequently, my hopes and my expectations are not the same thing. In this case I would not bet the ranch that we are going to get fusion energy. If we do, we are home free, and we need to continue to invest all the money that that technology can reasonably absorb.

And now we come to the truly renewable resources. And ultimately, Mr. Speaker, after this age of oil, which will end, and when I say ''oil,'' I mean gas and coal too, which will end in about another 100, 150 years, we will be running our world on these energy sources: solar and wind and geothermal and ocean energy from tides or thermal gradients or waves. Agricultural resources, a lot of possibilities there: soy diesel, biodiesel, ethanol, methanol, biomass, cellulosic ethanol. You hear a lot of these words.

Burning our waste to get energy, that is a really good idea, and we should do more of that. We need fewer landfills, and we would have a little more electricity if we did that.

The last one here that I want to spend just a moment on, it says hydrogen from renewables. Today we are not making hydrogen from renewables. We are making hydrogen from natural gas. That is going to peak and be running down about the same curve that oil is running down. One thing is true, Mr. Speaker: We will always use more energy producing hydrogen than we get out of hydrogen. Unless we are going to suspend the second law of thermal dynamics, that will be true.

Well, if it takes more energy to produce hydrogen, why are we even thinking about hydrogen? For two reasons: One is when you finally use it, burn it, you get only water. That is not a very polluting product. And the second reason we are really interested in hydrogen is that it is one of the better things to feed a fuel cell with if we ever get economically feasible fuel cells. A fuel cell will get more than twice the efficiency of a reciprocating engine. So even though you lose some energy when you go from electricity or coal or whatever to hydrogen, you will more than get it back in the increased efficiency of the fuel cell if we ever get to the fuel cell, if it is economically feasible. And you are certainly not polluting, you are producing only water.

The next chart is an interesting look at one aspect of the agriculture, and that is the amount of energy that goes into producing a bushel of corn. On the chart we show two things: On the right is petroleum, and it shows that if you put in about 1¼ million Btus, you will get out 1 million. On the left-hand side, it shows a picture for ethanol, that if you put in three-fourths of a million Btus, you get out 1 million. And some people will tell you that this is pretty optimistic. In fact, Pimentel says it is actually negative. You use more energy producing ethanol than you get out of it. But if this is true, what that means is that today the way we produce ethanol, for every gallon of ethanol you burn, you are burning the equivalent of three-fourths of a gallon of fossil fuels, because that is the fossil fuel energy it took to produce ethanol.

The chart at the bottom shows why this is true, and it shows all of the total energy requirements of farm inputs.

□ 1615

This is BTUs per bushel of corn. The energy goes into producing a bushel of corn.

You notice that big, nearly half of it, that says nitrogen? Mr. Speaker, that is natural gas from which we make nitrogen fertilizer. Before we learned how to do that, all of our nitrogen fertilizer came from barnyard manures or guano. Guano is gone. If we wait another 10,000 or 20,000 years, there will be some more.

But most people don't know that nitrogen fertilizer today, essentially all of it comes from natural gas, almost none of it produced in our country. Natural gas is too expensive here. It is

made in other countries where gas is kind of stranded.

The next chart looks at where we are. I use an analogy here which I think is very apt. We are very much like a young couple that has gotten married and their grandparents died and left them a big inheritance, and they have established a lifestyle where 85 percent of all the money they spend comes from their grandparents' inheritance and only 15 percent from their income.

They look at the inheritance, and it is not going to last until they retire. So what will they do? Obviously, they have got to do one or both of two things. They either have got to spend less or make more. I use those numbers, others may use 86–14. I use those numbers because that is exactly where we are with our energy use today. Eight-five percent of all the energy we use comes from coal and oil and natural gas, and only 15 percent of it comes from some other source.

Now, a bit more than half of that comes from nuclear electric power. That is 8 percent of our total energy, about 20 percent of our electricity. The rest, 7 percent, is the true renewables. Mr. Speaker, those are the things which we ultimately will transition to.

Now this is a chart from 2000, and the solar and the wind and so forth would be bigger today. That is 1 percent in this chart of 7 percent. That is .07 percent. It is really in the noise level. We are four times bigger than that today at .28 percent. Big deal. It is a long, long way to go from .28 percent to go to something really meaningful as a contribution. But that is what we will be turning to increasingly in the future.

Notice that on this renewable sources there, the biggest one, 46 percent, is conventional hydroelectric. That will not increase in our country. We are pretty much tapped out on that. We might go to microhydro and use little microturbines in thousands of little streams across the country without affecting the environment as much as the big ones, by the way, and get about that much more energy.

But notice that solar and wind and agriculture down here, it is just alcohol fuel there; but it could be biomass, soy diesel, biodiesel and so forth, are very small amounts. Where we can get it, we ought to be getting more of geothermal. There is not much in this country. All of Iceland's energy comes from geothermal. I don't think there is a chimney in Iceland, because they don't need it. They get it all from geothermal sources.

Notice the waste to energy up there, which is 8 percent. That could grow. Instead of putting it in a landfill, there is a very nice plant up here in Montgomery County they will be happy to show you through. It is really a very handsome plant, and they are burning waste up there to produce electricity.

Just a word of caution about energy from agriculture. We must keep two realities in mind. The first is that we must feed the world. Tonight, about 20 percent of the world will go to bed hungry, obviously not in this country. And we have to maintain our top soils. If you don't have top soils, you will not feed the world.

Now, if we would live lower on the food chain, if we ate the corn and the soybeans instead of the pig or the chicken or the cow that eat the corn and soybeans, we would have between 10 and 20 times as many calories to eat, because that is about the ratio. They say one pound of grain to three pounds of pig or chicken, but that is dry grain and wet pig and you can only eat about half of the pig. When you get down to the true ratio of dry to dry matter, it is about 10 to one for the steer. By the way, milk and eggs are very much more economically produced and really higher-quality proteins.

When it comes to things like cellulosic ethanol and biomass and so forth, be careful that we aren't using so much of that that we are mining our top soils of an essential element called humus. Humus is what gives tilts to the soil. It is why top soil is different than subsoil. It holds water; it holds the nutrients. If you take all of that out, you no longer have top soil.

We can get some energy from agriculture, but it will not fill the gap between what will be available and what we would like to use.

The next chart is a really interesting one. This shows on an interesting scale, this is how good you feel about your station in life on the ordinate here. Then the absyssa is how much energy you use. Notice where we are. We are way over there in the far right. We use more energy than any other society in the world.

You know, notice you can't feel very good about your station in life until you have used a meaningful amount of energy, but it is striking that this is all relative. China is up here. China feels really good about where they are. Notice how little energy the average man uses, so they are better off today than yesterday, so they feel good about it. They are improving. What I want to point out on this chart, you don't have to use the amount of energy we use to feel good about your position in life.

There are about a dozen countries over there that use less energy than we. Everybody above that line uses less energy than we and feels better about their station in life than we feel. We have lots of potential to use less energy and feel good.

The next chart shows a really interesting one on energy efficiency. There may not be this kind of opportunity everywhere, but on the left here is a usual incandescent bulb. If you are brooding chickens, you use a light bulb. It is not light you want; it is heat.

But notice that 90 percent of all the energy that comes out of that incandescent bulb, that is what is up here, I am looking up at them, Mr. Speaker, 90 percent of the energy that comes out of that is heat.

Now, if you go to a fluorescent, you have these little screw in fluorescents now, and notice, by the way, the green here is the same amount of light every time. Notice that you use demonstrably less energy, four times less energy. A 13-watt little spiral bulb will give you as much light as a 60-watt bulb. These fluorescents are very efficient.

Now notice what happens with a light-emitting diode. Notice that the amount of heat produced in a light-emitting diode is only about one-tenth of the light you get. No wonder much of new technology is moving to diodes.

The next chart is an interesting one from our country, and this shows the energy used per capita electricity consumption in California and the U.S.A. Remember several years ago they had some blackouts and brownouts in California, and we were predicting massive rolling brownouts or blackouts the following year. It did not happen.

The reason it didn't happen is because the Californians, without anybody telling them they had to, voluntarily reduced their consumption of electricity by 11 percent. And notice, the average Californian uses about, what, about 65 percent of electricity as the average in the rest of our country. It would be hard to argue that Californians don't live as well as we.

The next chart is a very interesting picture. We don't want to go there, and unless we do something meaningful to address this coming energy crisis, we could do what the Easter Islanders did. They had a good thing going for them there. They fished the oceans and the fish was there for the taking.

To make their boats, they cut down the trees. And the trees weren't growing as fast as the boats they were making, and they cut down more and more trees, and ultimately they cut down the last tree. And when those boats rotted and they could no longer fish, their society started deteriorating. When they were finally discovered, they were down to eating rats and living in caves and eating each other. They had a civilization before that which could indulge in such things as these very large sculptures that you see here.

What they did was to mine a nonrecoverable resource, and they had no fallback. They had no alternative to fall back on.

The next chart shows kind of where we are and where we need to go. So far, Mr. Speaker, it may not be obvious that we have a really bright future ahead of us, but I think we do. We have some big challenges here. Challenges and opportunities are two faces of the same thing, and I would like to think of them as opportunities.

I think that what we need to address this problem is the equivalent of a program that embodies the total commitment of World War II. I lived through that war. There were no automobiles

made in, what, '43, '44 and '45. There was gas rationing. I can't remember people grumbling about the gas rationing.

Everybody had a victory garden who could. They were encouraged to do that. It was the patriotic thing to do. We started daylight savings time so you could have some time after work in the evening to work on your victory garden.

Everybody saved their household grease. I am still not quite sure what they did with that, but we took it to a central repository.

The point is everybody was involved. It was the last time in our country that everybody has really been involved, and we need a program that involves everybody. We also need a program that kind of has the technology focus of putting a man on the Moon, because there are some really big technology challenges here.

Thirdly, this program needs to have the kind of urgency that we had in the Manhattan Project, because time is really of the essence here. We don't have the luxury of a leisurely approach to solving this problem.

There will be an increasing deficit of oil in the world and in our country; but I will tell you, Mr. Speaker, I think the biggest deficit today is leadership, both here and in the world.

With so many experts, and these two studies, and again I go back to the two studies, here they are, paid for by our government, saying that we are at or nearly at peak oil and pointing to the dire consequences if you haven't prepared for that, I don't see our leaders in our country or in the world standing up and telling their citizens that we face this problem.

This chart shows what we need to do. The first thing we need to do is to buy some time. How do we buy time? Right now there is no surplus energy available to invest in alternatives, like building a nuclear power plant, like finding a really good way to make ethanol, to make a whole lot more solar panels, to make a whole lot more wind machines. By the way, wind machines are producing electricity at 2.5 cents a kilowatt hour. That is very competitive.

If we can have a very aggressive conservation program that you can do quickly, we can free up some oil, which buys us some time so that we can invest in these alternatives.

Then we need to use this wisely. Somehow we need an entity which is making judgments as to what is the best uses of the limited resources of both time and energy that we will have.

By the way, Mr. Speaker, we need to invest three things to get these alternatives. We need money and we need energy and we need time. Of course, in this Congress, we never worry about money, we just borrow that from our kids and our grandkids without their approval. But we can't borrow time from them, and we can't borrow energy from them.

Thinking about our children and grandchildren, Mr. Speaker, I would just like to make an argument that there is a moral dimension to the challenge we face. To the extent that we are able to go out there and get these remaining resources to fill the gap, to continue life as we know it, we are going to be denying our children and our grandchildren access to these energy sources.

Right now, we are telling them although we cannot do it, we cannot even come close to running our government on current revenue, not only will they have to run their government on current revenues, they will have to pay back all the money we borrowed from their generation.

I am having a moral problem with going out there with the techniques that we have to get this gas and oil and coal, the little that remains, more quickly. We will certainly be denying our children the opportunity to do that.

Somehow we have to have an organization which makes decisions. We have only limited time. We have only limited energy. How will we invest it? What is the wisest way to invest it?

There are many benefits that can come from this. One of the benefits, Mr. Speaker, I can imagine Americans going to bed in the evening feeling really good about the contribution they have made that day to this problem. This shouldn't be viewed as a problem; this should be viewed as a challenge. Life is really easy in our country. Most people don't have to really stretch to do well.

I think that our people would marshal. We have the most creative, innovative society in the world; and if our people only knew that there was this problem, I think that all of our energy, our creativity, our innovation could be marshaled to address this.

We have no alternative but to be a role model. We use a fourth of all the world's energy. We are a role model. We need to be a good role model for this transition.

Mr. Speaker, I yield back the balance of my time, with the realization that if every American is challenged to address this problem, that there is a way out, we will have a bright future. But the later we start, the more difficult that transformation will be. We should have started a decade ago. We can't turn back the hands of time, but we can from now on do what we should have been doing in the past.

□ 1630

RELIEF FOR SOUTHWEST LOUISIANA FROM RITA

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under a previous order of the House, the gentleman from Louisiana (Mr. BOUSTANY) is recognized for 5 minutes.

Mr. BOUSTANY. Mr. Speaker, next month the Gulf Coast will prepare for yet another Hurricane season. As we prepare for this year's storm season, it is important to remember that two category 3 storms hit the gulf coast last year.

In late September, the eye of Hurricane Rita made landfall in Cameron Parish in the southwest corner of Louisiana. The storm inflicted devastating damage to my district in southwest Louisiana as well as to the districts of my colleagues from southeast Texas.

In the coming weeks, House and Senate conferees will meet to determine a final bill to provide important relief to residents on the gulf coast. Today we are not here to compete with one another, but to together ask our colleagues to consider our needs and to remember Rita.

Unfortunately, more than 6 months after Hurricane Rita hit the coast of southwest Louisiana and southeast Texas, our road to recovery is not yet complete. Hurricane Katrina is off the front pages. Hurricane Rita is off the back pages.

Mr. Speaker, it is important to note that the people of southwest Louisiana, and our friends in southeast Texas are not asking for a Federal handout. We do, however, need the Nation's support and the support of this body to recover and protect ourselves from future disasters.

This Hurricane supplemental is especially critical to my constituents in southwest Louisiana. Homes are destroyed or uninhabitable. In Cameron Parish, 90 percent of the homes were reduced to slabs of concrete. Students and teachers in southwest Louisiana are still waiting on Federal education disaster assistance to rebuild.

Our farmers are also hurting. Last year, farmers in Vermilion Parish planted 75,000 acres of rice. This year that number has been reduced to only 25,000. And this is why. This is why, right here. This is a picture just 4 weeks ago in my district, some 7 or 8 miles inland from the coast. These were rice fields that have been virtually destroyed due to tremendous saltwater damage that Hurricane Rita has left in its wake. Before Rita, this field was a thriving rice crop.

And you can see, this is another field. Same thing. All this white in here is salt deposition. This just 4 weeks ago, over 6 months from Rita. And we are still coping with this.

We owe it to these farmers to work as hard for them as they do for their families and neighbors in southwest Louisiana.

Mr. Speaker, our industries are hurting as well. The Lake Area Industry Alliance, home of a vast petrochemical complex which serves the entire U.S., reports damages to its facility of nearly $50 million. This picture here was taken in the immediate aftermath of the storm.

They show the Henry Hub, just one of the many energy facilities in my district that supply much of our Nation's energy industry. This facility alone

supplies close to 40 percent of the natural gas for our country, and was off line for a considerable amount of time following Hurricane Rita. It highlights the strategic interest that southwest Louisiana plays to our energy industry and why we must ensure that this infrastructure will be protected from storms.

This is another photo of the same area, more close up, showing the tanks. We had about 7 or 8 feet of water in this area. One way we can protect our energy infrastructure is to expand drilling in the Outer Continental Shelf. This can provide a long-term oil and gas supply that would serve the bridge to renewable energy sources.

Most importantly, it would also provide States with critical revenue sharing from any oil or gas leasing off their coast, allowing States like Louisiana to fund our own protection from future disasters.

Mr. Speaker, despite our many challenges, the people of southwest Louisiana remain determined to rebuild their communities and businesses. Parents look forward to the day when their children can once again attend schools and churches in a safe and comfortable environment.

Travelers look forward to a day when they can escape the summer heat with a trip to Holly Beach in Cameron Parish. Farmers look forward to the day when they can once again tend to their fields.

Mr. Speaker, southwest Louisiana has already begun to plan for our future. It is up to us as Members of Congress to help them realize it.

EQUITABLE FUNDING FOR HURRICANE RITA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BRADY) is recognized for 5 minutes.

Mr. BRADY of Texas. Mr. Speaker, I want to thank my colleague, Congressman MEEK from Florida, for allowing me to reclaim my time.

Mr. Speaker, I rise today to join my good friend, Congressman BOUSTANY from Louisiana, in urging our colleagues not to forget the victims of Hurricane Rita as they determine priority funding in the Hurricane supplemental bill that is before the House and the Senate today.

You may know, but, of course, last August Hurricane Katrina, the sixth largest Hurricane in gulf coast history hit the gulf coast. It sent a human tide of over half a million evacuees to Texas. And while our State was struggling with the unprecedented effects of that storm, its own coast took a direct hit from Hurricane Rita, the fourth largest storm in gulf coast history, just 3 weeks later.

As Hurricane Rita grew into one of the most intense storms in recorded history, steering a path through Texas and along the Louisiana border, our State, and especially southeast and east Texas were in the midst of its unprecedented response to Hurricane Katrina.

So our region not only took in evacuees, tens of thousands from Louisiana, and are thrilled that we did, we also took in 2.7 million evacuees from Hurricane Rita, the largest in history.

Then the hurricane shifted; Hurricane Rita went right up those same communities that had already done so much. Rita delivered a devastating blow to the region. As this photo illustrates, the resulting physical damage was massive.

The town of Sabine Pass was leveled. Further inland, entire communities, including houses, businesses, bridges, roads and utilities, were severely damaged or destroyed by Hurricane-force winds and torrential rains.

Over 75,000 Texas homes were damaged or destroyed in Rita, $1 billion of our timber crop, the largest economic driver in east Texas; and today, 10 percent of our Rita evacuees have yet to return. Without homes or without places to work, we are again in a real fight for our lives.

Today we have a number of our Texas leaders, southeast Texas Recovery Team in Washington meeting with the White House, meeting with House leaders, meeting with FEMA and HUD to talk about how Texas can recover.

We had, as I said, 75,000 homes damaged or destroyed. Many of those have temporary blue tarps on today that are starting to deteriorate or blow off. When the hurricane season hits, we will put more and more people out of their homes.

We are asking for about $1 billion in community development block grant funds in housing to help repair those homes, to help get people back in their homes, to help southeast Texas recover.

We are also asking for equal treatment. These are all photos from the Beaumont Enterprise and their special edition on Rita, showing the damage from this region. But as we rebuild, we find that, unfortunately, the Federal Government split Hurricane Rita along State lines, literally provided one assistance to our Louisiana neighbors, and a different level to our Texas neighbors, which is terribly unfair and creates a terrible burden on our Texas communities, many of whom are poor, many with very high minority and poverty rates, all of them eager to help our Louisiana neighbors, but also eager to try to recover ourselves.

So we are up here asking for the same 90/10 reimbursement rate of FEMA that our Louisiana folks have received for the exact same hurricane, same storm, same damage. Different treatment, same storm. It ought to be the same storm, same damage, same treatment.

Mr. Speaker, let me close with this. This Congress, our government, are charged with a duty to wisely allocate precious taxpayer dollars. This hurricane supplement has become a magnet for some less-than-justified projects.

Mr. Speaker, I can tell you this: that the Hurricane Rita assistance in schools of 90/10 and in housing are not only fair and justified, but will go a long way toward helping these communities who did so much for our Louisiana neighbors and are doing so much today to help them recover at a time of terrible need.

LADIES OF THE GULF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I want to thank Mr. MEEK for allowing me to make some additional comments with my friends, Mr. BRADY from southeast Texas, and Dr. CHARLES BOUSTANY from Louisiana.

The area of the State of Texas that I represent, Mr. Speaker, borders Louisiana, and also borders the Gulf of Mexico. And today we had another storm hit not Texas, but Washington, DC. Individuals from southeast Texas and east Texas, government leaders, community activists, chambers of commerce presidents, came to Washington to make the case for what occurred in the last 6½ months in southeast Texas.

By way of review, the ladies of the gulf came into the Gulf of Mexico last fall. The first of those, Katrina, came through, became the sixth largest hurricane, most powerful hurricane to ever hit the gulf coast. And when that occurred, 450,000 people from Louisiana went west. They crossed the Sabine River into Texas. Many of them came into my district.

Many of those people are still there. Several thousand kids are still in school in Texas from Louisiana. So many people are in Texas from Louisiana that we have a mayor's race in New Orleans this Saturday, and the two candidates campaigning for mayor in Louisiana have billboards all over the Houston area soliciting votes from people in Louisiana that happen to be in Texas.

Katrina was mainly a water-damage hurricane. The waters rose, caused damage, the waters stayed a long time. One of the towns of course hit was New Orleans. The national media focused on Katrina day after day after day. But 3 weeks later, another lady of the gulf came. Her name was Rita. She became the fourth most powerful hurricane to ever hit the gulf coast. She hit western Louisiana and east Texas, part of the area that I represent.

The largest evacuation in American history took place in Texas because of Hurricane Rita. Over 2 million people evacuated their homes. In Beaumont alone, 8,320 people were airlifted out of hospitals, in the middle of the night with C–130 transport planes, to 14 different States.

The first responders before Hurricane Rita hit loaded their police cars, their emergency equipment, their fire trucks, their front-end loaders, and

even helicopters on two enormous cargo ships that were in the Port of Beaumont. Those ships deploy cargo to the war in Iraq and Afghanistan.

The community, because of Hurricane Rita, was left without electricity for over 3 weeks; 75,000 homes were destroyed. Several thousand homes to this day have not been repaired, and people are still living under blue roofs.

That part of the gulf coast, Mr. Speaker, is a petrochemical area, refinery area. Eleven percent of the Nation's gasoline is refined out of that small area in southeast Texas. Thirty percent of the Nation's aviation fuel is manufactured there. And the Port of Beaumont, as I mentioned, that deploys one-third of the military cargo going to Iraq and Afghanistan.

But this hurricane was not a water-damage hurricane, although there was a storm surge. It was a wind-damage hurricane, and people lost their homes not to rising water, to losing their roofs and water coming in because of rain.

And that whole issue is being dealt with, or not being dealt with, with the insurance companies because of their refusal in many cases to even pay for the damage because it was not water damage, it was wind damage.

But be that as it may, the devastation affected the rice industry. This part of southeast Texas is a rice-growing area. As with Dr. BOUSTANY and his area, this part of the Nation supplies a lot of rice for not only the United States but other nations.

This year the rice farmers lost their second crop, that is the crop that they make money on. And now, rice season is back upon us. But to show you the devastation from Hurricane Rita, I talked to the owner of two John Deere stores there in southeast Texas that supply the farm machinery for the rice farmers.

He says he has not sold one piece of farm machinery this year because the rice farmers cannot afford to buy them. Those rice farmers now, many of them will go out of business and that land will be turned into something else. But be that as it may, Hurricane Rita was not one of those issues that caught the National attention, because local officials, many of them that were here today, took care of business as soon as Hurricane Rita showed up. There was very little loss of life.

And because apparently for no loss of life, that was not a story that the national media sought to portray. Mr. Speaker, we just hope in the supplemental that two things occur: that the people of Louisiana are treated not unfairly, but the people in Texas are treated equal to the people in Louisiana.

Rita was a hurricane just as powerful as Hurricane Katrina, and that the funding be the same, and that the line between Louisiana and Texas, the Sabine River, not separate fairness; that fairness go across the river and treat all Americans the same.

□ 1645

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill today:

H.R. 4297, to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to come before the House once again. I would definitely like to thank the Democratic leadership for allowing me to have this hour, this 30-something hour, Democratic leader NANCY PELOSI and also Mr. STENY HOYER, our whip, and our chairman Mr. JAMES CLYBURN and also Mr. LARSON, JOHN LARSON, our vice chair of our caucus.

As you know, Mr. Speaker, we come to the floor every day that we are in session, almost every day, to share not only with the Members how we should work in a bipartisan way leading on behalf of this country, but also to share with the American people how important that its elected representation here in Washington, DC, need it be Democrats, Republicans, Independents, that we come together under one flag and we salute one flag to make sure that we fight on behalf of what they need, not what the special interests may need here in Washington, DC.

I can't help but segue out of that opening into this historic day in American history. This historic day, and it wouldn't be anything that I would say that we should put forth a House Resolution to designate it as some sort of special holiday, but I think the Members need to be made aware of what happened 5 years ago on this day that might have put into motion, I believe had a lot to put into motion of what the American people are feeling now, not only on the east coast or in the Midwest or on the west coast or north or south, but what they are feeling of the sound of the ring at the gas pump when they are pumping gas into their tank, the feeling that they have when they can no longer carry cash because all of the cash is being spent on fueling their tanks to be able to give their children a ride to school or be able to help a sick loved one to a doctor's appointment, or a small business person trying to figure out how he or she is going to go up on the cost of their service or the product that they provide to a given company because of these gas prices.

Mr. Speaker, I don't want to be a Member of Congress with a conspiracy theory; and so that is the reason why, Mr. Speaker, the 30-something Working Group, we have gone back to looking for the facts of how do we get to where we are now, where did we fall short as a Congress on behalf of the American people. Now, when I say fall short, I want to make sure that the Members don't get confused.

I think here on the Democratic side of the aisle that we have done a very good job, if not an outstanding job, of trying to represent the people that wake up every day and want to provide, want to put forth their best role, their best foot in this great democracy of ours. I think on the majority side that it has been well documented that there has been access into energy policy here in this country in government-funded buildings where special interest was top shelf. That is a heavy charge, but let me just back it up here.

2001 on this day, not yesterday, not tomorrow, but on this day, Vice President DICK CHENEY and his energy task force had a secret meeting bringing together big oil companies, energy lobbyists, CEOs, and other special interests to craft the administration's energy agenda, an agenda to deliver Big Oil big dividends. This is well documented within the media, this is well documented as it relates to testimony in some committees before Congress. Big five oil companies, $32.8 billion in the first quarter profits this year, free drilling rights on public lands, $9 billion in subsidies; $20 billion over 5 years, and waived royalty fees, another gift that was given out of this energy policy.

Big Oil comes through for the GOP. Big Oil gave 84 percent of their campaign contributions to Republicans in the last 24 months. Bush-Cheney got more than $2.46 million in 2004 as it relates to campaign contributions. More than $70 million to the Bush and Republican Congress since 2000.

Democrats want to take this country in a new direction, and I think it is important that we point out some of the things that have taken place.

Now, some may say, Well, Congressman, I mean, that is good, you pointed that out. But, Mr. Speaker, I must go down memory lane to remind the Members and also the American people that this meeting was well denied by many: What are you talking about, a secret meeting? What do you mean? We do everything in the sunshine here in Washington, DC. We have transparency. We believe that we are here on behalf of the American people.

Well, let me just say that, and I want to point to an article that I pointed out last week, and I think it is important because we come to Washington every week for the business of the people and I think it is important that we point this out. This is a Washington Post article that is dated November 16, 2005. As a matter of fact, it was on the front page: White House documents show that executives from big oil companies met with Vice President DICK CHENEY's

energy task force in 2001, something long expected by environmentalists but denied as recently as last week by industry officials testifying before Congress.

We should have a problem with that. The document obtained, this week, November of 2005 by the Washington Post, shows that officials from ExxonMobil Corporation, Phillips, Shell Oil Company, and BP of America, Inc., met in the White House complex with CHENEY's aides who were developing a national energy policy, parts of which became law, parts of which are still being debated.

I think it is important, Mr. Speaker, that we bring that to the attention of the Members and remind them as we Members come to the floor, especially on the majority side, and start talking about, well, you know, I don't know how we got here. I don't know why these oil prices are the way they are. And I am going to show that chart there in a minute, but like it is some sort of, like it is someone there like a puppet, like pulling the strings and, I don't know how the puppet is moving.

Well, let me just remind the Members with all due respect, Mr. Speaker, that when we tried to come forth with an energy policy last year that would be meaningful for all Americans, not just some, and definitely not the folks that were invited to the White House. Now, I don't know and I don't know this as a fact, but I would have a pretty strong, I guess you can, like some people say, you could take this to the bank that everyday Americans were not called to the White House and asked how energy policy should be put forth in this country, because all of these subsidies were being placed on the table for these big oil companies.

And when it was reported, I remember very vividly, Mr. Speaker, that some folks said, well, it is in innovation, that is the reason why we are meeting with them. They are the professionals. Well, why while they were giving their advice, they were cutting their deal. And I think it is important for us to again say what this means to the American people.

Gas prices across America doubled. Big Oil profits quadrupled. I have already gone over that, but Big Oil has profited in a way that no other time in the history of this Republic, and I think it is important that people understand that we, those of us that are on this side of the aisle, Democrats, we believe in investing in the Midwest and not the Middle East. It is far too expensive, and I think we have figured that out and I think the Republican majority hopefully will get the message.

The bottom line is, like the commercial, Mr. Speaker, got milk? The bottom line, have you gotten enough? Have you gotten enough of the backroom deals? Have you gotten enough of the secret meetings that are later revealed? Because there are some people of good will that will share this with the American people. I mean, on this side of the aisle we have called for and I am going to talk about an amendment that we put forth that was voted down on party lines that made a lot of sense; but I guess because Democratic Members put forth that amendment on behalf of the American people, I guess it wasn't good enough, because we weren't invited to the meeting.

Once again, Mr. Speaker, I go back to the only way we can have bipartisanship here in Washington, DC, like I have mentioned before in other floor speeches, is that the leadership has to allow bipartisanship. You can't come from a minority position or the minority here in this House, as the Democrats, and say, well, we want to work in a bipartisan way. That is a statement. The action is the leadership, the Republican leadership of this House and this Congress say, well, we want to work in a bipartisan way and we will; we will let the minority Members know, the Democratic Members know when we will come together in a conference committee. We will sit down with Democrats to craft legislation, energy policy, prescription drug policy, health care policy. You name it. Social Security policy. We will come together in a bipartisan way to make sure that we put forth the will of the American people. But that was not allowed.

We are calling for on this side, we ran our amendments in committee and here on this floor, relief for consumers and farmers and small businesses, investigate and punish price gouging by big oil companies. Investigate and punish price gouging by big oil companies. Stop billions in tax breaks and subsidies and handouts that are ongoing to big oil companies. Keeping Americans, Americans home-owned and home-grown out of poverty of paying so much for energy prices. Increase production and use of American biofuels. Increase cars and trucks that run on ethanol. Make ethanol and biodiesel more available at the pump. Increase energy independence and create good-paying jobs in rural America, research and development to create cutting-edge technologies and biofuels.

Now, I am going to say, Mr. Speaker, because some folks may say, well, you know, Congressman, that is great, that is some great points there, but it is here on the innovation agenda. This is like the quick read on our promise to the American people on innovation. And we have a number of folks that have endorsed this innovation agenda and that are Democrat and Republicans, not only in the area of education and broad-band technology but also as it relates to energy independence in 10 years.

Mr. Speaker, that is not an if we do get in the majority, when I say the Democrats get in the majority, that is when we get in the majority what will happen. That is a promise. That is not something like a campaign slogan and saying that, well, you know, we filled our, you know, we will represent you well. No, that is the plan. And the Members can go on housedemocrats.gov if they want to get information on the innovation agenda. It is just that simple. Just like that. It is just that simple.

The energy plan is right here. Ready, set, go, Mr. Speaker. Ready for bipartisanship or a Democratic majority. I think it is going to take a Democratic majority to get us to where we need to be to be able to put forth the kind of leadership that is needed in energy level.

Again, Mr. Speaker, not talking fiction but fact. I hold in my hand here a report that was done by the minority staff and the Government Reform Committee talking about the Bush administration energy policy and the 5-year review of what it is going to cost Americans in the long run. We know this, Mr. Speaker, because we have tried to offer and head off what is happening right now. And I think it is important that the Members understand. That report is out there in case Members want to take a leadership role on the Republican side and say maybe we need to start working with the Democratic side on some of these issues.

□ 1700

I think it is also important, Mr. Speaker, to point out that as we look at these record-breaking prices at the gas pump, that we look at the subsidies and cut out the talk about is there price gouging or not. I think the American people are going through a major head-scratching session throughout this country of saying I am paying through the nose; they are saying there is a gas shortage; but meanwhile, these big oil companies, even though they show up on the Today show trying to explain to Americans why the prices are what they are, they are getting another membership at the golf club. Forget, let alone buying golf clubs, they can buy these country clubs now because it is record-breaking profits, and it is very, very unfortunate that that is the case.

I want to say that last fall, Mr. Speaker, we had an appropriations amendment on the floor that we put forth that would have increased the opportunities for another look at the innovation, make sure that it falls on the side of the American people, that we do not use environmentally sensitive land to be able to carry out the will of big oil companies who just want to continue to do what they have been doing over the years but, hopefully, ahead in the area of biofuels, more emission vehicles and also innovation. We have talked about the innovation, and I think it is important we brought that to the attention of the American people.

I also have to, Mr. Speaker, share with you today, I have given the Web site out. I just want to make sure because I want to make sure the Members are able to follow me. Let us talk a little bit about border security, and I think I am now going to talk a little

about it because a lot has been said, very little has been done. I think it is important to look at the facts of what is actually taking place here, and I do have some facts here, and I also have a solution, something that folks like to talk about but they do not like to enact.

We talk about immigration and border security, the President gave a speech last night and said that we need to protect the southwest border, we need to protect America. My goodness, if we do not do it, we do not know what is going to happen. We have got to keep the terrorists out.

Well, last I checked, Mr. Speaker, there are a number of terrorists and well-known terrorists, even a recent documented case in Washington State of a terrorist coming through the Washington-Canada border and all along the northern border and some other places here in the United States. So to say that it is all in the southwest United States, that that is the issue and we need to deal with it, I think that there are some other underlying issues that are there. And I just want to share with you that when you look at a leadership that has been in place, Mr. Speaker, for oh, well, I know 6 years with a Republican President in the White House, Republican-controlled House, the double-digit years, and now look up and say we have a problem where we have to send the National Guard—the National Guard to the border?

Well, I guess it would be easy if Democrats were in control anytime during that time, because you can point at the Democrats and say that is the reason why we have to send the National Guard, because it has been mismanagement of the government and we have not adhered to the number of recommendations and reports that have been coming out over the years saying that we have to increase the number of border patrol agents and because of the lack of oversight and the lack of follow-through and executing any of that; we have found wasteful spending from the Department of Homeland Security, need it be secure borders or whatever the initiatives were dealing with cameras and sensors and all. We were so busy giving out these contracts to the special interests that no one bothered to hold the light of accountability over these contracts, and so we find ourselves in these quick fix, make money for folks, that can influence this process over what should happen in a functional government.

Let me get that Gingrich poster if I can. I want to bring Mr. Gingrich, not Mr. Gingrich, Speaker Gingrich, Mr. Speaker, who delivered the Republican majority to the Republicans, and this is what he is saying. He is saying, ''They are seen by the country as being in charge of a government that cannot function.'' They, Mr. Speaker. When you have a former Speaker of the House that said ''they'' that means he is separating himself. ''They'' means that they are no longer the people I knew when I was there. ''They,'' they is like a group of people that the relationship may not be what it was, but I do not know what they are doing. They are over there. They are not on our side.

I guess that is what the Speaker is saying, and so I think it is important for us to look at the reason why this Republican Congress, Mr. Speaker, is being seen as they, even by individuals that were in the leadership of bringing about and delivering the majority.

Border. There are 1,000 fewer border patrol agents than were promised in the 9/11 Act. There was a lot of discussion around the 9/11 Act that passed off this floor, but there are 1,000 fewer than what was promised to the American people. The Republican-controlled Congress has broken the promise it made in funding additional border patrol agents, immigration enforcement officers and detention beds, especially in the 2004 Congress when it enacted the Intelligence Reform Act, or better known as the 9/11 Act, which mandated an additional 2,000 border patrol agents being hired over each of the 5 years.

But the President's subsequent budgets have failed to include adequate resources to implement the act. Indeed, the President's fiscal year 2006 budget called for only 210 additional border agents.

Now, Mr. Speaker, I had to read that part, and I am going to stop right there for a moment, because sometimes when they have the newscast on these cable stations, they run the breaking news at the bottom. I wish I had one of those ticker tape little areas under the President last night to read out in the fiscal year 2006 budget; that is, 2006 budget only called for 210 additional border patrol agents. That is the facts. That is not something from the Democratic Caucus. That is not something that I was walking down the street and just said, hey, I am going to say to the President. No, you can look in his budget, you can look it up on line, you can look in the White House Web sites archives, if they have not taken it off just based on I said something about it.

Now the President is ringing the bell saying, let us send 11,000 National Guard troops down to the southwest border even if there are documented cases of what is going on on the northern border.

The Republican Congress has not done much better. In the fiscal year 2006, they only funded an additional 1,000 agents, only 1,000, even though the 9/11 Act called for 2,000 agents per year. I am going to read off, Mr. Speaker, a little later on the amendment that we put forth here on this floor that was voted down by Republicans and voted for by Democrats.

The act also mandated an additional 8,000 detention beds, but only in the fiscal year 2006 the Congress funded only 1,800 additional detention beds. Again, I must add, one may go on prime-time television, say another thing, but the facts state different. We call it the Potomac Two-Step.

The President and the Republicans continue to underfund the border patrol. The President's fiscal year 2007 budget does not fully fund the authorized level of border patrol, while the Democratic budget substitute does.

The fiscal year 2007 House homeland security appropriation bill that was marked up in subcommittee last Thursday falls 800 border patrol agents short and 3,130 detention beds and 500 immigration enforcement agents short of the authorized levels that was passed off of this floor just a few years ago.

Again, I mean, I am so glad that God has given me breath to come to this floor to share this with the Members and the American people, because if we look at the prime-time address or some sort of press conference, we will never get down to what is actually happening here in Washington, DC. I can tell you, on this side of the aisle, we have had enough of this kind of talk and lack of action.

Now, let me just pull out here that this border security, Mr. Speaker, is a nonpartisan issue and should not be a Democrat-Republican issue. It should not be, well, that Independent in the House has a proposal, that Independent. It should not be former Members of the House, Speaker of the House, calling Republican majority ''they,'' as though they are not working in a way that they should work on behalf of the American people. Not my words, but Speaker Gingrich's words.

I can tell you that it is important that we move in the direction of making sure that we do not cater to certain major conservative voices, telling the President let us send 11,000 National Guard troops. Let me break that down for the Members in case some of the Members probably do not understand what that means.

I am a member of the Armed Services Committee. Last I checked, we had an issue as relates to end strength. We do not have the necessary personnel to even take on the obligations that we have now. We have men and women in harm's way in Iraq and Afghanistan and other very dangerous places, in the Horn of Africa, at this time. And when we talk about the National Guard, that means someone in your neighborhood will be called up for, what, for 2 weeks to go to the southwest border. For 2 weeks, they are going to be trained, mobilized, fed and dropped on the southwest border, for 2 weeks at a time.

I am going to tell you what that means for Members like me, Mr. Speaker, and there are 20-some odd Members from Florida, 25, 26, 27, and counting the two Senators. But this means for Florida that our Florida National Guard, hurricane season is starting in 3 weeks, have to have in their mind that they are going to the southwest border to protect only the southwest border and not really carry out a

mission of homeland security against terrorism. That means that those individuals that have been deployed and pulled away from their families from some area of 12 months to 14 months at a time, in Iraq now, has to come back home, kiss the kids, hug the wife, and then head off for 2 weeks over to the southwest border.

Now, this is something that has been going on for some time now and something that we have been calling for to be changed.

In addition, I hold in my hand here, Mr. Speaker, the 9/11 Commission report, at least the cover of it, a report card, the final report of the 9/11 Commission, dated December 5 of 2006. And this report card basically, and I will come down before the week is out to bring my copy of the 9/11 report to the floor, and I can read into the record verbally several pages of that report of things that should be taking place now or should have been taking place, and it has not.

The 9/11 report basically called for exactly what we passed here on this floor: 2,000 additional border patrol agents annually, okay; almost coming to the tune of 12,000 additional border patrol agents; of making sure that we are able to deal with attrition, we are able to make sure that we have professionals that are on the border. Being a border patrol agent is not just something you can hop up and just try to do tomorrow. Making sure that we move from a G–11 status to a G–13, which means that there is higher pay, paying these men and women for being the professionals that they are and making sure they have the kind of force that they should have.

Border patrol is not something that should be enforced or carried out when the poll says that we are not doing anything. It is something that is to protect the United States of America and it should not be a knee jerk.

□ 1715

Everything cannot be: Well, what if this? Well, we will send the military. What if we? We will send the military. We have a volunteer force. They signed up to stand up and do what they have to do on behalf of this country. My hat is off to them. They allow the veterans who, Mr. Speaker, serve in this Chamber, and also we represent throughout this great country of ours, they fought to allow us to salute one flag. And that is something I don't take lightly.

But when you have a Republican-controlled Congress that doesn't believe in bipartisanship, in working together, I think it is important to be able to point out some of these issues that are of great importance.

When you start looking at guidelines for government sharing of personal information, that is a ''D.'' Wow. That is in the news today. That is their report from 2005. When you start looking at checking bags and cargo screening, that is also a ''D.'' I wonder how they came up with that? That has been in the news recently. When we start looking at the issue of critical infrastructure assessment, that is also a ''D.'' When you start looking at the issues of how do we deal with FBI security workforce, that is a ''C.'' When you start looking at the guidelines for intelligence oversight reform, that is a ''D.'' When you start looking at unclassified top-line intelligence budgets, that is an ''F.'' When you start looking at the issues of moving in the direction of securing our borders, also very low marks.

I think it is important that we point this out, and this will be on our Web site for your perusal, the Members, if they want to take a look at it. I think it is important to talk about the issue at hand, of what the President has shared with us last night, and to talk about it being willing to endorse something. And we will put a copy of that amendment that we put forth on the homeland security piece and what it called for on the Web site as well.

Well, in December of 2005, Democrats had a motion to recommit on H.R. 4437. In that amendment we called for an increase of border patrol numbers, border patrol officers by 3,000 additional agents, totaling 12,000 in total, and to expand the new training facility to be able to handle the capacity of training those officers.

We called for increased border patrol agents and inspectors, pay agents, from G–11 to G–13 that I mentioned earlier, Mr. Speaker, that would put these agents on par with other law enforcement agencies so that we don't end up being the training ground for other law enforcement agencies that then take the dollars we have put into training, recruiting, and all of those things that goes into bringing those individuals on; that they are not taken away by other law enforcement agencies.

Immigration and customs enforcement, which are ICE officers, 2,000 additional agents and 250 additional detention officers.

This is a plan, Mr. Speaker. This is not something where you just jump up on television and say we are going to send 11,000 National Guard troops. That is not a plan. That is a Band-Aid. And I want those comments of what Republicans are saying about that plan.

We have here where we also call for 100 additional U.S. attorneys. U.S. attorneys. One hundred additional U.S. attorneys to be able to handle the cases. We don't want them sitting in detention centers taking up all that bedspace. That is 400 in total to be able to deal with the prosecution of individuals that come into the country illegally, and also those smugglers.

We are also calling for immigration judges, 75 additional immigration judges. We called for Coast Guard, 2,500 additional enforcement personnel, or 10,000 in total.

It is also important to be able to deal with the investigations of fraudulent schemes and documents, so we called for 1,000 investigators that would be able to investigate those fraudulent documents so that we can have, guess what, competence.

We are finding in the Department of Homeland Security, Mr. Speaker, the reason why these procurement officers are going through so much trouble and not being able to have oversight over these contracts is that we haven't put the individuals there to oversee the contracts. So the contractors, those that come in, government contractors know they can come in and take advantage of the government and there are several months before we figure out what is going on, or before the Department figures out what is going on.

The amendment also calls for a thousand entry inspectors and K–9 enforcement teams, 375, that would take the place of many personnel individuals. These K–9s have been an effective tool in the effort against terrorism in U.S. enforcement throughout this country and along the borders.

I think it is important to look at a plan, not a Band-Aid. Now, speaking of a plan and a Band-Aid, let's talk for a minute about these 11,000 troops. An L.A. Times article today. In California, Governor Arnold Schwarzenegger said he agreed with the President on the need for a border overhaul and immigration policies, but he criticized the plan of the National Guard on the border. Border State Governors were not consulted about the proposal in advance, and there are many outstanding questions about the impact of the President's proposal on Californians, he said in a statement. It remains unclear what impact only 6,000 National Guard troops will have on securing the border, says Schwarzenegger. I am concerned that asking the National Guard troops to guard our Nation's borders is a Band-Aid solution and not the permanent solution we need.

I just wanted to say that Governor Schwarzenegger, being a Governor in a State, a large State, where usually the National Guard reports to the Governor of that State, until they are federalized I mean, I would be concerned if no one at least had a conference call and said, hey, we are thinking about doing this; Governors, what do you feel about that? Okay, let's just take that out. Let us just talk about the way they do things here in Washington, DC. Let us just talk about Republican Governors, and say, what do you think about this; and how do you feel about how your National Guard can play a role in this? Well, that is from Governor Schwarzenegger.

Here is a Member of Congress, Congressman JONES of North Carolina. This is his quote. ''If Bush had done this 2 years ago, we could have seen a real solution that might have improved the environment for the debate about what we should do now.''

That is from that same article, and we will have this on our Web site a little later on today for the Members that would like to have that information.

We put forth that amendment, Mr. Speaker, going back to the amendment

which was voted down on partisan lines, I guess because Democrats had an idea and a solution, not just a Band-Aid.

I think it is also important, Mr. Speaker, for us to take a step back and to make sure that the American people know that we should all be on their side. And I do believe my colleagues in some areas are on their side, but there are too many people listening to the special interests here in Washington, DC.

We have a plan. We put our energy plan on the table. It is on Housedemocrats.gov. It is there. It wouldn't just be on the Web site, it would be implemented if the Republican majority would work in a bipartisan way with Democrats in putting forth these plans. Maybe we wouldn't be paying more at the pumps if the Democrat proposals and amendments that were on this floor at the time we were dealing with energy policy on price gouging, there wouldn't be a question whether there was price gouging or not because there would be enough U.S. attorneys to be able to deal with it. The oil companies would know there would be a $3 million fine, plus prison time, jail time.

It is criminal to spend $56 to fill up the tank of an F10 Ford truck. It is criminal to have folks running around here putting $10 at a time in their tank and only getting three gallons, if that, in some cases to make it back and forth from work. And I think it is important that people understand what is happening.

I think it is important to note, Mr. Speaker, to the American people and the Members, and I just want to mainly talk to the Members, that we have time. We have time for a revelation, a paradigm shift for the majority to say we are willing to work with Democrats in a real way. But guess what? History doesn't speak to that. Recent history and the history of 5 or 6 years doesn't speak to that.

I am very concerned that people are paying for a one-sided policy, a Republican majority policy, a White House policy, a rubber-stamp policy, Mr. Speaker, of saying, Mr. President, whatever you want, we are willing to fund it. We are willing to give tax breaks to billionaires that we cannot afford; we are willing to give tax-free giveaways to the oil companies, which has never happened in the history of the country; we are willing to turn our heads and ignore real price-gouging policy and laws because somebody from the oil companies may end up going to jail.

Well, let me tell you what is happening. Gas prices are so high now that I know, I mean, I know for a fact that crime will go up because of gas prices. People are going to do what they have to do to fill their tanks or to put some gas in it. And I am not encouraging that. I used to be a State trooper. I want those individuals to be dealt with. But I wonder why we would put the country in the posture it is in now to benefit the few oil companies that are out there?

We can talk about the rubber stamp a little further, Mr. Speaker, because I think it is important that not only when we talk about oil, we talk about immigration. As I said, when I talked about the incompetence of one-sided policymaking without working in a bipartisan way, I just want to say that it seems like the Republican majority here in the House are afraid of foreign people but not afraid of foreign money.

When I talk about foreign money, Mr. Speaker, I have to get this chart here. I bring this chart out again. I have talked about this chart so much until I see it sometimes when I close my eyes, because I cannot help but point out again to the Members on the Republican side, the majority that is setting forth the policy and that has put this in motion and has been a part of history-making in the wrong way.

There are 42 presidents, Mr. Speaker. This is a fact. This is the U.S. Department of Treasury. This is not a 30-something report or the Kendrick Meek report. In 224 years, $1.01 trillion has been borrowed from foreign nations. These are the Presidents and these are their pictures. Four years, 2001 to 2005, the President, along with the Republican Congress, pictured down here, have borrowed $1.05 trillion from foreign nations.

Well, who are these nations? Well, we have put together, the 30-something Working Group, we wanted to break this down so that the Members will know what they have done. Republican Members would know what they have done, because we have called for pay as you go, and we will talk about that, not just borrowing as we go from foreign nations, putting this country in an economic posture it has never been in in the history of the Republic. I am not talking about in the last 2 years or 20 years or last 100 years, but in the history of the Republic.

So what the majority Republican Congress has done has enabled America from being how it was prior to the arrival of the Bush administration and the rubber-stamp Republican Congress.

Japan owns $682.8 billion of the American apple pie, where they have bought our debt, Mr. Speaker. These are not my numbers, these are the U.S. Department of Treasury numbers. China, $249.8 billion of U.S. debt.

□ 1730

China didn't make us do it. It is the policies coming out of the White House rubber-stamped by the Republican majority. If we worked in a bipartisan way, Mr. Speaker, the Republican majority can be able to say, well, you know, both parties made this mistake. Oh, no. History reflects and the present reflects the reality of that statement, or the lack of reality of it. The U.K., $223.2 billion of U.S. debt that they bought. The Caribbean nations, $115.3 billion of U.S. debt that they have bought, not because American people said, hey, let's just go out on a credit card and spend money. It is because the Republican majority said, let's go out on a foreign credit card and spend the money and do things that we can't afford to do like $11 million in National Guard troops that will be activated that we will pick up the bill for because of a lack of policies in taking on the recommendations of the 9/11 Commission. I can't say that enough.

Taiwan, $71.3 billion Taiwan owns of our debt. OPEC nations. OPEC nations covering Florida and Georgia, $67.8 billion. OPEC nations have a lot to do with the oil situation right now that are providing most of our crude.

Germany, $65.7 billion they have bought of the U.S. debt. Korea, $66.5 billion; Canada, $53.8 billion of U.S. debt.

Now, I can talk and speak boldly on this issue, Mr. Speaker, and I will tell you why. There is only one party here in this House that has balanced the U.S. budget, period. Not one, not one with an echo in this Chamber, Mr. Speaker, Republican that is presently serving or served when the budget was balanced can say that they took their voting card out and they voted to balance the budget where the surplus is as far as the eye can see, until the President was elected and the Republican Congress was emboldened with a rubber stamp. Now, deficits as far as the eye can see. Record-breaking borrowing.

How do you borrow in 4 years $1.05 trillion? How does that happen? Mismanagement and tax giveaways and special deals to special interests, that is how that happens. Somebody said, okay, well, Congressman, if this was a two-way conversation, well what about that thing we call the war? What about the thing we call 9/11? Well, what was World War II? What was World War I? What was the Great Depression? There were many other challenges that the United States of America has had over the history of 224 years prior to the Bush administration coming into power and the Republican Congress being handed a rubber stamp. So I don't think the Members would be able to explain this chart or explain the facts of incompetence or explain the fact that they have had a rubber stamp in their hand ever since President Bush has taken to the White House and the Republican majority has had their way of saying, Mr. President, whatever you want, we will do it. And that is how we got to $1.05 trillion in 4 years. That is how that has happened.

I think it is important that, again, when we talk about issues and we point out the problem, guess what, Mr. Speaker? The solution will follow, or the attempt for a solution.

We talked about pay as we go. Some policymakers call it PAYGO, but I just want to make sure everyone understands what we are talking about in Washington because a lot of times we use acronyms and we lose people. We lose people that elected us to come up

here and represent them. So we use these acronyms sometimes not only to cut down a speech or what have you, but to also carry out that dance that happens up here that is called the Potomac 2-Step. If we use enough acronyms, it will lose the people and they won't know exactly what is going on up here. But we on the Democratic side believe in spelling this thing out for everyone.

Congressman JOHN SPRATT from South Carolina, one of the most honorable Members of this House and ranking member on the Budget Committee, put forth a substitute amendment on House Concurrent Resolution 95 in the 2006 budget resolution that instituted pay as you go.

Now, what does that mean? Now let's just make sure that we break this down just in case a Member of the House or Senate or a staff member or just, you know, everyday-Joe or -Sue doesn't understand when we say pay as you go. That means what many of us do every day. If we are going to buy something, we have got to know how we are going to pay for it. If we are going out and we want to buy, I don't know, a radio, and you go out and you buy that radio and the radio costs $100, well then you step back. You can be at one of our favorite American department stores and you say, well, if I am going to buy that radio, where am I going to get the money? Do I have $100 in my pocket? That is the first question that you ask yourself. Then you say, well, maybe I can't afford it. Or do I want to put it on this credit card?

Well, what the Republican Congress has done is that they have been taking out the credit card and they have just been charging everything, not only charging everything, charging it to foreign nations, the power of people that have, not people, but countries that have bought our debt not based on what everyday Americans have done as it relates to irresponsible spending and a lack of planning; it is because what the Republican Congress has done. These are our leaders that have been elected to lead.

Now, maybe I know this country will be better off financially if there was a bipartisan approach towards fiscal responsibility, but it has not been. And the Republican Congress has put forth, has endorsed and rubber-stamped everything the administration handed down.

So Congressman SPRATT, along with the Democrats, said, let's institute pay as you go. If you put it in the budget and it is going to be something that you want to spend money on, you better say how you are going to pay for it in real money, not funny money, not borrowing from foreign nations and weakening the economic opportunities on behalf of this country. That is what that amendment did. And guess what? Here's the vote right here. It failed. Not one Republican, 228 Republicans vote against it. It is roll call vote 87, March 17 of 2005.

Well, if that one vote, I mean, you look at these two opportunities here, Mr. Speaker. They are the only opportunities that the Republican majority allowed us to even bring something to the floor. We had to work hard to get that to the floor.

If the Democrats were in control of this House, which I hope the American people will allow Democrats to be in control of this House, A, we will work in a bipartisan way; B, we will institute pay-as-you-go policies, and we will cut out countries buying our debt and owning a part of the American apple pie.

Mr. SPRATT, again substitute amendment to House Concurrent Resolution 393 of the 2005 budget resolution. Again, 224 Republicans voted, zero voted for pay-as-you-go policies. Roll call vote 91. March 25 of 2004.

Now, Mr. Speaker, I just wanted to point those two things out because I want to make sure that people know that we are taking every opportunity on this side of the aisle to put this country back on track of fiscal responsibility. I can't tell you how many times that I have shared that with the Members, and I can't tell you how many times the Members have come to this floor with the rubber stamp in their hand. And I am going to tell you, I am going to show you what that rubber stamp looks like in reality, because I want to make sure that the Members that are checking this debate out see exactly what we are talking about.

This rubber stamp comes in the form of a voting card. This is my not only ID but voting card. And the President wants to give tax breaks that we can't afford to billionaires. Done. Let me vote for it. The President said that we should give unprecedented tax breaks to big oil companies in the time they are making record profits. Done. Let me vote for it. That is fine. Whatever the President wants, so shall he spell it out, we will rubber-stamp it and endorse it. Should we deal with issues as it relates to no plan for a war in Iraq? President said we should. Done. That is what the Republican Congress is saying.

And so here on the Democratic side, we are saying, hey, you know something, and this thing that we call a democracy, Mr. Speaker, we talk about a three-tier government. We talk about a legislative branch. We don't have to talk about it. It is in the U.S. Constitution. We have an executive branch, and we have a judiciary. If the American people want to do away with the Republican rubber-stamp Congress, you know what to do. You want to see this rubber stamp thrown out the back door, then you know what to do. If you want Members to come with their voting card to vote on behalf of the American people and not the special interests and what the White House has said that should be done, you know what to do.

Because the thing about it, Mr. Speaker, and the only thing that I feel good about these days is that November is coming soon and that the American people are so fed up that maybe, just maybe, and I think we are beyond maybe right now with the scare tactics that will be coming from special interests because they know their day is coming. Their day is coming with the American people, and we will have tax breaks, real tax breaks for the middle class; we will have an energy policy that we will say will be energy independent in 10 years. They know that will happen. They will also know that we will have a true prescription drug and a true health care policy that small businesses and large businesses will be able to provide health care for their employees, and that will be done. They know that we will also move with a pay-as-you-go policy and not a borrow-and-spend policy from foreign nations that will also happen. And so I think that it is important that everyone understand that we are here on their behalf.

As I say, as I get ready to close, Mr. Speaker, I think that it is imperative that the Members understand that this is fact and not fiction. If it was fiction, I could not walk around this Chamber and this House of Representatives and this Capitol and speak to Members on a day-in-and-day-out basis. It is not personal. It is just business. And it is the business of the American people.

Let me get the chart here so that I can make sure that Members can get more information.

Housedemocrats.gov/30-something. You can get all the charts that we have shared with you here today and the reports. That is housedemocrats.gov/30-something. We encourage e-mails and anything that Members want to share with us.

Mr. Speaker, what is very unfortunate is the fact that on the eve, or last night, at 12 midnight the clock ran out on seniors here in the United States of America as it relates to the prescription drug plan. On that night, when there should have been great celebration by the Republican majority, what was going on? Going back to the movie ''Wag the Dog.'' No, let's talk about immigration on the deadline of the sign-up time for prescription drugs.

So that goes to show you, Mr. Speaker, that it is something their trying to change the debate of the deadline and seniors being confused and now seniors being penalized the next day after. And so I just want to make sure that the Members know that there are some people that are paying attention to what is going on, and they are called the American people. And you do have time to change, and you do have time to bring about this paradigm shift, but history doesn't speak to it.

And so, Mr. Speaker, with that I would like to thank the Democratic leadership for allowing me to come to the floor with another 30-something hour. We look forward to being back on the floor tomorrow if we have the opportunity.

ILLEGAL IMMIGRATION

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, as always I profoundly appreciate the privilege to address you, Mr. Speaker, and to stand on the floor of the United States House of Representatives, make remarks for a period of time about issues that are so pertinent to our day. The future and the history of this country, many times, has been turned right here on this spot, Mr. Speaker, and we would like to believe that we are reflecting the will and the wishes of the American people but adding the level of knowledge and judgment has been endorsed by us, endorsed in us by the voters and the United States of America and the 435 congressional districts, Mr. Speaker.

And I would point out as I listened to the discussion here in the previous hour that the word Republican, Mr. Speaker, is not a profane term. No matter how one says it, I am proud to be a Republican. I am proud to stand up for the values of fiscal responsibility and personal responsibility and limited government and lower taxes and lower regulation, a strong national defense, a vision that goes beyond the horizon for a strong energy policy that will expand the size of the energy pie and drill in ANWR and drill in the Outer Continental Shelf of Florida especially, so that we can get some natural gas into this country and some gasoline and some diesel fuel out of ANWR and out of our Outer Continental Shelf and expand our ethanol and expand our biodiesel and our wind energy, our renewable energies and clean-burning coal and expand our nuclear generating capability, along with a number of other, hydrogen, for example, a number of other energy alternatives.

□ 1745

All of these things are Republican principles, and all of these principles are blocked by people on the other side of the aisle who say the word ''Republican'' as if it were a four-letter word, Mr. Speaker.

And, furthermore, they say the word ''democracy'' as if the United States of America were a democracy. Our Founding Fathers knew better than that, Mr. Speaker. In fact, at one time there was a display down at the National Archives that demonstrated the pure democracy that they had in the Greek city-states perhaps 3,000 years ago. Our Founding Fathers studied that pure democracy, and they saw where they blackballed the demagogues and banished them from the city-state for 7 years because they had such an effective, rhetorical skill that they would sometimes lead the city-state and the masses that would follow that rhetorical skill in the wrong direction. That was for the diminishment of the greater good of the city-states in Greece.

That is why the Founding Fathers did not set up for us a democracy, Mr. Speaker, but they set up a constitutional Republic, a representative form of government. And our job here, we owe our constituents and we owe all Americans because we swear an allegiance to the Constitution, we owe all Americans our best judgment; and sometimes that best judgment might not be the best thing for our particular district but the best thing for the United States of America. It is not a matter of whether we take the poll of the public and vote the way the polls are. If we wanted to do that, if we wanted to have a pure democracy, it would be far easier today in the Internet era than it was during the days of the city-states when the Greeks had to bring all of their of age males, the people who got the chance to vote in those days, into their coliseum or their city center where they would debate the issues of the day and the majority vote won. So they would introduce a motion, and if a majority vote prevailed, then that was the policy of the day until it changed.

There were no guarantees or protections for minorities, for example. There were no constitutional protections like our Constitution. Our Bill of Rights, in particular, is drafted to protect the rights of the minority against the will of the majority and, in fact, to protect the rights of the majority against the whims of a court. All of those protections are in our Constitution. But continually I hear the word ''democracy,'' ''democracy,'' ''democracy,'' as if that were somehow such a high and shining ideal, that that solved all of nature's ills and cured everything that there was on the globe. Truthfully, our Founding Fathers came to the conclusion sometime well before 1789 that a democracy would not succeed in this country and, understanding human nature, a democracy just simply could not succeed; so they crafted out of whole cloth a constitutional Republic: a balanced three branches of government, checks and balances on each one. Not three equal branches of government, but three that were balanced with the natural tension between the judicial branch of government, the legislative branch of government where we stand, Mr. Speaker, and also the executive branch of government where the White House stands.

That is what we have. We have a constitutional Republic, a representative form of government. And our job is to be as informed as we can be; to be in tune with the events of the day; look into the future and anticipate what the future might bring; prepare this country for the future as much as our vision can allow; receive all the input across America; sort the good ideas from the bad, the wheat and the chaff, so to speak; and implement the policies that are best for America and debate them here on this floor.

That is the challenge that the Constitution lays out for us, and that is the challenge that our Founding Fathers envisioned: a deliberative body and a constitutional Republic, a representative form of government. Not a democracy.

And we have Republicans and we have Democrats that have divided themselves in this country in a two-party system, which our Founding Fathers did not envision. But when you look at the structure of the legislative branch, it is inevitable that we have a two-party system because we have a winner-take-all system. That means that the majority in the House and the majority in the Senate select the committee chairs and they make their appointments to the committees in greater numbers, sometimes by one or two, sometimes by a little more than that, in each of our committees so that the majority party has majority control of each of the committees.

If the public is unhappy with the direction that that is going, then it is their ability to go to the voting booth and elect people from the other party who would then come in power, as the power changed here in 1994 because the people at that time were fed up with the kind of policies that were rejected in the elections of 1994 when the Republicans took over the majority here in the House of Representatives.

That is the system that we have, Mr. Speaker. I am proud of the system we have. It is the best in the world. It is far superior, I believe, to any kind of a pure democracy and superior to a parliamentary form of government because we have a guaranteed protection of rights, and those are limited in their scope and the government's powers are limited, although sometimes we go beyond our constitutional authority.

Well, today, Mr. Speaker, brings us to a point, a point within this great national debate, an issue that was envisioned again by our founders, and we have a constitutional responsibility here in the Congress to establish an immigration policy. Our founders envisioned it, it is referenced, and it is our duty to have this debate and to shape a policy that is good for America.

We are having a national debate, finally, and this national debate is a national debate that was, as I recall, called for by Pat Buchanan in 1996, Mr. Speaker, when he said we must have a national debate on immigration. He knew then and I knew then that this issue was getting out of control and out of hand. It was only 10 years since Simpson-Mazzoli, the 1986 amnesty legislation that was signed into law by President Reagan. And it was designed to provide amnesty and it was an admission of amnesty then, they did not try to redefine the word ''amnesty,'' to about a little more than 1 million people, 1.2 million, perhaps 1.3 million people. And the trade-off for amnesty for a little over 1 million people was enforcement, employer sanctions, strict enforcement of laws that required employers, and I was one at that time, Mr. Speaker, to fill out the I–9 forms,

check the identification of the applicants for jobs in my company, and verify who they were and carefully dotted the I's and crossed the T's of the regulations, because I was sure that there would be a Federal agent who would walk into my office, demand to see the I–9 forms for all of my applicants, make sure they were in order and make sure that I had taken a look at their Social Security number and their driver's license, at a minimum, and verified who they were.

Well, I filed all those records, Mr. Speaker, and I carefully followed the law. And here we are, 20 years later, and no one has come along to check my I–9 forms. And I have to say I believe that would be consistent with the vast, vast majority of the employers in America who have followed the law but slowly begin to realize, month by month, year by year, that there was not going to be enforcement. And as we see illegal workers flow into our communities and take up jobs all around us, we begin to realize there was not anyone enforcing against those companies either.

And as a company, if you look at your competition and they are hiring cheap, illegal labor, labor that they may not have to have Workers Comp on, probably do not have health insurance on, probably do not provide for a retirement benefit, maybe do not pay overtime to, maybe pay them off the books, sometimes on the books, all of those competitive advantages and be able to bring people to work, work them when you need them, and simply discard them when you do not need them, more like a machine than a worker; that kind of workforce in the hands of your competition makes it very difficult to hire people who are legal to work in the United States, green card holders, American citizens, lawful residents, people who have lawful presence in the United States, and pay them the wages necessary and the benefits necessary.

We for years and years provided health insurance and mostly retirement benefits and year-around work in a seasonal business so that we had high-quality employees. And we have been able to compete for now going on what must be 31 years that we have been in business, and in that period of time we have been able to keep people on year round and be able to have long-term employees, but compete against those people who have discount employees.

And we had testimony in this Congress, Mr. Speaker, to that effect and people who have lost their business because of that kind of competition, who refused to break the law, refused to hire illegals, and saw their competitiveness diminish on them to where they could not function any longer. And that is the kind of thing that is happening across America.

Well, the scope of this is far bigger and far worse than I described. And so that 1 million people that turned into 3 million people that received amnesty in 1986, we know that the counterfeiters kicked into gear when the amnesty was passed and signed by President Reagan, Simpson-Mazzoli in 1986, that is why it went from 1 million to 3 million, because a large percentage of that extra 2 million that got added on there were people who came into the United States, rushed in here illegally, and then had to have counterfeit documents to demonstrate that they had already been here, like maybe a heating bill or a light bill or a gas bill or a telephone bill, some kind of a document showing that they had been here, maybe a paycheck or two or four or five.

Those kinds of records were generated by the counterfeit industry back then so that people that just came into the country after Simpson-Mazzoli was signed could find themselves on the path to citizenship, to receive the amnesty. And the people that worked with that paperwork very well know this, Mr. Speaker. It is something that I have not heard come out in the testimony and the discussion and the debate. The people who are for guest worker/temporary worker will do or say almost anything except respond to the facts at hand. That is one of the facts. And if the people who are advocating for guest worker/temporary worker are right and there are only 12 million people here, then I will submit that you will see that number at least double and probably triple before they get finished processing all of the counterfeit documents for the people who allege that they were here longer than 2 years so that they can get the path to citizenship.

Those are the circumstances we are dealing with. And the strategy of the people who are coming into the United States know that we have actually had seven amnesties since 1986. The most famous was Simpson-Mazzoli. There are six others that were listed throughout that period of time. Sometimes we missed some people with amnesty and maybe they were not adept enough to bring their counterfeit documents to the front; so we had to go ahead and pass another amnesty for this 400,000, another amnesty for these 300,000; and pretty soon we have logged seven amnesties since 1986 and including 1986, Simpson-Mazzoli.

This Congress, the Senate, is poised to pass the eighth amnesty in 20 years. And the numbers in this country have grown and grown and grown and no one really knows how many. But we have testimony from the Border Patrol, and I agree with this number, and the President made it in his speech last night, that they turned back more than 6 million illegal crossers at the border since he came into office 5½ years ago.

The numbers that I know are numbers for 2004. The Border Patrol intercepted on our southern border 1.159 million and presumably turned back 1.159 million. They only adjudicated for deportation 1,640. That would be a fact.

For 2005 the statistical number is 1.188 million that were intercepted at the border, collared at the border, I say, and turned back. I do not know the number that actually were adjudicated for deportation.

But the Border Patrol also testified, Mr. Speaker, that they stopped one-fourth to one-third of the illegal entrants into the United States. One-fourth to one-third; 1 out of 4, 1 out of 3, as the best that they can hope for. So if 4 million come across the border, which would be the statistical number, 4 million, and we turned back 1 million, that means each year the population of illegals in this country grew by 3 million. And, yes, some of them turned around and went back and some of them died and some of them became citizens through some fashion; so maybe that number of growing illegals is not quite 3 million. Maybe it is not even quite 2 million, but I do not believe it is less than 2 million myself, and I do not know that it is only 4 million that came across the border.

I was down on the border a week ago last weekend, Mr. Speaker, and I spent 4 days on the ground down there, in the Tucson sector mostly, but overall, the Arizona-Mexico border. And I asked a question consistently of the people who work that border, and these would be officers who have been there for a period of time. They had hands-on experience. And I took the testimony that I received here in the Judiciary Committee, in the Immigration Subcommittee, the testimony of the Border Patrol's stopping one-fourth to one-third, that being 1.2 million in a year, and also the President's statement that in his administration they have turned back more than 6 million. I pointed out the 25 percent interception rate, perhaps the 33 percent interception rate. And of the people who have hands-on experience on the border, no one would agree to that number. No one would say, ''I think that is an appropriate number.'' They all had a number lower than that. The most consistent number that they gave me in their judgment was we stopped perhaps 10 percent. Ten percent.

Now, I am not sure I can calculate how we could have 10 million come across the border and only stop 1 million out of 10 million.

□ 1800

So maybe some of those people come back over and over again and keep trying. We are re-catching a lot of the same people, and they try until they get here.

One thing I don't accept is the idea that a high percentage of them go back to Mexico, for example, because those who walk across 5 or 10 or 20 miles of Mexican desert to get to the border, who walk across 10 or 20 or 25 or even 30 miles of American desert to get to the highway, where they can get picked up and get a ride, it is so difficult to come in and the journey is so arduous, it might require three to six

days on the ground in the desert with little water and a little bit of food and having to travel mostly at night, that kind of arduous travel into the United States isn't going to be taken lightly, especially if they pay a coyote $1,500 to come into the United States.

You can't afford to come back and forth a lot, if that is your path into the United States. So I think a significant percentage of those who come into the United States will stay here, for those who succeed in traveling into the United States.

The numbers that are here are so astonishingly large, and the American people are so, I don't want to say ill informed, they have not had access to empirical studies that show what would happen to the immigration numbers in America if the modern version of Simpson-Mazzoli, amnesty plus the path to citizenship that was advocated by the President last night, if that should become something that would be policy.

So I submit as I picked up the paper this morning, Mr. Speaker, and began to review some of the language that is in here, and after I had listened to the speech last night, I was aware there was a study being done by Mr. Robert Rector of the Heritage Foundation, a very careful, conservative study that kept low assumptions and tried to keep low numbers so it would be credible and believable by the American people, rather than high numbers that might be somewhat suspicious. These are low, careful numbers in this study.

This study, and it is in the headlines of the Washington Times, it says the bill, and this would be the Hagel-Martinez bill from the other body, the bill would permit as many as 193 million more aliens in the next 20 years, by 2026.

Mr. Speaker, I will repeat that: the bill permits up to 193 million, that is million with an M, more aliens in the next 20 years, until 2026.

Now, this 193 million would be 60 percent of the current U.S. population over the next 20 years. According to Mr. Rector, the magnitude of changes entailed in this bill are largely unknown, but they rival the impact of the creation of Social Security or the creation of the Medicare program. Mr. Rector is a senior policy analyst at the Heritage Foundation that conducted this study.

He also backed down a little bit from that and said that is the high number. But if we go to the low number, the lower number of his prediction, he said it is more likely that about 103 million new immigrants actually would arrive in the next 20 years. 103 million.

It just so happens that the population of Mexico, Mr. Speaker, is 104 million, or it was until maybe the last couple of weeks when the population got diminished substantially again. We are taking in from across that border some Central Americans, the vast majority are Mexicans, we are taking across that border 11,000 a day. That adds up to 77,000 a week, roughly a little bit smaller than the population of Sioux City, Iowa, which pours across our southern border every single week. And we don't seem to be outraged by the magnitude of that kind of a migration, to use a nice term for it. An invasion, to use a more accurate term for it.

We saw people marching in the streets, Mr. Speaker, and particularly in the streets of Los Angeles, half a million or maybe more than that in the streets. Some of the people that were there just got across the border illegally the night before, and they picked up the flag of another nation and joined hundreds of thousands of their former fellow countrymen and marched in the streets and demonstrated because they want to be made citizens of the United States of America. Even though they have defied our laws and they defy our majority rule, they demand that we provide for them citizenship and all of the benefits that go along with it, the welfare benefits and the vast welfare state that we have would grow dramatically if we went down that path and granted that citizenship.

But there is the image of more than half a million people with flags from their home countries, mostly Mexican flags, pouring into the streets of Los Angeles, demonstrating in the streets Los Angeles.

Then what I hear from the liberals in America, Mr. Speaker, I hear them say, well, why would you be offended because someone flies a flag from their home country, they are proud of their home country?

It is true we fly Irish flags on St. Patrick's Day. In the small town where I live of Kiron, they fly the Swedish flag on the flagpole from time to time. It is true we do celebrate our heritage from our other countries. Those are appropriate things to do in this country, provided that our allegiance is to Old Glory and to the United States of America and the flag of a foreign country is simply a flag that demonstrates heritage.

But when you fly a flag of a foreign nation like a Mexican flag above the American flag on the same flagpole, and the American flag upside down, that is not a message of celebrating your heritage if you come from that country. That is an insult to the United States of America. The upside-down American flag is a sign of distress, and in fact I think there is distress in this country if we tolerate things like that without objection, if we move on and think there is nothing wrong and stick our heads in the sand while 11,000 people every day pour across our border.

This is the magnitude of immigration, far greater than anything we have ever seen in the history of the country. I am doing the research now, Mr. Speaker, and I expect to come back to this floor, perhaps sometimes this week, with the totals for all the numbers of legal immigration in all of the history of America.

I am willing to speculate here tonight that the total for all of the legal immigration, those that came through Ellis Island, those who came through other ports such as San Francisco or Seattle, those who came to the United States in a legal fashion without violating American laws and accessed a path to citizenship, and those who have built this country with those born in this country and teamed up and worn the uniform and fought under that American flag, those people that are the heritage of this country but came across here legally, I believe are far outnumbered by even the lowest number that is presented by this study that is printed here in the Washington Times today, far outnumbered by the 103 million, which will be the lowest number projected under the only empirical study that we have to work with, Mr. Speaker; 103 million people in 20 years. The population of Mexico in 20 years.

This bill, Hagel-Martinez, advocates for adopting all people from Central America, including Mexico, into the United States. It is the same thing as annexing everything down to the Panama Canal minus the natural resources. This is moving the Rio Grande down to the Panama Canal without taking the natural resources, but moving all the people up here into the United States so that they can, yes, go to work here; yes, contribute to our economy; but also access the welfare benefits, which will cost significantly more to fund them than the amount of the economy that they generate.

Now, someone out there is thinking that is not true, because I have heard them say in the public arena for months and months and perhaps for the last couple of years that all immigrants that come into the country, legal and illegal, grow our economy, and so therefore we can't get along without them because they are the reason our economy is growing.

I will submit there is a difference between highly educated, technically skilled immigrants who come in here on an H–1B program, who are going to step in here and make $75,000 a year, Mr. Speaker, and someone who comes in here who is illiterate in their own language and doesn't have a high school education.

But I submit that those Americans who are high school dropouts put more pressure on our welfare than those who have graduated from high school. High school graduates put more pressure on our welfare system than those who have a college education or college degree.

A significant majority of illegals who come into the United States are illiterate in their own language. They don't have a high school degree. Those that do have, there are only 7 percent that have a diploma. More than that have a high school education, but at least 60 percent do not. Statistically,

there is no way to avoid the facts that people that match those demographics are going to put more pressure on the welfare roles here in the United States. The demographics of the illegal immigrants coming into the country show that there is 45 percent out-of-wedlock childbirth. That is another guarantee for poverty.

So if you are underemployed and your children are not being born in wedlock, the pressure on this society to fund your well-being, to be able to provide the welfare benefits is tremendous.

There was a study that was done by the former Secretary of Education who laid out something that is just an empirical fact. If you want to solve the pathology of America, a solution to that is get an education, get married, stay married, get a job, keep the job. That solves most of the pathologies of America. Statistically it is an easy thing to sort out.

But if we are going to bring into this country 103 million to 193 million people, with the majority of them without a high school education, the majority of them not literate in their own language, Mr. Speaker, the burden on us is going to be great; and it is going to cost us at least $50 billion a year.

The study goes on, Mr. Speaker, and I am going to pick up where I left off, and that is the balance of this study shows that the Senate is ignoring the scope and the impact of the bill. It goes on and says the impact this bill will have over the next 20 years is monumental. It has not been thought through. That is the Hagel-Martinez bill. It says the population would grow exponentially, because the millions of new citizens would be permitted to bring along their extended families.

The bill includes escalating caps which would raise the number of immigrants allowed as more people seek to enter the United States. These escalating caps essentially go up as the request for more and more H–1Bs or temporary workers or agriculture workers raises the number, and the cap that grows out of this takes us out to this.

Even the chain migration that comes from family members, when one accesses citizenship or even green card holder access, then they can bring in their parents. Certainly if they are married, they can bring in their spouse, their dependent children. Then those people then extend that out and then they offer the opening to go to their family members and their extended family members. This chain migration continues on and on.

I have stood on this floor and submitted that everybody that comes into this country on average would have about four family members at a minimum they would want to ask into the United States once they access this path to citizenship, and those four family members I thought was a rather conservative estimate. This study, Mr. Speaker, only claims six-tenths of a family member total with regard to the chain migration. That formula that is here I believe is significantly understated. This number will be much greater.

So this 103 million people over the next 20 years, I will submit, by 2026 will be larger than that, because chain migration, in my opinion, and I am not critical of the Rector study except to say I think it is very conservative and I think the numbers will be quite great, we are really talking about emptying out Central America into the United States and a population that is perhaps as much as two-thirds, at least more than 60 percent of the population of the United States of America, increase that much again. We can see in 20 years a population growth here in America that would take this 300 million on up to 500 million, and by the next generation we are well on our way to 1 billion people here in America.

□ 1815

Now I am not saying that we cannot feed them. I am not saying we could not build the infrastructure. But what I will say, Mr. Speaker, is we need to have our eyes wide open. And America needs to have a debate on this cost.

But the numbers aside, the pressure aside, the $50 billion a year and the escalating number, the cost to the taxpayers to fund the deficits that are created by the pressure on the public services and on the welfare roles, all of that aside, to me the central point is this, America is a Nation of laws.

It was founded and people will say it is a Nation built by immigrants. Well, every Nation is built by immigrants. I think that it is a redundant point, except we have got more richness from our immigrants here than maybe any country in the world. But we are founded on the rule of law, Mr. Speaker.

That is the principle that I wish to take. And the advocacy last night in that address from the Oval Office was an advocacy for a path to citizenship for people who have broken the laws in the United States, and those who have broken the earliest and the longest and the most often would be the ones rewarded first.

At the same time, Mr. Speaker, I hear, well, we have to make people go to the back of the line. We cannot put them to the front of the line and reward them with citizenship when other people have followed the law.

But there is not a way to do this under Hagel-Martinez without people going to the front of the line. They are already in the front of the line. They are already in the country. They already have roots down. They already have jobs. And some of them already have families.

And the advocacy last night was, give them a path to citizenship. Yes, make them learn English and demonstrate good citizenship, pay their taxes, and then the reward for that is going to be this precious reward of citizenship.

And then help us choose the next leader of the free world. Send some people to Congress here who have capitalized on contempt for the rule of law, Mr. Speaker. That is the path that is being chosen by the White House.

That is the path that appears to be chosen by the United States Senate. It is an erroneous path. It is a path that is not thought out. And the cost to this society, again Mr. Speaker, is tremendous.

I advocate for this. There is no requirement that when we do enforcement, as the House passed under H.R. 4437, we can do enforcement without guest worker. We can do enforcement without temporary worker. In fact, we must do enforcement before we can have a legitimate debate on guest worker or temporary worker. That is our duty and that is our responsibility.

We take an oath to uphold the Constitution and the rule of law here on this floor. We passed that legislation off the floor. And that is the first responsibility of the President of the United States, is to enforce our laws, protect our Nation and enforce our laws.

In this case the two things are tied together. But guest worker and enforcement of our laws are not linked together, Mr. Speaker. They are separate subject matters. We can do enforcement without doing guest worker.

And the President argues to the opposite. In fact I would submit, Mr. Speaker, that if you simply want to have guest worker or temporary worker, if you designate anyone who wants to come to the United States as Hagel-Martinez does essentially, anyone who is not a felon, anyone who is not objectionable and does not have a record, that they would have a path to come to the United States.

That is simply opening up our borders to everybody but a few undesirables. If you do that, then you do not need to have border control, Mr. Speaker, because you have already allowed everyone into the United States who wants to come, and they do not even have to hurry, they can come in their own good time, because now we will put it into statute that we are going to have an open door and a red carpet.

And that the people who lined up the right way were really wasting their time, they should have rushed to the United States, come across the border, gotten themselves a job and simply waited for amnesty number eight over the last 20 years, so that in the next 20 years we can have 103 or 193 million people here in the United States, at a cost of least $50 billion extra a year, an expansion of our welfare state, and one of the most significant transformations of America that this country has ever seen.

Now there are other things that matter. And it matters, culture matters, and values matter. And I think for the most part, those who are coming across from our southern border are consistent with the American culture and American values, they are Christians, for the most part they are Catholic.

They think a lot of families, even though the illegitimacy rate is high, they are tightly bonded together as families and they work together as families. Those are rich qualities. They go to church as families. And they work together as families.

Their commitment to assimilation is not questioned. I would question that after seeing the streets of Los Angeles. But we need to reach out to that, and we need to promote assimilation to the people who are here legally.

But the people who are here illegally need to go home, they need to go home and grow the country that they came from, solve the problems there. You know, Mexico seems to think it would be an insult to them, and they will say that it is, if we would build a wall from San Diego to Brownsville and seal off the border. And it would be, I am going to say, 90 percent effective if it is patrolled right.

And I have drawn up a design for a wall like that, Mr. Speaker. But Mexico says, no, we would be offended by that, in fact we do not like the idea that the National Guard would be coming down to the border, because that sends the wrong message, you are talking about militarizing the border.

But meanwhile, Mexico pushes their young people into the United States, tells them, come here, go into the United States, enter the United States illegally, stay there, get a job, send your money back home, do not learn the language, do not assimilate into the culture, effect the policy of the United States vis-a-vis Mexico in favor of Mexico.

That was a stated policy by the former minister for Mexicans living in the United States named Juan Hernandez, who now is a high profile individual apparently here in the United States, and claims to be an American citizen, I expect he is.

But that was the Mexican policy, unload your excess young people into the United States, and go tell them, do not build an allegiance with the country who has welcomed you, but keep your allegiance with the country that you left, send your money back down there and vote in the United States, and speak up in the United States and vote on a bilingual ballot, I would add.

Also, Mr. Speaker, there is no excuse for producing multi-lingual ballots of any kind here in America. There is a requirement when you are a naturalized citizen that you demonstrate proficiency in English. And so therefore if you come into this country legally and you acquire citizenship, which is a requirement for voting in America, you will have been required to demonstrate proficiency and literacy in English.

That means then that you can go into a voting booth and vote in any voting booth in America on an English language ballot, not another language ballot. And the only other scenario by which one might be sitting in the United States and eligible to vote and not have command of the English language would be if they were born here in the United States, they had birthright citizenship, which I reject that idea, but it is our practice today, someone with birthright citizenship, and by the time they get to be 18 and register to vote, they go into the voting booth and they had not had enough exposure to English to be able to understand a simple ballot, and so we would give someone who was born in America, an American citizen, lived in an ethnic enclave, never learned English, and give them that interpreter in the voting booth so we can find a way to coddle them and be an enabler, just like an enabler for an alcoholic, hand them a bottle of booze so they do not cure themselves.

But why do not we give them an incentive then, if they are not learning English in their enclave, let them learn English when it is time to go to vote. They could take pride in that. They could assimilate into the society. They can be far more successful, make more money and contribute more to this society and live a richer, fuller life.

But we have a bilingual provision in the Voting Rights Act. That was wrong on its original premise. It is wrong in the language that is there today. It will be wrong when it comes to the floor of this House of Representatives, Mr. Speaker. It needs to be amended. And I intend to seek to try to amend that legislation, that being another piece of this overall puzzle, Mr. Speaker.

But what I am for is, I am for building a wall from San Diego to Brownsville, 12-feet high, concrete wall, precast panels, dropped into a footing that has got a notch in it and a cut-off wall so it is hard to dig underneath, the kind of stability that it needs, something that will look like the barrier that the Israelis built to defend themselves and protect themselves from the bombers that were coming over from the West Bank.

That barrier has been 95 percent effective, even though people are determined to come across to kill people. We can do something very similar to that for less money than the Israelis are spending.

Now but the scope of the dollars that we are spending on our southern border are astonishing, Mr. Speaker. I would submit that the authorization request for the Border Patrol, for the air and marine division, for ICE, for the Customs border protection division all together that will be allocated for our southern border, and this would not include significant resources and assets that come from the National Park Service and other agencies down there that have jurisdiction in the area, that request is over $6 billion for the 2,000 miles of our southwest border, over $6 billion.

Now when you divide that out, it is a little less than that, say a 2,000-mile border just for round numbers. You come back with a cost-per-mile, Mr. Speaker, of $3,181,336 per mile. $3,181,000 per mile to defend our southern border, to stop 10 percent, maybe 25 percent, probably not 33 percent of the illegal traffic.

So we have got maybe 25 percent effectiveness for a price of $6 billion. So when we quadruple that then to go to $24 billion to defend our southern border at 2,000 miles. Would that get 100 percent control of the border? I say not. Not without a physical barrier that is effective.

And so for $3 million a mile, $3,181,000 a mile, I wondered what would happen if we applied the free enterprise solution to this task? What would happen if we simply put out a request for proposals and offered companies that had insurance, that had professional credentials, that could bond the job, to bid a section of the border under an open, competitive, low-bid contract that met standards?

And if there were companies out there that wanted to be in control of security in the border between San Diego and Tijuana, let them bid for that for an appropriate price and see if that competitive bidding will come up with some more creative ways and some more effective ways to control our border.

Me, I would be interested in, had I been back in the private sector where I spent 31 years in the construction business, all together about 35 years in the construction business, 31 years in the construction business actively owning and operating.

But I would be interested in the stretch across the desert where you did not have intense, I will say intense urban areas to deal with, that stretch across the desert, some of it does not have a marker at all.

If you go down into New Mexico, there is a concrete pylon that stands on the horizon. And you look across that horizon, you go to that one, you look at the next horizon, and you can see the next one, and the next one. As far as you can see with these high-powered big old brass transits that they had back in those days when they laid that out.

Mr. Speaker, I imagine that was about 1848 or so when they laid out the border between Mexico and the United States, horizon to horizon, concrete pylons that high, poured, set on the border.

Mr. Speaker, that is the only marker. And so when people walk across the desert, they do not know where the United States is and where Mexico happens to be. I would want to bid that stretch of the desert. But I do not think they want to pay me $3 million to protect that stretch of the desert.

But you know for $1 million a mile, I could do quite a job. So could many American companies enter into a contract and say, I want to bid this 100 miles of border, and I will bid you X dollars per mile. And I have got insurance. I have got bonding. I will perform.

And if anybody gets across here, we will have the Border Patrol count the

footprints of those that get across and dock it from my contract so that there is a penalty if I am not efficient.

Now, we do could do that, and we could control this border in a year. We could have the contractual structures all in place. Some of those people will say I want to build a wall. I want to build a wall to keep people out. And I want to bid this accordingly.

Mr. Speaker, I drew up a little diagram for a wall that I think would be effective. And I did this, Mr. Speaker, because we have a little trouble dealing with concepts. And so this wall that I propose works something like this.

I would go in and build a concrete footing, and this concrete footing would be perhaps 2 foot over, 8 inches down, put you a notch in there like that, and that would be the footing. This would be about 4 foot deep in here. This would be about 8 inches of footing all together.

This would be 6 inches wide in there. And then I would put on a precast concrete panel that would be about 12 feet high. It would drop down into this notch and go up like this.

□ 1830

Now this, Mr. Speaker, is a very rudimentary drawing of the kind of concrete wall that I would construct, and this kind of wall is very simple, and it would be cheap to make. You could trench this and you could slip-form that with a machine. And then this represents a 6-inch-thick wall from a cross-section end, just like if you were going to slice a loaf of bread and look at it from the end. Twelve feet high, I would put wire on top, a little constantine wire on top, perhaps 4 feet of that sticking up there, 12 feet of concrete sticking up out of this footing. These could be precast panels, you could set those in, it wouldn't be hard to make a mile a day of that with a small crew. It would go very quickly once the footing was poured.

This kind of a wall, allowing a little bit for sensors and some of the bells and whistles that one would have, this kind of a wall can be built for about $500,000 a mile, when we are spending $3 million a mile, Mr. Speaker, for our Border Patrol to drive back and forth and watching maybe 75 or more percent of those illegal border crossers get through. This kind of a wall, if patrolled, if managed, if maintained would cut down on illegal crossings by, I am going to say, at least 90 percent. And if it is well manned, it can go very close to 100 percent.

Now, people say walls don't work. Then why do we put fences around prisons? Why is there a fence around the White House? How many people got across the wall in Berlin? How successful was that? Extraordinarily successful, I would say, Mr. Speaker. And then those who say that the Berlin Wall was an offense to humanity, I would agree to that. But the Berlin Wall was a wall that was built to keep people in. This wall would be a wall that would be built to keep people out, and that is a 180-degree philosophical difference. It should not be offensive to people who live in freedom to have to protect their freedom by building a wall. That is the most cost effective thing we can do. For every $6 that goes down to the southern border to fund our Border Patrol down there for 2007, for every $6, if we would just take one of the $6, we can construct this kind of a structure for 2,000 miles along our southern border, and you know that it would make the Border Patrol far more effective and that they would be able then to be able to utilize their time chasing people down and actually catching people and deporting them instead of being flooded by this mass of humanity that comes pouring across the border every single day.

It would make the Border Patrol more effective, and it would honor their work. It would save lives, Mr. Speaker.

I visited the location where a young forest ranger park officer named Chris Eggle was killed in the line of duty 3½ years ago just across the border. There was a drug smuggler, they were under the Mexican police who were in hot pursuit of a drug smuggler who drove across the border where there wasn't a barrier, and his vehicle broke down on the U.S. side of the border where the Mexican person, the Mexican police officers continued in their pursuit at least to the border, and Chris Eggle came in with his partner, closed in on the suspect, and the suspect let off four automatic rounds of an AK–47 and Chris Eggle was killed on that location.

I visited that location, Mr. Speaker. If we had had even a vehicle barrier fence which exists there today in the Oregon Cactus National Monument, Oregon Pipe Cactus National Monument, that vehicle barrier would have saved Chris's life. This kind of a barrier would have easily saved his life.

Every major city in America has at least one police officer who has been killed in the line of duty by an illegal here in the United States of America. That is over 70 police officers who have been killed in the line of duty by illegals. All of their lives would have been saved if we had enforced our border as I propose, Mr. Speaker. And that is just the police officers.

The numbers of those who die at the hands of those who should have been apprehended and deported escalate day by day by day. Twenty-eight percent of the inmates in our prisons in the United States between our city, our county, our State, and our Federal penitentiaries, 28 percent, Mr. Speaker, are criminal aliens. They didn't all come into the United States illegally, but they were unlawfully present here when they became criminal aliens and sent off to prison. That is the percentage of crime that is being created that could be prevented if we enforced our laws.

And that is why 13 people every day die at the hands of negligent homicide, generally a drunk driver who is unlawfully present in the United States. Twelve people every day die at the hands of a first-degree murderer, second-degree murderer, or manslaughter violently at the hands of someone who is unlawfully present in the United States, a criminal alien here in the United States. That is 25 people a day.

This is slow-motion terrorism taking place in the United States. I am not implying that everyone who comes across this border is a criminal, or, I will say, wishes the American people ill will, Mr. Speaker. I will apply that everyone who comes, I won't just imply, I will state that every one who comes into the United States illegally is a criminal. They are guilty of a criminal misdemeanor for illegally entering the United States, and I find it ironic to see the demonstrators in the street carrying signs that say, ''I am not a criminal.'' Well, does the other sign say, ''I am an illegal alien, but I am not a criminal''? You can't have that in the United States of America. If you are in the United States illegally, then you are guilty of a criminal misdemeanor that is punishable by 6 months in the penitentiary and then deportation. That is the law here in the United States. Denying it with a poster in the streets doesn't make it not so. It is the law, regardless of whether H.R. 4437 passes which makes it a felony to enter into the United States.

The reason for that is so that the law breakers will be entered into the NCIC computer database, the National Crime Information Center computer information database and we can keep better track on them. Sometimes because it is a misdemeanor, they don't get booked, they don't get printed, and their prints don't go into the records so that they can be searched and scanned. Sometimes we don't know whether it is catch and release for two or three violations or whether it is seven or whether it is 20 different violations, because it is not always recorded the way it needs to be. And sometimes they are not booked at all. Sometimes they are simply released because of the urgency of the moment.

The drugs that come into this country, Mr. Speaker, it is an astonishing number. The Federal Government keeps track of these things, and their number is at 90 percent of the illegal drugs in America come across the border of Mexico. That is the Federal Government's fact. And it is not one that they very much relish repeating, but it is the Federal Government's fact: 90 percent of the illegal drugs, amounting to, amounting to $60 billion, that is with a B, $60 billion worth of illegal drugs.

And you match that up with the slow-motion terrorism that comes with the loss of 25 American lives every day at the hands of criminal aliens. Far more have lost their lives at the hands of criminal aliens than were victims of

September 11. And you couple that with $20 billion that is wired into Mexico every year from the wages of many of those who are illegally working here and another $10 billion that goes to the Central American countries, $30 billion of wages wired south and $60 billion worth of drugs hauled north, and you have got a $90 billion economic problem. You have got a $90 billion drain on the gross domestic product of the United States of America, and it is a $90 billion injection into the economy of Mexico.

And people wonder why Vicente Fox doesn't step in and do something about the meth labs that are in northern Mexico, the marijuana smuggling and the marijuana harvest that is taking place, about the thousands of pounds of drugs that pour into the United States, one report, 2 million pounds of illegal drugs in a year. Two million pounds.

And I watched down there, Mr. Speaker, as we took 18 bales of marijuana, each about 10 pounds or more, out from underneath the bed of a pickup. Eighteen bales of marijuana smuggled into the United States. And the officers who made the interdiction said sometimes 200 pounds, and this was maybe 180 pounds, maybe as much as 200 pounds, sometimes 200 pounds is a decoy; it is simply a decoy, Mr. Speaker, and the effort to run the gauntlet with 180 to 200 pounds of marijuana would just distract the officers so that they can get by with a 2,000- or 2,600-pound load in another vehicle going through the gap that was created while they were distracted picking up the 200-pound load. That is a lot of drugs, Mr. Speaker, and a lot of damage here in the United States of America.

And I don't make excuses for the drug users here. There is a demand here that draws those drugs into the United States. We need to deal with that, too, Mr. Speaker. But meanwhile, we can raise the cost of the transaction; we can make it a lot harder to get those drugs across the southern border.

If we could shut off this southern border and just simply allow legal entrants into the United States at our ports of entry, if we could do that, then at least in theory, and if we could do it overnight, we could cut off 90 percent of the illegal drugs in America. That means some people will not get their drugs, some people won't go on drugs, some people will wean themselves off. Every time that happens, there is another life that has been improved, another standard of living that has been improved. Sometimes a life has been saved. Sometimes a little boy or a little girl gets a new pair of tennis shoes instead of their daddy or mommy buying drugs. Sometimes that daddy or mommy gets off drugs and spends their time raising their children and loving their children and nurturing them in the fashion that God intended, Mr. Speaker. Every time we can make an improvement in that drug equation, we are improving the lives of children in America somewhere sometime.

And so I would submit that we need to enforce this border. We need to build a wall similar to this design that I have with a 4-foot wide footing, a 6-inch wide notch in that footing, probably have to brace it right there and right there. I didn't draw that in. And then at least a 4-foot deep cutoff wall, and then drop in a 12-foot high pre-cast concrete panel, 12-foot high, 10 feet long would be my guess.

So that, as we lay those panels out, every time you set a panel you build another 10 feet of wall. We could do this for less than $500,000 a mile, a half-a-million-dollar a mile, for one out of every $6 that is spent protecting our border today before the increases that will be necessary for 6,000 more National Guard troops on our border. This is a capital investment that could be amortized over 40 years or more, and it doesn't cost that every year. It is only one-sixth of budget. That is a one-time expenditure and then a small maintenance fee, and we could easily fund the maintenance fee by requiring fewer personnel down on the border because this would be so much more effective.

So I would submit, Mr. Speaker, we need to have enforcement first and enforcement only until enforcement established, and the American people will agree that the administration has made a real commitment to uphold the laws of the United States of America including our immigration laws. Seal the border, end birthright citizenship because that is another magnet: 300,000 to 350,000 babies born in America that in the practice of birthright citizenship can start the chain migration to bring their families in.

The misconception idea that somehow all family reunions have to take place north of the Rio Grande instead of south of the Rio Grande, I don't know how that ever got started into our verbiage and accepted as an institutional commitment by the United States of America. Seal the border, end birthright citizenship, shut off the jobs magnet. That means sanction employers, require them to use the basic pilot program, the instant-check program so that they check their employees. And I don't mean just the perspective employees or those they have just hired, but check every employee so we can process that through and let those go who are not lawfully present and can't legally work here in the United States, and pass the New IDEA bill, the new Illegal Deduction Elimination Act, IDEA, I-D-E-A, Illegal Deduction Elimination Act. That lets the IRS enforce the law.

When they do a normal audit, which they do on many of the larger companies every single year, they would run the employees' Social Security numbers that are on the 941 form through the instant-check program on the Internet. Punch those Social Security numbers in there, and it will go out to the Social Security Administration database and the Department of Homeland Security's database, NCIC again, and identify if that number, that Social Security number and the other identifiers that would be entered with it would identify someone legal to work in the United States.

If an employer uses that method, they would get safe harbor, Mr. Speaker, and the IRS would not bother them. But if they didn't use the instant-check Internet-based program, or if they did use it and ignored the results and hired them anyway, then the IRS would deny the deductibility of those wages. So the business expense that would be wages, say $10 an hour, would be denied. Now that is no longer an expense; that goes over into the profit column presumably, and that $10 an hour that was a write-off or an expense becomes taxable income. And if they are a corporation in a 34 percent bracket, that is a $10 an hour wage, then the 34 percent tax on it plus the interest plus the penalty kicks that fee up to about $6 an hour added to the $10, and your $10 an hour worker becomes a $16 an hour illegal worker, and the notice goes off to the Department of Homeland Security that we have an employer here that is violating the law, step in and sanction that employer also with the fines that are appropriate for the violations that are in place.

We can shut off this jobs magnet, Mr. Speaker. And if we do that, attrition, the time when people make a decision to go back home, they can go back home with the skills they have learned here, they can go back home with the free education that we provided for tens of thousands of children, an educated nation south of us that can be renovated by the new blood that comes from us saying we are going to be a nation of laws, Mr. Speaker.

□ 1845

We must be a Nation of laws. We must defend our borders. We must defend our sovereignty, and if we do not do that, we will not have a country. The American people know that, Mr. Speaker, and I wish that the people over in the other body and the advocates for this thing called a guest worker or temporary worker knew that.

When you grant citizenship to someone, they are no longer a temporary worker. Citizens do not go home. We do not have temporary citizens, and we must not have 103 million to 193 million new residents here in the United States, unless the American people debate that and say that is what they want. If the American people want to open up their doors to that kind of numbers of people, then they should step up and say so.

Until that, Mr. Speaker, I am going to stand on the rule of law, defending our borders, enforcing our laws, and perhaps if that enforcement can take place for 3 to 5 years, we can have then a legitimate debate on those who would be left in this country and how to deal with them in an appropriate fashion.

With that, Mr. Speaker, I thank you for your indulgence.

RECESS

The SPEAKER pro tempore (Mr. JINDAL). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for approximately 10 minutes.

Accordingly (at 6 o'clock and 46 minutes p.m.), the House stood in recess for approximately 10 minutes.

□ 1856

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore at 6 o'clock and 56 minutes p.m.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–466) on the resolution (H. Res. 815) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4200, FOREST EMERGENCY RECOVERY AND RESEARCH ACT

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–467) on the resolution (H. Res. 816) providing for consideration of the bill (H.R. 4200) to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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 Mrs. BLACKBURN) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

(The following Members (at the request of Mrs. BLACKBURN) to revise and extend their remarks and include extraneous material:)

Mr. BOUSTANY, for 5 minutes, today.

Mr. BRADY of Texas, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, today.

Mr. MCHENRY, for 5 minutes, today and May 17, 18, and 19.

Mr. POE, for 5 minutes, today and May 17, 18, and 19.

Mr. HUNTER, for 5 minutes, May 23.

Mr. BURTON of Indiana, for 5 minutes, today and May 17, 18, and 19.

Mr. GOHMERT, for 5 minutes, today.

ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4297. An act to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006.

ADJOURNMENT

Mr. BISHOP of Utah. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 17, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7516. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's ''Major'' final rule—Percentages for Direct and Counter-Cyclical Program Advance Payments (RIN: 0560–AH49) received May 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7517. A letter from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting the Department's final rule—National Forest System Land Management Planning (RIN: 0596–AC43) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7518. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration's final rule—Bacillus Thuringiensis VIP3A Insect Control Protein and the Genetic Material Necessary for its Production in Cotton; Extension of a Temporary Exemption from the Requirement of a Tolerance [EPA-HQ-OPP–2005–0282; FRL–7722–7] received April 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7519. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration's final rule—Benzaldehyde, Captafol, Hexaconazole, Paraformaldehyde, Sodium dimethyldithiocarbamate, and Tetradifon; Tolerance Actions [EPA-HQ-OPP–2005–0322; FRL–8065–1] received April 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7520. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration's final rule—Pantoea Agglomerans Strain C9–1; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP–2006–0267; FRL–7772–6] received April 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7521. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration's final rule—Approval of Clean Air Act, Section 112(I), Authority for Hazardous Air Pollutants: Perchloroethylene Dry Cleaner Regulation Maine Department of Environmental Protection [EPA-R01–OAR–2006–0119; A–1–FRL–8049–9] received April 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7522. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration's final rule—Georgia: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R04–RCRA–2006–0375; FRL–8161–2] received April 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7523. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration's final rule—OMB Approvals Under the Paperwork Reduction Act; Technical Amendment [FRL–8161–7] received April 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7524. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration's final rule—Technical Amendments to the Highway and Nonroad Diesel Regulations [EPA-HQ-OAR–2006–0224; FRL–8161–9] (RIN: 2060–AN78) received April 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7525. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration's final rule—Regulation of Fuels and Fuel Additives: Removal of Reformulated Gasoline Oxygen Content Requirement and Revision of Commingling Prohibition to Address Non-Oxygenated Reformulated Gasoline; Partial Withdrawal; Correction [EPA-HQ-OAR–2005–0170 FRL–8167–4] received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7526. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration's final rule—Update of Continuous Instrumental Test Methods [EPA-OAR–2002–0071; FRL–8165–1] (RIN: 2060–AK61) received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7527. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration's final rule—Regulation of Fuels and Fuel Additives; Removal of Reformulated Gasoline Oxygen Content Requirement [EPA-HQ-OAR–2005–0170; FRL–8167–5] received May 3, 2006', pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7528. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration's final rule—Virginia: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R03–RCRA–2006–0381; FRL–8165–7] received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7529. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to Stage II Vapor Recovery at Gasoline Dispensing Facilities [EPA-R03–2006–0314; FRL–8165–2] received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7530. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration's final rule—Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Large Municipal Waste Combustors [EPA-HQ-OAR–2005–0117; FRL–8164–9] (RIN: 2060–AL97) received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7531. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of High Alitude Area Navigation Routes; South Central United States [Docket No. FAA–2005–22398; Airspace Docket No. 05–ASO–7] (RIN: 2120–AA66) received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7532. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of High Altitude Area Navigation Routes; South Central United States [Docket No. FAA–2005–22398; Airspace Docket No. 05–ASO–7] (RIN: 2120–AA66) received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7533. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of the St. Louis Class B Airspace Area; MO [Docket No. FAA–2005–22509; Airspace Docket No. 03–AWA–2] (RIN: 2120–AA66) received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7534. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Palm Springs, CA [Docket No. FAA–2005–23184; Airspace Docket No. 05–AWP–14] received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7535. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Kennett, MO [Docket No. FAA–2005–22746; Airspace Docket No. 05–ACE–32] received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7536. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Kennett, MO [Docket No. FAA–2005–22746; Airspace Docket No. 05–ACE–32] received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7537. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Beatrice, NE [Docket No. FAA–2005–23375; Airspace Docket No. 05–ACE–35] received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7538. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Wenatchee, WA [Docket No. FAA–2005–20417; Airspace Docket 05–ANM–06] (RIN: 2120–AA66) received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7539. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Restricted Area 2507E; Chocolate Mountains, CA [Docket No. FAA–2004–19051; Airspace Docket No. 04–AWP–6] (RIN: 2120–AA66) received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7540. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Offshore Airspace Areas; Gulf of Alaska Low and Control 1487L; AK [Docket No. FAA–2005–22708; Airspace Docket No. 05–AAL–32] (RIN: 2120–AA66) received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7541. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Chignik, AK [Docket No. FAA–2005–22855; Airspace Docket No. 05–AAL–35] received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7542. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Holy Cross, AK [Docket No. FAA–2005–22854; Airspace Docket No. 05–AAL–34] received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7543. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Toksook Bay, AK [Docket No. FAA–2005–22856; Airspace Docket No. 05–AAL–36] received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7544. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revisions of Class E Airspace; Koyuk Alfred Adams; AK [Docket No. FAA–2005–22111' Airspace Docket No. 05–AAL–14] received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7545. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Toksook Bay, AK [Docket No. FAA–2005–22856; Airspace Docket No. 05–AAL–36] received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. BONILLA. Committee on Appropriations. Supplemental report on H.R. 5384. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes. Ordered to be printed. (Rept. 109–463 Pt. 2).

Mr. WALSH: Committee on Appropriations. Supplemental report on H.R. 5385. A bill making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes. Ordered to be printed. (Rept. 109–464 Pt. 2).

Mr. PUTNAM: Committee on Rules. H. Res. 815. A resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 109–466). Referred to the House Calendar.

Mr. BISHOP of Utah: Committee on Rules. H. Res. 816. A resolution providing for consideration of the bill (H.R. 4200) to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes. (Rept. 109–467). 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. WELLER:

H.R. 5387. A bill to amend title XVIII of the Social Security Act to provide for an additional two-month period in 2006 for enrollments in the Medicare Advantage plans and for the Medicare prescription drug benefit without any late enrollment penalty for months before the end of such two-month period; 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. TOM DAVIS of Virginia (for himself, Ms. NORTON, Mr. WAXMAN, Mr. SHAYS, Mr. PLATTS, Mr. CANNON, Mr. BISHOP of Utah, Mr. LEACH, Mr. SIMMONS, Mr. ENGLISH of Pennsylvania, Mr. MOORE of Kansas, Mr. FOLEY, Mr. ISSA, Mr. FATTAH, Mr. MORAN of Virginia, Mr. WYNN, Mr. OWENS, Mr. TOWNS, Mr. KIRK, Mr. BOUCHER, Mr. VAN HOLLEN, Mr. PORTER, and Mr. GILCHREST):

H.R. 5388. A bill to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. RAHALL, Mr. OWENS, Mr. CHANDLER, Mr. HOLT, Mr. DAVIS of Alabama, Mr. MOLLOHAN, Mr. BROWN of Ohio, Mr. COSTELLO, and Mr. MURTHA):

H.R. 5389. A bill to establish improved mandatory standards to protect miners during emergencies, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WICKER (for himself and Mr. HOYER):

H.R. 5390. A bill to provide for the expansion and coordination of activities of the National Institutes of Health and the Centers for Disease Control and Prevention with respect to research and programs on cancer

survivorship, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CHABOT (for himself, Mr. MORAN of Virginia, Mrs. SCHMIDT, Mr. FOLEY, Mr. TOM DAVIS of Virginia, and Mr. WOLF):

H.R. 5391. A bill to amend title 10, United States Code, to provide eligibility for certain additional dependent children for annuities under the military Survivor Benefit Plan; to the Committee on Armed Services.

By Mr. BAKER (for himself and Mr. BOUSTANY):

H.R. 5392. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the President to extend the availability of unemployment assistance made available in connection with Hurricane Katrina and Hurricane Rita; to the Committee on Transportation and Infrastructure.

By Mr. BAKER (for himself and Mr. FRANK of Massachusetts):

H.R. 5393. A bill to provide for the Department of Housing and Urban Development to coordinate Federal housing assistance efforts in the case of disasters resulting in long-term housing needs; to the Committee on Financial Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY (for herself, Mr. DEFAZIO, Mr. BLUMENAUER, and Mr. WU):

H.R. 5394. A bill to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in Oregon, and for other purposes; to the Committee on Resources.

By Mr. ISRAEL:

H.R. 5395. A bill to authorize the Secretary of the Treasury to issue Energy Freedom Bonds to finance programs to facilitate the research, development, and deployment of clean renewable energy technologies; to the Committee on Ways and Means.

By Mr. MORAN of Kansas (for himself and Mr. MICHAUD):

H.R. 5396. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to employ additional categories of mental health professionals; to the Committee on Veterans' Affairs.

By Ms. ROYBAL-ALLARD (for herself and Mr. SIMPSON):

H.R. 5397. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SALAZAR (for himself, Mr. GUTKNECHT, and Mr. OSBORNE):

H.R. 5398. A bill to amend the Clean Air Act to exclude from the definition of renewable fuel any fuel that is imported or derived from any matter that is imported; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. JINDAL.
H.R. 115: Ms. SCHAKOWSKY.
H.R. 128: Mr. HOYER.
H.R. 303: Mrs. BONO.
H.R. 408: Mr. ISSA.
H.R. 503: Mr. OXLEY, Mrs. KELLY, Mr. WAMP, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. BISHOP of New York, and Mr. MILLER of North Carolina.
H.R. 515: Mr. FOLEY.
H.R. 663: Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Ms. WATSON, Ms. CARSON, and Ms. NORTON.
H.R. 699: Mr. CALVERT and Mr. SALAZAR.
H.R. 717: Mr. DAVIS of Kentucky and Mr. PETERSON of Minnesota.
H.R. 752: Ms. MILLENDER-MCDONALD and Mr. OBEY.
H.R. 783: Ms. GINNY BROWN-WAITE of Florida.
H.R. 821: Ms. BERKLEY.
H.R. 964: Mr. SOUDER and Mr. SANDERS.
H.R. 968: Ms. SCHWARTZ of Pennsylvania.
H.R. 1103: Mr. SCHIFF.
H.R. 1366: Mr. LEWIS of Kentucky.
H.R. 1408: Mr. MARKEY.
H.R. 1425: Mr. OWENS and Mrs. DAVIS of California.
H.R. 1471: Mr. BARROW, Mr. HINCHEY, and Mr. MOORE of Kansas.
H.R. 1498: Mr. LYNCH.
H.R. 1518: Mr. VAN HOLLEN.
H.R. 1554: Mr. DELAHUNT.
H.R. 1598: Ms. BERKLEY.
H.R. 1697: Mr. SANDERS.
H.R. 1951: Mrs. CAPITO, Mr. BURTON of Indiana, and Mr. DAVIS of Kentucky.
H.R. 2035: Mr. BROWN of Ohio.
H.R. 2047: Mr. LEACH.
H.R. 2072: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2088: Mr. DELAY.
H.R. 2456: Ms. CARSON.
H.R. 2684: Mr. COSTA.
H.R. 2804: Mr. SULLIVAN.
H.R. 2961: Mr. STUPAK.
H.R. 3055: Mr. GRIJALVA.
H.R. 3173: Mr. SANDERS.
H.R. 3427: Mr. HINCHEY.
H.R. 3476: Ms. SCHAKOWSKY, Mr. MILLER of Florida, Mr. PICKERING, Mrs. MCCARTHY, Mrs. KELLY, Mr. KIND, Mr. BOSWELL, Mr. MOORE of Kansas, and Mr. JONES of North Carolina.
H.R. 3781: Ms. CARSON.
H.R. 3883: Mr. MCCAUL of Texas.
H.R. 3936: Mr. CLEAVER and Ms. WOOLSEY.
H.R. 4259: Mr. MARSHALL.
H.R. 4293: Mr. CONYERS.
H.R. 4315: Mr. MICHAUD.
H.R. 4364: Mr. WELDON of Florida, Mr. STEARNS, Mr. WICKER, and Mr. HOSTETTLER.
H.R. 4384: Mr. SERRANO.
H.R. 4398: Mr. BACHUS.
H.R. 4479: Ms. BALDWIN.
H.R. 4542: Mr. SWEENEY and Mrs. NAPOLITANO.
H.R. 4547: Mr. DELAY and Mr. SHADEGG.
H.R. 4622: Mr. DAVIS of Illinois, Mr. PAUL, and Mr. DOYLE.
H.R. 4623: Mr. FITZPATRICK of Pennsylvania.
H.R. 4633: Mrs. CHRISTENSEN, Mr. JEFFERSON, Mr. THOMPSON of Mississippi, Mr. HONDA, and Ms. WATERS.
H.R. 4672: Mrs. NORTHUP.
H.R. 4695: Ms. ROYBAL-ALLARD, Ms. ZOE LOFGREN of California, Mr. MOORE of Kansas, and Mr. VAN HOLLEN.
H.R. 4727: Mr. YOUNG of Florida.
H.R. 4739: Ms. SCHAKOWSKY.
H.R. 4755: Mr. OBERSTAR, Mrs. JOHNSON of Connecticut, Mr. BOUSTANY, and Mr. TANNER.
H.R. 4843: Mr. BARROW.
H.R. 4894: Mr. JINDAL.
H.R. 4922: Mr. SWEENEY.
H.R. 4992: Mr. KUHL of New York, Mr. BURTON of Indiana, and Mr. MCINTYRE.
H.R. 5005: Mr. CARTER, Mr. DOOLITTLE, and Mr. DELAY.
H.R. 5013: Mr. BROWN of South Carolina, Mr. MACK, Mr. CARTER, Mr. DELAY, Mr. BOUSTANY, and Mr. SALAZAR.
H.R. 5014: Mr. GOHMERT, Mr. COOPER, and Mr. CASE.
H.R. 5118: Mr. BOSWELL, Mr. REYES, and Mr. HIGGINS.
H.R. 5131: Mr. NUNES and Mr. BECERRA.
H.R. 5139: Mr. HONDA.
H.R. 5140: Mr. HONDA.
H.R. 5141: Mr. HONDA.
H.R. 5142: Mr. HONDA.
H.R. 5150: Mrs. DAVIS of California, Mr. WEXLER, and Mr. OWENS.
H.R. 5159: Mr. GALLEGLY, Mr. PASTOR, and Mr. BACHUS.
H.R. 5166: Mr. HOYER, Mr. BOUCHER, Mr. UDALL of Colorado, Mr. TERRY, Mrs. CAPITO, Mr. BEAUPREZ, and Mr. JINDAL.
H.R. 5200: Mr. LAHOOD, Ms. HERSETH, Mr. STRICKLAND, Mr. TERRY, Mr. SIMPSON, and Mr. ROHRABACHER.
H.R. 5201: Mr. DELAHUNT, Mr. JOHNSON of Illinois, Mr. MORAN of Kansas, Mrs. WILSON of New Mexico, Ms. GINNY BROWN-WAITE of Florida, Mr. AL GREEN of Texas, Mr. RENZI, Mr. DAVIS of Tennessee, Mrs. CAPITO, Mr. PAYNE, Mr. SALAZAR, Mr. MILLER of North Carolina, and Mr. KANJORSKI.
H.R. 5204: Mr. BACA, Mr. JEFFERSON, and Mr. VAN HOLLEN.
H.R. 5225: Mr. MCDERMOTT, Mr. THOMPSON of Mississippi, Mr. SANDERS, Ms. SCHAKOWSKY, and Mr. WAXMAN.
H.R. 5230: Mr. MILLER of Florida and Ms. GINNY BROWN-WAITE of Florida.
H.R. 5248: Ms. SCHAKOWSKY.
H.R. 5293: Mr. WILSON of South Carolina and Mr. DAVIS of Illinois.
H.R. 5310: Mr. LATOURETTE.
H.R. 5316: Mr. DINGELL, Mr. EHLERS, Mr. MCHENRY, Mr. NEY, Mr. JOHNSON of Illinois, Mr. FEENEY, Mr. FORTUÑO, Mr. MACK, and Mr. BROWN of South Carolina.
H.R. 5333: Mr. BURTON of Indiana, Mr. FARR, Ms. BORDALLO, Mr. BERMAN, Mr. SCHIFF, Mr. CROWLEY, Mr. ROHRABACHER, and Mr. FRANK of Massachusetts.
H.R. 5347: Mr. CASTLE.
H.R. 5352: Mr. ISTOOK.
H.R. 5354: Mr. CASTLE.
H.R. 5362: Mrs. MALONEY, Ms. MATSUI, and Mr. GRIJALVA.
H.R. 5365: Mr. BROWN of Ohio, Mrs. CAPPS, Mr. DOYLE, and Mr. WYNN.
H. Con. Res. 380, Mr. JEFFERSON and Mr. BARROW.
H. Res. 155: Mr. FILNER.
H. Res. 222: Mr. COSTA.
H. Res. 295: Mr. KENNEDY of Rhode Island, Mr. FITZPATRICK of Pennsylvania, Mr. MCNULTY, and Mr. HIGGINS.
H. Res. 316: Mr. DOOLITTLE and Mrs. JONES of Ohio
H. Res. 363: Mr. MICHAUD.
H. Res. 740: Mr. WEXLER and Mr. GARRETT of New Jersey.
H. Res. 749: Mr. KUCINICH.
H. Res. 756: Ms. MCKINNEY.
H. Res. 759: Mr. JEFFERSON and Mr. KUCINICH.
H. Res. 773: Mrs. JONES of Ohio.
H. Res. 790: Mr. FORD, Ms. MILLENDER-MCDONALD, Ms. CARSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. JEFFERSON, and Mr. ORTIZ.
H. Res. 795: Mr. BISHOP of Georgia and Mrs. CUBIN.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4217: Mr. KUHL of New York.

AMENDMENTS

Under clause 8 of the rule XVIII, proposed amendments were submitted as follows:

H.R. 5384

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 1. At the end of the bill (before the short title), insert the following new section:

SEC. 753. Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on the National Animal Identification Plan, including the lessons learned and the effectiveness of the pilot programs funded in fiscal year 2007, an analysis of the economic impact of the proposed National Animal Identification System on the livestock industry, and the expected cost of implementing the National Animal Identification System.

H.R. 5384

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 2: Page 21, line 4, insert before the period at the end the following: '': *Provided further*, That $1,000,000 of this appropriation shall not be available until the Secretary of Agriculture submits to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the National Animal Identification Plan, including the lessons learned and the effectiveness of the pilot programs funded in fiscal year 2007, an analysis of the economic impact of the proposed National Animal Identification System on the livestock industry, and the expected cost of implementing the National Animal Identification System''.

H.R. 5384

OFFERED BY: MR. KENNEDY OF MINNESOTA

AMENDMENT NO. 3: Page 5, line 15, insert after the dollar amount the following: ''(reduced by $500,000)''.

Page 13, line 6, insert after the dollar amount the following: ''(increased by $500,000)''.

H.R. 5384

OFFERED BY: MR. PAUL

AMENDMENT NO. 4: At the end of the bill (before the short title), insert the following new sections:

SEC. __. None of the funds made available in this Act may be used to implement or administer the National Animal Identification System.

H.R. 5384

OFFERED BY: MR. CARTER

AMENDMENT NO. 5: At the end of the bill (before the short title), add the following new section:

SEC. 7__. The Secretary of Agriculture may use not more than $3,600,000 of funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) for program integrity purposes, including the data mining project.

H.R. 5384

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 6: At the end of the bill (before the short title), add the following new section:

SEC. 7__. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel who make loans available under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) to processors of domestically grown sugarcane at a rate in excess of 17 cents per pound for raw cane sugar or to processors of domestically grown sugar beets at a rate in excess of 21.6 cents per pound for refined beet sugar.

H.R. 5384

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 7: At the end of the bill (before the short title), insert the following new section:

SEC. __. None of the funds made available in this Act may be used for the National Animal Identification program.

H.R. 5384

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 8: At the end of the bill (before the short title), insert the following:

SEC. __. Appropriations made in this Act are hereby reduced in the amount of $178,120,000.

H.R. 5384

OFFERED BY: MR. LUCAS

AMENDMENT NO. 9: At the end of the bill (before the short title), add the following new section:

SEC. 7__. The amounts otherwise provided by title II of this Act for ''NATURAL RESOURCES CONSERVATION SERVICE—CONSERVATION OPERATIONS'' are revised by reducing the amount made available for National Headquarters salaries and expenses, and by increasing the amount made available for conservation technical assistance, by $50,000,000.

H.R. 5384

OFFERED BY: MR. SCHWARZ OF MICHIGAN

AMENDMENT NO. 10: At the end of the bill (before the short title), insert the following new section:

SEC. 7__. It is the sense of Congress that the Secretary of Agriculture should use the transfer authority provided by section 442 of the Plant Protection Act (7 U.S.C. 7772) to implement the strategic plan developed by the Animal and Plant Health Inspection Service for the eradication of Emerald Ash Borer in the States of Michigan, Ohio, and Indiana.

H.R. 5384

OFFERED BY: MS. BORDALLO OF GUAM

AMENDMENT NO. 11: Page 13, line 19, after the dollar amount, insert ''(decreased by $1,000,000)''.

Page 15, line 2, after the dollar amount, insert ''(increased by $1,000,000)''.

H.R. 5384

OFFERED BY: MR. CHABOT

AMENDMENT NO. 12: At the end of the bill (before the short title) insert the following new section:

SEC. __. None of the funds appropriated or otherwise made available by this Act may be used to carry out section 203 of the Agriculture Trade Act of 1978 (7 U.S.C. 5623) or to pay the salaries and expenses of personnel who carry out a market program under such section.

H.R. 5386

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following new title:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. Each amount appropriated or otherwise 3 made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is reduced by 1 percent.

H.R. 5386

OFFERED BY: MR. PUTNAM

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following:

TITLE _____—ADDITIONAL GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Sec. ____. No funds provided in title I may be expended by the Department of the Interior—

(1) for the conduct of offshore natural gas preleasing, leasing, and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude;

(2) to conduct offshore natural gas preleasing, leasing, and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002; or

(3) to conduct natural gas preleasing, leasing, and related activities in the Mid-Atlantic and South Atlantic planning areas.

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PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, TUESDAY, MAY 16, 2006 No. 60

Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of courage, make us brave in facing the challenges of our time. Show us how to meet each difficulty with faith and wisdom. Make us faithful in the small things that matter in order to prepare us to face greater obstacles with trust in Your power.

Guide our lawmakers in their daunting work. May they live with such honor that they will be ready to be tested in life's storms. Infuse them with an ethical courage that will make them passionate about staying on the right path.

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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. DEMINT). The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning following the opening remarks of the two leaders we will proceed to the consideration of a nomination to the Ninth Circuit Court. We have set aside up to 15 minutes for comments on that nomination prior to the rollcall vote. Therefore, I expect the vote to occur after 10 a.m, but it should not be too long after 10 a.m. this morning.

Following that vote, we will resume debate on the comprehensive immigration bill and the pending amendment proposed by Senator ISAKSON. This amendment was offered yesterday and had been pending from our earlier consideration of the immigration bill. It was my hope to lock in a vote to occur shortly after the judge vote of this morning, and we want to allow a few minutes for closing remarks and we want to accommodate a few minutes before that vote. I will be in discussion with the Democratic leader about that. There may be a Democratic alternative which I believe may have been just submitted. We will take a look at that and plan the vote on this accordingly. I do want to alert Members that we could expect a vote or two prior to our luncheons today.

As Senators return for the first vote of the week, they should be reminded—which both the Democratic leader and I did yesterday—that this will be a very full week, with lengthy sessions and with a number of votes. We recognize that people have a lot of schedules which compete with the votes, but our major priority must be this bill. We ask for everybody's consideration in that regard. We will be in session as long as it takes in the evening to accommodate the wishes of Senators and their desire to present amendments.

We have this week and next week prior to the next recess to complete this bill. We have a supplemental bill, a pensions bill, and the Kavanaugh nomination—all which is a heavy load which I believe can be accomplished.

I will also add, the manager of the bill yesterday—both managers, I believe—stated we want these votes to be 20-minute votes, when we are actually voting and recognize that 20 minutes is a short period of time, but it is plenty of time if people know as soon as the bell goes off that they need to start coming here.

I have a statement—it will be brief—on immigration, but I turn to the Democratic leader if he has anything in terms of scheduling?

Mr. REID. No.

IMMIGRATION AND BORDER SECURITY

Mr. FRIST. Mr. President, last night the President of the United States addressed the Nation on the need to fix a broken immigration system, the focus of that speech last night being on securing the borders. The President was very clear on the fact that our borders have to be secure, we have to stop the hemorrhaging of people coming across-the-border for an immigration plan to really work. I applaud the President's leadership on this important issue, this pressing issue, especially because we are in the middle of this debate on the floor of the Senate. I support the proposal in terms of turning to the National Guard as a short-term, an interim, stopgap measure to secure our borders because anything we do does take time.

The President outlined the progress that has been made over the last 4 to 5 years on the border. Yet the problem gets worse and worse, in spite of the fact that we do have more people on the border. Our infrastructure is getting better, and we are building barriers. The fact is, as the President said last night, our borders are out of control, and we are failing the American people until we bring them back under control. Our border agents down there are stretched too far. They are overstretched. Technology has not been fully applied to the degree that it should be. Each year we have millions of undocumented immigrants, illegal immigrants once they cross that border, who come across the southern border and indeed our other borders as well.

We catch more than we did in the past, but the numbers coming are increasing even faster than the numbers

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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we catch, and far too many escape detection, and then, unfortunately, because of a catch-and-release program which is not working to the degree it should, as the President mentioned last night, they are then released into the country.

We need to beef up the electronic surveillance and physical barriers where appropriate. Bottom line, we need to stop the hemorrhaging, and the President laid out a five-point plan very specifically last night, as to how we might do that. The reality of his remarks last night is that we are debating that very issue on the floor and this body must act, and will act, over the next 9 or 10 days to secure those borders and further the comprehensive immigration reform plan that addresses the issue of security and enforcement at the workplace, a strong temporary worker program, and addressing—a lot of the amendments will focus on this—the situation of 12 million people who are here illegally.

Our supplemental appropriations bill we passed a few weeks ago included almost $2 billion to repair fences in high-traffic areas, to replace broken Border Patrol aircraft for lower traffic areas, and for supporting training of additional customs and Border Protection agents. We paid for this additional spending by cuts in other areas. The Senate—and we will hear this debated over the next several days—is near consensus on putting nearly 15,000 new border security agents in the field over the next 6 years.

We are taking action. We are taking control. But these changes are going to take time. It is not a matter of just money, it is a matter of training and support and applying that technology. That is why I strongly support the President's proposal last night of sending a contingent of National Guardsmen now as an interim measure.

But that is an interim measure, and securing our border is only one part—a very important part and many argue it is the most important part—of a comprehensive immigration reform plan that has to be tough, it has to be fair, and that does have to be comprehensive.

We started the debate once again yesterday, and we will continue today and throughout the course of this week. I am confident that by staying focused under the leadership of our tremendous managers, Chairman SPECTER and Ranking Member LEAHY, we will be able to pass a bipartisan comprehensive plan before Memorial Day.

I, also, thank Senators HAGEL and MARTINEZ for their determined efforts to bring consensus to the issue at hand. Under their leadership, we have developed, building on the work of others—namely, Senator MCCAIN and Senator KENNEDY—a fair, workable plan to help deal with each of the four components of the comprehensive immigration proposal, but most specifically to address the 12 million people who currently live in the United States illegally.

The overall approach deals with the diversity of this population. We know that 40 percent of these 12 million people have been here longer than 10 years. Many are fully assimilated into our society today. We know we can't give people who have broken the law a leg up in applying for American citizenship, but they must be treated fairly, must be treated compassionately, and that is what this bill intends to do. And it may be modified in making it even a little better over the next several days.

Law breakers should not be able to cut in line, as the President mentioned last night. People in this category need to be put at the end of the line.

I am confident that as we proceed with the debate, as long as we consider these amendments in a fair and open way, and we have that well underway today, we will have a comprehensive bill. Immigration is not a Republican issue, it is not a Democratic issue, it is a sensitive issue that touches on our values as a nation. We should not have to choose between respect for history as a country of immigrants with the respect for our laws. I am confident we will be able to pass this comprehensive plan in the days to come.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. DEMINT). The minority leader is recognized.

IMMIGRATION REFORM

Mr. REID. Mr. President, yesterday morning I talked about this being the summer season, new movies—there is a blockbuster out, starting this Friday it is, ''The Da Vinci Code,'' with Tom Hanks. I suggested yesterday that in the third week of May, on the Senate floor, we have our own blockbuster that is part 2 of immigration.

We had part 1. It didn't go very well. I suggested yesterday that in the President's speech he was going to give, he should become a player, an actor in this part 2 of the Senate blockbuster.

Last night the President, I thought, did a commendable job in laying out what he felt was a path to solving this immigration situation.

I acknowledge the President's statement, and I support the direction the President has taken. I want the President to continue to be a player in all of this. I remind everyone, however, that much of what the President talked about we should already have done. For example, the President talked—and rightfully so—about the fact that we don't have enough beds. We have the so-called catch-and-release program where we find people who are here illegally and we let them go because we have no place to put them.

Following the 9/11 Commission, there was a recommendation that we provide additional beds for the illegals, and we did. We authorized 18,000. But even though we have tried, the President and the majority have not supported our position in this regard. We only have 1,800 beds. We have to move forward and do all of that. I certainly hope that can be done.

It is important that we have additional Border Patrol agents. We have already called for them. In fact, our request has only been filled to 75 percent capacity. The President has said we need more beds. Let's move on that now. The President said we need more Border Patrol agents. Let's move on that now.

The National Guard: Yesterday, I asked the President to give us a timetable. He said within the next year. I hope we can take care of that situation so that we don't need to have National Guardsmen there. But in this interim period, I support the National Guard being on our border.

It is important that we move forward as quickly as possible with this very important legislation. I hope in the days to come that the President will also acknowledge how wrong the Republican House approach is to this. They are still talking the same way. They haven't backed down. They think their approach is the best, from what I have seen by a couple of speeches the chairman of the Judiciary Committee gave last week.

The President needs to stay engaged. He needs to recognize how bad the House bill really is and speak to the American public about how bad it is.

Yesterday, there were some remarks on both sides on this issue which I thought were good. Here is an opportunity. We always talk about bipartisanship.

Interestingly, I was just talking to a member of the Republican staff coming into the building today. We exchanged greetings. He said on the Republican side they are just going to vote their conscience. I said that is an interesting way to legislate. That is what we all need to do. We should have been doing it more in the past. This is the week in which we need to vote our conscience. We don't need to vote the Democratic way or the Republican way. We need to vote the American way and move this most important legislation down the road. I hope we can do that.

STEM CELLS

Mr. REID. Mr. President, let me also talk about one other important issue; that is, the American people are not only counting on us to finish the immigration bill—which we need to do—but they are also counting on us to finish the stem cells bill.

Today, in the New York Times there is a letter from Nancy Reagan to Senator HATCH in which she writes:

> For those who are waiting every day for scientific progress to help their loved ones, the wait for the U.S. Senate action has been very difficult and very hard to comprehend.

Yes, it really has.

Last Thursday, the Republican leadership concluded the only week they

intend to devote to health care in this Congress. I was disappointed that—despite his repeated promises to allow the Senate to consider the House-passed stem cells bill—Senator FRIST didn't consider this issue important enough to bring to the floor and that parliamentary tactics were used to deny our efforts to bring this forward.

On May 10, prior to the conclusion of Health Week, my friend, the distinguished majority leader, Dr. Frist, stated:

> The issue of stem cells is a very important issue. . . .I am very committed to addressing that particular issue. . . .The interest in stem cells will be debated in the future, at a time that is mutually set by the Democratic leadership working with the Republican leadership.

The one-year anniversary of the date the House of Representatives passed H.R. 810, the Stem Cell Research Enhancement Act, is May 24, exactly 1 week from tomorrow.

The bill would offer hope to millions of Americans and their families. Why are we waiting so long to simply vote?

If the distinguished majority leader agreed that this is ''a very important issue,'' then I hope he will keep this issue moving forward and vote on it immediately and schedule a vote on the House-passed bill.

EXECUTIVE CALENDAR

Mr. REID. Mr. President, finally, we are going to momentarily take up the issue of the circuit court judge, and proceed to the consideration of the nomination of Milan D. Smith, Jr., of California to be a U.S. circuit judge for the Ninth Circuit. That is a circuit which Nevada is in and a big, powerful circuit. This is an exemplary judge-to-be.

Just to mention a few names, such as Wallace, Wallace is the first person who has gotten the ''nonqualified'' rating, but yet he is going to be brought forward, I am told. Boyle, a man who is steeped in controversy, has been reversed 165 times, has ethical problems.

Let's go to the Milan Smiths. There are many qualified Republicans who I hope meet the standard following the Constitution and who are not controversial but are good people. Some are lawyers and some are judges elevated to a higher position. Let us move to those kinds of people. And there is no better example of that than the judge we are going to vote on in just a few minutes, Milan Smith.

I compliment the President for sending him to us.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I ask unanimous consent that at noon today the Senate proceed to a vote in relation to the Isakson amendment, No. 3961, to be followed immediately by a vote in relation to the Salazar trigger amendment, which is at the desk; provided further that no second degrees be in order to either amendment prior to the votes and that all time after the judicial nomination vote and noon be equally divided in the usual form.

Mrs. BOXER. Mr. President, reserving the right to object—I shall not—Senator FEINSTEIN and I are in favor of the distinguished nominee of the Ninth Circuit. We ask to have an additional 5 minutes for debate so that the result would be 10 minutes on either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF MILAN D. SMITH, JR. TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session for consideration of Executive Calendar No. 625, which the clerk will report.

The legislative clerk read the nomination of Milan D. Smith, Jr., of California, to be U.S. Circuit Judge for the Ninth Circuit.

Mr. SPECTER. Mr. President, I have sought recognition to urge my colleagues to vote in support of the nomination of Milan D. Smith, Jr., for the U.S. Court of Appeals for the Ninth Circuit.

The Judiciary Committee has held a hearing on Mr. Smith, and we recommend him to our colleagues.

He was a graduate of Brigham Young University, cum laude, in 1966, and he has a law degree from the University of Chicago Law School in 1969.

He has had a distinguished career in the practice of law. After law school, he joined the international law firm of O'Melveny & Myers.

In 1972, Mr. Smith formed his own firm, Smith Crane Robinson & Parker, one of Southern California's premier law firms specializing in complex transactions.

Mr. Smith has served in public services. In 1988, he served as Commissioner of the California Fair Employment and Housing Commission where he remained until 1991.

The American Bar Association gave Mr. Smith a ''substantial majority well qualified'' and a ''minority qualified'' rating.

Beyond these excellent credentials, he comes with a strong recommendation from somebody who knows him very well, and that is our distinguished colleague, Senator GORDON SMITH from Oregon.

I am pleased at this time to yield the floor either to Senator SMITH or to the senior Senator from California.

The PRESIDING OFFICER. Under the previous order, there will be 5 minutes each to the Senators from California and 5 minutes to the Senator from Oregon, and 5 minutes to the Senator from Pennsylvania.

The Senator from California is recognized.

Mrs. FEINSTEIN. Thank you very much.

Mr. President, I am very pleased to be here as a member of the Judiciary Committee and as a Californian to indicate my support for the confirmation of Milan Smith to the Ninth Circuit Court of Appeals. It is a fine occasion to be able to come here and represent that we have a very competent man to become an appellate court judge.

Mr. Smith has a long and distinguished legal career in our State. The chairman of the committee pointed out some of this. After graduating from the University of Chicago Law School in 1969, Milan Smith moved to Los Angeles where he has been an important part of the legal community ever since.

Mr. Smith founded the law firm known as Smith Crane Robinson & Parker in 1972, and over the last 34 years with Smith Crane Robinson & Parker he has engaged in a wide-ranging legal practice in business and real estate law.

After reviewing his extensive record, a majority of the American Bar Association rated him ''well qualified'' to serve as a judge of the Ninth Circuit Court of Appeals.

He has demonstrated an impressive and enduring commitment to serving the public, from presiding over the Governing Board of the Los Angeles State Building Authority to acting as vice chairman of Ettie Lee Homes for Youth.

As many of you know, Milan Smith is the older brother of our esteemed colleague, Senator GORDON SMITH. I know the Senator from Idaho was just talking to Senator SMITH and saying: Isn't it nice that California is getting a Californian.

We are having a little tussle over another judge which the Senator from Idaho believes should be an Idaho judge, and the Senators from California believe should be a California judge. So that issue has not yet to be joined, but it certainly will.

Mr. CRAIG. Mr. President, will the Senator yield only for a moment?

Mrs. FEINSTEIN. Certainly.

Mr. CRAIG. It is important to recognize that we are getting the Smith from California, and we are asking that we get a Smith from Idaho.

Mrs. FEINSTEIN. California would prefer having two Smiths. But we will talk about that another day.

The Smiths' maternal grandfather, Jesse Udall, was the chief justice of the Arizona Supreme Court. So Milan Smith stands poised to follow family precedent in serving on one of our Nation's highest courts.

I congratulate him on this nomination. I urge all of my colleagues to vote

for him. I say to his younger brother, who is sitting here in the Chamber, that it is a wonderful day for both Senator BOXER and for me to be able to see you so happy. I know what it means to you and how great it is to have such a fine legal mind in your family. We offer you our best congratulations, as well.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, this is a special day for all of us who are on the floor presently because this date has been coming, in my opinion, for far too long. We could have done this 4 years ago, but sometimes it takes a while for good things to happen.

We will not look back, we will look ahead.

I say to my colleague, Senator FEINSTEIN, that we are very fortunate because we worked hard to set up a system for our district court nominees which is working beautifully. We don't have rancor in California over judges—we really don't.

This nomination of Milan Smith is also an opportunity to bring everyone together around a fine man, someone who will be, I believe, a very fine judge. Why? Because Mr. Smith is highly respected by those who know him and know his work. I am confident he will discharge his responsibilities with dignity, integrity, and intelligence.

After law school, Mr. Smith joined the firm of O'Melveny & Myers and later started his own law firm where he is the managing partner. His work in the private sector has given him a wealth of experience and has earned him respect from his peers.

Mr. Smith's career goes beyond the private practice of law. He has dedicated a significant amount of time and energy to public service, as well. In 1984, then-Governor Deukmejian appointed Mr. Smith to the governing board of the Los Angeles Service Building Authority where he served as president until 1992. Since then, he has acted as the Authority's general counsel.

He also was appointed as a member of the California Fair Employment and Housing Commission. He joined the Fair Employment and Housing Commission in 1988 and worked for the next 3 years to protect the rights of the disadvantaged. It says a lot about Milan Smith. This was something he wanted to do: protect the rights of others who are less fortunate than he.

During that tenure, Mr. Smith worked with legislators to reverse a Supreme Court of California decision limiting the commission's power to reward and collect damages for victims of discrimination. Because of Mr. Smith's hard work, passion, and compassion, the California Legislature passed a bill restoring the commission's authority to award damages to victims of discrimination.

When then-Governor Wilson vetoed the bill, Mr. Smith resigned in protest. We all know a lot of fine people, but it takes guts to stand up and say: I submit my resignation. That shows courage and independence of mind. Here is Milan Smith, standing up to a Governor of the same political party. That is hard to do. I am sure it was painful. I am sure it was terrible. But he did it.

In his resignation letter, Mr. Smith said:

> Despite my generally conservative political views, I've come to know much more of the sexual harassment, bigotry and mean spiritedness abroad in the land. To continue to sit on the FEHC when we can do nothing to fairly compensate genuine victims of unlawful sexual harassment, for example, would be unconscionable to me.

Again, those words are eloquent. They are courageous. They show the kind of leadership we need in a judge. We need someone who is fair, someone who truly understands the rights of all Americans, and certainly of all Californians. Mr. Smith gained my profound respect by refusing to sit quietly in the face of what he believed to be injustice. It gives me confidence that as judges sit around and discuss cases that have come before them, he will be motivated by a fierce sense of independence. He will not fear standing up and will be counted when the moment comes.

I am absolutely thrilled about this nomination. The Ninth Circuit will benefit greatly with the addition of Milan Smith. I strongly support his nomination. I had written a letter in favor of this nominee 4, maybe more, 5 years ago. This is a wonderful day for me, personally. I know Senator FEINSTEIN feels that way. My colleague feels that way, and I think most of our colleagues feel this way. It shows we can reach across party lines and come to a point where we can compromise. I am sure Mr. Smith isn't going to do everything I want or everything that Senator FRIST wants, but this is a wonderful choice today.

I yield the floor.

The PRESIDING OFFICER. The proud Senator from Oregon.

Mr. SMITH. Mr. President, it is an honor to be here today, a special day for me, I know for my brother, and all of our family.

Let me begin my remarks by expressing to Senator FEINSTEIN and Senator BOXER my heart felt appreciation for their kind words about my big brother. Let me tell them what a pleasure it has been to work with them on coming to this hour in which the Senate will vote on his confirmation.

I would be remiss if I also did not give special thanks to Senator FRIST and Senator REID, the leaders of this Senate, for their courtesy to me in making this moment possible. Also, to Senator SPECTER and Senator LEAHY, Senator HATCH who chaired the hearing for my brother, all have been his champions, as well, in this very difficult process.

Finally, most profoundly I thank President Bush for his confidence in my brother, for his courtesy to my family, and to all of his staff, specifically Harriet Miers, who have been wonderful throughout this journey. I am profoundly thankful to them.

I have been in this Senate now for a decade. There are times when I feel a certain electricity, a certain excitement to be here. As I reflect upon my memories of service and the hundreds of votes I have cast, some stand out more than others. But those that stand out most for me are those occasions when we watch the operation of the Constitution of the United States.

This is one of those moments. Those special times are when the branches of our Government come together and we watch the Constitution literally in operation.

What I am talking about in a broader sense is the rule of law. The rule of law stands in great contrast to the rule of man. The rule of man has been responsible for much of the blood and carnage and horror on this Earth. But it is the rule of law, however imperfect it is, to which we are all bound and to which we are all obligated to give obedience. The rule of law—equal protection, due process—involves principles which, fortunately, we in America are able to take for granted in large measure but which are at the center of a good and decent society that the American people have created in this country.

Today we are watching the three articles of the Constitution in play. Article I establishes the Congress, specifically, the Senate, charged with providing advice and consent on nominations to the courts. Article II, the President has nominated Milan D. Smith, Jr., for this position on the Ninth Circuit. Article III is about the court's responsibility in dispensing equal protection and due process of law. This is one of those moments when these three branches of Government intersect in the Senate.

For me, it is a very special moment, not just because of my responsibilities as a Senator, my understanding of the Constitution, but because it is a profoundly proud moment for my family.

I could speak about my brother in many contexts. My colleagues from California have done that already. I could speak of our mother, Jessica Udall Smith, who is the descendent of David King Udall, who is one of the drafters of the Arizona State Constitution. I could speak of our grandfather, Jesse Udall, who was the chief justice of the Arizona Supreme Court for many decades. I could certainly speak of the heritage we received from our father, Milan D. Smith, and his service in the Eisenhower administration, his many discussions with us about politics, and the importance of public service.

What I could also speak about is Milan's preparation. His academic credentials are sterling. I could speak about his studies at Brigham Young University, the University of Chicago Law School, and I could say many things that would make clear about him and to others his preparation for this moment in this great position.

But what I will do is share with you, the whole Senate, what I wrote about my brother in introducing him to the Judiciary Committee. I only quote a part of it:

Milan, Jr., is the eldest child of Milan Dale and Jessica Udall Smith's ten children. I am the eighth in that number and Milan's youngest brother. In my 54 years of life, Milan has been an example and force for good in our family, and, since the death of our parents, has been truly a family leader and friend to us all through times of tears and cheers.

For as far back as my memory serves, I have been witness to a concourse of people who have sought him out for his wisdom and judgment, for counsel and comfort on matters great and small. These have included my parents, myself, and all of my brothers and sisters, cousins, and kinsman from far and wide, his own six children, and of course, his legions of legal clients over many decades. Without respect of persons, he has been a wise friend and a good shepherd to all.

His academic preparations and provident life speak for themselves. But, in sum, what I can say is that he is one of the wisest men I have ever known. He has an understanding heart, a heart for judgment, he is possessed of the spirit of discernment, between good and bad, right and wrong, the just and the unjust. I cannot think of a time or a court, when a man of his quality and preparations are more sorely in need than this one, at this time, in our time.

Mr. President, I am honored to be here today to speak about my big brother. I urge his confirmation to the Ninth Circuit Court of Appeals.

That brings us to the point where it is my privilege to ask for the yeas and nays on behalf of Milan Dale Smith, Jr.

I yield the floor.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Milan D. Smith, Jr., of California, to be United States Circuit Judge for the Ninth Circuit? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative bill clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from New Hampshire (Mr. GREGG), the Senator from Mississippi (Mr. LOTT), the Senator from Arizona (Mr. MCCAIN), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Missouri (Mr. TALENT).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are they any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 120 Ex.]

YEAS—93

Akaka	Bennett	Bunning
Alexander	Biden	Burns
Allard	Bingaman	Burr
Allen	Bond	Byrd
Baucus	Boxer	Cantwell
Bayh	Brownback	Carper
Chafee	Hagel	Murray
Chambliss	Harkin	Nelson (FL)
Clinton	Hatch	Nelson (NE)
Coburn	Hutchison	Obama
Coleman	Inhofe	Pryor
Collins	Inouye	Reed
Conrad	Isakson	Reid
Cornyn	Jeffords	Roberts
Craig	Johnson	Salazar
Crapo	Kennedy	Sarbanes
Dayton	Kerry	Schumer
DeMint	Kohl	Sessions
DeWine	Kyl	Shelby
Dodd	Landrieu	Smith
Dole	Lautenberg	Snowe
Domenici	Leahy	Specter
Dorgan	Levin	Stabenow
Durbin	Lieberman	Stevens
Ensign	Lincoln	Sununu
Enzi	Lugar	Thomas
Feingold	Martinez	Thune
Feinstein	McConnell	Vitter
Frist	Menendez	Voinovich
Graham	Mikulski	Warner
Grassley	Murkowski	Wyden

NOT VOTING—7

Cochran	McCain	Talent
Gregg	Rockefeller	
Lott	Santorum	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate shall resume legislative session.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2611, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2611) to provide for comprehensive immigration reform and for other purposes.

Pending:

CORNYN (for ISAKSON) amendment No. 3961, to prohibit the granting of legal status, or adjustment of current status, to any individual who enters or entered the United States in violation of Federal law under the border security measures authorized unless title I and section 233 are fully completed and fully operational.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, may I remind my colleagues, as announced yesterday, that the majority leader has authorized strict enforcement of the 15-minute voting rule and 5-minute extra and on stacked votes 10 and 5. We have a great many amendments and a lot of work to do to finish this bill before Memorial Day. We are about to proceed to the amendment offered by the Senator from Georgia, Mr. ISAKSON. Senator CRAIG has asked specially for 5 minutes to talk about the President's speech. We are not going to be able to accommodate discussions beyond the Isakson amendment, except for Senator CRAIG. After the 5 minutes, Senator ISAKSON will be recognized to make the opening argument on his amendment. We do not have a great deal of time under the order to proceed with the two votes at noon. So let us use the time as expeditiously as we can.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, we resumed yesterday what I think most of us believe is a historic debate in consideration of comprehensive immigration reform. This body debated immigration reform and brought forth a resolution in 1986. We did it once again in 1996. And here it is, 2006, and we are back, frustrated in some ways, angered in others, that there may be as many as 12 million illegal immigrants in our country, illegal foreign nationals who came in a relatively uncontrolled or unenforced fashion.

Last night I heard, and America heard, our President deliver what I believe was one of the most comprehensive approaches toward dealing with this issue. First and foremost, he recognized what the Congress did not recognize in 1986, nor did we recognize it in 1996. No matter how comprehensive our reform is, it will not work, unless this Nation controls and secures its borders and, therefore, devises programs that allow a reasonable number of foreign nationals to come into our economy on an annual basis to help us grow and help us continue to be the great immigrant Nation we are. Then the President, beyond his approach toward securing the border, talked about a variety of other approaches.

Let me talk only about border security. A good number of us began to work with the White House several months ago, and our message was quite simple. We didn't believe the Congress could fashion comprehensive immigration reform, that the politics of the day were too contentious, unless we had convinced the American people, first and foremost, that primarily our southern border would become more secure, that the flood of humanity coming across it on an hourly basis was stopped, and that the comprehensive bill that would then be fashioned would recognize the needs of our economy and bring workers to our economy in a reasonable fashion. The President gets it. His speech last night said it. While the work the Judiciary Committee and the Senate have done do beef up border control, you don't get there overnight. You don't invest billions of dollars and stand up a virtual wall, and a real wall in some places, in a 24-hour period. The President, understanding that, is now engaging the four border States along our southwestern border, with the complement of the National Guard, not to enforce but to facilitate the Border Patrol, which is legally trained and deputized to do what is necessary in the area of border enforcement.

Securing our southwestern border is critical. One AP reporter asked me last night: Isn't this political?

I said: It is not political at all. The President simply gets it. If this Senate doesn't get it, shame on us. We can't write a bill in any fashion, Democratic

or Republican, that works unless our borders are secure, and the law plays against the border in allowing an orderly approach through that border on a daily and an annual basis.

Yes, our economy needs immigrant workers. We will need several hundreds of thousands a year, if we expect our economy to continue to grow as it has, to prosper. But we want them to come to work. And those who might want to stay ought to get in line and apply for citizenship and do as all other Americans have done in the past who were born in a foreign country, who came here and became an American. They assimilated. They learned our culture; they learned our history; they learned to speak English; and we accepted them with open arms. It is the vitality of our country. We have always accepted an orderly amount of the world's humanity to become Americans. But we did it in a controlled and responsible way. That is what our President said last night. We ought to applaud him for an immediate approach to a problem while we work out the long-term approach. That debate is here today. That debate is here for the balance of the week, to build a comprehensive reform package that plays up against a secure border that our President proposed to us last night and that we should rush to help him implement for the sake of this country.

I thank the chairman of the Judiciary Committee and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, we now have 1 hour equally divided. On this side, the time is under the control of Senator ISAKSON, who has signified that there will be 5 minutes for Senator CORNYN, 5 minutes for Senator ALEXANDER, 5 minutes for Senator CHAMBLISS, and we will try to find time for Senator THUNE as well. We will alternate back and forth. Time is under the control of Senator ISAKSON.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. KENNEDY. Parliamentary inquiry, Mr. President: How was that time allocated? Was that morning business?

The PRESIDING OFFICER. The time of the Senator from Idaho was allocated to the Senator from Pennsylvania.

Mr. KENNEDY. I see. How much time on each side?

The PRESIDING OFFICER. The Senator from Massachusetts has 34 minutes. The Senator from Georgia has 27½ minutes.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, parliamentary inquiry: It was my understanding that the time of the distinguished Senator from Idaho was not a part of the debate but was to precede our debate, and we were supposed to equally divide the remaining time. Am I incorrect?

The PRESIDING OFFICER. The time was allocated to the Senator from Pennsylvania as the bill was laid down, equally divided.

Mr. ISAKSON. So we have how many minutes?

The PRESIDING OFFICER. There is 27½ minutes.

Mr. SALAZAR. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. SALAZAR. My understanding was that under the unanimous consent agreement that had been entered into by the floor managers, the next hour would be divided equally between the Senator from Georgia in relation to his amendment, as well as the amendment that I would be offering following the Senator from Georgia.

The PRESIDING OFFICER. The time following the vote between now and 12 o'clock has already been equally divided.

Mr. KENNEDY. So we have 34 minutes.

Mr. SALAZAR. I thank the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I appreciate the statement of the Senator from Colorado. I thank the Senator from South Carolina, the Presiding Officer. I thank Senator SPECTER, chairman of the Judiciary Committee, for the untiring efforts he made on the bill and the courtesies he has shown to me. I thank leader HARRY REID for accommodating us and allowing us to come to the floor and have a debate. I particularly thank LINDSEY GRAHAM and JOHN MCCAIN for seeing to it that all of us who had amendments to offer had a chance to negotiate the time to do that. I especially thank my staff, in particular, Mike Quiello, for the work he has done on this issue over a long period of time.

Mr. President, to set the stage for my remarks on my amendment, let me, first of all, tell you a little bit about myself. I am a product of the legal immigration system of the United States. My grandfather came here in 1903 and went through Ellis Island. There is nobody who has greater respect for the hope and opportunity and the laws of our country than do I. I was in the construction industry, and I know the great contribution the workers made to construction and to tourism and to hospitality services and to agriculture.

I, also, know the issue before us is now the most important issue domestically before the United States. When I ran for the Senate in 2003 and 2004, the most commonly asked question after Iraq was: What are you going to do about illegal immigration? In the first speech on any issue I made as a Senator, I made the statement that I thought illegal immigration was the No. 1 domestic issue in this country.

I rise to tell you my mind has not been changed. I think neither have the minds been changed of the American people because you have seen the intensity of the interest of all Americans in border security and immigration.

My amendment is very simple. It says that before any provision of this Immigration Act could grant legal status to someone who is here illegally is in effect, the Secretary of Homeland Security must certify to the President and the Congress that every provision for border security and enforcement contained in title I and section 233 of title II is in place, funded, and is operational.

There is a simple reason for that. In 1986, this Congress, under President Ronald Reagan, passed a border security and amnesty bill for the 3 million illegal aliens who were in this country. We enforced the border and granted amnesty. And 20 years later, there are 11 million to 13 million illegal aliens who have come because of the promise of this country and its opportunity but also because we have given a wink and a nod to the security of our borders.

I want to emphasize that I am not just talking about something I am thinking about or that I read. I have been to our border. I took a codel with Senator COLEMAN in February. We went to Fort Huachuca in Arizona and saw the unmanned aerial vehicle working and identifying those coming across the border and sealing a 150-mile stretch. In San Diego, at the border with Juarez, we saw where the barriers at Smugglers' Gulch have effectively stopped the people coming through that gully and immigrating illegally into this country. We went up and down the border and saw the bits and pieces of security that worked. We also saw the over 1,500 miles of the border that are not secure—the 1,500 miles that have allowed people to come here either through smuggling or through their own volition or by paying bribes to get here, to get into our workforce, to overcrowd our schools, to stretch the services in our emergency rooms and put great pressure on our civil justice system.

It is time that we seal the border and secure it so that the promise of legal immigration works and illegally entering this country is not the preferred way to cross on our southern border.

I commend the President for his remarks last night. The President last night said, in order, the five important things we must do. The first thing the President said is to secure the border. With this amendment, with our commitment and with the President's commitment, securing the border will take place. Then we can grant a program to those who are here illegally, with the sincere knowledge that we know no more are coming. If we grant programs and status to those who are here illegally and look the other way, the next time we bring this up in 10 or 15 years, it will not be 12 million, it will be 24 million and, worst of all, we will have lost control.

Last night, the President said we are a nation of laws. And we are a nation of laws. I submit to you that when laws

are enforced, and they are enforced soundly, laws are obeyed and they are respected. We have not enforced our border and, therefore, its security is not respected.

So I call on all of our colleagues, Democrats and Republicans alike, everybody who is interested in a comprehensive reform of our immigration policy and our immigration system, to think what comes first. And what comes first is securing the border. After that, the American people would be willing to work with us on programs to grant status. But in the absence of securing the border and making that commitment, we are not going to have the cooperation of the American people. We are not going to have comprehensive reform, and a growing problem in this country will grow even greater.

My last point is there may be some who say you cannot secure the border or it is going to take too long. Listen, this country put a man on the Moon in 9 years, and we responded to the terrorist attacks within 3 weeks. This country can do anything it sets its mind to do. We know how to do it. In incremental places, we do it now. It is time we put in the additional 6,000 border security agents, put the UAVs in the air, put the ground sensors on the ground, put the prosecuting officials along the border in those jurisdictions to see to it that the law is enforced and prosecuted, and it is time that we build the barriers in those areas that are easy smuggling corridors. We must make a commitment to ourselves and the American people.

The Senator from Colorado is going to offer an amendment side by side. I read the amendment. It gives the President the authority to authorize sections 4 and 6, which are the status sections, whenever it is in the best interest of the national security of the United States. That is well and good, but that has nothing to do with security on the border. If we don't adopt the Isakson amendment to secure the border, then we will have given a wink and a nod one more time to those who would come here illegally. We will have said to our local governments, school systems, emergency rooms, and law enforcement officers that we don't care.

Mr. President, I think we do care. I urge support for the Isakson amendment to the immigration bill. I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SUNUNU). Who yields time?

Mr. KENNEDY. I yield 10 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 3994

Mr. SALAZAR. Mr. President, I call up amendment No. 3994 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado (Mr. SALAZAR) proposes an amendment numbered 3994.

(Purpose: To prohibit implementation of title IV and title VI until the President determines that implementation of such titles will strengthen the national security of the United States)

At the appropriate place, insert the following:

SEC. ___. NATIONAL SECURITY DETERMINATION.

Notwithstanding any other provision of this Act, the President shall ensure that no provision of title IV or title VI of this Act, or any amendment made by either such title, is carried out until after the date on which the President makes a determination that the implementation of such title IV and title VI, and the amendments made by either such title, will strengthen the national security of the United States.

Mr. SALAZAR. Mr. President, as we come back to the floor of the Senate today to take up this issue of national security and the national urgency on workable immigration law, I want to first say that I applaud my colleagues both on the Democratic and the Republican sides who have been working so hard to move forward with a comprehensive immigration reform package.

I also want to say thank you to the President of the United States of America for his statement last night to the Nation, in which he appealed to the best interests of America to come together and develop a comprehensive immigration reform package. I believe it is worthwhile to quote again from what the President said last night.

Tonight I want to speak directly to Members of the House and the Senate. An immigration reform bill needs to be comprehensive because all elements of this problem must be addressed together, or none of them will be solved at all. The House has passed an immigration bill. The Senate should act by the end of this month so that we can work out the differences between the two bills and Congress can pass a comprehensive bill for me to sign into law.

Again, he said we need to work on this problem together, on all of its elements, or none of the elements will be solved.

Mr. President, amendment No. 3994 is an amendment that takes a very different approach from the Senator from Georgia, my good friend, Senator ISAKSON. As chairman Specter noted on the floor yesterday, the proponents of the Isakson amendment take the view that we ought to have all our border-strengthening and security measures in place before we address any aspect of this problem. I don't think that that is an effective approach.

In the past, for the last 20 years, when we have tried to approach immigration issues by only looking at one issue at a time, we have failed. We have continually thrown money at a problem to increase border security through funding. Yet our borders continue to be porous and broken, and the lawlessness that comes with that is something we see across America. I don't believe we should let this crisis fester. I don't believe we should continue to tolerate those being in the shadows of society, the 11 million undocumented workers in this country today. I don't believe we in the Senate should stand in the way of a comprehensive immigration reform that has extensive bipartisan support in this body.

It is very clear to all of us today that the current situation is inadequate and there is a lot of work that needs to be done. I want to move ahead on all fronts and take the comprehensive approach that has been discussed on this floor, and a comprehensive approach which the President himself has endorsed.

National security is at the heart of a workable immigration law, and we should not allow an immigration law to go into effect if it will not address the national security interests of the United States. That is at the heart of my amendment. My amendment is a very simple amendment. As the clerk read that amendment, it was very clear and straightforward, and it simply requires the President of the United States to make a determination that the national security of the United States will be strengthened by the following programs: Title IV, which includes the new guest worker program, and title VI, which includes the provisions relating to the 11 million undocumented workers who are living in the shadows of America today; and it also includes the bipartisan changes to immigration that have been forged in this body by leaders such as Senator CRAIG and Senator FEINSTEIN on agriculture jobs and the DREAM Act, which is another bipartisan measure. Under our amendment, those provisions of the bill cannot be implemented unless and until the President of the United States finds that it is in the national interest and for national security that those provisions of the legislation be implemented.

Senator ISAKSON's amendment, on the other hand, is designed to weaken this comprehensive approach. The approach of my friend from Georgia would focus only on border enforcement. When we look at the history of the last 20 years, approaches that have focused on border enforcement only have been approaches that have not succeeded in dealing with the issue of immigration.

I agree with President Bush that we need to address this issue in a comprehensive manner, and I urge my colleagues to support amendment No. 3994.

At the end of the day, it seems to me that those of us in this body who recognize the importance of this issue need to understand that the stool has to have three legs for us to develop comprehensive immigration reform.

First, we need to secure our borders. In the legislation we have proposed, there are multiple provisions that deal with the strengthening of our borders, including the doubling of the number of Border Patrol officers, bringing in new technology that would allow us to make sure we know who is coming and going across our borders, and a number

of other provisions that are intended to ensure that our borders become secure.

The second leg of that stool is making sure that we are enforcing our immigration laws within our country. We have not done an adequate job of enforcing our immigration laws in this country. The President acknowledged that reality as well. Our legislation will make sure that we are enforcing our immigration laws within the interior of our country.

The third leg on that stool is to make sure we are addressing the human and economic reality of the 11 million people who currently live in an undocumented status in America today.

Sometimes when we get into these debates on the Senate floor, it is a discussion about policy, but it is also important for us never to forget why we are here, and never to forget that there are, in fact, millions of human beings who are very much affected by the current system of lawlessness on our borders.

Sadly, last year, over 300 people died trying to cross the border. In my own community, over the last several Sundays, I heard a Catholic priest talk about how it is that people were dying of thirst and hunger in the deserts of Arizona and places such as Texas. I heard my colleague, my friend from Arizona, Senator JOHN MCCAIN, speak eloquently and passionately about this issue.

Since 1998, more than 2,000 men, women, and children have lost their lives crossing the border between Mexico and the United States. That is not what we are about in America. Anywhere else in America if we had 2,000 people dying, the people of America would be standing up and saying we must do something to correct this problem and to correct it in a way that is going to work. That is why a comprehensive solution is needed in this situation. That is why my amendment No. 3994 was proposed. It will help us move down the road to developing that comprehensive immigration reform package.

I thank the Chair, and I yield the remainder of my time to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wonder if the Senator will yield for a question. Is it the Senator's understanding that if we accept the Isakson amendment, we will continue to have this culture of illegality in the United States? If we accept the Isakson amendment, we will still have the hiring by employers of illegal aliens, we will be driving wages down, we will still have a whole culture of illegality, we will have people in the shadows, we will have people whose names we don't know because we are unable to bring people out into the sunlight and understand who is actually here in terms of our national security? Does the Senator from Colorado not believe that this is really—the Senator from Colorado, as I understand it, has been a strong supporter of border security, provisions that are in the underlying bill. He has been a strong supporter to make sure that this is a key element in our total immigration strategy: a strong border and that we deal with the dangers of our border, but to understand that if we are going to be able to deal with the dangers of our border, we are going to also have to deal with enforcement in this country of employers. We are also going to have to deal with the adjustment of the status of those who are here. Is that the position of the Senator from Colorado?

Mr. President, I want to understand clearly, he is not taking a second step to anyone, is he, in having a strong border enforcement; am I right?

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. SALAZAR. Mr. President, my friend from Massachusetts is correct. We stand firmly for the proposition that we need to absolutely secure our borders. Indeed, if we fail to address the reality of 11 million people living in the shadows of the United States today, we will have failed to achieve the national security objective.

If one thinks about what happened in the days after 9/11, our Government ought to know who is living in our society. We cannot know that when we have 11 million people living in the shadows. Those people need to be brought out of the shadows, they need to be brought out into the sunlight, they need to be registered, they need to pay a fine, they need to learn English, and they need to do the rest of the things we talk about in this legislation.

The very fundamental principle of an immigration law to provide us with national security in America will be altered if we are not able to move forward with the implementation of those provisions of the law.

The proposal which my good friend from Georgia has proposed, the Isakson amendment, would essentially gut the sense of our comprehensive immigration reform bill because we would not be able to deal with that reality and we would not be able to deal with the guest worker program that the President of the United States is proposing.

Mr. KENNEDY. Mr. President, if the Senator will yield further, therefore, the Senator from Colorado, with his amendment, believes that he offers a path that is going to protect our national security in the most effective way because we will gain information, we will gain knowledge, we will understand the people who are here and will know their names, will know their addresses, will know where they live, and they will be part of our society.

Secondly, I understand that he believes that without his amendment, we are still going to have this culture of illegality where we have employers hiring undocumented workers. The Isakson amendment doesn't do anything about that, as I understand. If we adopt the Isakson amendment, we will still have the exploitations of undocumented workers, and we will also have the conditions where we are driving wages down, which drives wages down for Americans. Does the Senator not believe that will continue to be the result unless we do a comprehensive approach?

Mr. SALAZAR. Mr. President, I agree with my friend from Massachusetts. In fact, that would happen. We would have 11 million workers who probably would continue to work as they have been working now, for some of them decades in this country, and that the system of illegality in terms of employers hiring undocumented workers is simply a system that is going to continue into the future unabated. That is why it is so essential that we move forward with this issue in a comprehensive approach.

Last night the President was absolutely correct in his statement that we cannot deal with this issue of immigration reform in a piecemeal manner. We have to deal with it in a comprehensive manner that addresses the issue of 11 million undocumented workers who are in this country today.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired. Who yields time?

Mr. KENNEDY. I yield 4 more minutes, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado is recognized for an additional 4 minutes.

Mr. KENNEDY. Mr. President, as I understand the Senator from Colorado, his position, quite frankly, is much more consistent with what the President talked about last night, am I correct, where the President talked about a comprehensive approach to deal with the challenges of illegality. And his position is that we ought to look at it in a comprehensive way, and the best way to deal with illegality on the border is to also deal with illegality in employment and deal with legality and illegality in adjusting the status in terms of earning the right to remain here; am I correct?

Mr. SALAZAR. Mr. President, my friend from Massachusetts is, in fact, correct. We need to deal with the entire set of immigration issues today, including the illegal hiring of people in this country. The provisions we have set forward in this bill will allow us to, in fact, bring those people who are here illegally and who are undocumented out of the shadows so we can address the national security interests.

My amendment requires the President of the United States to basically say that before the guest worker program is implemented, the President has to determine that it is in the interest of national security for us to implement those provisions; that before we move forward with the program that addresses the reality of 11 million undocumented workers, the President of the United States shall acknowledge and make a statement that, in fact, it is in the national security interests of

the United States of America. That is why this amendment is a much better, preferred approach than the amendment which is being offered by my friend from Georgia.

Mr. KENNEDY. Mr. President, finally, I have my differences with the President, but I agree with the Senator from Colorado. We support that judgment and that decision and his ability to make that judgment and decision. That is what the Senator from Colorado supports, and I do, too.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Georgia.

Mr. ISAKSON. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Georgia controls 20 minutes, and the Senator from Massachusetts controls 17 minutes.

Mr. ISAKSON. Mr. President, I think the distinguished Senators, Mr. SALAZAR and Mr. KENNEDY, who are both Senators and lawyers and understand smoke and mirrors. I think they understand the enforcement of the law. The Isakson amendment calls for us to enforce the laws that have been brought about because of the lack of enforcement, which is why this bill is on the floor of the Senate now.

Mr. President, I ask unanimous consent that Senators CHAMBLISS, CORNYN, ALEXANDER, DOMENICI, and SANTORUM be added as original sponsors of the Isakson amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I am pleased to recognize for 10 minutes the Senator from Texas, Mr. CORNYN.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, there is no doubt that trying to fix our broken immigration system is a complex issue. Frankly, part of what we have been trying to do is to find solutions that thread the needle and shrink the gap between the approach of the House of Representatives, which is primarily an enforcement-only bill, and comprehensive immigration reform that I believe is supported by most of us in the Senate, including myself.

I differ with the sponsors of the bill in the Senate, and I intend to offer amendments that will, I believe, improve it, while retaining its comprehensive nature. I believe it is simply surreal to suggest that what the amendment of the Senator from Georgia does somehow retreats to the House position and is an enforcement-only approach.

Indeed, I think the Senator from Georgia has struck upon an ingenious way to thread the needle by saying, yes, we believe that border security is important; yes, we believe that we ought to produce the computer systems, hire and train the people, create the databases which will actually make this reform work, rather than put the cart before the horse and say, with the stroke of a pen, that 12 million people who are living out of legal status are suddenly legal; and, yes, we are going to have 325,000 new people each year come into the country, regardless of whether our economy is in a boom or a bust and possibly compete with Americans for those jobs.

What the Senator from Georgia has done is say let's put the horse in front of the cart, not the cart in front of the horse. Let's do first things first. Let's make sure this will actually work.

Last night the President talked about sending 6,000 National Guard troops to help the Border Patrol secure the border, recognizing that it takes time to train Border Patrol agents. We now train them at the rate of 1,500 a year, and we can't all of a sudden secure the border because we can't all of a sudden train enough Border Patrol agents. We can't all of a sudden, with the wave of a magic wand, build the infrastructure that is necessary. We can't, with the wave of a magic wand, issue the request for proposals to actually let the contracts that will allow the construction of the computer systems and the databases that will actually make this work. We can't, with the wave of a magic wand, say we are going to create a secure identification card which will allow employers to verify the eligibility of prospective employees. It is going to take a little bit of time.

But that is not the same thing as saying, as the Senator from Colorado has said, that somehow we are going with an enforcement-only approach.

I support a comprehensive immigration reform plan that is built on a foundation of border security, that says we need to have worksite verification, that we need to have a secure identification card so that employers can determine whether in fact a person is eligible to work. I believe we ought to have sanctions against employers who cheat. I believe we ought to have a temporary worker program, not like the proposed guest worker program in this underlying bill, and that will be the subject for future amendments.

The message we need to send the American people is that we are actually serious about making this proposed comprehensive immigration reform system work. If we adopt the amendment of the Senator from Colorado, it will send a message that we are not serious about making sure we have the infrastructure and the people and the systems and the cards in place that will actually make this comprehensive reform work.

The American people have already been burned once very badly when it comes to comprehensive immigration reform. In 1986, when President Ronald Reagan signed an amnesty, the tradeoff was supposed to be worksite verification and employer sanctions for employers who cheat. But the Federal Government never did what it was supposed to do by providing the means for employers to actually make that determination in a way that had some integrity. Now I believe the American people are looking at us skeptically, wondering whether we are going to try to pull the rug out from under them again.

The American people can be amazingly tolerant, they can be amazingly forgiving, but they won't be mocked, and they will not believe us unless we build some confidence into the system by saying we are going to take care of helping to secure the border, we are going to provide the means to enforce this system, before we are going to implement a 12-million person amnesty which will put a tremendous load on the men and women who are supposed to administer this system. Can you imagine how long it will take to make this happen? All this does is say let's do first things first, rather than put the cart before the horse.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, my friend and colleague from Michigan has a special request. We know it is not completely consistent with the subject matter at hand, but we are willing to yield time, Senator SALAZAR and I, out of our time, so we are not going to delay the proceedings of the Senate. This is an important matter.

I yield 4 minutes, if that is sufficient time.

The PRESIDING OFFICER. The Senator from Michigan.

MEDICARE PRESCRIPTION PART-D BENEFIT

Ms. STABENOW. Mr. President, I thank my colleagues who are managing this very important bill and Senators KENNEDY and SALAZAR as well. We are engaged in an important debate right now, but there is another important debate going on around every kitchen table and in every senior citizen center right now, which is what is going to happen today after they can no longer sign up for the Medicare prescription Part D benefit.

We know that for about 3 million low-income seniors, they are going to be allowed to continue to sign up until the end of the year without penalty. But for the 3 million to 5 million seniors who are not in that category, they are not allowed to continue to sign up, and there will be a penalty between now and November when they can sign up again.

I ask unanimous consent that the Senate proceed to the immediate consideration of a bill which I will send to the desk now which extends the enrollment deadline for Medicare Part D, waives the late enrollment penalty, provides the option for a one-time change of plan during 2006, and provides increased funding for State health insurance counseling and assistance programs.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, I am hearing this for the first time. I must

object until I take a look at it and consult with some people on this matter.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. For current purposes, I do object.

Ms. STABENOW. Mr. President, if I might just continue, there are three important pieces in this bill. They are certainly not new to us. I appreciate we are in the middle of another important discussion, but we have had an ongoing discussion with seniors all across America who are concerned about this issue. If not this entire bill, I ask unanimous consent to pass a bill that would at least extend the enrollment until the end of the year.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, I am constrained to object again until I have had a chance to examine the specifics as to what the Senator from Michigan is offering.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. May I add that I have joined with other Senators in seeking to have an extension of the date. So I am in agreement with what I believe to be the thrust of what the Senator from Michigan seeks to accomplish. But speaking for myself, I would have to know more and examine the documents before I could refrain from objecting. And on behalf of others on this side, as the manager of the bill, it is incumbent upon me to give them an opportunity to examine what the Senator from Michigan wants to do. So I am constrained to object.

The PRESIDING OFFICER. Objection is heard. The Senator from Michigan has 1 minute remaining.

Ms. STABENOW. Mr. President, I then ask, because of the seriousness and sense of urgency, that we have unanimous consent at least to pass the bill containing only the part that waives the late enrollment penalty that starts today.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, I again object for the reasons I said. I will be glad to have the effort of the Senator from Michigan renewed later today when I have had a chance to examine it and others have had a chance to examine it. But on this state of the record, hearing it for the first time and being surprised by it, we need time to study it and time for others to consider it.

The PRESIDING OFFICER. Objection is heard. The Senator has 10 seconds remaining.

Ms. STABENOW. Mr. President, I appreciate the position of the Senator from Pennsylvania, but I ask unanimous consent to pass the bill containing a provision which provides at least a one-time change of plan during 2006.

Mr. SPECTER. Objection, without restating all my reasons.

The PRESIDING OFFICER. Objection is heard. The time of the Senator has expired. Who yields time?

The Senator from Georgia.

Mr. ISAKSON. I yield 5 minutes to the distinguished Senator from Tennessee, Mr. ALEXANDER.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ALEXANDER. Will the Chair please advise me when 60 seconds remains.

Mr. President, I thank the Senator from Georgia and congratulate him on his amendment.

The President talked last night about what we need to do to secure our borders. He took an important step forward. He committed to doubling the number of Border Patrol agents during his time as President. As that is ramped up, he said he would ask the National Guard to help us fill the gap. Guard members would help by operating surveillance systems, analyzing intelligence, installing fences and vehicle barriers, building patrol roads, and providing training. As a former commander in chief of the Tennessee National Guard when I was Governor, the proposal sounded to me eminently sensible.

The President also talked about using high-technology verification cards, ways that employers could do a better job of making certain the people they hire are legally here. He talked about Federal-State cooperation being improved with State and local law enforcement.

All of this will take some time, but we need to do whatever we can in the Senate to ensure that the President's commitment to secure the border succeeds. That is why I joined with Senator GREGG and others last week to add $1.9 billion to the Border Patrol during our debate on the emergency supplemental bill. That money will help replace outdated vehicles that are breaking down and purchase new boats and other equipment. That is why I am cosponsoring the amendment of Senator ISAKSON today. Senator ISAKSON's amendment says clearly: Border security must come first.

Under this amendment, we can still pass, I believe—and I will ask the Senator this question when my time has expired—we can still pass a comprehensive immigration bill, but we can't adjust the legal status of those illegally here until the border is secure. We have no business passing a comprehensive immigration bill without making sure first that the border will be secure. Upholding the rule of law on our border is as important as defending our freedom in Iraq. A nation that loses control of its own borders is a nation that will not likely exist for long.

Last year, more than half a million new citizens became Americans. They had waited 5 years, learned English, pledged allegiance to our country, had foresworn allegiance to the country from which they came, and learned about our Constitution and laws. They know the principles that unite us as Americans—not our race, not our ancestry, but principles. Among those principles are equal opportunity and laissez-faire. We thrive on immigration in this country. But among those principles, too, is our unity. And first among those principles—at least none is more important—is the principle of the rule of law. Those half-million new citizens know that they are free to drive here across the country but not to run stop lights; that they are free to make contracts in this economy but not to break them; that they are free to own a gun under the second amendment but not to shoot someone.

We thrive on legal immigration, but we cannot tolerate illegal immigration.

I would like to ask through the Chair, if I may, a question of the Senator from Georgia.

The PRESIDING OFFICER. Without objection, the Senator has 30 seconds remaining.

Mr. ALEXANDER. Through the Chair, my question to the Senator from Georgia is this: I favor a comprehensive immigration bill. I would like to see border security. I would like to see legal status for students who study here, for skilled people who help win Nobel Prizes here and improve our economy. I would like to see a comprehensive immigration bill that includes help for people legally here to learn English and learn our history and unite us as Americans. But, Senator ISAKSON, am I correct that if we pass your amendment, it is still true, is it not, that we can pass a comprehensive immigration bill that includes all of these provisions I just described? The only difference is, as I understand it, that we may not adjust the legal status of those illegally here until the border is secure? Am I correct about that or am I wrong about that?

Mr. ISAKSON. The Senator is absolutely correct, and the premise is you don't want to create an attraction for more to come until the border is secure and we know we put an end to it.

Mr. LEAHY. Mr. President, The Isakson amendment is designed to tear apart the interwoven fabric of a bill that many of us have worked so hard in a bipartisan manner to pass in the Senate.

The Isakson amendment asserts that there can be no guest worker program and no legalization path for undocumented immigrants currently in the United States until security at the borders is guaranteed. Sounds good, until you realize that comprehensive immigration reform consists of several interrelated steps, each depending on the rest in order to maximize the prospects of the overall plan to get the job done. This amendment is a prescription for failure, by ripping a comprehensive plan apart. That is why this amendment has been described as a ''poison pill'' that would undermine the bipartisan bill before the Senate.

The Senate recently passed the Defense supplemental appropriations bill, a bill that included nearly $2 billion for border security. It seems that what

Senator ISAKSON wants the Senate to do is to wait until all of those funds are expended, and then assess our security. Many of us have been fighting for years to improve border security by targeting more resources for technology on the borders and by adding additional Border Patrol agents. The Bush administration repeatedly failed to fulfill Congress's directives in recent years, but I was pleased to hear the President say last night that he now supports increasing the number of Border Patrol agents by 6,000. He made a statement last night that was stronger and displayed a stronger commitment than we have heard from him previously, and I hope he plans to follow through on his words.

The President also spoke about the need to simultaneously implement guest worker programs and a path to earned citizenship for the undocumented. This is similar to the comprehensive approach that those of us who supported the Judiciary Committee bill, and then the Hagel-Martinez compromise, still believe is necessary to reform our broken system and to secure our borders. Do Senator ISAKSON and the supporters of his amendment believe that the President is taking the Nation in the wrong direction? I find it troubling that with such strong bipartisan support for S. 2611 in the Senate, and the leadership of the White House on the core principles of the bill, these Senators refuse to join in constructive efforts to enact comprehensive reform. From the beginning, many voices outside of the Senate have been intent on bringing down this bill.

Senator SALAZAR has offered an alternative that supports the principles of S. 2611 and that reflects the goals laid out by the President in his statement last night. I urge all Members of the Senate to vote against the Isakson ameendment and for the Salazar alternative. We must work toward comprehensive solutions that secure our borders and strengthen the Nation, not piecemeal gambits that undermine the efforts of bipartisan progress toward a Senate bill.

The PRESIDING OFFICER. The time of the Senator has expired. So 8½ minutes remain under the control of the Senator from Georgia, 12½ minutes under the control of the Senator from Massachusetts.

Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. I yield 4 minutes to myself, 4 minutes to the Senator from Illinois, and 4 minutes to the Senator from Colorado.

I ask the Chair, when I have 30 seconds left, to be informed.

Mr. President, the amendment of the Senator from Georgia does nothing with regard to the National Guard. I have listened to the debate and discussion about the National Guard. Frankly, the way the President described it last night, the Guard would be very limited. They have mainly a supportive kind of proposal. I have real concerns because in my State the Guard is very busy today with the flooding we have in part of Massachusetts. But we are open, at least I am open, on this issue. This amendment has nothing to do with that.

The fact is that those of us who oppose the amendment of the Senator and support Senator SALAZAR's amendment believe in strong border security. But we also read history. We know the record on the border. Twenty years ago, we had 40,000 people who were coming in here illegally; 10 years ago, it was 400,000. Do you know what we did? We spent $20 billion over the last 10 years, we have increased border guards by 300 percent, and guess what: We have doubled the numbers to 800,000 today—to 800,000.

What is the answer to that? The answer to that is we need tough border security, but we need tough law enforcement here in the United States, and we have to deal with the legality or adjustment of status for those who are here, prepared to pay a penalty, work hard, play by the rules, participate in the armed services of our country, and then join the end of the line for those people waiting to come into the United States—at the end of the line, and 11 years from now be able to achieve citizenship.

The fact remains, if you only do one of the proposals—and this the President of the United States understands and spoke to very clearly. I have my differences with the President, but he is absolutely right. He understands history. He is a border State Governor, and he knows you can't do this by itself, only at the border. The fact is, in the bill that we support, we increased by 12,000 the border patrol. We create a virtual fence.

If the Senator from Georgia has additional national security matters that they think can be added, we are glad to consider them. But we are dealing with the recognition that you have to have a comprehensive approach if you are going to gain control of the borders. History teaches us that. We have had hours and days of hearings about that. All you have to do is look at what has happened to the border in the last years.

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. KENNEDY. Mr. President, as has been pointed out, it is a three-legged stool: tough border security, tough legal enforcement here in the United States, and a recognition of our humanity and decency and our immigration background. If people are prepared to pay a penalty, play by the rules, work hard, and stay free from any trouble with law enforcement, at the end of the line they can earn American citizenship. That is the way to go, and the Isakson amendment short circuits that process.

The PRESIDING OFFICER. Who yields time? The Senator from Georgia.

Mr. ISAKSON. Mr. President, the Senator from Massachusetts has made the most eloquent statement in favor of this amendment I have ever heard. He put on the record exactly what we raised in title I, section 133, to secure the border. I appreciate his comments.

I am happy to yield 4 minutes to the Senator from Georgia, Mr. CHAMBLISS.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise in strong support of the Isakson amendment and am proud to be a cosponsor. The American people have heard Senators from both sides of the aisle and across the political spectrum come down to the floor of the Senate to talk about the 1986 Immigration Reform and Control Act and how it did not solve the problem of illegal immigration. This was the first attempt by Congress to address the issue of illegal immigration in a comprehensive way. The Immigration Reform and Control Act was the product of a number of compromises, the main one being legalizing the illegal population in exchange for stronger enforcement of our immigration laws both at the border and inside the country.

However, we all know now that the 1986 legislation, which closely mirrors S. 2611, did not work and, in fact, invited further illegal immigration, resulting in the critical situation we face regarding illegal immigration today.

As the Senate considers S. 2611 we are operating under the assumption that there are around 11 million illegal immigrants who will take advantage of an amnesty. But the fact is that we simply do not know how many illegal immigrants are in the U.S. some venture to guess that there are 20 million or more.

However, once again we find that many in the Senate are willing to make the same compromise that was made in 1986: legalize an unlimited amount of illegal aliens in exchange for increasing border security, interior enforcement, and worksite enforcement.

I personally do not agree with this approach. I do not believe that we should provide illegal immigrants with a new path to citizenship through this bill or any bill. I do not think it is the right way to address the presence of a large number of illegal immigrants.

While I do not believe in providing a new path to citizenship for illegal immigrants, the Judiciary Committee disagreed. As a result, the Senate is now considering a bill that will provide a pathway to citizenship for illegal immigrants. If we are willing to travel down the same path that proved not to work before, shouldn't we ask ourselves what didn't work with the 1986 amnesty that will work today? What has changed?

I think one of the main problems with the 1986 amnesty bill was that it ended up being one sided—the government adjusted the status of millions of illegal immigrants but the promise of greater border security, interior enforcement, and worksite enforcement never materialized.

That is why Senator ISAKSON's amendment is so critical. It says that we cannot implement any program to grant legal status to an illegal immigrant provided in this bill until the Secretary of Homeland Security certifies in writing to the President and to Congress that the border security measures in this bill are complete and operational. This is a very simple amendment.

I do not see how any Senator who is serious about border security and enforcing our immigration laws can disagree with Senator ISAKSON's amendment. It is that we ensure, before we take the same path we did in 1986, a path I disagree with, that we remedy one of the fatal flaws of the 1986 Immigration Reform and Control Act.

Disagreeing with this amendment sends the message to the American people that we are more eager to give illegal immigrants a path to citizenship than we are to secure our borders from further illegal immigration and the smuggling of illegal drugs and weapons. I know that is not the message my constituents in Georgia want to hear.

Regardless of where Georgians stand on dealing with the current illegal population, the constant refrain I hear from folks back home is: secure the border. If we do not secure the border and have serious interior and worksite enforcement, then we have accomplished nothing. The American people demand no more and deserve no less.

I am proud to cosponsor this critical amendment, which will show the American people that providing an amnesty to millions of illegal immigrants is not more important than securing our borders. I urge my colleagues to support the Isakson amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts controls 9 minutes, the Senator from Georgia controls 4 minutes 20 seconds.

Mr. KENNEDY. Mr. President, I yield 4 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 4 minutes.

Mr. DURBIN. Mr. President, I listened carefully to the President's speech last night. He gets it. As you listen to the debate on the floor from both sides the aisle, more and more Republican and Democratic Senators get it. They understand it now. It isn't just a matter of getting tough. It isn't just a matter of enforcement. It is a matter of enforcement and a process that results in comprehensive immigration reform.

If it were just a matter of making it tough to cross our borders, you would assume we would have moved toward solving the problem. But it hasn't happened. In the last decade, we have doubled the number of Border Patrol agents. They have spent eight times as many hours patrolling the border in that 10-year period of time, and during that same period the number of undocumented immigrants coming into the United States has doubled—despite this dramatic increase in resources. Enforcement at the border is not stopping the flow.

The comprehensive bill says you need to do three things. You need border enforcement. I support what the President said last night. I think sending the National Guard, if we can get all the details, on an interim basis is a good thing to move toward enforcement. But you also need to have enforcement in the workplace so there is no magnet for these people to move into the United States. And you need to deal honestly with the 11 million or 12 million who are here and bring them out of the shadows so that we know who they are and where they are, whether they are working and whether they pose any threat to this country. It is a comprehensive approach.

Senator ISAKSON is stuck on the first issue—just enforce the borders and do nothing else until you have enforced the borders. But we have learned that is, in and of itself, not successful. You need to have a comprehensive approach—enforcement at borders, enforcement in the workplace, and a process that brings these people out of the shadows.

Senator SALAZAR has offered a reasonable alternative. He says leave it to the President of the United States to certify that it is in the best interest of our national security to move forward with this process. That puts a mind on the job that we need. It isn't just a simple certification of enforcement; it looks at the whole picture. Until you look at the whole picture on immigration, we will continue to have politicians debate it back and forth, with their 30-second ads flying in both directions, and nothing is going to happen.

This is a unique opportunity in our history to move forward with comprehensive immigration reform, something that will finally work.

Twenty years ago, when we granted amnesty, we thought it was the end of the issue. We were wrong. We have seen a dramatic increase in illegal immigration into the United States. Now, 20 years later, let us not repeat the mistake with a simpleminded, linear approach that says if we just get tough on the border, everything will be fine. You have to do the whole package. The President argued for that last night.

Part of that enforcement in the workplace is a tamper-proof ID card using biometrics so we know who that employee is, where they live, what their background may be, and finally a process—a long, tough process—where those who are here undocumented can earn their way into legal status. It may take them 10 years, it may take them 12 years, but in that period of time, they have to learn English, they have to work, they have to pay their taxes, they have to pay any fines they owe this Government for coming into this country, and they have to show they have a demonstrated knowledge of our history and the way our Government works. They have to report every year so we know that they are keeping up with their requirements. And if they stick with it for 10 or 12 years, they will reach legal status. It is not amnesty, but it is a sensible part of comprehensive immigration reform.

I urge my colleagues to support Senator SALAZAR and oppose Senator ISAKSON's amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield the remaining time to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 4 minutes 20 seconds.

Mr. SALAZAR. Mr. President, let me reiterate that the approach which was outlined by the President, which the bipartisan coalition of Senators has been working on, is a comprehensive approach. History has shown that when we take only one aspect of immigration reform, we fail. We failed in 1986. We failed at different efforts over the last 20 years. This time, we have to get it right.

The President of the United States is right when he ultimately stated last night that we need comprehensive immigration reform. The proposed amendment by my colleague from the State of Georgia, and my good friend, essentially would take what are the 54 provisions of title I in this piece of legislation we are currently considering, going from section 101 all the way to section 154. It essentially would say that we are only going to be about a border enforcement bill without dealing with the other aspects of the legislation which is proposed. He would leave on the side what we do to bring the 11 million people who are here out of the shadows and get them registered in a system where we can monitor them, make sure if they are criminals they are deported, make sure if they are law-abiding citizens we put them in a kind of guest worker program that will work, and his provision essentially would gut this bill.

The proposal of my good friend from Georgia is no different in most respects from what came out of the House of Representatives. It is a border-enforcement-only bill. It has been said time and time again that if we are going to address the issue of immigration reform, we need to do it in a comprehensive manner. We need to move with border enforcement, and our legislation does that. The President's statement last night that in the meantime we will go ahead and have the National Guard assist us in making sure we are securing our borders needs to be followed.

Second, we need to make sure we are enforcing our immigration laws within the interior of our country. Our legislation proposes to do that.

Third, we need to deal with the reality of the bill and the elephant in the

room—the 11 million people who are living here in the United States today. We need to bring them out of the shadows. My friend from Georgia would propose to leave them in the shadows for an indefinite period of time, whether it be 5 years, 20 years, or 30 years, whatever it might be. That will not work. We need to move forward with comprehensive immigration reform today.

I urge my colleagues to oppose the Isakson amendment and to support the amendment which I have offered.

I yield my time back to the Senator from Massachusetts.

The PRESIDING OFFICER. Who yields time?

Mr. ISAKSON. Mr. President, I yield 1 minute 30 seconds to the Senator from South Dakota, Mr. THUNE.

Mr. THUNE. Mr. President, I ask unanimous consent that my name be added as an original cosponsor of the Isakson amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I would like to speak in support of that amendment this morning.

This approach is a very sound concept. In fact, as we get to the debate about immigration, clearly the first and most important issue to deal with is the issue of border security, and the people across this country are asking us to deal with it. Frankly, until we deal with that issue, we can't move on to the next issue of dealing with the 12 million people who are here already. Until we give the American people the confidence that we are serious about enforcing the border, that becomes an irrelevant conversation. This is a very simple concept.

I have supported the Isakson amendment since he first introduced it. We discussed this issue several weeks ago when he had his amendment filed and pending. I am glad we will have an opportunity to vote on it. I believe it is a very sound approach. It simply says that until we do these things, we can't do these things. The first and foremost paramount responsibility here is border security.

We need to enforce our borders. The Isakson amendment makes that abundantly clear.

Again, before we can deal with the other issues in this debate, I believe the American people expect us to have a secure border and one that is enforced and one that we are serious about in getting our illegal immigration stopped.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I will take the last minute 20 seconds.

We ought to learn from history. What we learn from history, from the studies on the border and listening to those hearings, is that just trying to build up the border and add the fence down there is not going to solve the problem. If you read from history, as has been pointed out by Republicans and Democrats, if you just grant amnesty, it doesn't solve the problem.

We have crafted a balanced program which will have strong national security, strong border protection, and also have strong enforcement in terms of employers and recognize that those individuals who are here working hard, playing by the rules, and paying the fines, we will have the ability to adjust their status.

You have to have the three legs of the stool. History teaches us that. The Isakson amendment will take two of those important legs away. It doesn't make sense if we are interested in national security, and it doesn't make sense if we want to have real immigration reform. The President understands it. I hope the Senate will.

The President understands it. I hope the Senate will.

Mr. REID. Is all time expired?

The PRESIDING OFFICER (Mr. BURR). The Senate majority still has 2½ minutes.

Mr. ISAKSON. Facts are stubborn figures. Senator KENNEDY said we should learn from history. He served in 1986, when we passed a bill that promised border security that did not deliver and granted amnesty that did not deliver, and we ended up quadrupling the number of illegal aliens in the United States.

Facts are also stubborn because every word he said about the Isakson amendment is inaccurate. He did not discuss a single word of the 614 pages, except to say before you grant legal status to people here illegally, we must have border security so we do not repeat the tragedy of 1986.

In Deep South Georgia, we have an old saying: If you want to get the mud out of the spring, you have to get the hog out of the water. The hog in the water in this debate is those who have been trying to obfuscate everything we are trying to say.

Simply, we want the same thing. We want comprehensive reform. That begins with what the President said last night: Border security first. The President said last night that we can do it by 2008. Ask Congress for the money. This is an authorization. I want a commitment.

If we do not commit to the people of the United States of America—our school systems that are overcrowded, our health care and emergency rooms that are challenged, our civil justice system is challenged—and see to it that we get a border that is secure so we can manage our legal immigration in the future, history will be the teacher that we had in 1986.

Facts are stubborn things. The fact is, the Isakson amendment on this comprehensive reform says what the President said last night, that securing the border first is job one. I submit anything that anyone says that is the opposite means they want to repeat the tragedy of 1986.

I ask my colleagues to sincerely search their heart and soul for their constituents and vote in favor of this amendment. Let's have comprehensive reform that begins with a secure border.

The PRESIDING OFFICER. All time is expired.

Mr. REID. I will use my leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

10,000TH VOTE FOR SENATOR LEVIN

Mr. REID. Mr. President, on the next vote cast, we are going to vote on the Isakson amendment, and then we will vote on the Salazar amendment. On the Salazar vote, the distinguished senior Senator from the State of Michigan, CARL LEVIN, will cast his 10,000th vote.

It is very difficult in a short period of time, or a long period of time, to convey to the American people and to this Senate the personality of CARL LEVIN. I have had the good fortune of serving in Congress now for more than two decades. Prior to that, I had the good fortune of representing the State of Nevada in other positions in government. CARL LEVIN is a unique individual. I have never served with anyone whom I had greater respect for his ability to understand an issue.

There are so many instances. I can look at the last time we did the Defense authorization bill. We worked very hard to get 45 Democratic Senators to have an amendment that we could agree on that we would put forward our position on the intractable war in Iraq, led by CARL LEVIN. In numerous meetings we held in my office, we came up with an amendment. He would come back each time with his handwritten notes that this needed to be changed or that needed to be changed.

To show his integrity and how people feel about him on both sides of the aisle, when we finished our difficult work, he called me within an hour and said: Would you mind if I discussed this with Senator WARNER? I said: Of course, not. Within a few minutes, Senator WARNER was a cosponsor of that Democratic amendment. It was not a Democratic amendment, as we thought it was, it was an amendment for the Senate, and it passed overwhelmingly in the Senate.

With the Schiavo case that came before the Senate, a very difficult matter that came before the Senate, we were out of session. CARL LEVIN was in town. He worked on this, as many will recall, during the recess. We went back and looked at it some more. CARL LEVIN was changing parts of this. Changes were agreed upon by the Senate, and when this matter went to the Eleventh Circuit, the reason they decided the way they did is because of what LEVIN did to this matter before the Senate.

These are only two examples I came up with as I walked into the Senate. The instances are too numerous to mention, but it is not difficult to mention what a difference he has made in the Senate and in our country.

Here is a man who has an exemplary family. His wife Barbara is one of the

loveliest, kindest, finest people, with one of the best smiles I have ever seen on a person I have ever known. He has three daughters.

To try to convey the kind of man he is, I was thinking about running for the Senate. I was a Member of the House of Representatives. I came to visit CARL LEVIN. One of the first things I said to him after I said hello, I said: I served in Congress with your brother, Sandy. CARL LEVIN said to me, in the most positive, affectionate way about his brother, he said: Yes, he is my brother, but he is also my best friend.

That is CARL LEVIN, a man who was born in Detroit, MI, who has an outstanding educational background. He was a law professor. He practiced law. He now joins a distinguished group of Senators. CARL LEVIN will shortly cast his 10,000th vote. Senators SARBANES, LUGAR, and HATCH are in that category. Over 12,000 votes for Senators LEAHY, BIDEN, and DOMENICI. Over 14,000 votes for Senators STEVENS, INOUYE, and KENNEDY; and Senator BYRD has over 17,000 votes. One, two, three, four, five, six, seven, eight, nine, he is in the top ten. And that is the same reason that Time magazine announced that CARL LEVIN was one of the best Senators in the United States. I agree with Time magazine. Congratulations, CARL.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, first, let me thank the Democratic leader for everything he said and for everything he stands for and who he is.

This is a moment I have not looked forward to in terms of responding to what I knew was forthcoming. Basically, I don't feel 10,000 votes old. The Senate has changed a lot in the last 27 years. Some things have not changed. The trust and the affection and respect we feel for each other is still the basis of our operations. That has not changed.

This Senate is still, surely, the singular place in the world, where men and women can give their own lives and do so with respect for the rights of the minority to debate, to deliberate, and, yes, to delay, if that is important to making an issue clear.

The resilient strength of this Senate makes it almost impossible for someone to serve without sensing the majesty of this place and the special responsibility we all have as caretakers of the Senate.

In addition to my leader, I thank all the leaders of this Senate for making it what it is and keeping it what it is so be. I thank all my colleagues for all of the courtesies they have shown me over the years.

Let me thank my family for the constancy with which they have supported me and thank my staff for all the help they have provided to me. We all know we cannot function without family and staff giving us the total support.

I thank our leader for mentioning my wife Barbara and our three children. I would only add four grandchildren to that. Other than that, he did cover the waterfront so well for us, and I am grateful for that.

Finally, let me thank the people of Michigan who have honored me for all these years with their trust and what is the responsibility that we all bear to our State and to our people.

I look forward to working with each of you, my colleagues, in the future as we have in the past. And a special thanks, again, to you Senator REID for the feeling and passion with which you do your work and in speaking those words.

The PRESIDING OFFICER. The question is on the Isakson amendment No. 3961.

Mr. KENNEDY. 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. KENNEDY. And I ask for the yeas and nays on the following amendment, on the Salazar amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SALAZAR. I ask unanimous consent Senator MARTINEZ be added as a cosponsor to amendment No. 3994, which is my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment numbered 3961. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from New Hampshire (Mr. GREGG), the Senator from Mississippi (Mr. LOTT), and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 55, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—40

Alexander	Dole	Nelson (NE)
Allard	Domenici	Roberts
Allen	Dorgan	Santorum
Bond	Ensign	Sessions
Bunning	Enzi	Smith
Burns	Frist	Stabenow
Burr	Grassley	Sununu
Byrd	Hatch	Talent
Chambliss	Hutchison	Thomas
Coburn	Inhofe	Thune
Conrad	Isakson	Vitter
Cornyn	Kyl	Wyden
Crapo	Landrieu	
DeMint	McConnell	

NAYS—55

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murkowski
Bayh	Graham	Murray
Bennett	Hagel	Nelson (FL)
Biden	Harkin	Obama
Bingaman	Inouye	Pryor
Boxer	Jeffords	Reed
Brownback	Johnson	Reid
Cantwell	Kennedy	Salazar
Carper	Kerry	Sarbanes
Chafee	Kohl	Schumer
Clinton	Lautenberg	Shelby
Coleman	Leahy	Snowe
Collins	Levin	Specter
Craig	Lieberman	Stevens
Dayton	Lincoln	Voinovich
DeWine	Lugar	Warner
Dodd	Martinez	
Durbin	Menendez	

NOT VOTING—5

Cochran	Lott	Rockefeller
Gregg	McCain	

The amendment (No. 3961) was rejected.

Mr. CONRAD. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I voted to support the Isakson amendment which would have delayed the implementation of the amnesty provisions of this bill until the Secretary of Homeland Security had certified that the bill's security measures are fully operational.

I oppose amnesty for illegal aliens—absolutely and unequivocally. Therefore, I support those measures, such as the Isakson amendment, that would prevent the amnesty provisions of this bill from taking effect.

The PRESIDING OFFICER. The Senator from Michigan.

CONGRATULATING SENATOR LEVIN

Ms. STABENOW. Mr. President, before we proceed to the next vote, I want to acknowledge that this is a historic vote for us in Michigan because our senior Senator CARL LEVIN will be casting his 10,000th vote. We are so proud of him in Michigan. He stands for all that we believe in and serves with dignity and is respected by everyone here. I want to mention he is the 25th Senator in the history of our Senate to cast 10,000 votes.

I went back to research his very first vote. I thought this was an example of a historic moment. He cast his first vote on February 22, 1979. It was in favor of a Byrd motion to table a Stevens amendment to S. Res. 61 which was a postcloture rules change resolution. It was very profound, and he has been profound ever since.

Congratulations to Senator LEVIN.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I join the minority leader in congratulating our colleague, Senator LEVIN, on his 10,000th vote. His 28-year tenure has been marked by vote after vote. It represents his integrity, his character, his leadership. He cast his vote in some of the most significant consequential debates of this country.

Senator LEVIN has been that tireless advocate for our military, our military

families. His work with Chairman WARNER on our annual defense authorization bill provides that critical support for our troops in the form of both equipment and readiness. In 2004, the National Guard Association of the United States presented him with the Harry S. Truman Award for distinguished service in support of national defense. The awards go on and on and on. This is only one of the many awards he has received for his unflagging support of our military. I commend and thank Senator LEVIN for his tremendous contributions to this country and for his long and distinguished service to the people of Michigan.

(Applause, Senators rising.)

VOTE ON AMENDMENT NO. 3994

The PRESIDING OFFICER. The question is on agreeing to the Salazar amendment No. 3994.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from New Hampshire (Mr. GREGG), the Senator from Mississippi (Mr. LOTT), and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 16, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—79

Akaka	Ensign	Menendez
Alexander	Feingold	Mikulski
Baucus	Feinstein	Murkowski
Bayh	Frist	Murray
Bennett	Graham	Nelson (FL)
Biden	Grassley	Obama
Bingaman	Hagel	Pryor
Boxer	Harkin	Reed
Brownback	Hatch	Reid
Cantwell	Hutchison	Roberts
Carper	Inhofe	Salazar
Chafee	Inouye	Santorum
Chambliss	Isakson	Sarbanes
Clinton	Jeffords	Schumer
Coburn	Johnson	Smith
Coleman	Kennedy	Snowe
Collins	Kerry	Specter
Conrad	Kohl	Stabenow
Craig	Kyl	Stevens
Crapo	Landrieu	Sununu
Dayton	Lautenberg	Thune
DeMint	Leahy	Vitter
DeWine	Levin	Voinovich
Dodd	Lieberman	Warner
Dole	Lincoln	Wyden
Domenici	Lugar	
Durbin	Martinez	

NAYS—16

Allard	Byrd	Sessions
Allen	Cornyn	Shelby
Bond	Dorgan	Talent
Bunning	Enzi	Thomas
Burns	McConnell	
Burr	Nelson (NE)	

NOT VOTING—5

Cochran	Lott	Rockefeller
Gregg	McCain	

The amendment (No. 3994) was agreed to.

Mr. KENNEDY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I believe when we return at 2:1 p.m., we will go to Senator DORGAN's amendment, followed, hopefully, shortly thereafter by the Bingaman amendment, depending on the outcome, for the notification of the Members.

I thank all of our colleagues for their cooperation for a good morning's debate and discussion.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 1:02 p.m., the Senate recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006—Continued

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it is 2:15. We are reconvening. We are about ready to proceed with the bill. We have quite a number of Senators who have stated an interest in filing amendments. We urge them to come to the floor so we can get a queue and proceed to consider the amendments and dispose of the bill.

Mr. DORGAN. Mr. President, is the Senator asking an inquiry at this point? I did not hear the inquiry.

Mr. SPECTER. We are ready for your amendment, Senator DORGAN, if you are prepared to offer it.

Mr. DORGAN. I will be laying the amendment down in just about a minute. I am reviewing one piece of it. I will be laying the amendment down in about a minute.

Mr. SPECTER. While you are undertaking those last-minute preparations, would you give some consideration to a time agreement, an hour equally divided?

Mr. DORGAN. Mr. President, I will do that, but I will not do it at the moment. I want to perfect the amendment and begin discussions, see how many on my side and perhaps your side wish to speak on it before we would make an agreement with respect to the time.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from North Dakota.

AMENDMENT NO. 4017

Mr. DORGAN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes amendment numbered 4017.

Mr. DORGAN. 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 prohibit aliens who are currently outside the United States from participating in the H–2C guestworker visa program)

On page 250, between lines 13 and 14, insert the following:

''(1) ELIGIBILITY FOR DEFERRED MANDATORY DEPARTURE STATUS.—The alien shall establish that the alien is eligible for Deferred Mandatory Departure status under section 245C.

Mr. DORGAN. Mr. President, I have offered an amendment. I will describe very briefly what it does. It essentially strikes the guest worker provision, as it is now known. Guest worker is described in other ways—future flow, guest worker. It strikes that provision, but it does it in a way that would not interrupt the underlying bill's decision to have those who are here for 2 to 5 years to step outside this country and step back in. It would not affect those folks, but it would prevent the guest worker provision from being operative in a way that would allow those who are now living outside of our country, who are not in this country, living outside of the country, to come in in future years under this guest worker provision.

The guest worker, future flow—all these titles that are used by the President and by people in the Senate, it is kind of like Mr. Roger's Neighborhood. These are wonderful-sounding terms—future flow. I didn't know what that was until I learned or heard some of the descriptions of future flow. What that means is we are going to provide a circumstance where we try to get control of immigration but at the same time allow others who are now outside of our country to come into our country under a guest worker provision.

Let me describe the circumstances, especially on the southern border, for the moment. Last year, we believe there were 1.1 to 1.2 million people who tried to come into this country but were apprehended and stopped and prevented from coming in illegally. We also believe that in addition to the 1.1 million or so who were stopped and not allowed to come into this country illegally, there were another probably three-quarters of a million people who came illegally across the southern border.

In addition to that, about 175,000 people came in legally across the southern border—those who had children here under the quotas or other circumstances and came into our country legally. So 1.1 million were apprehended and stopped, about three-quarters of a million came illegally, and about another 175,000 came legally into this country.

We are at a time where, if you read the paper every single day, what you see is the new corporate economic strategy. In fact, Tom Friedman wrote a book, ''The World Is Flat.'' Of course, the world isn't flat. That sells a lot of books, but the world isn't flat. The proposition of ''The World Is Flat'' is that there are now 1 billion to 1.5 billion people around the rest of the world

willing to work for a very small amount of money, so those who want to produce products can move those jobs now to China, India, Bangladesh, Sri Lanka, and produce for a very small amount of income. So they pay pennies: 20 cents an hour, 30 cents an hour, 40 cents an hour to produce the product. They ship the product into the United States to sell. Then they run the income through the Cayman Islands so they don't have to pay taxes.

Even while this strategy of shipping good American jobs overseas is underway by some of the largest corporate interests, those interests also want not only to ship those jobs overseas, they want to import cheap labor at home. That is the strategy: export good American jobs and import cheap labor. That is probably a good strategy for profits, I am guessing, but it is an awful strategy for this country. That is not the way we built this country. The broad middle class that burgeoned in this country in the last century happened because of the good jobs that paid good wages and had health care benefits and retirement and so on. That is what helped create a middle class in this country. And the presence of that middle class in this country, the middle-income workers in this country, has made this country something very unusual on the face of the Earth.

Now we see a new strategy. The world is flat, we are told. That flat world means you can get rid of American jobs, move them to China. I have told the stories forever, so I will not again, but Fruit of the Loom underwear, you know, the underwear with the dancing grapes telling us how wonderful Fruit of the Loom is, they are gone; Levis, they are gone; Huffy bicycles, gone; the Little Red Wagon is gone; Fig Newton cookies is now Mexican. I could tell stories forever about exporting American jobs, but the corollary to that is that is not enough. Exporting good American jobs is not enough. Now it is importing cheap labor.

Alan Blinder—no radical economist, former Vice Chairman of the Federal Reserve Board—Alan Blinder just wrote a piece. He said there are somewhere between 42 million and 54 million American jobs that have the potential to be outsourced. He said not all of them will be moved abroad in search of cheap wages. But, he said, even those that stay here are going to have to compete with cheaper wages, with lower wages abroad. So that is the future. That is the strategy. That is the new corporate approach—aided and abetted, I might say, by the Congress with these trade deals.

In addition to that which is threatening American workers, we have the back side coming in: illegal workers. Yes, they are illegal. When they come into this country, they are illegal if they don't come through a legal process. They come in and compete with subpar wages with American workers.

Let me just ask the question for a moment: What would happen in this country if tomorrow we had no immigration laws at all? If we said: Look, we are the United States of America. We are a great country. We say to the rest of the world: Welcome. Come here, stay here, live here, work here. Just come on, come to America. You are welcome. There are no longer any immigration laws at all.

What would be the result of that in a world in which one-half of the population lives on less than $2 a day, in a world in which one-half of the population hasn't even made a telephone call? What would be the result of our saying we no longer have any immigration laws; we invite the rest of the world to come to this country?

It is interesting. There have been polls done in other countries: How many of you would like to immigrate to the United States? It is massive numbers of people. We would be awash in people. So it is not selfish for our country to be somewhat protective of our standard of living, somewhat protective of our jobs and our interest in retaining a middle class that lives well, that has a job in order to work at a decent wage, has health care, has retirement. It is not selfish for us to do that.

There are many voices speaking for immigrants. I don't want in any way to diminish the dignity or the worth of immigrants. I come from immigrants. I assume most of the people serving in this Chamber come from immigrant parents, grandparents or great-grandparents.

I don't want in any way for this debate to inflame or in any way diminish the worth or dignity of immigrants. I don't want us to inflame passions against those who have tried to escape poverty in their own countries to come to the United States to escape misery and poverty. But we in America have a responsibility as well to our citizens, and there is precious little talk about them in this Chamber these days. We have built the strongest economy in the world. Now we talk about immigration. I don't think that we can talk about immigration without talking about American jobs, about salaries, workers' benefits, and opportunities for those who are here legally. Yes, I am talking about all the American workers. That includes Hispanic workers, African-American, Asian, Caucasian, all American workers.

I will show some charts in a few moments to discuss what is happening to them.

We have gotten a lot of people speaking up for those who are immigrants, many who have come here illegally.

Let me speak for a moment on behalf of American workers, and let me talk for a little bit about what has happened to the American workers.

We are told by the President and by others, including debate in this Chamber, that Americans don't want these jobs, so we need the illegal immigration to occur. And now we would make it legal, and now we would have additional guest workers to occur because Americans will not take these jobs.

Seven percent of the transportation workers are illegal, but 93 percent are legal.

Americans will not take those jobs?

Ninety-one percent of the jobs in manufacturing are U.S. citizens, legal workers, and 9 percent are illegal workers.

Construction: 86 percent of the people who work construction in this country are American workers, legal workers, American citizens here legally. And we are told that Americans will not take these construction jobs? I don't think so. Of course, they will.

The evidence is pretty substantial. The question is: What has been the impact on American workers of illegal immigration?

We talk about this, as I said, as if it is kind of ''Mister Rogers' Neighborhood''—it is all feel-good, easy sound bites, soft words, future flow, guest workers.

Let me talk about a study by Professor Borjas of the John F. Kennedy School of Government at Harvard University in 2004. He said the impact of immigration from 1980 to 2000—and principally we are talking about legal immigration, the impact by ethnicity of U.S. workers—has cost the average American worker $1,700 in lost wages per year.

Whom does it hurt the most? It hurts the Hispanic workers in this country, those who are here legally. It hurts the African-American workers. It hurts Asian workers. It hurts all American workers.

This is not a painless or pain-free exercise to have millions and millions of people come through the back door into this country illegally to assume jobs. It is not painless. The American people are paying the cost of that. The American workers are experiencing the problems as a result of it. The problems are lower wages.

Let me describe what has happened to income in this country. As we can see the changes in after-tax earnings by income bracket, the top 1 percent are doing well. It is the case of the top fifth. The people at bottom are hurting, with very little income increase at all.

What is happening is we have now the development of the ''haves'' and the ''have nots.'' At least a portion of that, in my judgment, a significant portion of that imbalance comes as a result of public policy in this Chamber from people who believe that as the economy works when we put something in at the top—and it is called classic trickle-down economics—put something in at the top, it filters down, trickles down, and pretty soon everybody gets a little damp. It is not true. It doesn't work.

I would like to show some additional charts about what we are dealing with.

When we talk about guest workers and future flows, let me describe it specifically with respect to the bill that is

on the floor. The bill on the floor says we have 11 million to 12 million people who have come here illegally. We are not sure how many, we need to find a status for them. And it develops three different categories for them. But it also says, in addition to all of that, there are other people living outside of our country whom we want to invite in, in the future, 325,000 a year, and over 6 years with a 20-percent escalator each year that is in this bill you are talking about the potential of 3.8 million additional people.

This piece of legislation says: By the way, let us invite another 10 million people here in 10 years.

That is the way it grows, with 325,000 and the 20-percent escalator.

Is that what we should be doing in our country? Is that the strategy that makes sense?

This country is unusual on this planet. We live here with about 6.3 billion neighbors. We circle the Sun, and in this spot on the globe there is illumination of having developed something extraordinary in the world. I have described the time when I was on a helicopter that ran out of fuel in the mountains and jungle area between Honduras and Nicaragua. We landed under power, but the red lights were on and the bells were ringing and we were not going to fly anymore. We were stuck there for some many hours until we were found. The campesinos from the mountains came to see who had landed. We had an interpreter with us. I was asking them, through this interpreter, a little bit about their lives, what they would aspire for their lives. A young woman was there with three or four children. I said: What is it you aspire for your life?

I want to come to America. I want to move to the United States.

I asked: Why?

Because that is the area of opportunity. The United States is an area of opportunity. It is jobs. It is for me and my children to have jobs in the future.

We find that virtually in every part of the world. So as a result of that, we have had to have immigration laws. Twenty years ago, we had this same problem; that is, illegal immigration overrunning this country.

It has a direct impact, as I have shown, on American workers, something not much discussed in this Chamber today. But it has a direct and a detrimental impact on American workers. That includes Hispanic workers who are here legally and have been here a long time. It diminishes their wages. But 20 years ago we had this debate.

The debate when I was serving in the House at the time was: How do you deal with immigration? The answer was simple. Senator Simpson was on the floor of the Senate, Congressman Mazzoli was in the House, and a piece of legislation passed and was signed into law called the Simpson-Mazzoli bill. There was great celebration because this was going to solve the immigration problem.

How would it solve the immigration problem and employer sanctions? The proposition was that the lure for people to come to this country is to find a job. If you shut off the jobs and you say to the employers: Don't you dare hire illegal workers, don't you dare bring people through the back door and pay them subpar wages because they are illegal. If you do that, you are going to be hit with sanctions. This Government is going to penalize you.

Guess what. Last year, I am told there was one enforcement action in all of the United States against a company that was hiring illegal workers. The year before, there were three actions in all of the United States against employers who hired illegal workers.

This Government did nothing to deal with it, nothing.

The other day in North Dakota—they are building an energy plant—I believe it was the highway patrol who picked up seven people, illegal workers. I think six were from Guatemala and one from Mexico. They drove them about an hour north to Minot, ND, to the immigration office. They processed them through the immigration office. They then drove them back to the motel near, I believe, Washburn, ND, dropped them off and said: You are now required to come to Minneapolis within the next month—they gave them a specific date—to a hearing on your case. Of course, they will never be in Minneapolis. We will never see them again. They will never show up again.

It is the process. As some call it, catch and release. You catch them, you let them go, and say: Show up later. Oh, by the way, next time they show up, they will probably be on another job site because this Government does nothing to enforce the law. Now we are told this is a three-legged stool, as if this is a furniture store. All morning I hear three-legged stool. I do not know where the stool came from. I don't know about the three legs. All I know is that you must, it seems to me—if you are going to be dealing with immigration issues—find a way to effectively reduce illegal immigration. You have to do that. You don't do that by turning a blind eye to the issue of employer sanctions.

Say you are an employer and want to bring in a string of illegal agricultural workers and pay them subpar wages, you are going to get in trouble. If you do that, you are not going to solve this problem.

In the President's address last night to the country, I didn't hear a word about that. He is going to deploy the National Guard, an overstretched National Guard. They have been on multiple deployments, in some cases, to Iraq, but no discussion about shutting off the jobs that represent the lure for illegal workers to come into this country—not a word.

It is true that the first step to deal with the immigration issue is to enforce the prohibition on hiring illegal workers.

This issue we are discussing is a big, broad issue. It has legal immigrants coming in who are not citizens but entitled to work under the H–2A program and the H–2B program. We have workers who come in on a temporary basis dealing in agriculture. We already have processes by which people come into this country legally to work. What is being discussed is on top of all of that.

You have a bill that comes to the floor of the Senate that says: All right. Let us take the 11 million or 12 million—whatever it is—who are here illegally and separate them into three groups. One is the group that has been here less than 2 years. They have to go back. The second is the group that has been here 2 to 5 years. They have to go back, and then they can come right back in.

Third is the group that has been here longer than 5 years, and they have the capability of earned citizenship, as will the 2 to 5 million people under certain circumstances.

So that is what is in front of us.

On top of that, as if they put a big old discolored patch on an inner tube, this legislation—and by the way, in addition to dealing with that and trying to get tough on employer sanctions, something I have heard before as all of my colleagues have as well, and responding to those needs—in addition to all of that, we have decided there are not enough people coming into our country, so we want to allow more, up to 3.8 million more in the coming 6 years. These are people who do not now live here whom we want to come in to take American jobs. We are told the reason for that is there will be people attempting to get across the border anyway.

Let us at least recognize they are going to be what are called future flows.

That seems to be giving up on the issue of whether you have good border enforcement. You either have decent enforcement on the border or you don't. If you have good enforcement, why on Earth would you decide that in addition to allowing 11 million or 12 million people who are here illegally to deal with their status internally in this country and decide in addition to that we have decided that, yes, we have quotas for our country. We have immigration opportunities in H–2A and H–2B and many other areas. But on top of that, we have decided we want up to 3.8 million more to come through our doors. Why is that provision in this bill?

I am told it is in this bill because that is the price the Chamber of Commerce extracted for supporting this bill. No one has disabused my plea of that. I am told that is the basis on which the U.S. Chamber of Commerce would support this piece of legislation. Why would they want up to another 3.8 million in 6 years, or far more in 10 years? Why would they want additional guest workers or future flows to come in legally on top of what is already allowed in this legislation? The answer is

simple. It goes back to the first chart I showed. It is the economic strategy and the new national world, exporting good jobs and importing cheap labor. The guest worker provisions and the future flow provisions are about importing cheap labor.

Yesterday I mentioned a man named Jim Fyler. Jim Fyler died because he was shot 54 times. He was shot 54 times because Jim Fyler believed strongly that people should have the right to collectively bargain and to organize. Jim Fyler cared deeply about coal miners and the conditions under which coal miners were working: underground, long hours, child labor, bad wages, no benefits. Jim Fyler was one of those folks who, on behalf of collective bargaining, on behalf of forming a union of coal miners, was shot 54 times.

We have gone through all of that in a century—people losing their lives fighting, battling for the right to organize, people battling for the right to work in a safe workplace. We have had the political fights for minimum wages, the fight to prevent polluting the air and water by companies producing products and dumping their chemicals into the water and the air. We have been through all of these fights.

Now the American worker is told: By the way, those fights are over. In fact, you won them for a while, but now you have lost because anyone who wants to produce can pole-vault over that and move their production to China and hire someone for 33 cents an hour, work them 7 days a week, 12 to 14 hours a day, and if American workers do not like it, tough luck: The reason we did it is because you cannot compete.

By the way, for those who still have your jobs and they are not outsourced, look behind you. In the back door, we are bringing in low wage workers. Those low wage workers will work for substantially less money than you are willing to work.

This is about low wage replacement workers, as I call them. It is not guest workers. It is not future flow. It is low wage replacement workers, 3.8 million in the coming 6 years in this bill.

My amendment does two things. One, it gets rid of this future flow guest worker. That does not mean we won't have immigration. We will. We have many other provisions in the law allowing for legal immigration, temporary workers, agricultural workers. That already exists. I eliminate the provision that is above that.

My amendment also accommodates the underlying bill, if, in fact, it passes, and will not interrupt that with respect to the 2- to 5-year people who must step out of the country before they come back into the country and then seek legal status. I have written this amendment so I don't interrupt that, either. Someone mentioned earlier that they thought this would affect that. It does not. This simply affects the piece of legislation that will allow those who never lived in this country, who now live outside of our country, and who, in this piece of legislation, will be told, in addition to all the legal ways you can come to this country, we are going to have a future flow, a guest worker provision that allows you to take American jobs. Why? Because I guess American workers are not available for those jobs or maybe it is because this same body has not increased the minimum wage for nearly 9 years. For 9 years, this body has not seen fit to increase the minimum wage. Maybe there are jobs they have trouble getting the American workers to take. Maybe it is because they have not increased the minimum wage at the bottom of the economic ladder, the bottom rung. The solution to that? Well, we will not increase wages for American workers. Let's not shore up benefits for American workers. Let's instead decide we will bring in additional guest workers from outside of our country.

I will show a chart that describes what these folks are earning. In Russia, it is 51 cents an hour in wages; 37 cents an hour in Nicaragua; 33 cents an hour in China; 33 cents an hour in Bangladesh; 30 cents an hour in Haiti; and 11 cents an hour in India. This is what we want American workers to compete with?

It is one thing to see American jobs moved to those overseas wages. I have spoken at great length and I have almost resisted the attempt to speak at greater length about these companies which have decided to avail themselves of 20-cents-an-hour labor so they can ship their product to the store shelves in Pittsburgh, Fargo, Los Angeles, and Chicago. I have almost resisted that, but I am thinking maybe I shouldn't. Maybe I should discuss at some length the circumstances of moving those jobs overseas. Then, by the way, for those whose jobs have not moved, we have a surprise for you in the back end.

We now have, additionally, guest workers coming in who will work at the bottom of the economic ladder and, as the professor from Harvard has said, put downward pressure on wages in this country.

All I am asking the Senate is this: Maybe we could have some discussion, even as we talk about immigration, about the impact and the effect of this subject on American workers, on workers who are here legally. Yes, those are Hispanics, African Americans, Asians, Caucasians, everyone. Many are struggling. They lose their job and get another job at lower pay. The burgeoning middle class is slimming down because the world is flat. We are, too.

That is total rubbish, of course. The so-called flat world is a rose-colored evaluation of how corporations can simply make more money by having American jobs leave our shores and then sell their products back into our country. I am saying that in the long term, I don't think that works. I don't think that supports or creates the foundation for the sustaining of a strong, robust economy in this country that grows for everyone.

We have dangerous inequalities in this country of ours with respect to income. I have shown a couple of charts about that. We need to have some discussion about the impact on American workers with respect to these policies. That is why I have offered this amendment.

I believe the Senator from Pennsylvania wishes to speak.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I inquire of the Senator from North Dakota whether he is prepared now to enter into a time agreement. There have been no Senators on this side of the aisle who have expressed an interest in debating the issue. My reply will be relatively brief. My suggestion would be that we ought to seek to close off debate—it is now 8 minutes to 3 o'clock—close off debate by 3:15 and move on to another amendment.

I alert colleagues on this side: we are in a position to move forward with the Kyl-Cornyn amendment, which is next on the list. I do not know what amendments will be offered by the Democrats, but I have made an inquiry, and they are making an effort to identify the Senators who will offer amendments and bring them to the Senate. If the Kyl-Cornyn amendment can be worked out, which is a distinct prospect, we would then move to the Sessions amendment. I have alerted Senator SESSIONS. If he can come to the Senate in the next few minutes, that will be helpful. Then we have Senator VITTER's two amendments. Senator VITTER talked to me shortly before noontime. If he can come to the Senate and be available, we are in a position to move ahead.

I inquire of the Senator from North Dakota whether he is in a position to agree to conclude debate, say, in 20 more minutes, equally divided.

Mr. DORGAN. I am not in a position to do that. Forty minutes a side is satisfactory. I have a number of Members who have asked for time to speak on amendments. We are trying to reach them.

I understand the Senator from Pennsylvania has an interest in efficiency and moving forward, but there are a good many jobs that depend on getting these things right. This is an important amendment. I am happy to agree to 40 minutes a side.

Mr. SPECTER. I understand the position of the Senator from North Dakota.

I ask unanimous consent that 80 minutes be divided equally between the Senator from North Dakota and myself as manager of the bill and that the debate be concluded in 80 minutes, unless time is yielded back.

I now have the handiwork of the expert staff. In their form, I ask unanimous consent that there be 80 minutes for debate in relation to the Dorgan

amendment, provided that no second degrees be in order prior to the vote, and after the use or yielding back of time, the Senate proceed to a vote in relation to the Dorgan amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair.

By way of reply, I can understand the concerns of the Senator from North Dakota about the loss of American jobs. I compliment him for speaking about this subject with some frequency with some effect in the Senate.

I agree totally with the Senator from North Dakota that we ought not to export American jobs. I also agree with the Senator from North Dakota that we ought to retain American jobs in America to the maximum extent that we are able to do so.

The Judiciary Committee had a hearing and had four witnesses testify. Without going into their testimony in great detail—it is all a matter of record—the net conclusions were that there would not be a significant impact in the loss of American jobs.

It is frequently said that the immigrants handle jobs that Americans do not want. As a generalization, that is true, but not universally true.

We have had considerable suggestions and contentions by Senators from agricultural States about the indispensable nature of immigrant workers. Anecdotally, I have many from my home State come to me and tell me about the need for agricultural workers.

Mr. DORGAN. Will the Senator yield?

Mr. SPECTER. I would on his time.

Mr. DORGAN. Mr. President, let me say quickly, and I appreciate the Senator's courtesy for yielding, my amendment does nothing with respect to agricultural workers. We still have the provisions in underlying law allowing for temporary workers to come in and support the agricultural needs of this country.

Mr. SPECTER. I am not unaware of that, but it goes to the overall point of the experts who testify as to whether we would be taking away jobs American workers would want. The experts further testify that although there was some impact on the wages, there would not be a significant loss in wages.

When the Senator from North Dakota talks about the costs of bringing in 10 million people, that simply is not what title IV does. The title he wishes to eliminate as to any immigrants coming into the country in the future is only open to those now in the country. Title IV provides that there be an annual cap of 325,000, with each guest worker employed for up to 3 years, renewable for an additional 3 years. Then the approach is that those individuals will return to their home country unless they can otherwise qualify to stay here.

The guest workers will enjoy travel privileges in and out of the United States and portability between jobs. We allow workers to obtain green cards by self-petitioning, if they qualify, and allow students with advanced degrees in science and math to stay in the United States. Title IV exempts workers with advanced degrees in science and math from green card caps, and it increases the annual allotment of H–1B professional worker visas from 65,000 to 115,000, with a fluctuating cap.

Title IV is important as part of a balanced program. If we do not provide for guest workers who can fill the needs of the American economy, then we are going to create a vacuum and a situation where illegal immigrants will come in to fill those needs. But if we calibrate the number of guest workers which can be accommodated by our economy, which are needed by our economy, then we will discourage illegal immigrants from coming in and taking jobs, finding jobs, which would otherwise be filled by the guest workers who come to this country legally.

This title has been crafted very carefully by the Judiciary Committee. There is substantial support for it, as I understand it, on the other side of the aisle, even as there is some opposition on this side of the aisle. But if there are other Senators who wish to come and debate on this side of the aisle, I invite colleagues to debate and move ahead, and perhaps yield back time if that time is not to be used.

I yield the floor.

Mr. DORGAN. Mr. President, I yield up to 15 minutes to the Senator from California, Mrs. BOXER.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, thank you very much. I thank my colleague, Senator DORGAN, for being such a leader on this particular part of the bill which I have found extremely troubling from day one.

I note that the chairman of the Judiciary Committee said we better not take the guest worker program out because, oh, my goodness, if we do take it out, there will be more illegal immigration. Well, maybe I am wrong on this—I do not think I am—but isn't a basic part of this bill to strengthen the border, the protections at the border? And isn't that part of what we are trying to do so we can stop the flow of illegal immigration—and having done that, allow the 11 to 12 million who are already here, who have clean records, who are willing to step forward, who are willing pay a fine, the chance at earned legalization?

And then there is another piece that deals with specific sectors of our economy, such as agriculture, where we know there are problems with the workforce. With respect to the agriculture industry, we set up a program called AgJOBS, which I credit Senator FEINSTEIN for putting it in the bill. Senators CRAIG and KENNEDY, in a bipartisan effort, have supported this for many years, along with myself and others.

So we had, I thought, a very well balanced bill until we added a guest worker program. In other words, the bill strengthened the border in one section, created a pathway for the undocumented immigrants currently in the country, and then—addressed one area, agriculture, where we know we need these workers and set up a very carefully tailored program. The bill also made adjustments for highly skilled workers such as engineers, and fixed some of the visa programs.

So I thought that was a fairly balanced bill. Then what happened is, another piece was added, which is this really open-ended guest worker program which, in my opinion, will result in a permanent underclass of workers coming into our country.

What disturbs me is what the provision does to the American workforce. You hear: Oh, these are people who will do work that Americans won't do. Now, I would say that is a good argument when it comes to agriculture. But we have taken care of agriculture in the bill. We have the AgJOBS provision. And we have taken care of the 11 to 12 million undocumented workers currently in the U.S. and given them a path for continued employment.

So now, on top of it, we are looking at a program for 325,000 guest workers, each and every year, with an escalator of up to 20 percent added on to that. And what do you create now? A huge underclass of workers who will take jobs away from Americans.

Now, the American people are compassionate. They are understanding. I think most of them want us to do a comprehensive bill. Most of them do not like what is in the House bill, where if you lean over to help someone who may be having a heart attack on the ground in front of you and that person is undocumented, according to the House, you could go to jail. The American people do not like that.

But the American people also know we have not raised the minimum wage in almost 10 long years—which, by the way, I think we ought to darn well do on this bill—and that if you create another, virtually open-ended guest worker program, you are going to hurt the American people at the end of the day.

So you hear the colleagues on the other side saying: Oh, No. 1, if you don't have this additional guest worker program, then people will sneak across the border. No. We are strengthening the border. That is one of the underlying principles of the bill. So that is not accurate.

Now they say: Oh, if you don't do this, we will have jobs that are not filled. Now, what kind of jobs would guest workers do? Remember, we have already taken care of agriculture, so these guest workers are not for agricultural jobs. There are also separate provisions for the most highly educated immigrants, the various visa programs. So what would the guest workers do?

Here are some examples: construction, food preparation, manufacturing, and transportation jobs. Now, these are

fields where the vast majority of jobs are held by U.S. citizens and by legal workers. So it is incorrect to claim that the guest worker program, which has been kind of added on to what I think is a good bill, is targeted at jobs Americans will not do. These jobs are good jobs in good industries.

Now, according to the Bureau of Labor Statistics, in 2004, there were 6.3 million workers employed in the U.S. construction sector, at an average wage of $18.21 an hour or $37,890 a year. Now, when I meet with my working people in California, they are fighting hard for these jobs. They want more of these jobs, not fewer of these jobs. The last thing they want is a guest worker program that is going to provide a big pool of workers who may make far less than this amount and take jobs away from my people.

I support the underlying bill except for this provision. I think this guest worker provision throws the whole thing out of whack.

For the bottom quarter of Americans, who are making an average wage of about $7 an hour, construction work is a dream job. They pray for those jobs. They stand in line hours for those jobs. But what are we doing if the Dorgan amendment does not succeed? We are going to take those jobs away because an employer is going to say: Gee, should I hire an $18-an-hour American worker or, let's see, a foreign worker in a guest worker program who I could pay less? You know what is going to happen.

Now, I think the real reason for a guest worker program is not what we hear about, oh, well, otherwise there will be more people sneaking across the border, or we are short all these workers and we don't have workers for construction jobs, transportation jobs, food preparation jobs, manufacturing jobs, and the like; but it is really to set up, in my view, a permanent number of workers who are prepared to work at very cheap wages. That would be bad for the American workforce.

If we take this guest worker program out of this bill, we will have, my colleagues, a far better bill, a bill that we can all feel good about, a bill that does, in fact, reach out and say to undocumented workers who have worked here 5 years, 10 years, 15 years, 3 years—and they have clean records and they have paid their taxes and they are willing to come forward and pay their fines, and the rest—we will have a good bill for them, we will have a good bill that strengthens the border, which I strongly support and have supported for years, we will have a balanced bill, that includes the AgJOBS piece. But if we do not take this out, we have a bill that I believe is going to hurt many American workers.

So I think the real reason this was put in was to have cheap labor, a cheap labor workforce.

Now, the median wage in Mexico is $1.83 an hour. The typical hourly wage in China is 33 cents. So I ask my colleagues, what does a minimum wage—even if it is not raised, and shame on us that it has not been raised in 9 long years, going on 10 years—what does a $5-an-hour wage look like? Heaven to those people. And we are going to sanction this fairly open-ended program that escalates up to 20 percent a year for what reason other than to provide a permanent cheap labor force? It is very worrisome to me.

There are some businesses that are wonderful, exemplary. There are others that would rather not look at their business as a family but just want to get the cheapest labor they can possibly get. So I cannot support the undermining of U.S. working conditions, and I cannot support a guest worker program that will decrease wages for low-income Americans.

For goodness' sake, I have stood on this floor 1 year—2, 3, 4, 5, 6, 7, 8, 9—going on 10 years, fighting to increase the minimum wage. How could I possibly vote to keep in this bill a guest worker program when we have such an opportunity to strengthen this bill by stripping this out. It would leave us with a bill with tighter enforcement at the border, a humane, legal path for people who are living in the shadows—it will make us safer to get them out of the shadows, that is for sure—an AgJOBS program that is tailored to agriculture in a way that makes sense, and all those visa programs that address high skilled jobs? All that makes sense.

I commend the committee for giving us a chance craft such a bill. I would be proud to have as my legacy such a bill. But if we can remove this, what I call this guest worker add-on, if we can remove this, I think we will have a far stronger bill.

I commend my friend, Senator DORGAN. He is—I wanted to say he is dogged, and he is. He is dogged on behalf of working people. And I think he got this just right. I am very glad he has offered us this chance to improve this bill by pulling out the guest worker program.

With that, Mr. President, I yield back the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, I would like a brief few minutes.

Mr. MCCAIN. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Pennsylvania has 35 minutes. The Senator from North Dakota has 27½ minutes.

Mr. SESSIONS. Mr. President, I would just ask for 5 minutes in support of Senator DORGAN's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I ask the Senator, are you for or against the amendment?

Mr. SESSIONS. I am for it. I know Senator DORGAN's time is limited. I would ask for maybe 3 minutes.

Mr. DORGAN. I will yield the Senator 5 minutes.

Mr. SESSIONS. I will try to wrap up briefly.

Mr. President, I believe this section of the bill as drafted is flawed. It goes further than the drafters and the American people or the President would want it to go. I am not sure how we can fix it at this point. I think the way to concentrate everybody's mind and get it fixed would be for the Dorgan amendment to pass.

Let's start over and talk about how we are going to handle this. My staff has looked at these numbers and tried to be as objective as they possibly can to see just what this would allow to occur in America if it were to pass, and I am confident that it includes more than people would think.

First of all, it is absolutely not true that this is a temporary worker program. It is called guest worker, which sounds like ''temporary worker,'' but it is not. A person will come into our country under this program—325,000 the first year. Their employer can apply, the day they get here, the first year, for a green card. A green card gives them permanent residence in the United States, unless they get convicted of a felony or something. They get permanent residence. Within 5 years, they can apply for citizenship. So there is nothing temporary about this so-called guest worker program.

The President mentioned this morning a couple times, I understand—I heard it a bit, one clip on TV—that he favored a temporary worker program. This is not a temporary worker program.

Second, the numbers are extraordinary. Some of you who have been listening to me today are pretty good mathematicians. It is 325,000 the first year. But if that number is reached, automatically it kicks up 20 percent. The next year, if that number is reached, it is 20 percent; the next year, 20 percent; the next year, 20 percent. Those are pretty big numbers. In fact, if it were to stay at that 60 percent level, the numbers would be extraordinary. If you took the congressional resource number, that when a person comes in under this provision as a guest worker and they get a green card and are able to bring in their family, they have calculated 1.2 family members they would bring in for each guest worker. And if you add up those numbers of what we can reasonably expect over a 20-year period, it would be 133 million people. I don't think we will be at 20 percent every year. There are some factors that would show that is not the case. But that is what the bill authorizes, 20 percent automatically, if the caps are reached each year. If it went up at about 10 percent a year, you would still have a very significant increase in just this one program.

When you talk about 100 million people, you are talking about one-third of the current population of the United States being admitted under a low-skill worker program, called a guest worker program, that does not require high-skill abilities.

We need to completely redo it. I believe that; I really do. I urge my colleagues to think seriously about this, what we are voting for. I know the motive and I know the desire to do the right thing. We are a nation of immigrants. We are going to allow immigration in the future to continue. When we do, we will increase legal immigration into this country, and I will support that. But the rate of increase provided for in this provision is unjustifiable and, therefore, I support the Dorgan amendment.

I yield back the remainder of my time to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I yield 10 minutes to the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I begin by thanking the Senator from Pennsylvania for his continued leadership and incredible effort on this issue. He has invested thousands of hours, and I continue to appreciate the great job he is doing.

I also congratulate the President of the United States for his remarks last night. It is pretty obvious that his remarks were well received. He gave an outstanding depiction not only of the situation in the United States but the need for us to act. As he said near the end of his remarks:

> Tonight I want to speak directly to Members of the House and Senate. An immigration reform bill needs to be comprehensive because all elements of this problem must be addressed together or none of them will be solved at all.

The President's comments are exactly right:

> All elements of this problem must be addressed together or none of them will be solved at all.

He went on to say:

> The House has passed an immigration bill. The Senate should act by the end of the month so we can work out the differences. . . .

The Senator from North Dakota, my friend, keeps talking about how the 1986 amnesty didn't work. It obviously didn't work. The reason it didn't work is because there wasn't a guest worker program, which is exactly what the Senator from North Dakota is trying to remove from the bill which then would give us 1986 all over again. More importantly, there are certain realities in America today that we are trying to address. Among them, that the American population is growing older. The baby boomers are retiring and leaving in their wake a number of jobs that need to be filled. Restaurants are locking their doors because there is no one to serve the food or clear dishes. Today, fruit is rotting on the vine and lettuce is dying in the fields because farmers can't find workers to harvest the crops.

Why do we need a viable guest worker program? So that we can stop the flood of illegals from coming across our borders, so we can make the present incentive that brings people to cross our borders illegally come to a halt. How do we do that? Our proposal says if an employer advertises a job for 60 days over the Internet, in a broad variety of ways, and no American comes forward to take that job, then a willing worker and a willing employer can join together in a contract that that person can come and work and fill that job that it has already been proven an American won't take. If that person continues to work in the United States, he is allowed to remain in the United States under our proposal.

An equally important aspect is that those who are now south of our border or anywhere else in the world will recognize that even if they cross our border illegally and are able to do so, there will be no job for them because the person who has entered into that contract has a tamper-proof biometric visa, and that is the only document that will be recognized as a valid document in order for someone to obtain employment.

So if someone does cross our border illegally, gets a job—one, he shouldn't get it because he doesn't have that contract but, two, if an employer hires that individual, then, of course, that employer should be prosecuted to the full extent of the law.

It is not an exact parallel, but let me remind colleagues, about 15 years ago we declared a war on drugs. All of us, we were going to stop the flow of drugs from coming across our border and destroying America. Any objective observer will tell you that our progress has been limited, if at all successful. Why? Because there is still a demand for drugs, and they are coming across our borders. People are using them, and there is still a demand.

There is a demand for workers in this country. And these people are coming across our borders, both northern and southern—we seem to concentrate so much of our attention on the southern border, but they are coming across both borders—to feed themselves and their families which they can't do where they are. I would be glad to discuss the failure of the Mexican Government to enforce their border, including their southern border, the need for us to work more cooperatively, the corruption problems, all of the issues that are associated with the issue of people coming across our border. But I predict, even if we had the best cooperation from the Mexican Government, people who can't feed themselves and their families where they are would still try to come to this country to get jobs. And if you can prove that there are jobs that no American will take, why not have a process, a system where someone can come and take it and work?

There are very few of my colleagues who would deny that the overwhelming majority of people who come to this country are honest, God-fearing, hard-working people, some of whom, by the way, have died in the desert in an effort to come, a larger number every year in the Arizona desert. Their only desire is to better themselves and provide better lives for themselves and their families. There are all kinds of other benefits associated with this, as well. One of the reasons why workers come to this country today and stay is because it is so difficult to move back and forth to the families and the homes they came from. If they have a tamper-proof visa, then, of course, on their vacations or even at the completion of their work, they would feel comfortable in returning to the place where they came from. But now, with the difficulty of crossing back and forth over the border, more and more of them remain here, and sometimes there is a criminal element.

Let me make another point. With illegal immigration, with transportation of people across the border who are coming across illegally, terrible things are happening. We have the coyotes who mistreat them, the coyotes who sometimes hold them captive and demand more and more money. There are shootouts on our freeways in Arizona. No State in America understands how terrible this issue is more than the citizens of my State because over half of the people crossing the border illegally are coming across the Arizona Sonora Desert. It is terrible what is going on. The exploitation and the mistreatment of these people who are honest, who are God's children, is terrible. If we could have a viable guest worker program, one that we could enforce, then you would lose this incredible attraction that draws people illegally into our country and, of course, all of the associated bad aspects of it that the citizens of my State of Arizona are so intimately familiar with.

Of course, it frustrates citizens. Of course, it frustrates the citizens of my State to have so many hundreds of millions of dollars in uncompensated health care costs, to have law enforcement requirements and expenses go up, to have all of the problems associated with illegal immigration. But to say somehow that we are not going to satisfy what is clearly, primarily economic immigration—by the way, the Border Patrol statistics say 99 percent of those attempting to cross our Nation's border illegally are ''economic immigrants''—then we are going to be faced with a problem. No wall, no barrier, no sensor, no barbed wire will ever stop people from trying to do what is a basic yearning of human beings all over the world, and that is to have better lives for themselves and their families.

I hope and believe we will reject the Dorgan amendment. As the Senator from Alabama said, he wants to go back and start over. There are a number of us who have invested years in this issue.

I thank my colleague from Massachusetts for his continued leadership.

By the way, all of us are very grateful that he survived a very serious aircraft emergency recently. We are glad that he is well and with us.

I hope we will reject the amendment. I hope we will then move on to other amendments and within a relatively short period of time resolve most of the controversial aspects of this legislation.

Finally, I thank the President of the United States for what was greeted, as we know from the overnight polls, very favorably by the American people, his support of a comprehensive resolution of this terrible issue that afflicts our Nation, that of illegal immigration.

I yield the floor.

Mr. KENNEDY. Would the Senator be willing to yield 10 minutes?

Mr. SPECTER. Mr. President, I am delighted to yield 10 minutes to the Senator from Massachusetts. But before doing so, I urge other Senators to come to the floor to offer amendments. It is thought that if we focus on the guest worker provisions, we can finish them up this afternoon. Senator KYL and Senator CORNYN actually have precedence, but if they would be willing to yield to the other Senators on guest worker, I think we would finish this entire category. And perhaps we can find a way to work out Kyl-Cornyn in the interim. We will be looking for an amendment from Senator BINGAMAN who wants to reduce the number of guest workers. We have an amendment by Senator OBAMA which is on a related issue, I am told, on labor protections. And we have an amendment by Senator FEINSTEIN on having some sunset provisions. Then it is hoped we can get agreement on Senator KERRY's amendment and be able to accept that. If we could finish this grouping, we would be well on our way.

So if those Senators can come to the floor, we can work out time agreements and proceed in an expeditious manner. Meanwhile, Senator KENNEDY has requested 10 minutes.

Mr. KENNEDY. Mr. President, I thank the Senator from Pennsylvania. I want to thank my friend and colleague and the principal sponsor of the major comprehensive legislation.

In addition, I ask the Senator from Arizona, is it not true that you have the advertising for a worker in the United States where there is not an American worker and a willing worker who comes from outside of the country, that they have some important labor protections—protections with regard to the minimum wage, with regard to Davis-Bacon, with regard to service contracts, protections against exploitation of contractors, which were the source of great abuses at the time we had the Bracero issue and question. Is it not true that we have some protections for those individuals and, therefore, the idea that there is going to be a continuation of the exploitation of these workers working in a substandard way is fundamentally addressed? And is it also not true we have some 2,000 inspectors that are included in the underlying legislation that are going to be charged with the enforcement of this provision, which we have never had?

I listened to so many people talk about 1986 and the amnesty. Part of that provision was to have employer enforcement, and it didn't take place—not under Republicans or Democrats. But we have addressed that issue in the McCain-Kennedy proposal. We have 2,000 individuals whose sole responsibility is going to be in terms of the adequate enforcement of the labor protections. Is it also not true—it is true—that we have had important economists who have been before our Judiciary Committee who say that this will have an important, positive impact in terms of wages, working conditions, and treatment of American workers?

I know there are several items that are included in this question, but I want to make sure that we include and add on to what was the excellent presentation of the Senator from Arizona. We have talked about having a comprehensive approach. We hoped to have a comprehensive approach earlier this morning, and we have a comprehensive approach by recognizing what the Senator from Arizona has said and is so obvious—that is, if you are going to have the demand in this country and desperate people in the others, it makes a good deal more sense to try to develop a legal process by which that can be controlled, rather than think that we are going to be able to build fences high enough, long enough, along the 1,800-mile border and prohibit tunnels deep enough to keep people out.

Mr. MCCAIN. Mr. President, in response to my friend from Massachusetts, the Kennedy-McCain bill was a subject of long negotiations. And for more than a year, many of these issues were discussed with us and others. We felt that one of the most important aspects of this legislation was the protection of workers. One of the reasons why illegal immigration is so evil—one aspect you don't hear so much about is the terrible treatment and exploitation by cruel people of innocent people. A year ago last August, I believe, a policeman in Phoenix opened the door of a horse trailer and 73 people were packed inside, and one was a 4-month-old child.

Often, the Senator from Massachusetts and I have discussed what it is like to die in the desert. Every year, every summer more people die. They are not coming—99 percent of them, according to the Border Patrol—to do evil things but to work. Why are there jobs? Because there are jobs that Americans will not fill.

My response to the Senator from Massachusetts is that no one should be under the misunderstanding that this is another Bracero Program. The Bracero Program died because of the abuses associated with it. This gives them a status not of citizenship but of equal protection under the law. Any human being who resides in the United States should not be subject to exploitation and cruelty. That is the nature of America. We don't say in America that only citizens have the protections of our laws. We say anyone who comes to our country does, too.

So, finally, I want to say to my friend from Massachusetts that this is a fundamental part of this legislation, as he knows. If you take this out, you will then be face with the exact same economic pressures that we have been experiencing in the past. And as much as I believe in technology and as much as I think walls are important and UAVs and all that, there has never been a case in history where you have been able to stop people from doing something that has to do with their very existence. That is the way many people feel who come here.

Mr. KENNEDY. One final question. The Senator is addressing the issue of real security, national security. But we are committed to trying to have a secure border. We have gone through the measures which we have included in our legislation, many of which were enhanced during the course of the markup and have been expanded in the supplemental. But a key aspect of that security and in controlling the border is to stop the flow of people climbing fences, going into tunnels, and circumventing the border. A key aspect of this is to develop an orderly process by which people in the limited numbers that we have outlined in the bill would be able to come.

Would the Senator not agree that this is a security issue, border security issue, as well as a worker issue?

Mr. MCCAIN. I agree with the Senator. Interestingly enough, if I can mention again, the President of the United States, having served as Governor of the State of Texas, understands this issue very well. He made a very important point last night because all elements of this problem must be addressed together or none of them will be solved at all. The President is exactly right. None of these problems can be solved unless we have a comprehensive approach to this legislation.

Again, Mr. President, I say to my friend from Massachusetts, briefly, that we still have a terrible problem of drugs flowing across our border. If we had the guest worker program that we have talked about in this legislation, then there would be people who are coming for jobs, and we could focus our effort and attention on the drug dealers who are now corrupting America's youth. I thank the Senator and, again, I hope my colleagues realize the implication of this vote because if we did take it out, then obviously—at least in the view of most experts that I know—the rest of the reforms would not be either applicable or enforceable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I am going to make a few comments briefly

in rebuttal. Then I understand Senator DORGAN is prepared to yield back time and so will I. The other Senators whom we had talked about, when they come to the floor, will be ready for their amendments momentarily—Senators BINGAMAN, OBAMA, and FEINSTEIN. If they are not here, Senator VITTER can be recognized or Senator KYL and Senator CORNYN.

Mr. DORGAN. If the Senator will yield, I intend to use my remaining time at the conclusion of the comments of the Senator from Pennsylvania.

Mr. SPECTER. Fair enough. My information was incorrect then. By way of brief rebuttal on the question of impact of guest workers on the American workers, I ask unanimous consent that the testimony of Dan Siciliano, from the Stanford Law School, be printed in the RECORD at the conclusion of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. The key statement of Mr. Siciliano is:

> Some claim that immigration reduces employment levels and wages among native-born workers. This is generally not true.

The text of his statement amplifies on that. I ask unanimous consent that the statement of Professor Harry Holzer from Georgetown University be printed in the RECORD at the conclusion of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. SPECTER. The essence is a statement that:

> There seems little doubt, then, that any negative effects of immigration on earnings are modest in magnitude and mostly short-term in nature.

I ask unanimous consent that the statement of Professor Richard Freeman, Harvard University, be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 3.)

Mr. SPECTER. His conclusion was:

> The gains to native complements exceed the losses to native substitutes, so that immigration—like trade and capital flows—are a net boon for the economy.

The Senator from California had made the argument that American employees are disadvantaged by cheaper costs from immigrant employees, and that is not so under the express terms of the statute.

The bill, S. 2611, does protect U.S. workers and eliminates incentives for employers to hire foreign workers, unless no U.S. worker is available. The bill provides that employers must at least pay the higher of the actual wage paid to other employees with the same skill so that immigrant workers are paid the same or, the prevailing wage for that job. Employers must provide the same working conditions and benefits that are normal to similar jobs, and employers must provide insurance if State workers' compensation doesn't cover all the workers. So that under the pending legislation, an employer has the same cost to hire a foreign worker as a U.S. worker.

How much time remains on my side?

The PRESIDING OFFICER. Eleven minutes.

Mr. SPECTER. I thank the Chair and yield the floor.

EXHIBIT 1

Senator KENNEDY. Let me get to this point that the Chairman has made, Dan, with your analysis. You gave us some projections. You talked about the limitations in terms of productivity, the numbers in the labor force, retirement issues, and then the job growth. And you talked about GDP, 14 percent and 11 percent. You talked about legal and the illegal. Maybe you could just flesh those figures out a little bit. What you appear to be saying is that if you consider the numbers of both legal and illegal, you get a certain rate of growth, and without them you get another different rate of growth. And that is what I would be interested in.

Maybe we cannot parse between the legal numbers the Chairman talked about, whether that is 500,000 or we are looking at just the general range of numbers now. Could you expand on that?

Mr. SICILIANO. Sure. Thank you, Senator Kennedy. I think this also answers Chairman Specter's question in part, which is: What is the true net economic contribution and where does it come from and why? And so from my viewpoint, and in light of the demographic numbers, it appears that our economy is on the trend growth rate, we hope, at 3 percent or better. Now, that growth rate of GDP is reliant on many factors. One of the key factors is available workers to fill the jobs that are created. So even while at the high-skill level you have Nobel Prize winners and other people inventing companies, somebody needs to build the buildings, clean the buildings, you know, service the lavatories in which these people are operating. And this is a part of the capacity for GDP to grow.

So to put a finer point on it, if you look at the fiscal economic impact, which is the Government coffers impact, it might be true that lower-skilled workers, just like all of us on average, actually, at the moment because of deficit spending, have a negative impact on the fiscal bottom line. But that should not be confused—and this would be a mistake to confuse this. That should not be confused with the economic impact. It is a little like my younger sister who recently said, ''I am earning more, but look at all the taxes I am paying. I am paying more taxes.'' I said, ''Yes, but you are earning more.''

And so we may have a modest net negative fiscal impact for all low-wage workers in the United States, not just immigrants. That is not unique to immigrants, documented or undocumented, but what we do know is it helps us achieve a higher rate of growth and national income goes up, which benefits everybody. It becomes your challenge, I think to talk about how to, you know, work that out at who shares and how at the pie level. But it is clear that this divide between available workers and the demand for workers will slow down economic growth if we do not manage it appropriately.

Senator KENNEDY. Let me just get to the high skilled/low-skilled. I think most of us would like to believe that we are going to train our own people to be able to take these high-skilled jobs. And we have under our current programs training resources that are paid into the fund to try to continue to upgrade skills for Americans. But we are not able to get quite there at the present time.

Other countries, industrial countries, have required training programs. They pay—what is it?—in European countries a percent and a half, other countries, so that they have required training programs, which we do not have, continuing training programs which we do not have.

So how are we going to adjust? What is your sense about how we are going to—we have seen a significant—actually, we are getting the skills, but where people that are going to into these high-skilled programs, but how are we going to get Americans up to speed so that those Nobel laureates are going to be the sons of native workers rather than foreign workers? What can you comment on that?

Mr. SICILIANO. I think there are two issues. One, you know, the expanded H–1B program with the continued diversion of monies into special training programs is a good start, so we need the talent in the first place. We need that high-skilled talent to maintain our competitive edge, which gives us some runway into which to develop and train native talent. It cannot happen overnight. So the first question is: What do we do to make sure over the next 20 years we still get the world's absolute bet and brightest, lure them to our best universities, have them pay for that education, make them enamored of the United States, and then they stay here and then have children.

Now, you divert that money and you direct it into targeted training, and that is a bigger issue, I think, to entice U.S.-born workers into the difficult and long-term training that will prepare them for a modern, very knowledge-based economy. But the start is to make sure we keep the industries here because we lure the right talent here, and then we do something over the next 20 years so that the 5-year-olds right now do end up getting the double Ph.D., electrical engineering and applied physics, and go on to win the Nobel Prize. But you are talking about the 5-years-olds, not the 25-year-olds. We need the 25-year-old to get an H–1B, have their own Government pay to go to Stanford University, get that Ph.D. there, and then work at Google, stay here. Good deal for us.

Senator Feinstein. Let me mention another point. I happen to believe that the weakest part of the bills that I have supported is the guest worker program. From a California perspective, it is impossible to say to somebody you can come here for at least six years by renewing your guest worker permit, but at the end of six years you have to go home. The experience we have had is quite simply people do not go home. Therefore, it seems to me that the H–2A program, where you bring someone for a limited period of time, has a much better opportunity to work because then they do go back and forth across the border

What do you believe is the optimum amount of time that an individual will come as a guest worker and then actually go home at the end of that period of time?

Mr. SICILIANO. Senator Feinstein, I think one thing to consider is that by limiting the amount of time that an employer may utilize a guest worker, it alters their behavior in terms of their incentives to invest even in a low-skilled guest worker. So even a low-skilled worker will require a certain amount of training and investment, and the shorter the duration of that opportunity for employment, the less investment there is, which is bad for everyone.

I think one of the possible alternative views here is to recognize some of the limitations that occur if you create a temporary guest worker program and then instead try to identify those lesser-skilled individuals who, in the long run—if you created boundaries of wage and hour rules, allowable behavior on the part of businesses, and then

screened up front for who you would allow to enter on that basis and create some path, assuming continuing employment, and a very high bar for behavior and civic behavior, then perhaps you can solve both problems, because I believe the evidence demonstrates and I think a lot of the arguments assume that the economy will work it out. If there are no opportunities, people will go back.

Senator FEINSTEIN. But that is difficult to do. Therefore, if you take the 10 to 12 million people that are here already that work in agriculture, construction, landscaping, housekeeping, et cetera, and provide a steady stream of employment and enable them to have a pathway to legalization, are you not really doing the best thing possible economically to see that there is economic upward mobility?

Mr. SICILIANO. I see. With that subset, yes, I would argue that that is the right path, and then on the other question I would defer. I am sorry that I don't have a solution. . . .

Chairman SPECTER. Thank you, Senator Feinstein.

Senator Kyl.

Senator KYL. Thank you, Mr. Chairman. Thank you, panel. One of the arguments for not being as tough in enforcing the law especially at the border is that in the years past there was a lot of circular migration especially from Mexico and Central America, people who came here, worked for a while and then went back home. It wasn't hard for them to continue that process, but once we began strong border enforcement, then they were stuck and stayed.

I don't know that there is any evidence to support that or refute it, but it has been the basis for a lot of people talking about this concept of circularity, and I want to get back to that concept and also ask you this question in view of the fact that at least a couple of you are very skeptical that a temporary worker program really ends up being temporary because people don't want to go home. I mean, what I just said may to some extent refute that, but clearly there are people that probably fall into both categories.

What we haven't talked about here is the differentiation between a time like today when we are at very high employment and a time when in the future we will have a recession and we will have high unemployment. And let me stipulate for a moment, even though there is a little bit of argument about mechanization, and so on, that in the lettuce fields of Yuma County, it has always been hard to get Americans to do that work. It has been traditionally work done, by the way, by people who live in Mexico and come across everyday and go back home by and large, although there are some that stay longer.

In Arizona, we can't find enough people to build houses today. Under the bill that Senator Cornyn and I have, we would be issuing lots of temporary visas right now. But we have also seen many economic downturns when you can't get a job in construction, no matter how skilled an American citizen you are. In that case, under our bill we wouldn't be issuing temporary visas. We would let the ones that are here expire; we wouldn't issue any more.

I am troubled by the fact that all of you seem to be so skeptical that people would return. One concept was that, well, when there is not work, they will return. But isn't it just as likely that what they will do is under-bid Americans for those same jobs?

I have gone through enough political times when we were in that high employment situation where Americans were looking for work. It is not a pleasant thing. So I am concerned about a program that lets people come in under today's circumstances, but who may not have a job, or at least there won't be enough jobs for everybody in tomorrow's circumstances.

Given that fact, doesn't it make sense to consider the economic realities in how many permits you issue, and especially if you are saying folks won't go home, to be very careful about the number of visas that you issue for these low-skilled workers because you have to consider tomorrow's lack of employment opportunity as well as today's full employment opportunity?

I have sort of posited several different thoughts and questions inferred there. If you could just each give me your general take on what I have said.

Mr. SICILIANO. let me throw in one item, as well, to clarify. For all we know about business cycles, we still don't know a lot. One of the things, I think, to observe is that as we go into a down business cycle, we make macro adjustments to the cost of capital as a way of spurring the economy potentially and creating jobs and creating businesses through capital formation.

It is worth thinking about—and I don't think it is a conclusive answer for you, but it is worth thinking about the fact that available labor supplies during a downturn is its own form of self-corrective mechanism. And I would fear second-guessing at a micro level the small and medium-size businesses who might be reformulating strategies to alter their response to global competition and need the liquidity that is provided by available workforce. And we do suffer through a terrible time which is short and hence has changed, but it might be akin to cost of capital.

Labor is one of the critical inputs to all of economic development and we tinker with it at a micro level, we might inadvertently prevent ourselves from emerging as quickly as we might otherwise have from a recession.

Senator KYL. I appreciate that. In view of the fact that there is only one more to question, might I just offer a comment? All of that there is fine in economic theory. As I said, I have had to stand in town hall meetings with 3 or 400 Americans that don't have jobs.

Senator SESSIONS. I am not sure wno to ask this question to, but if anybody would speak up and give me a thought on it, I would appreciate it. Is there a difference economically in the effect of a temporary or a permanent worker? Does anybody have any thought about that?

Mr. SICILIANO. Senator Sessions, I will address one small part so that others can comment, and that is I think we know intuitively that renters and owners treat their properties differently. Renting to own may be a compromise, but I would say that we have recent evidence citing Giovanni Peri's paper out of UC-Davis in November that we know that the entrepreneurial behavior of those immigrants who feel that they have some possibility of being here in the long term is increased because they are more likely to invest their capital here in the United States to engage in skill-building that resonates better in the United States and they get better returns on.

So my one comment would be we know we sometimes get very efficient and good behaviors for our national interest from immigrants of all skill levels if the think they may have a long-term role to play here both about themselves and their children.

Senator SESSIONS. Would it be in our interest, therefore, to attempt to identify the people that bring the most skill sets and the most ability to the country when we allow whatever limited number we have to come here legally?

Mr. SICILIANO. Mr. Chairman, I am familiar with the the [Center for Immigration] study. I can answer the specific question, if I may.

Chairman SPECTER. Go ahead, Professor Siciliano.

Mr. SICILIANO. Thank you. That particular study has two types of expenditures—direct payments to immigrants and immigrant households, so it includes sometimes U.S. citizen children, and indirect attributive costs which are the general expenses by the government divided by the number of households in the United States.

The study is actually dominated by the general government expenditures component of those costs. So, in other words, you take the government expenditures, you divide it by the number of households, and then you take that number. And that number is a large number right now because we have high levels of expenditures relative to tax collections.

That is why it is driven by our fiscal state as a Federal Government, as opposed to simply the behavior of the immigrants. The direct payments are an important component, but they are actually dominated by and outweighed by the general expenditures share, which is interesting, but I think it overstates the interest of that particular number that you have cited. It is not irrelevant.

Chairman SPECTER. The President of the Dominican Republic was very interested in the money coming back to the Dominican Republic. The estimates are the immigrants in the United States send home about $39 billion a year in remittances. So on one hand, there is a concern about what that does to our economy. That purchasing power is not being used in the United States.

The other aspect is that our foreign relations are very complicated. We heard a great deal about the difficulties with Venezuela and President Chavez. A vote of the Andean countries on protecting property rights was three-to-two, with the United States winning. We have trade there to try to strengthen our foreign relations. We heard a lot of talk about their recognizing the leaders of the foreign governments, recognizing our rights to control our borders, but also looking for a humanitarian approach that we have.

How big an impact is it, Professor Siciliano, if $39 billion is remitted from the United States to the home countries?

Mr. SICILIANO. Well, as a component of the overall economy, I actually think it is a fairly small number, but it obviously has tremendous impact for the countries who receive the remittances.

Two points. One, the transmission of that money actually generates substantial revenue and profits for U.S.-based business, primarily financial institutions who serve as the intermediaries to make that happen. I don't think we want to forget that.

The second issue is that the money lands in the hands of individuals who are nationals of obviously that country and some of it recycles as demand for our goods and services, hence jump-starting, we hope, the ongoing trade relations which may mitigate some of the foreign national risks you have identified. So I think it is a small piece in a big global economy and one that shouldn't dominate the thinking about how we decide to move forward on the immigration debate . . .

Chairman SPECTER. Professor Siciliano, do you have a brief comment?

Mr. SICILIANO. Yes, two key points. I think anecdote in the hands of the economist is a dangerous weapon, so let me just give two kinds of actual points of data. First, in the 1960s we know that roughly half of the U.S. workforce lacked a high school diploma, and now about 12 percent of the native-born workforce lacks a high school diploma.

This skill set difference is driving the comment that I think is true, which is it is not

the case that immigrant labor is displacing by and large U.S. labor or depressing wages, and there are two key points to highlight that. Nevada and Kentucky, arguably similar in cost of living in many ways—7.5 percent of the population of Nevada right now is estimated to be undocumented. The average high school drop-out wage is $10 per hour. In Kentucky, less than 1 percent of the population is estimated to be undocumented, and yet the high school drop-out wage is $8.73 per hour.

It can't be simplified into simply saying immigrant labor shows up and it hurts U.S.-born labor. It is much more complex than that. I think, net, it clearly benefits U.S. labor . . .

EXHIBIT 2

DOES IMMIGRATION HELP OR HURT LESS-EDUCATED AMERICANS?

TESTIMONY OF HARRY J. HOLZER, JUDICIARY COMMITTEE, U.S. SENATE, APRIL 25, 2006

The vast majority of economists in the U.S. believe that, on average, immigration is good for the U.S. economy. By helping reduce the costs of producing certain goods and services, it adds to our national output, and makes consumers better off. Business owners also profit very clearly from immigration.

At the same time, it is possible that some native-born Americans—especially the less-educated Americans who might have to compete with immigrants for jobs—might be made worse off. Certain costs—especially for public education and services to the poor—might rise. And there are various non-economic considerations, both positive and negative.

On these various issues, what does the evidence show? And what does the evidence imply for immigration policy?

EFFECTS ON EARNINGS OF NATIVE-BORN AMERICANS

For many years, most studies of the U.S. labor market have shown little or no negative effects of immigration on the wages or employment of native-born workers—including minorities and those with little education. More recently, another few studies that use different statistical methods from the earlier ones find somewhat stronger negative effects. According to these more recent studies, immigration during the period 1980–2000 might have reduced the earnings of native-born high school dropouts by as much as 8 percent, and those of other workers by 2–4 percent.

However, some strong statistical assumptions are required to achieve these results. And, even in these latter studies, the long run negative effects of immigration (i.e., after capital flows have adjusted across sectors to the presence of immigrants) are reduced to only 4–5% for dropouts and virtually disappear for labor overall.

There seems little doubt, then, that any negative effects of immigration on earnings are modest in magnitude and mostly short-term in nature. To the extent that high school graduates as well as dropouts in the U.S. have fared poorly in the labor market in recent years—especially among men—other factors are much more likely responsible (such as new technologies in the workplace, international trade, and disappearing unionization).

Native-born minority and especially African-American men face many labor market problems besides immigration—such as poor education, discrimination, and the disappearance of jobs from central-cities. In recent years, their high rates of crime and incarceration, as well as child support obligations for non-custodial fathers, have worsened their situation.

Does immigration also worsen their plight? There are certain sectors—like construction, for example—where direct competition from immigrants might reduce employment opportunities for black men.[2] But in many other occupational categories (e.g., agriculture, gardening, janitorial work) such competition is more limited or nonexistent, as the native-born men show little interest in such employment at current wage levels. In the absence of immigration, it is possible that wages would rise and maybe entice some native-born men to seek these jobs that they consider dirty and menial; but the wage increases needed would likely never materialize in many cases, as employers would either replace these jobs with capital equipment or enter other kinds of business as wages rose.

Two additional points are important here. First, the potential competition to less-educated American workers from immigrants depends in part on the overall health of the economy. Immigration rates have been fairly constant to the U.S. over the past few decades. In the very strong labor markets of the late 1990's, these rates of immigration did not prevent us from achieving extremely low unemployment rates and real earnings growth, even among the least-educated Americans. In the more sluggish labor markets since 2001, the same rate of immigration generates more concern about job competition. But, even in this latter period, the very weak earnings growth of most American workers cannot possibly be attributed to the arrival of a million or so new immigrants annually.

Second, the illegal status of perhaps one-third of immigrants might well magnify any competitive pressures they generate for less-educated native-born workers. The reduced wages and benefits associated with their illegal status offer employers one more incentive for hiring them instead of native-born workers, who might be interested in some of these jobs and might be more appealing to employers at equal wages.

OTHER ECONOMIC EFFECTS

There is virtually no doubt that immigration reduces the prices paid by consumers on many goods and services. There remains much uncertainty about the magnitudes of these effects, and on exactly who benefits the most. For instance, higher-income Americans might benefit the most from child care and other private household services, gardening, and food preparation services in restaurants. But lower-income Americans likely * * * disproportionately from lower prices on food, housing and even some medical services that are associated with immigrant labor in agriculture, construction and health support occupations respectively.

Over the next few decades the contributions of immigrant labor to certain key sectors will likely grow more important. For example, the scientists and engineers needed to keep our nation competitive in scientific innovation and new product development will depend to a growing extent on foreign graduate students who choose to remain here after finishing their schooling, even though their presence might reduce the incentives of some native-born students from entering these fields. In other sectors, the retirements of "Baby Boomers" may also generate stronger labor demand. A variety of labor market adjustments (such as delayed retirements, new technologies, greater foreign "offshoring" of work, etc.) will likely mitigate the impacts of these retirements in the aggregate. But in certain key sectors—especially health care and elder care—these adjustments are less likely to meet the necessary demand, and the need for immigrant (and other) labor may remain quite strong.

Perhaps the most serious economic costs imposed by immigrants on native-born Americans—at least in those few states that serve as the primary "ports of entry" to immigrants—are those associated with public education, health care and other income transfers to the poor. While these costs are no doubt significant in those states, they have been reduced by legal changes in the welfare system that reduced immigrant eligibility for such transfers. Over time, immigration might modestly improve the fiscal status of Social Security and Medicare, as it helps replenish the falling ratios of workers to retirees.

By far the greatest benefits of immigration to the U.S. accrue to the immigrants themselves, whose earnings here are often vastly higher than they would be in their home countries. Both foreign policy and humanitarian considerations might lead us to approve of this, even though the direct economic benefits to native-born Americans are more limited.

POLICY IMPLICATIONS

If immigration is largely good for the overall U.S. economy, should we simply "open the floodgates" and remove all legal restrictions on it? Most Americans would be reluctant to do so, especially since there are some significant costs to immigration, and at least some workers who are made worse off. The noneconomic implications of such a move (e.g., for the national character and makeup of our communities) might also be troubling to many people.

But, if our ability to restrict immigration legally is imperfect, what shall we do? Efforts to improve the enforcement of existing laws in humane ways (e.g., without creating felonies for illegal immigrants and those who hire or assist them, or building costly fences along the Mexican border) may be worth trying, though their effectiveness may be limited. On the other hand, generating pathways by which illegal immigrants in the U.S. can achieve full citizenship (by paying fines, back taxes etc.) makes a lot of sense, given that their illegal status imposes hardships on them and their children while likely exacerbating the competition they pose to native-born Americans. It seems unlikely that any such move would dramatically raise the incentives that illegal immigrants currently have to enter the country given the gains in their standards of living that occur even when they enter illegally.

Guest worker programs have some major limitations, particularly in terms of enforcing legal rights for these workers and ensuring that they maintain some bargaining power relative to their employers. Since most guest workers stay permanently, the benefits of such an approach seem dubious. But some legal changes that encourage greater immigration of highly educated workers over time would likely generate greater benefits to the U.S. economy.

Finally, if we really want to improve opportunities for less-educated Americans in the labor market, there are a variety of approaches (such as improvements in education and training, expansion of public supports like health insurance and child care, and supporting protective institutions such as minimum wage laws and unions) that would likely be more effective than restricting immigration.

EXHIBIT 3

THE NEW IMMIGRATION AND THE NEW U.S. ECONOMY

(Richard B. Freeman, Harvard University and NBER, April 25, 2006)

STATEMENT BEFORE THE SENATE JUDICIARY COMMITTEE

I have organized my comments around eight points.

(1) Immigration is part of globalization. It is intimately connected to increased trade, free mobility of capital, and transmission of knowledge across national lines. Ideally, immigration and these other flows allow the U.S. and the world to make better use of available resources and to raise national and world output. A worker who comes to the U.S. increases the American labor supply, which means the country can produce more. If that worker does not immigrate, he or she may make the same or similar good in their native country and export that good to the U.S. Or a U.S. or other multinational may invest in that worker's country to produce the good. In other situations, the immigrant may bring capital, particularly human capital, with them, so that both capital and labor move together. The message for thinking about immigration in the global economy is: view immigration as related to trade and capital flows; policies that affect trade and capital will alter immigration and conversely.

(2) Immigration is the least developed part of globalization. Immigrants make up about 3 percent of the global workforce; whereas international trade's share of world output is around 13 percent; and foreign equities in investors' equity portfolio are on the order of 15 percent, as of the early 2000s. Consistent with this, the range of pay for workers with nominally similar skills is far greater than the range of prices for goods around the world or the returns to capital: The ratios of wages in the same occupation in high paying countries relative to low paying countries are on the order of ten to one measured in exchange rates and are on the order of four to five to one measured in purchasing power parity prices. The comparable ratio for prices of Big Macs is less than 2 to 1 and the comparable ratio for the cost of capital is 1.4 to 1. Thus, there is a huge incentive for workers to immigrate from developing countries to developing countries. Given this gap in incomes, the incentive to immigrate will remain huge for the next 40–50 years at least.

(3) In the simplest economic model of globalization, the flow of people, goods, and capital are substitute ways to raise production and economic well-being. During the NAFT A debate, the Clinton Administration argued that the treaty would reduce illegal Mexican immigration to the U.S. on the notion that increased trade with Mexico would create more jobs there and lower the incentive to migrate to the U.S. This turned out to be incorrect. The U.S. attracts capital flows and unskilled immigrants and skilled immigrants while running a huge trade deficit. One reason is that the U.S. has a technological edge and a business climate edge over most other countries, particularly poor countries.

(4) Economic analysis predicts that immigrants reduce earnings of substitute factors and raise the earnings of complementary factors, where complements include capital and other types of native-born labor. The gains to native complements exceed the losses to native substitutes, so that immigration—like trade and capital flows—are a net boon for the economy. Most immigration studies estimate the adverse effect of immigrants on native earnings or employment, but the logic of the analysis establishes a direct link between the losses to native substitutes and the larger gains to native complements. Studies that compare wages/employment in cities with lots of immigrants with wages/employment in cities with few immigrants find little adverse effect of immigration on native workers. But this also means that there is little native gain from immigration (save when immigrants do things that no native can or will do at any reasonable wage). Studies that compare wages/employment among groups over time find that immigrants depress the wages/employment of natives, with a larger impact among more highly educated workers. Even so, the gains and losses to natives from immigration are dwarfed by the gains that immigrants themselves make. An unskilled Mexican can earn 6 to 8 times as much in the U.S. as in rural Mexico. The main beneficiaries from immigration to the U.S. are immigrants; this is why so many are willing to enter illegally when they can—from Mexico or Central America or the Caribbean.

(5) The huge difference in the earnings of low skilled immigrants, in particular, in their native land and in the U.S. creates a powerful economic force for continued immigrant flows and makes it very difficult to control the U.S. borders. At the same time, however, it suggests that many current illegal immigrants or potential immigrants would be willing to pay for legal status in the country. To change immigration flows from illegal to legal and to control the flows requires redistributing some of the huge gains to immigrants to natives.

(6) At the other end of the skill distribution, the U.S. relies extensively on highly skilled immigrants to maintain our comparative advantage in science and technology. The United States imports science and engineering specialists, who help the country maintain its position at the technological frontier. During the 1990s boom, the United States greatly increased the proportion of foreign-born workers among scientists and engineers. In 2000 over half of the country's Ph.D. scientists and engineers were born overseas! Sixty percent of the growth of S&E workers over this decade came from the foreign born. Without this flow of immigrants, U.S. labs, including government labs such as those of NIH, would have to cut their workload in half. Highly skilled immigrants add to the ability of our economy to maintain predominance in high-tech industries with good jobs and growth potential. The desire of highly educated immigrants to come to the U.S. is a major competitive advantage to the U.S.

(7) But having a huge flow of highly skilled immigrants invariably reduces the incentives for American students to go on in science and engineering. The 1990s increase in science and engineering employment occurred without great increases in pay for these workers, in part because of the large supply of foreign born specialists desirous of coming to the U.S. Without gains in earnings and quality of work life, many outstanding American students, particularly men, shunned science and engineering in favor of business, law, and other disciplines. This does not however mean that the U.S. must limit foreign flows to attract more Americans into these fields. It can attract more Americans with more and increased graduate fellowships and undergraduate scholarships. To maintain the U.S. as the lead scientific and technological country, the U.S. should develop policies to attract more able students from our native born population without seeking to reduce immigrant flows.

(8) Multinational firms today source highly skilled labor globally. They seek the best workers they can get regardless of country of origin. As the number of university graduates is increasing throughout the world, the competition facing educated American workers has risen. Is it better for native born and resident Americans to compete with educated foreigners from developing countries who come as immigrants in the U.S., where wages and working conditions are reasonably high, or to compete with them when they are working overseas, where wages and working conditions are generally lower? Is it better to have U.S. firms offshore jobs or bring in more immigrants? While there is no definitive analysis of these questions, my guess is that it is better to have the top foreign talent in the U.S.; and to do what we can to get them to become citizens and remain here than to have them compete with U.S. workers from lower wage settings overseas. Because trade and capital and immigration flows are intimately connected, however, there are some economic factors operating in the other direction.

In sum, we should think about the economics of immigration in two parts. Taking unskilled and often illegal immigration first, the main beneficiaries of low skill immigration are the immigrants, who have a huge economic incentive to come to the U.S. when they can. The vast improvement they can make in their lives and the lives of their children by coming to our country speaks well for our society, even if few of those benefits accrue to current citizens and residents. With respect to the highly educated immigrants, they add to the country's strength in the sectors that we need to prosper in the global economy. We should compete actively in the global market for the top students and workers in science and engineering and other technical fields, but also provide incentives for more Americans to enter these fields.

Mr. GREGG. Will the Senator yield me 3 minutes?

Mr. SPECTER. Yes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 3 minutes.

Mr. GREGG. Mr. President, I rise in opposition to this amendment and support Senator SPECTER and Senator KENNEDY's and Senator MCCAIN's position. I think, relative to the effort in this Congress and in the Senate, nobody has put more time into the issue of how we secure our borders relative to the actual physical activity on our borders than I have because I find myself in the jurisdiction of the Appropriations Committee that covers the border security issues.

I have come to this conclusion: We can secure our borders. But you cannot do it with just people and money on the border. There has to be a policy in place that creates an atmosphere that lessens the pressure for people to come across the border illegally. The essence of doing that is this guest worker concept. Yes, you have to do everything we can to tighten up the borders in the area of boots on the ground, technology being used, and making sure we have a strong Coast Guard, a strong immigration force, and strong border security force. That type of commitment has been a primary effort of the Senate and myself. We put $1.9 billion into the supplemental that went through here to try to upgrade the capital for the aircraft and cars and unmanned vehicles and the necessary facilities for the Coast Guard, recognizing that border security has to be significantly beefed up.

The President made this point last night very well. But that cannot stop the issue—that doesn't resolve the issue of how you secure the border because as long as you have human nature guiding people's actions, and as long as you have the role of supply and demand in play, you are going to have

people who are willing to take the risks to come across the border illegally, no matter how many people you have there. If you are paying $5 a day in Mexico and $50 a day in the United States for a job, and you have a family and you are trying to better yourself, you are going to want to seek that job in America.

The question is, Isn't there a way to set this process up so that a job seeker can come here, do the job, which the employer also needs them to do because they can't otherwise fill that position—and this bill protects to make sure that is the case, that it is not taking jobs from Americans—isn't there some way to set this up so that a person can come into this country, work a reasonable amount of time, and then return to their country, or be here as a guest worker in a guest worker status?

That is what this bill attempts to address. It is one of the three elements of the formula for getting control over our borders. The first element is, of course, strong physical capability on the borders to control the borders.

The second element is to make sure we have in place a program where when people come into this country to work, they can come in legally.

The third element, of course, is enforcement at the workplace to make sure people who are working have that legal status of a guest worker.

That is the essence of this bill, in part, along with the border security elements. I strongly support it and hope we will reject the amendment as proposed.

I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the Senator from Pennsylvania is not on the floor of the Senate. My understanding was when his side was finished, he was going to yield back his time. I will proceed on the assumption that his time is done, and I have the right to close. How much time remains?

The PRESIDING OFFICER. The Senator has 23 minutes.

Mr. DORGAN. Mr. President, this is an interesting discussion and interesting debate. A couple of points have come to mind.

I have heard now three or four people come to the floor of the Senate and say: We have worked a long time and we put together a comprehensive proposal—in fact, they credited the President for saying the proposal needs to be comprehensive—and you can't take any part of this and change it. It is like pulling a loose string on a cheap suit: pull the string, the arm falls off. You destroy the bill if you do anything that alters it.

Then they come to the floor and say this is a three-legged stool, and if you cut off one of the legs, the stool falls over. Maybe they ought to bring a four-legged stool to the floor of the Senate. If you have a bad leg, you better have another leg to balance on.

The fact is, this is not a three-legged stool or a cheap suit. It is bad policy, just bad policy.

I want to answer some of the offers made by the other side. First, this issue of guests, temporary workers. We have a guest bedroom in our home. We call it the guest bedroom because it is not used much. But when someone uses the guest bedroom, you expect they are going to be there for a short period and leave. They are friends who come and stay. If somebody were to come and stay forever in that room, I guess I wouldn't call them a guest. Yet this so-called guest provision they have stuck in this bill by saying we are going to declare illegal immigration legal for up to 3.8 million people in the next 6 years—that is the way we will deal with illegal immigration. We will just call it legal. The so-called guest provision is people who come here, then apply for a green card, and then stay. There is nothing temporary about that. Don't call them guests. Guests, future flow—what soft-sounding words. Maybe tourists, guest tourists, future flow. But we know why they are coming. My colleagues described why they are coming. They want to work in this country.

The problem is, in all this discussion, I don't hear anybody talking about the American worker. What is the impact on the American worker?

I didn't know all of the economists just cited by my friend from Pennsylvania. They are probably very distinguished economists, probably extraordinarily well-educated economists, probably economists whose names I should know and, if so, I apologize.

Let me read this name, Paul Samuelson. I studied his textbook on economics. I actually taught his textbook in college. Professor Paul Samuelson. If you didn't learn this in Economics 101, then you should have failed. He says:

> Let us underline this basic principle: An increase in the labor supply will, other things being equal, tend to depress wage rates.

That is exactly what has happened in this country. Now we say there are 11 to 12 million people who have come to this country illegally. I said earlier that I don't want to diminish the worth or dignity of anyone who is in this country legally or illegally. I am not interested in trying to diminish their worth or dignity. Somebody has been here 25 years, didn't come legally 25 years ago, has a child here, or two, perhaps a grandchild, they worked here, paid taxes here, I am not interested in rounding them up and moving them out of this country.

I understand some of the urges of people who have written some of this legislation. What I don't understand is this: There is no discussion about its impact on the American worker when they say: Oh, by the way, let's solve all these issues and let's, on top of all of this, add one more big arm that sticks out, and that is the so-called guest workers where we allow 3.8 million people in the next 6 years who are not here now, not working in America now, living outside of our country now, to come in and take American jobs.

What on Earth are we thinking? Can't there be some modicum of discussion about the effect on American workers?

I put this chart up earlier, and I will put it up again because this discussion relates exactly to a string of failures. I am told we are all complimenting the President for his speech last night. I don't compliment the President for his trade strategy. We have the highest trade deficit in the history of this country: every single day, 7 days a week, $2 billion in trade deficit—every single day. That means Americans jobs are going overseas. We are choking on debt.

What is the status of this trade? It is a green light for big companies to export jobs, and they are going wholesale, 3 to 4 million jobs just in the last few years. They are leaving.

By the way, Alan Blinder, a mainstream economist, former Vice Chairman of the Federal Reserve Board, said in his recent piece: I believe in ''Foreign Affairs,'' that there are now 42 to 54 million American jobs that are potentially subject to being exported to other parts of the world because now we have 1 billion to 1.5 billion people in the rest of the world willing to work for pennies. So 42 to 54 million American jobs are subject to that kind of influence.

He says they won't all be exported, but even those who remain here will see lower wages and downward pressure on wages and benefits, health care, and retirement. That is the future on that side. Exporting good jobs.

The world is flat, we are told. The book shines from the bookstores, ''The World is Flat.'' We look with rose-colored glasses at all the American jobs now in Bangalore, now in Xinsheng, China. We say: Isn't that something?

I will tell you what is something. Those jobs used to be here supporting families. There is no social program this Senate works on that is more important than a good job that pays benefits and allows people to take care of their family. There is no social program as good as that.

We are talking about exporting good jobs, and exactly the same influence that resulted in this provision being put in this bill wants there to be imported cheap labor through the back door. That is what this guest worker provision is all about: importing cheap labor.

We are told the reason the 1986 law that was trumpeted 20 years ago, immigration reform, sanctions against employers who hire illegal immigrants didn't work is because there was no guest worker program. That is unbelievable to me. That is not the case at all.

This proposition is to say: You know how we will stop illegal immigration? We will just define them all as legal.

At least 325,000 plus 20 percent, that is 3.8 million in 6 years. We will define them as legal. We won't have a problem, we will just change the definition.

Let me show a couple of charts. These are people living in extraordinarily primitive conditions. They are undocumented workers. We can see where they are bunking. They were brought in, by the way, by a company to help repair in the aftermath of Katrina, a Government contract, mind you, with undocumented workers.

Let me tell you whose jobs they took. That contractor hired these folks, and all the electricians, including one Sam Smith whose house was completely destroyed in the Ninth Ward after Katrina slammed into that coast. He returned to the city because of the promise of $22-an-hour wages for qualified, experienced, long-term electricians. He and 75 people were guaranteed work for a year at that naval institution.

He was quickly disappointed. He lost his job within 3 weeks because the other contracting company brought in undocumented workers who were unqualified and were willing to work for pennies.

I am the one who exposed this situation, and not long after I exposed it, there were inspectors who went on that base. I don't know the result of it all. All I am telling you is this is going on all across this country. This is a guy who lost his home and had a job and was displaced by someone coming through the back door willing to work for pennies. It wasn't just that person, it was the employer who decided they wanted to fatten their profits by hiring, in this case, illegals.

The way to solve that is not to say: Let's make them legal. The way to solve that is to say that job ought to go to Sam who lost his home, who is a qualified electrician. He is the person who needed that job. Yet contractors bring in these undocumented workers or, in this case, they perhaps bring in workers under the so-called guest worker provisions. Actually, they are not really guest workers, they are low-wage replacement workers. We should call them what they are.

We were told in the discussion earlier that we should accept this because we can't stop it. It is going to happen whether we like it or not, so let's just declare them legal. I don't understand that at all.

I mentioned earlier that this planet we live on, to the extent we know it, is the only place in the universe where we know life exists and we move around the Sun. On this planet of ours, we were blessed to be born in this country, live in this country, or come to this country and be a part of this great place called the United States. We built a standard of living unparalleled in the world. We did that through great sacrifice and through great debates. Now we are told none of that matters very much because it is a flat world, it is a global economy; by the way, we can move jobs overseas, and we can bring cheap labor through the back door.

Just once—and I guess it won't happen this afternoon—just once I would like to hear a real debate about jobs in this country, about American workers and, yes, that includes Hispanic, African-American, Asian-American workers—our entire workforce. Just once I want to hear a discussion about what this means to American workers. Yet almost none of that has been heard on the floor of the Senate any time during this discussion.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. DORGAN. I will be happy to yield.

Mr. SESSIONS. I have the opportunity to serve on the Senate Judiciary Committee. We had one hearing that dealt with these issues and dealt with some of the issues the Senator has been talking about specifically. Professor Richard Freeman—and these were pretty pro-immigration panels, but I think they all agree with Senator DORGAN—Richard Freeman holds the Herbert Asherman Chair, professor of economics at Harvard University. This was his quote just a few weeks ago at a hearing:

> One of the concerns when immigrants come in that way, they may take some jobs from some Americans and drive down the wages of some Americans and, obviously, if there is a large number of immigrants coming in and if they are coming in at a bad economic time, that's likely to happen.

Is that consistent with the Senator's views and that of Professor Samuelson?

Mr. DORGAN. That is exactly the case, although this is Professor Freeman. I have never known an economist to lose his or her job to a bad trade agreement. They sit around thumbing their suspenders. They occasionally smoke a pipe, wear their little corduroy coat with their leather arm pads. They pontificate about these issues. The fact is, half of them can't remember their telephone numbers, and they are telling us what is going to happen 5 years in the future.

I understand, and I think most people understand, what is happening in this country today. What is happening today is the export of good jobs and the import of cheap labor and depressing the conditions of employment in America. That is what is happening, and nobody seems to care very much.

The inequality grows. The wealthy get wealthier, the people at the bottom are stuck—they haven't had an increase in the minimum wage in 9 years, mind you, so they are stuck and they are losing ground.

The question is, Who is going to stand for them and speak for them?

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator has 10 minutes 15 seconds remaining.

Mr. DORGAN. Mr. President, I mentioned earlier—and I think it fits exactly with the debate—the export of jobs and import of cheap labor. I mentioned about the dancing grapes. All of us have seen when Fruit of the Loom advertises their underwear, they do it with people called dancing grapes. Somebody is dressed in red grapes and somebody else is dressed in green grapes. We have all seen them. What kind of adult would wear a grape suit and sing? Nonetheless, we are all entertained by dancing grapes.

The dancing grapes represent Fruit of the Loom underwear, T-shirts, shorts, so on. They were made in this country, just as Levis and other products were made in this country. The dancing grapes danced right out of our country. All those jobs to make those underwear, gone. This country doesn't make one pair of Levis anymore. Not one pair of Levis is made in the United States.

Anyway, the dancing grapes leave our country, and those jobs are elsewhere. Why are they gone from this country? Because they went in search of cheap labor.

So to the extent that companies can move these jobs out of this country to find cheap labor, they will. They still want to sell back into this country. They still need the American consumer, the American consumer who has just lost his or her job. One question is, then, where is the income going to come from?

In any event, even as they move these jobs out of this country, there are some that will remain in this country. In this new global economy, there are some jobs you can't move. And some of the same economic interests that want to move the jobs they can want to displace the jobs they can't with cheap labor.

How do they do that with cheap labor? What they do is they attract people to come into this country from areas around the world—and one-half of the people in this world live on less than $2 a day—they attract people to come in the back door. At the moment, it is illegal, so we gather on the floor of the Senate to talk about illegal immigration. What is one of the approaches to solve this? Let's just get a stamp and stamp it legal. That way we can say we don't have illegal immigration. So it appears to me what we are going to have is up to 3.8 million people in the next 6 years, who will come into this country and take American jobs, who otherwise would be declared illegal. By the way, that is on top of the 11 million or 12 million people the underlying bill will describe as legal. They say we are going to allow them to come in, take American jobs, but they will not be illegal because we have decided in the Senate we are going to put a different stamp there. It is going to be fine.

So nobody on the Senate floor is standing up and saying: What about the tradeoff here of an American family? We hear a lot about other families. One of my colleagues just described

economic immigrants. Man, the world is full of them. If the world has one-half of its population making less than $2 a day, are there economic immigrants willing to come from many corners of this globe to this country? The answer is, of course. But we have immigration laws and quotas because if we were flooded with tens and tens of millions of people searching for opportunities in our country, we would diminish opportunities for Americans who live here and work here and built this country. So that is why we have immigration quotas.

One final point, if I might, on this issue of employer sanctions. That is a matter of will. You know there are no employer sanctions. The law says there are employer sanctions. Last year, I am told—I need to check this for sure, but I am told that there was one enforcement effort against one employer that hired illegal immigrants. The year before, there were three in the entire United States—three. That is a matter of lack of will. That is a matter of looking the other way when businesses want to hire cheap labor through the back door. Only when they are pressed will authorities finally go down and take a look at the folks living in these conditions who have taken jobs of people who lost their homes in Hurricane Katrina. Only when they are forced will someone show up, knock on the door, and say: You know something, this isn't legal.

This is a very important debate. In some ways, I regret that we have as short a time as we do. I probably should not have agreed to a time agreement, there is so much to say about it. Yet we will have a vote this afternoon.

My colleagues have spoken here with great authority. We all come here and wear white shirts and dark suits and all sound authoritative. Some are right, and some are wrong. It is hard to tell the difference. So we will have a vote on this. At the end of this vote, I suppose this will move right ahead because we are told, if this vote prevails, if my amendment prevails, as I said earlier, it is like pulling a loose thread on a cheap suit—the whole arm falls off and the whole suit is worthless. I don't understand why they construct legislation that way, but every time somebody brings a proposal to the floor of the Senate which is the result of negotiations, they say you can't interrupt anything because, after all, when we shut the door and negotiated this, we all did that in good faith, so don't be messing with our product. If you pull one piece of it out, you ruin what we have done. I have heard that a million times on the floor of the Senate.

I think the Senate ought to just mess with this piece and say to those folks who constructed it, with respect: You are wrong about this. This piece is the price for the Chamber of Commerce to support this legislation. This piece is the price for the Chamber of Commerce to say: Allow us to bring 3.8 million people through the back door, cheap labor, and we will support the legislation, the substantial immigration reform.

I just happen to disagree with that. I happen to stand here in support of and concerned about—immigrant families, yes, but in support especially of American workers, in support of workers who do not seem to have much of a voice on the floor of this Senate.

The next trade bill that comes up, once again we will see their jobs further traded overseas. It is bizarre. There is no minimum wage increase for 9 years. Every trade agreement that comes along is pulling the rug out from under American workers, God bless them. See you, so long.

That is the way it goes around here. Maybe we ought to call this what it is. Maybe we ought to stop at this. Maybe the stop sign on behalf of American workers ought to be to say it is time for this Senate to stand up for American jobs. After all, this country's middle class, which we built over the last couple of centuries, especially the last century, that middle class is what supported the highest standard of living in the world. But that standard of living will not long exist if we export good jobs to low wage countries and then import cheap labor to perform those subpar-wage duties here in this country. That is not, in my judgment, what works for our country's best economic future.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes 25 seconds.

Mr. DORGAN. Mr. President, the Senator, I believe, wanted to ask if I would yield for a question. I am happy to do that.

Mr. SESSIONS. I would, briefly. I think it sort of confirms what you are saying. We had a subcommittee hearing on this, and the second professor, Dr. Barry Chiswick, the head and research professor at the Department of Economics at the University of Illinois in Chicago, said:

> [T]here is a competition in the labor market. And the large increase in low-skilled immigration that we've seen over the last 20 years has had a substantial negative effect on the employment and earning opportunities of low-skilled Americans. . . . [The] large increase in low-skilled immigration has had the effect of decreasing the wages and employment opportunities of low-skilled workers who are currently resident in the United States.

Does that comport with the theme of the remarks of the Senator?

Mr. DORGAN. The Senator is absolutely correct. It seems to me this is not at issue, the question of what this means to American workers. It just is not.

Mr. SESSIONS. Here is Professor Harry Holzer at the same committee hearing, three out of five witnesses, most of them pro-immigration witnesses. He is an associate dean and professor of public policy at Georgetown. He says:

> Now, absent the immigrants, employers might need to raise those wages and improve those conditions of work to entice native born workers into those [construction, agriculture, janitorial, food preparation . . .] jobs.
>
> I believe when immigrants are illegal they do more to undercut the level of wages of native born workers.

So I think he also would agree with the Senator from North Dakota.

Mr. DORGAN. Mr. President, let me say that this economic strategy isn't working. This doesn't work. Fig Newton cookies moved to Mexico, and the Chinese just bought WHAM-O, Hula Hoop, Slip 'N Slide, and Frisbee. To the extent this bill will make illegal workers come in stamped as legal, we know they are not going to make Fig Newtons and Frisbees because those jobs are gone, but we know there is a reason for a guest worker provision, and the reason is there are interests that support this bill only on the condition that they continue to allow low wage workers to come in the back door even as major American corporations are exporting good American jobs out the front door. I think that is a construct that 5, 10, and 20 years from now is dangerous to this country and restricts opportunity rather than expands it for the American people.

I do not support this provision. I hope my colleagues will support my amendment and strike this guest worker, future flow, or low wage replacement worker provision, as I call it, in the underlying piece of legislation.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I will yield back. Is all time consumed by Senator DORGAN?

Mr. DORGAN. I yield back my time.

Mr. SPECTER. I yield my time. I move to table the Dorgan amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on Agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The result was announced—yeas 69, nays 28, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—69

Akaka	Carper	Feingold
Alexander	Chafee	Frist
Allard	Chambliss	Graham
Allen	Coleman	Grassley
Bennett	Collins	Gregg
Biden	Cornyn	Hagel
Bingaman	Craig	Hatch
Bond	Crapo	Hutchison
Brownback	DeMint	Isakson
Bunning	DeWine	Jeffords
Burns	Domenici	Johnson
Burr	Ensign	Kennedy
Cantwell	Enzi	Kerry

Kohl	McConnell	Shelby
Kyl	Menendez	Smith
Landrieu	Mikulski	Snowe
Lautenberg	Murkowski	Specter
Leahy	Murray	Stevens
Lieberman	Nelson (FL)	Sununu
Lincoln	Pryor	Thomas
Lugar	Reid	Thune
Martinez	Salazar	Voinovich
McCain	Santorum	Warner

NAYS—28

Baucus	Dorgan	Roberts
Bayh	Durbin	Sarbanes
Boxer	Feinstein	Schumer
Byrd	Harkin	Sessions
Clinton	Inhofe	Stabenow
Coburn	Inouye	Talent
Conrad	Levin	Vitter
Dayton	Nelson (NE)	Wyden
Dodd	Obama	
Dole	Reed	

NOT VOTING—3

Cochran	Lott	Rockefeller

The motion was agreed to.

Mr. REID. 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. SPECTER. 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. SPECTER. Mr. President, we have the amendment from Senator KYL and Senator CORNYN next in sequence. They have a right to go next. If they are willing to wait until the morning, we will proceed with another amendment.

Mr. KYL. Mr. President, Chairman SPECTER, it is my understanding that if I defer to the Senator from New Mexico, we can actually get an amendment of the Senator from New Mexico voted on and perhaps another amendment considered by Senator KERRY, so they would be disposed of, whereas it may take a bit longer if our amendment is put down.

Mr. SPECTER. The Senator from Arizona is correct.

Mr. KYL. If we start tomorrow morning with our amendment, the Kyl-Cornyn et al. amendment, perhaps we could conclude more business if we follow in that process.

Mr. SPECTER. Mr. President, I appreciate the gracious comment by Senator KYL. We will proceed with Kyl-Cornyn first thing tomorrow morning.

Now we will proceed with the Bingaman amendment under a unanimous consent agreement of 1 hour equally divided, with no second-degree amendments in order, with the time evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I yield to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 3981

Mr. BINGAMAN. Mr. President, I thank my colleague from Pennsylvania, the chairman, for yielding to me.

I ask consent to bring up Senate amendment 3981.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mrs. FEINSTEIN, proposes an amendment numbered 3981.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce the number of H–2C nonimmigrants to 200,000 during any fiscal year)

Beginning on page 292, strike line 18 and all that follows through page 295, line 4, and insert the following:

(g) NUMERICAL LIMITATIONS.—Section 214(g)(1) (8 U.S.C. 1184(g)(1)) is amended—

(1) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(2) by adding at the end the following:

''(C) under section 101(a)(15)(H)(ii)(c) may not exceed 200,000.''.

Mr. BINGAMAN. Mr. President, as we all know, the immigration bill creates a new temporary guest worker program aimed at providing an equal and orderly process for individuals to come to this country and to work in sectors of our economy where there is a shortage of available workers.

We had good debate in connection with the Dorgan amendment with regard to that guest worker program. Everyone who listened to that debate understands this is a new program which is being added to our immigration laws, one which is not available today for anyone to use.

Specifically, the bill pending before the Senate allocates 325,000 temporary visas for the first fiscal year, and in each subsequent year the numerical limit is flexible.

If the cap is reached—that is, the full 325,000—the number of available visas would increase. It could increase by 10 percent, it could increase by 15 percent, it could increase by 20 percent in the next fiscal year, depending upon how quickly those visas were used or taken.

In essence, what the bill provides—the bill pending before us—is for an open-ended automatic-increase mechanism that has the potential to significantly increase the number of visas we are making available. When I say an automatic-increase mechanism, we have all heard about compound interest. Everyone who has a checking account knows the power of compounding interest. What we have here is not compounding interest, it is compounding immigration, because the 20-percent increase over the previous year's level continues indefinitely into the future. You start with 325,000, plus 20 percent; then you take the new figure, plus 20 percent; then you take the new figure, plus 20 percent; and it goes on and on.

My amendment, which Senator FEINSTEIN is cosponsoring, would simply put in place, instead of that, a hard cap of 200,000 on the number of visas available each year under this program. Of course, in addition to this program, we all understand there are many other programs that people can use to gain legal access into our country.

Let me show a chart. This chart: guest worker visas issued under S. 2611. Now, the olive-colored wedge down at the bottom represents the number of visas that would be issued over the next 6 years under my amendment. That is 200,000 per year, each year, for 6 years, or a total of 1.2 million visas under the guest worker program.

If the Senate were to defeat the amendment I am offering and just go with the bill as it currently pends before the Senate, then it could take any of a number of courses. If there is a 10-percent increase, because of the speed with which people apply for these visas, it would go up to 2.725 million visas by the end of 6 years. If it is a 15-percent increase, it gets you to 3.222 million visas by the end of 6 years. And if, in fact, there are enough applicants for these visas to get you a full 20-percent increase, then you get to 3.8 million immigrant visas issued over this 6 years.

Now, why did I stop this chart at 6 years? The truth is, this legislation has no sunset. This legislation continues indefinitely until Congress changes the law again. So this chart could just as easily have been for 10 years or 15 years or 20 years. And if you really want to see the power of compound immigration, just like the power of compound interest, we should have developed a chart that takes us out 10 or 15 or 20 years. So the chart exemplifies how the number of guest workers may increase over this 6-year period under these different scenarios. The chart could have been made for a longer period.

If the 325,000-person cap is reached within the first 3 months of the fiscal year, we will have added almost 4 million guest workers over this 6-year period. If the cap is reached in the second quarter of the fiscal year, we will have added just over 3 million. And if the cap is hit in the third quarter of the year, we will have added a little under 3 million workers under this particular program.

In addition, it is important to note that although these visas are issued only for up to 6 years, these workers have the right to petition to become legal permanent residents within 1 year if the employer files for them or within 4 years if they self-petition.

Frankly, I believe we need to be a little more judicious with respect to the number of visas we are allocating under this program. This is a brandnew program. Under my amendment, which sets the numerical limit for such visas at 200,000, there would be no more than 1.2 million guest workers admitted over these first 6 years.

We need to recognize that guest worker programs, if they are not properly implemented, can impact on American workers. Senator DORGAN made the case, I believe very eloquently, that many economists have

spoken about the downward pressure on wages that results when you increase the labor supply. We need to recognize that our success with regard to the temporary worker program we have now, such as with regard to agricultural workers, has been mixed. We should not make a mistake here by erring on the side of extravagance in allocating these visas or authorizing the issuance of these visas until we know how this program is going to impact American workers.

I did not vote for Senator DORGAN's amendment to eliminate the guest worker program, but I do believe we need to be judicious about the extent of the guest worker program that we authorize. We definitely should not be signing on to some kind of automatic compounding of the number of workers eligible for legal entry into this country under that program. There are a variety of jobs that may be filled by these guest workers—from construction jobs to hotel service jobs—but we should not be placing American workers in these sectors of our economy in the position of competing with virtually an unlimited number of guest workers, which is what I fear we are putting in the law if we leave the law the way it now pends in this pending legislation.

The underlying bill does create a temporary guest worker task force. This task force is charged with assessing the impact of the guest worker program on wages and on labor conditions and the employment of American workers and with then making recommendations about whether the numerical cap should be lowered or raised. But then you go on with the legislation, and the increase mechanism is not in any way tied to the recommendations of the task force. The overall number of visas could significantly increase automatically, regardless of whether the program is determined, by this temporary guest worker task force, to be hurting American workers.

So if Congress wants to raise the caps, we have the authority to do that every year. We meet here every year. We can raise the cap. But we should not provide for an automatic increase in the number of temporary visas irrespective of how that increase is affecting American workers.

Just to be clear, reducing the number of guest worker visas to 200,000 a year is not a drastic measure that undercuts the bill's goal of providing a more realistic framework for immigrants to legally come into this country. According to the Congressional Research Service, under this overall bill, we will at least be doubling—here is a chart that shows what is going to happen to the projections for employment-based legal permanent residents coming into this country under this legislation. We will at least be doubling the flow of legal permanent immigration under the bill in the first year. We increase family- and employment-based numerical limits, and we exempt categories of individuals from these caps.

Overall, the bill does provide for many legal avenues for individuals to legally come into the United States and to work. For example, as this chart shows—this is a chart based on the Congressional Research Service report—we are significantly increasing the number of employment-based legal permanent residents under the bill.

I strongly believe the amendment I am offering with Senator FEINSTEIN is a reasonable approach. It ensures that an unlimited number of guest workers are not admitted under this program. I hope my colleagues will agree with me that this is a good change. This amendment would improve the legislation, would allow us to maintain a guest worker program, which the President has strongly endorsed maintaining, but would improve the program by limiting it to a level we can understand and manage in these first few years.

Mr. President, I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that it be equally divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. 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. BINGAMAN. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. The Senator has 17½ minutes.

Mr. BINGAMAN. Seventeen and a half?

The PRESIDING OFFICER. Yes.

Mr. BINGAMAN. Mr. President, I yield 12 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from New Mexico.

Mr. President, I would like to speak as a member of the Judiciary Committee. I think one of the things we really need to understand about this bill is that it is a very large bill. It is 640 pages long. It contains a multitude of programs. And it—through the visa programs, the nonimmigrant visas—brings in large numbers of people.

I think when we were in Judiciary we did not realize the extent to which large numbers of people are brought in on some of these visas. We were working to a march. We had to get the bill done. And it is my understanding that studies of the bill now on the floor have shown that this bill could allow up to 193 million new legal immigrants. That is a number greater than 60 percent of the current U.S. population in the next 20 years. Now, that is a way-out figure—20 years—but I think we have to begin to look at each of the visa increases over at least the next 10-year period to determine how many people would come in, particularly the guest worker program.

I am happy to cosponsor this amendment with Senator BINGAMAN. The amendment does two things: it lowers the annual numerical cap from 325,000 of H–2C guest worker visas—and there are a myriad of guest worker visas, but this one is H–2C—to 200,000, and it eliminates the annual escalator.

In my view, all annual escalators in this bill should be eliminated because they bring in too many people over a relatively short period of time. This bill has the potential, as I said, to bring in millions of guest workers over the years. This means that over 6 years—the length of an alien's stay in the United States in this one temporary visa category—there could be 1.2 million workers in the United States.

Under the current proposal, let's say you start at 325,000 guest workers in the first year, and you add the 10-percent escalator. The 10-percent escalator would yield, over 6 years, 2.7 million people. The 15-percent escalator would take it to, over 6 years, 3.2 million people. And if you had the 20-percent escalator, it would take it up to, over 6 years, 3,807,000 people. It is simply too many. So the current bill doubles and even triples the number of foreign guest workers who could enter the United States over the 6 years of our amendment.

I hope this amendment will pass. I would hope that we could eliminate the escalators in these visa programs. The H–1B visa escalator would have a total of 3.67 million people over the next 10 years coming in under an H–1B visa. We increase the H–1B from 56,000 to 115,000, and then we put in a 20-percent escalator each year. If the number of visas reached the 115,000—and it will—therefore, the next year you add 20 percent. Then if that is reached, you add another 20 percent. And it compounds in this manner to the tune of a total of 3.6 million.

I am very concerned about this. I hope the Bingaman amendment will be successful. Again, it does two things. It reduces the base amount from 325,000 to 200,000, and it eliminates the escalator. Two hundred thousand guest workers a year are ample because this is just one part of the bill. There are other visa programs. There is AgJOBS. There is earned adjustment. It all adds up to millions and millions of people.

I strongly support the Bingaman amendment. I urge my colleagues to vote yes.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from New Mexico.

Mr. BINGAMAN. First, I thank the Senator from California for her strong support for my amendment. Particularly because of her role in the development of the legislation in the Judiciary

Committee, she pointed out very well the reasons this amendment is meritorious. I hope people, even some Members on the Judiciary Committee with Senator FEINSTEIN, will look at this favorably and consider it an improvement to the bill.

I ask unanimous consent that Senator ALEXANDER from Tennessee be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I know we have one other Senator who has indicated a desire to speak in favor of the amendment. Let me point out to my colleagues that both myself and Senator ALEXANDER are Members who voted against the Dorgan amendment that was just tabled. I cannot speak for Senator ALEXANDER, but from my perspective, I am persuaded that there is value in having a viable guest worker program. I support that part of the legislation. My concern is with the magnitude of it, particularly since it is a new program.

For us to start it at 325,000 per year and then have an automatic escalator in the law and have no sunset on it at all, so that we all understand that this is permanent law, unless Congress comes back and changes the law 10 years from now, we will still be taking the previous year's total and be able to increase it by 20 percent. That gets to a point where American workers are going to have a very legitimate complaint. I favor allowing an opportunity for people to come here and take jobs that Americans don't want. But I do not favor allowing people to come here to bid down the price of labor to such a point that Americans are unwilling to take jobs for the very meager salaries that employers are able to pay.

It is a straightforward amendment. I hope my colleagues will support it. I know we do have one more speaker. I believe the Senator from California would like 2 minutes. I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I thank my colleague from New Mexico. As anyone watching the debate saw, I was in support of what Senator DORGAN was trying to do which was to strip the guest worker program from this bill, a bill that has a lot of good to it. I do support strengthening the border, and I do support giving 11 or 12 million hardworking people who have paid their dues, who will come forward and learn English and who will pay the fines, who have a clean record, a path to legality. I strongly support that, and I strongly support the AgJOBS provision of this bill. But I predict that this guest worker program, which the Senate has now ratified, is going to come back to haunt people because, as Senator BINGAMAN has shown us, the way this bill is structured, the workers will grow exponentially in this guest worker program to the point where, according to some estimates, we are talking about tens of millions of guest workers over the next 20 years.

What Senator BINGAMAN is trying to do is to put a cap on this, a real cap, not the phony cap that is in the bill that says it will escalate up to 20 percent every year. You figure out the math. It is kind of amazing.

What Senator BINGAMAN is doing is making this a better bill. I strongly support the cap he is proposing. I thank him for the opportunity to speak on behalf of his amendment. As usual, he has brought commonsense to the Senate. I hope the Senate will strongly support the Bingaman amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it is always difficult to make a determination as to what is the right figure. The committee came to the figure of 325,000, after a great deal of analysis and thought. It is the result of a compromise that was worked out, with some figures being substantially higher than that, some lower. But that is the figure the committee came to. The amendment offered by Senator BINGAMAN and Senator FEINSTEIN would also eliminate the fluctuation which is to allow for a 20-percent increase if we hit the top. What we are trying to do in this legislation is to accommodate the market, if there is demand for these guest workers. So the fluctuating cap is perhaps even more important than the difference between 325,000 and 200,000.

When we considered the Dorgan amendment, we were debating the issue as to the way the guest worker program fits into overall comprehensive reform so that if we were able to accommodate the needs of the American economy with these guest workers, then we fill the jobs. They are not open. We do not create a vacuum on jobs so that immigrants who are in this country illegally would be available to take the jobs. This is a regulatory approach which accommodates for the needs of the economy and is the figure that we best calculate to accommodate them. I think if we had come in at 200,000, we would be looking at an amendment for 125,000 or at some other figure. There is an obvious give and take as to whatever figure we have. Somebody has a different figure to make it lower.

I have great respect for those who say we ought to protect American jobs and that we ought not to have guest workers who are going to take those jobs or lower the compensation for the people who hold American jobs. We put into the RECORD on the Dorgan amendment testimony from three expert witnesses. I will not repeat it and put it into the RECORD again. But the essential conclusion was that there would be minimal impact on taking American jobs and minimal impact on compensation.

The statute is carefully constructed to protect American workers, taking away any incentives for employers to hire foreign workers. For example, the employees must be paid the higher of what is the actual wage paid to other employees with the same skill or the prevailing wage rate for that job. So the law requires the employer to pay the immigrants the same as they would pay somebody else. And the employers must provide the same working conditions and benefits that are available for similar jobs. You don't have a class of immigrant workers who are being taken advantage of. The employers must provide insurance if the State workers compensation doesn't cover all of these workers. So you have a situation where there are no incentives to lose American jobs. We think this figure is a fair figure and a realistic figure arrived at by the committee after very long deliberation and after a compromise. We think this figure should stay.

In the absence of any other Senator seeking recognition, I would inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator has 24 minutes remaining, and the Senator from New Mexico has 7 minutes. Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. May I ask my colleague, is it his intent that I should close my argument now and then we would have a vote?

Mr. SPECTER. Mr. President, yes.

Mr. BINGAMAN. Mr. President, I thank my colleague for that concise answer.

Let me say that I have great respect for the chairman and his efforts to put together a bill that he believes makes sense. As he says, it accommodates the market. That is an interesting concept, accommodating the market. The amendment I am offering, along with Senator FEINSTEIN and Senator ALEXANDER, is an amendment that would say that we need to go at this in a prudent fashion and limit the number of people who are going to be able to come into the country and apply through this new program that we are defining for the first time in law as part of this bill.

Some of the arguments I have heard in favor of the guest worker program relate to the workers themselves, the workers who are trying to get into this country to make a better life for themselves. I have empathy for those workers as well. But, quite frankly, there is a virtually unlimited supply of people who would like to come here and work and improve their life by doing so. We need to make judgments about how large a group we are going to allow in each year. That is why I am proposing the amendment.

As far as employers are concerned, there are a lot of employers who, given the option of signing a contract to bring in workers from another country who they know will be in many respects less likely to complain about working conditions, less likely to raise

any concerns about their employment situation, would find that attractive. And accordingly, you could see a great demand by some employers to go ahead and meet their employment needs through this device.

As I said before, I favor a guest worker program. It makes sense to have a guest worker program.

But I think it also makes sense for us to do it in a more reasonable way than the bill currently calls for and not to build in some kind of automatic escalator that will occur regardless of what we determine the impact is going to be on American workers. I think we can come back and raise the cap again if we decide in 2 years or 5 years, or whatever, that we want to do that. But we should not build into this legislation an automatic escalator that will make it extremely likely that the number of workers will substantially increase in coming years by virtue of this legal provision that we put in the law.

Mr. President, I urge the support of my amendment, and I hope my colleagues will see this as a way to improve the legislation rather than an undermining provision of the legislation.

I yield the floor.

Mr. SPECTER. Mr. President, I move to table the amendment and ask for the yeas and nays. I put my colleagues on notice that this is going to be a strict 20-minute vote because we have Members who have planes to catch.

The PRESIDING OFFICER. Is all time yielded back? All time is yield back. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion to table.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 18, nays 79, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—18

Bond	Hagel	Murkowski
Brownback	Kennedy	Salazar
Chafee	Lieberman	Shelby
DeWine	Lugar	Smith
Graham	Martinez	Specter
Gregg	McCain	Stevens

NAYS—79

Akaka	Burr	Crapo
Alexander	Byrd	Dayton
Allard	Cantwell	DeMint
Allen	Carper	Dodd
Baucus	Chambliss	Dole
Bayh	Clinton	Domenici
Bennett	Coburn	Dorgan
Biden	Coleman	Durbin
Bingaman	Collins	Ensign
Boxer	Conrad	Enzi
Bunning	Cornyn	Feingold
Burns	Craig	Feinstein
Frist	Leahy	Sarbanes
Grassley	Levin	Schumer
Harkin	Lincoln	Sessions
Hatch	McConnell	Snowe
Hutchison	Menendez	Stabenow
Inhofe	Mikulski	Sununu
Inouye	Murray	Talent
Isakson	Nelson (FL)	Thomas
Jeffords	Nelson (NE)	Thune
Johnson	Obama	Vitter
Kerry	Pryor	Voinovich
Kohl	Reed	Warner
Kyl	Reid	Wyden
Landrieu	Roberts	
Lautenberg	Santorum	

NOT VOTING—3

Cochran	Lott	Rockefeller

The motion was rejected.

Mr. REID. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3981) was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

Mr. KERRY. 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 Pennsylvania.

Mr. SPECTER. Mr. President, we have been engaged in extensive discussions to try to move the schedule along. What we plan to do is to take Senator KERRY's amendment and accept it, with 15 minutes to Senator KERRY. He says he will try not to use all of it.

Tomorrow morning we will go to Kyl-Cornyn, and since people are still looking at it, we do not have a time agreement. Senator KENNEDY says he will make a good-faith effort to limit debate to 30 minutes tomorrow.

Then we will go to the amendment of Senator OBAMA, and once we have had a chance to analyze it, we will see if we can accept it. Then we will go to Senator SESSIONS. The majority leader has authorized me to say that there will be no further votes tonight.

Mr. KYL. Mr. President, might I ask the chairman to yield?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. It is my understanding that following Senator KERRY this evening we will lay down the Kyl-Cornyn-Graham-Allen-McCain-Frist-Brownback-Martinez amendment so all can see what it is and we can start some debate this evening and then finish the debate tomorrow. Is that correct?

Mr. SPECTER. Mr. President, the Senator from Arizona is correct.

I now yield to the Senator from Massachusetts, Mr. KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 3999

Mr. KERRY. Mr. President, I call up amendment No. 3999.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 3999.

Mr. KERRY. 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 improve the capacity of the United States Border Patrol to rapidly respond to threats to border security)

On page 63, between lines 9 and 10, insert the following:

Subtitle F—Rapid Response Measures

SEC. 161. DEPLOYMENT OF BORDER PATROL AGENTS.

(a) EMERGENCY DEPLOYMENT OF BORDER PATROL AGENTS.—

(1) IN GENERAL.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional United States Border Patrol agents (referred to in this subtitle as ''agents'') from the Secretary, the Secretary, subject to paragraphs (1) and (2), may provide the State with not more than 1,000 additional agents for the purpose of patrolling and defending the international border, in order to prevent individuals from crossing the international border into the United States at any location other than an authorized port of entry.

(2) CONSULTATION.—Upon receiving a request for agents under paragraph (1), the Secretary, after consultation with the President, shall grant such request to the extent that providing such agents will not significantly impair the Department's ability to provide border security for any other State.

(3) COLLECTIVE BARGAINING.—Emergency deployments under this subsection shall be made in accordance with all applicable collective bargaining agreements and obligations.

(b) ELIMINATION OF FIXED DEPLOYMENT OF BORDER PATROL AGENTS.—The Secretary shall ensure that agents are not precluded from performing patrol duties and apprehending violators of law, except in unusual circumstances if the temporary use of fixed deployment positions is necessary.

(c) INCREASE IN FULL-TIME BORDER PATROL AGENTS.—Section 5202(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734), I as amended by section 101(b)(2), is further amended by striking ''2,000'' and inserting ''3,000''.

SEC. 162. BORDER PATROL MAJOR ASSETS.

(a) CONTROL OF BORDER PATROL ASSETS.—The United States Border Patrol shall have complete and exclusive administrative and operational control over all the assets utilized in carrying out its mission, including, air, craft, watercraft, vehicles, detention space, transportation, and all of the personnel associated with such assets.

(b) HELICOPTERS AND POWER BOATS.—

(1) HELICOPTERS.—The Secretary shall increase, by not less than 100, the number of helicopters under the control of the United States Border Patrol. The Secretary shall ensure that appropriate types of helicopters are procured for the various missions being performed.

(2) POWER BOATS.—The Secretary shall increase, by not less than 250, the number of power boats under the control of the United States Border Patrol. The Secretary shall ensure that the types of power boats that are procured are appropriate for both the waterways in which they are used and the mission requirements.

(3) USE AND TRAINING.—The Secretary shall—

(A) establish an overall policy on how the helicopters and power boats procured under this subsection will be used; and

(B) implement training programs for the agents who use such assets, including safe operating procedures and rescue operations.

(c) MOTOR VEHICLES.—

(1) QUANTITY.—The Secretary shall establish a fleet of motor vehicles appropriate for use by the United States Border Patrol that will permit a ratio of not less than 1 police-type vehicle for every 3 agents. These police-type vehicles shall be replaced not less than every 3 years. The Secretary shall ensure that there are sufficient numbers and types of other motor vehicles to support the mission of the United States Border Patrol.

(2) FEATURES.—All motor vehicles purchased for the United States Border Patrol shall—

(A) be appropriate for the mission of the United States Border Patrol; and

(B) have a panic button and a global positioning system device that is activated solely in emergency situations to track the location of agents in distress.

SEC. 163. ELECTRONIC EQUIPMENT.

(a) PORTABLE COMPUTERS.—The Secretary shall ensure that each police-type motor vehicle in the fleet of the United States Border Patrol is equipped with a portable computer with access to all necessary law enforcement databases and otherwise suited to the unique operational requirements of the United States Border Patrol.

(b) RADIO COMMUNICATIONS.—The Secretary shall augment the existing radio communications system so that all law enforcement personnel working in each area where United States Border Patrol operations are conducted have clear and encrypted 2-way radio communication capabilities at all times. Each portable communications device shall be equipped with a panic button and a global positioning system device that is activated solely in emergency situations to track the location of agents in distress.

(c) HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.—The Secretary shall ensure that each United States Border Patrol agent is issued a state-of-the-art hand-held global positioning system device for navigational purposes.

(d) NIGHT VISION EQUIPMENT.—The Secretary shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and maintained to enable each United States Border Patrol agent working during the hours of darkness to be equipped with a portable night vision device.

SEC. 164. PERSONAL EQUIPMENT.

(a) BORDER ARMOR.—The Secretary shall ensure that every agent is issued high-quality body armor that is appropriate for the climate and risks faced by the agent. Each agent shall be permitted to select from among a variety of approved brands and styles. Agents shall be strongly encouraged, but not required, to wear such body armor whenever practicable. All body armor shall be replaced not less than every 5 years.

(b) WEAPONS.—The Secretary shall ensure that agents are equipped with weapons that are reliable and effective to protect themselves, their fellow agents, and innocent third parties from the threats posed by armed criminals. The Secretary shall ensure that the policies of the Department authorize all agents to carry weapons that are suited to the potential threats that they face.

(c) UNIFORMS.—The Secretary shall ensure that all agents are provided with all necessary uniform items, including outerwear suited to the climate, footwear, belts, holsters, and personal protective equipment, at no cost to such agents. Such items shall be replaced at no cost to such agents as they become worn, unserviceable, or no longer fit properly.

SEC. 165. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this subtitle.

Mr. KERRY. Mr. President, I also ask unanimous consent that Senator BINGAMAN be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, obviously this is an issue that has touched a lot of nerves all across the country. We all understand the volatility and the tension within in it. We have an enormous task to try to find a fair, orderly, humane, and secure process for protecting our border. That is what we are trying to do.

Last night, President Bush spoke to the Nation about the challenge we face. I have strong reservations about some of the President's immigration proposals. But I believe on balance the President gave a thoughtful and compelling address that laid out why we have to act urgently. I think he particularly talked about the importance of acting comprehensively in solving the immigration puzzle.

I say to my colleagues, I think most of us have found as we have been wrestling with this issue, it is like a balloon. If you push in one place, it expands in another place, so you have to come at it in a comprehensive way. Each component of this reform is dependent on the other component in order to make the overall reform successful. We are not going to be successful if we don't create an effective employer verification system because workers will find a way to keep coming if we don't. By the same token, securing the border doesn't address the 11 million undocumented workers currently in the country.

We need the President's leadership so that this bill or this approach does not turn into one of those unfunded mandates or neglected opportunities like No Child Left Behind or even the Medicare prescription drug law.

Last night, the President announced his intention to dispatch 6,000 National Guard troops to the southern border. All of us agree we need to strengthen the southern border. But I disagree with President Bush about how we ought to get there and how fast we can get there. Yes, we need more strength and more personnel at the border. We need better enforcement of our immigration laws. But, particularly in a post-9/11 world, when you look at the recommendations of the 9/11 Commission, we need to do a better job of preventing the flood of immigrants who are crossing the borders every day.

But the bottom line is, what you need to do that job is not a makeshift force of already overextended National Guardsmen to militarize the border but rather specialized agents who are trained to do the police work, to track down individuals who make an illegal crossing, and to ensure that the borders are not easy avenues for those crossings.

I remind my colleagues that in the late 1980s and early 1990s, when our cities and our communities were facing a crime epidemic, we didn't send the National Guard in to do the job. We hired more police officers and invested in community policing. The COPS Program put 100,000 skilled and trained law enforcement officers on the streets of the communities of our country and crime dropped.

After 9/11, the mission of the Border Patrol changed. No longer are they charged with simply securing the border. They are now patrolling one of the greatest vulnerabilities in the war on terror. As their mission changed, their numbers increased, but they have never increased enough to do the job.

Each year for the past 10 years between 700,000 and 800,000 illegal immigrants arrived in this country. Despite more than doubling the number of Border Patrol agents between 1995 and 2005, Federal enforcement of our immigration laws has decreased significantly. The number of border apprehensions has declined by 31 percent, from an average of 1.5 million apprehensions a year between 1996 and 2000, to an average of 1.05 million between 2001 and 2004.

At the same time, the number of illegal immigrants apprehended within the interior of the country has plummeted by 36 percent, from an average of 40,193 between 1996 and 2000, to an average of 25,901 between 2001 and 2004.

As much as the strength of the Border Patrol has grown in the last years, actual performance demonstrates that we have to close a gap by almost twice or three times as much. The current Border Patrol agents protect more than 8,000 miles of international border and they detect and prevent smuggling, unlawful entry, undocumented immigrants, they apprehend persons violating the immigration laws, and they interdict contraband such as narcotics. They work under difficult circumstances for long periods and in all kinds of weather.

Currently, we have fewer than 12,000 Border Patrol agents. Those agents are responsible for patrolling 8,000 miles of land and seacoast, and because of the need to provide continuous coverage, no more than 25 percent of those agents are securing our borders at any given moment. That means there are only 4,000 agents patrolling 8,000 miles of land and our borders. So, if instead of spreading them out as we do today you put them all along the border, with just Texas alone, you would then have roughly two Border Patrol agents per mile. It is physically impossible to protect the borders of the United States under those circumstances.

There are additional numbers put into this legislation, but I have heard

that, in fact, by joining the Federal Law Enforcement Training Center together with the National Training Center in Artesia, NM, which has recently increased its training capacity, we could do more. It is not rocket science, it is about capacity. If you don't have the capacity, then you build the capacity to meet the demand.

If we have the will to make this happen, we can make it happen.

So we already know this is a stopgap measure with the military to cover up what is already a failed immigration policy and a failed border policy. The 9/11 Commission warned us, several years ago now, that we needed to have additional personnel. Those calls have never been heeded. We need to heed them now. My amendment will increase the number by an additional 1,000 this year and that will be above the increase of 2,000 agents contained in the underlying bill.

Frankly, I think we ought to be trying to do more than that, but that is the reasonable level that we seem to be able to accept and also train at the same time under the current circumstances.

In addition, my amendment would give border State Governors the ability to request up to 1,000 more Border Patrol agents in the Department of Homeland Security in times of international border emergencies. In deciding whether to grant the Governor's request, the Secretary would have to consider the effect any shuffling of Border Patrol agents would have on overall border security.

Last year, a survey by Peter D. Hart found that just 34 percent of the frontline Border Patrol agents said they were satisfied with the ''tools, training, and support'' they received to protect our borders. That should be 100 percent. What we need to do is guarantee that we take the steps in order to make it so.

In addition, my amendment increases the number of helicopters and power boats available for Border Patrol, and it provides Border Patrol agents with the training they need to use those tools. We guarantee a ratio of one patrol vehicle for every three agents and ensure that each of those vehicles is equipped with a portable computer. That also provides every agent with clear and encrypted two-way radios, night vision equipment, GPS devices, high-quality body armor, and reliable and effective weapons. It makes each and every agent certain that they have the necessary equipment and uniforms for the kind of climate in which they are working.

I am glad that the Senator from Pennsylvania is prepared to accept this amendment. I thank my colleagues for their support of it.

As I said, if we don't have a sufficient training capacity, it is clear that the expertise needed is real. I heard of Border Patrol agents who have had to go through survival training and different kinds of training that is highly specialized. These individuals are engaged in law enforcement and police work. I think everybody in this country would like to see our National Guard, which is already stretched thin, minimally involved to the degree possible. The best way to do that is to get more Border Patrol agents trained faster.

I thank the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I think it is a good amendment to increase the number of Border Patrol agents. We accept the amendment.

The PRESIDING OFFICER (Mr. CHAMBLISS). The question is on agreeing to the amendment.

The amendment (No. 3999) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, I now yield to Senator KYL for the Kyl-Cornyn amendment. I ask unanimous consent that it be the first amendment pending tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

AMENDMENT NO. 4027

Mr. KYL. Mr. President, there is an amendment at the desk which I would like to have considered at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] for himself and Mr. CORNYN, Mr. GRAHAM, Mr. ALLEN, Mr. MCCAIN, Mr. FRIST, Mr. BROWNBACK, and Mr. MARTINEZ, proposes an amendment numbered 4027.

Mr. KYL. 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:

On page 358, line 3, insert ''(other than subparagraph (C)(i)(II)'' after ''(9)''.

On page 359, after line 12, insert the following:

''(6) INELIGIBILITY.—

''(A) IN GENERAL.—An alien is ineligible for adjustment to lawful permanent resident status under this section if—

''(i) the alien has been ordered removed from the United States—

''(I) for overstaying the period of authorized admission under section 217;

''(II) under section 235 or 238; or

''(III) pursuant to a final order of removal under section 240;

''(ii) the alien failed to depart the United States during the period of a voluntary departure order issued under section 240B;

''(iii) the alien is subject to section 241(a)(5);

''(iv) the Secretary of Homeland Security determines that—

''(I) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

''(II) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

''(III) there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

''(v) the alien has been convicted of a felony or 3 or more misdemeanors.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), an alien who has not been ordered removed from the United States shall remain eligible for adjustment to lawful permanent resident status under this section if the alien's ineligibility under subparagraph (A) is solely related to the alien's—

''(i) entry into the United States without inspection;

''(ii) remaining in the United States beyond the period of authorized admission; or

''(iii) failure to maintain legal status while in the United States.

''(C) WAIVER.—The Secretary may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraph (A) if the alien was ordered removed on the basis that the alien (i) entered without inspection, (ii) failed to maintain status, or (iii) was ordered removed under 212(a)(6)(C)(i) prior to April 7, 2006, and—

''(i) demonstrates that the alien did not receive notice of removal proceedings in accordance with paragraph (1) or (2) of section 239(a); or

''(ii) establishes that the alien's failure to appear was due to exceptional circumstances beyond the control of the alien; or

''(iii) the alien's departure from the U.S. now would result in extreme hardship to the alien's spouse, parent, or child who is a citizen of the United States or an alien lawfully admitted for permanent residence.

On page 376, strike lines 13 through 20 and insert the following:

''(4) INELIGIBILITY.—

''(A) IN GENERAL.—The alien is ineligible for Deferred Mandatory Departure status if the alien—

''(i) has been ordered removed from the United States—

''(I) for overstaying the period of authorized admission under section 217;

''(II) under section 235 or 238; or

''(III) pursuant to a final order of removal under section 240;

''(iii) the alien is subject to section 241(a)(5);

''(ii) the alien failed to depart the United States during the period of a voluntary departure order issued under section 240B;

''(iv) the Secretary of Homeland Security determines that—

''(I) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

''(II) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

''(III) there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

''(v) the alien has been convicted of a felony or 3 or more misdemeanors.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), an alien who has not been ordered removed from the United States shall remain eligible for adjustment to lawful permanent resident status under this section if the alien's ineligibility under subparagraph (A) is solely related to the alien's—

''(i) entry into the United States without inspection;

''(ii) remaining in the United States beyond the period of authorized admission; or

''(iii) failure to maintain legal status while in the United States.

''(C) WAIVER.—The Secretary may, in the Secretary's sole and unreviewable discretion,

waive the application of subparagraph (A) if the alien was ordered removed on the basis that the alien entered without inspection, failed to maintain status, or (iii) was ordered removed under 212(a)(6)(C)(1) prior to April 7, 2006, and—

''(i) demonstrates that the alien did not receive notice of removal proceedings in accordance with paragraph (1) or (2) of section 239(a); or

''(ii) establishes that the alien's failure to appear was due to exceptional circumstances beyond the control of the alien, or

''(iii) the alien's departure from the U.S. now would result in extreme hardship to the alien's spouse, parent, or child who is a citizen of the United States or an alien lawfully admitted for permanent residence.''

Mr. KYL. Mr. President, let me briefly explain this amendment. It is a somewhat different version from what was introduced a couple of weeks ago and was pending at the time this legislation was laid aside for other business.

This amendment has the primary purpose of ensuring that people who have committed serious crimes or have absconded after on order for their removal has been issued would not be entitled to the benefits of the legislation.

Specifically, in the bill as written, there were certain crimes which were included, and if you had committed one of those crimes, you couldn't participate in the program—certain crimes of moral turpitude, for example.

What we found was that list was not all-inclusive and there were other serious crimes, including felonies, that were not included and therefore we felt should be added so that nobody who had committed a serious crime would be able to participate in the program.

Among the crimes that courts have said did not involve moral turpitude and therefore needed to be included in this legislation are the following: alien smuggling, conspiracy to commit offenses against the United States, simple assault and battery, involuntary manslaughter, simple kidnapping, weapons possession—for example, one of the cases dealt with possession of a sawed-off shot gun—burglary, money laundering, and there are others as well.

The point is, we want to be sure this legislation denies the benefits of legal status, including potential citizenship, to anyone who has committed a serious crime of this type. Therefore, the statute provides that if you have been convicted of a felony or three misdemeanors or have been convicted of a serious crime or there are reasonable grounds to believe the alien has committed a serious crime outside of the United States prior to arrival, and there are reasonable grounds for regarding the alien as a danger to the security of the United States, then in those events the individual would not be able to participate in the benefits of the law.

In addition to that, there are several categories of individuals who for various reasons have been ordered removed from the United States and have adjudicated their case and a final order of removal has been issued, either by an immigration judge or another judge or immigration official. Here, too, given the fact that we want the benefits of this legislation to apply to people who are willing to comply with the law, even where there has been a court adjudication of this statute, if they do not like the results and decide they are not going to leave even though the judge ordered them to leave, then we should not allow the benefits of this legislation to apply to them.

One of the things which is inherent in most of the bills—I think in all of the bills, including the bill that is on the floor—is the concept that you are not permitted to be in the United States unless certain things happen. If you commit a crime, for example, then you can't stay here. That relies to some extent on the individual complying with the court order to leave.

This part of the amendment says that when you have been ordered to leave by a judge, you have to do that. If you have demonstrated that you are not willing to do that, then you shouldn't be able to participate in the benefits of this law.

One of the things we have done—and as a result, there have been several cosponsors added to the legislation—is provided some opportunities to have this provision waived if people can make certain arguments. For example, if an individual who has been ordered to be removed can demonstrate they did not receive notice of removal proceedings, under that condition, this provision could be waived.

In addition, the alien could argue that his failure to appear and be removed was due to exceptional circumstances beyond the control of the alien or that the alien's departure from the United States would result in extreme hardship to the alien's spouse, parent, or child who is a citizen of the United States or an alien lawfully admitted for permanent residence.

There is one other factor that has been added relative to coming into this country based upon fraudulent documents. In those situations, the alien could argue that there was a reason this provision should be waived and the alien should still be permitted to participate in the benefits of the legislation.

We think we have drafted something that is fair, that ensures that people who should not be citizens of the United States or granted other legal status under the bill will not be granted the status, but that if there is some reason they can argue that there should be an exception, they will have every right to do so. In that sense, we think this is a firm but fair provision.

I hope our colleagues on the other side of the aisle and colleagues who support the underlying legislation would consider this not an unfriendly amendment but an amendment that is truly designed to ensure that a key principle is upheld. The principle is already built into the underlying bill in one respect. The object of this amendment is to make sure it is complete and covers all of the kinds of crimes one might want to cover. As a result, we would hope this would receive an overwhelming response and could be supported by a large number of our colleagues, both on the Democratic and Republican side.

Let me conclude by saying that this vote will not occur until tomorrow, but it is an important vote. I think it will demonstrate our willingness to continue to move this legislation forward.

I appreciate the consideration of this amendment and ask my colleagues to support it tomorrow.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank Senators KYL and CORNYN for this amendment. I thank them for the intense discussions and negotiations for which we have been able to get widespread support for this amendment; also, the Senator from Massachusetts, Senator KENNEDY, on the other side of the aisle.

Senator CORNYN and Senator KYL have focused attention very appropriately on one who is convicted of a crime, who would more likely, obviously, commit another crime. That is not what this bill is all about. I think these efforts bear fruit in this amendment, and they seek to bar the potentially dangerous criminal alien from taking advantage of this program.

The amendment specifically addresses individuals who have been convicted of one felony or three misdemeanors. It also addresses those who have just ignored our laws and thumbed their nose at our judicial system. But thanks to these negotiations, we allow individuals who may have been caught up in an unjust and unfair system to apply for a waiver and possibly have their cases reconsidered.

I believe that ultimately this amendment makes the bill better and our country safer.

I wish to again thank Senators KYL and CORNYN for their willingness to negotiate some questions that we had about a very small aspect of this bill. I think it preserves the very important intent of the Kyl-Cornyn amendment—that we will never allow people who have committed felonies or crimes to be eligible for citizenship in this country. I thank them for their efforts in this direction. I hope our friends on the other side of the aisle will have a chance to examine this amendment overnight, and perhaps we could dispense with it early in the morning.

There are a number of amendments on our side. I am told there are a number of amendments on the other side. I think we have made good progress today in addressing some of the major issues, but obviously we need to move forward. I hope my friends on the other side of the aisle will see fit to have a vote as quickly as possible so we can move on to other amendments.

I yield the floor.

Mr. KYL. Mr. President, I appreciate the comments of my colleague and

thank him, Senator GRAHAM, and Senator KENNEDY for their work in helping us to negotiate provisions of this amendment.

I join my colleague from Arizona in expressing the view that we should not take very long tomorrow to conclude the debate, and I hope we will receive substantial support for the amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, for the record, I would like to compliment our staff because most of the hard work in this place goes on in some back room with our staff people trying to work through the problems of the bill. They have done a great job for Senators KYL, CORNYN, and MCCAIN. I am proud of what my staff has done, and particularly Senator KENNEDY's staff. We have all gotten good staff support on this issue.

Very clearly, succinctly, to the point, if you are a criminal, if you have committed a felony, if you have committed a crime or three misdemeanors, you don't get a second shot. Off you go. That, to me, is important.

Under the bill, we are trying to give people a pathway to citizenship that would be earned and that would add value to our country. Senators KYL and CORNYN have made this a better bill because the one thing we should all be able to agree on here is you are not adding value to the country when you openly admit people who are criminals, who are mean and hateful, and who keep breaking the law.

There is another group of people who are subject to deportation on the civil side. I think it is very fair that in a limited class of cases, we will allow people on the civil side subject to deportation a chance to make their case anew in terms of being eligible for a future guest worker program that may become our Nation's law based on the base bill.

Who are these people? If you are in a civil deportation hearing and you can demonstrate that you never received the order to leave, then we are going to give you a second shot. It is hard to comply with something you don't know about. That happens on occasion.

Second, we are going to allow you, on the civil side receiving a deportation order, to make an argument about how it would affect your family and take the human condition into consideration.

There is a unique group of people who come to this country—not by illegally crossing the border and overstaying their visa—who are one step ahead of a death squad in some foreign land. It could be Haiti or other places, it could be Cuba, with an oppressive Communist regime, and the only way they can get out of that country to come here is it make up a story that would keep them from being killed. What we are saying is, if you come into our country through an inspection system and you have to save your family from an oppressive government or ahead of a death squad, we will let you tell us about that. We will sit down and figure out if it makes sense to make you part of this program.

There are not that many people, but we don't want to leave anybody behind that has a meritorious case to be made on the civil side. If you are a criminal, forget it. You have had your chance, and you have blown it. This, to me, makes the bill better, whether it is the underlying bill or not. This is a concept that is uniquely American.

If you believe in playing by the rules, as Americans do, and you hurt people, you are not going to get a second shot at hurting people again in our country. If you got caught up in a legal system that sometimes is complicated and you have a meritorious argument to be made and you have never hurt anyone, we are going to listen to what you have to say.

I am proud to be part of it. Senator KENNEDY has been very helpful. I hope we can get close to 100 votes. This is something that should bring us together. Senators KYL and CORNYN demonstrated the best of this body, reaching out, even though Members may not agree with the base bill, to try to find a way to make this part of the bill better.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, let me express my appreciation to the Senator from Arizona, the senior Senator, the Senator from South Carolina, for working with Senator KYL and myself on this amendment.

This whole subject is complicated and has so many different moving parts. What I mean by ''subject,'' I mean comprehensive immigration reform. Sometimes I think people start with a deep skepticism about what other Senators are actually trying to do.

I hope as this amendment is accepted when we vote tomorrow, showing the alliance that has been created around this amendment, that our colleagues understand, even though there may be some who disagree with some aspects of the bill in the Senate, we are deeply committed to comprehensive immigration reform. We understand it is important we have border security, interior enforcement, worksite enforcement, a temporary worker program, and that we deal in a humane and compassionate fashion with the 12 million people who now live in our country in violation of our immigration laws.

Certainly, there are improvements that can be made to this underlying bill. This amendment is designed to do exactly that. It is ironic that it was first introduced well over a month ago and then, unfortunately, we were unsuccessful in getting a vote on the amendment. It now looks as if, through hard work, discussion and cooperation, the intent behind the amendment is better understood. It has already been eloquently explained by Senators KYL, GRAHAM, and MCCAIN.

Let me say the whole purpose of this amendment was to make sure that those who have already had access to our criminal justice system and our civil litigation system, and lost, cannot come back and get another second bite at the apple. This amendment clarifies whether certain convicted criminals are eligible for the benefits of the legalization program contained in the underlying bill.

To be clear, the underlying bill, without this amendment, would allow certain criminal aliens to get legal status. The underlying bill disqualifies aliens who are ineligible to obtain a visa because of certain criminal convictions. But this only means crimes that are defined as crimes involving moral turpitude or drug-related crimes.

Under the current bill, without this amendment, not all crimes—including some felonies—would bar an alien from obtaining legal status. Let me share quickly a few examples of crimes that do not automatically exclude an alien from getting a visa and therefore would not render an alien ineligible for legalization absent this amendment.

For example, someone who has been convicted of the crime of kidnapping; someone who has been convicted of the crime of weapons possession; for example, possession of a sawed-off shotgun. Another example would be alien smuggling. This amendment would make ineligible any alien who has been convicted of a felony or three misdemeanors.

Ironically, this provision, once this amendment is accepted, will bring this bill in the Senate up to par, basically, with the 1986 law which recognized that problem and excluded any alien that had been convicted of a felony or three misdemeanors. That is the basis upon which this amendment is offered.

I might also add, of course, those who have had an opportunity to have their cases adjudicated, to have their day in court, but simply thumb their nose at the law and have gone underground, those individuals who have already had a bite at the apple, have already had their day in court and lost and simply gone underground and defied their deportation order, they also would be excluded from the legalization benefits contained in the bill, subject to some of the exceptions and the extreme hardship provisions that Senator GRAHAM and others have discussed.

I very much appreciate my colleagues, including Senator KENNEDY, the manager of the bill on the minority side, indicating their positive response to this amendment. While there is no formal agreement, it is the sense that this amendment is likely to be accepted by overwhelming numbers.

It just goes to show if we continue to work together, talk to each other and try to work our way through our differences, we can make progress on the bill and actually improve it over the bill as proposed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, in view of some things that were said a couple weeks ago, let me close this out with a couple of brief comments.

At the time that Senator CORNYN and I first introduced this amendment, we speculated that it might ultimately result in 300,000, 400,000 500,000 people being denied the benefits of the legislation. However, there were those on the other side who said this was a poison pill, this was going to preclude everyone who came into the country illegally or overstayed a visa from getting the benefits of the legislation. We said: No, that is not true. It is cast narrowly by its terms. It talks about convicted felons, three misdemeanors, and the people who have avoided a court order or a judge's order that they leave the country. That is it.

Some on the other side said: We look at the language, and we think maybe this could apply to anyone who comes into the country illegally. By laying it down, you have created a poison bill. As a result, they would not permit a vote on the amendment. As a result, this legislation came to the end of the period of time, the end of the week, and the majority leader had to lay it aside so that the Senate could go on its recess.

Senator CORNYN and I never had an intention to bring the bill to a halt or to create some kind of a poison pill that would make it impossible for anyone to support the legislation if the amendment were agreed to. We simply were trying to point out that there was a deficiency in the bill. Serious criminals could become citizens of the United States. We felt that was wrong.

So we introduced the amendment and tried to explain at the time that was our sole motivation. Frankly, we could have dispensed with this amendment 3 weeks ago if our colleagues had simply gotten down to the debate, carefully read it, talked it out with us, and gotten a vote.

Because of a question that our colleagues raised that we referred to earlier this evening, we have made a couple of modifications to the amendment, demonstrating that we are perfectly willing to negotiate a provision if there is a sense that we should have done something a little bit differently, which we did.

I hope as we proceed to introduce other amendments to this legislation, that our colleagues on the other side will be willing to have votes. We wanted to have a vote on this earlier today or tonight or to lock in a time for a vote tomorrow. No, the other side said: No, we are not ready yet.

If we continue at this pace, we are not going to finish the bill by Memorial Day, as the majority leader has requested, as the President has requested, and as we are committed to do.

Our colleagues are going to have to do two things with respect to the rest of the debate on this bill: No. 1, to be willing to move with us to a quick consideration of amendments, a reasonable time for debate, then a vote, and then move on to the next amendment. No. 2, instead of characterizing amendments in a way that is not correct and attributing political motives to those who are simply trying to point out deficiencies in the bill and correct them with these amendments, they ought to simply be willing to come to the Senate, have the debate, and then proceed to a vote on the amendment.

We are not in this to somehow try to stop the legislation as our repeated efforts to get a vote and move on have demonstrated.

I join my colleague from Texas in saying I appreciate the fact that, hopefully now, knock on wood, tomorrow morning, first thing, we will be able to have a vote on this amendment and not only vote on it but finally, having sat down and looked at it, our colleagues will say: This is an amendment we can support. It makes sense to deny citizenship to serious criminals.

If we can approach the other amendments in the same fashion we have finally gotten to with this amendment, we can actually finish this bill. I urge my colleagues to cooperate with us in that way.

Mr. CORNYN. Will the Senator yield?

Mr. KYL. I am happy to yield.

Mr. CORNYN. Mr. President, through the Chair, I inquire, isn't it a fact over the last few weeks on behalf of the Republican leadership, the Senator has tried to collect all of the potential pool of amendments and consolidate those amendments down into a reasonable number in a good-faith effort to try to move this process forward? We shared that list with our colleagues on the other side of the aisle. Does the Senator believe that demonstrates the good faith we have tried to demonstrate from the very start?

Mr. KYL. I thank the Senator from Texas.

Yes, we have tried to do that.

I see the distinguished minority leader is here, and I suggest the best way to get this bill quickly considered and finished is to lay down as many of the amendments as Members have ready and then have the minority and majority side work together to figure out the proper order of those amendments, to try to enter into time agreements. If we are able to do that, I don't have any doubt that working in good faith we can complete the work of this Senate before the Memorial Day recess on this important piece of legislation.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The distinguished Senator from Oklahoma has asked that I indicate that we have no objection to his being in the queue.

As has been announced by the distinguished manager of the bill, the Senator from Pennsylvania, we are going to take up the Kyl amendment, the Obama amendment, and then we are going to go to Sessions, then a Democrat, and as far as we are concerned on our side, we have no objection whatever to Senator INHOFE being the next Republican amendment in order.

I have not checked with the majority leader, and if there is a problem, I can change it, but I ask consent that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I thank the minority leader for that quick response to my request. I know we are all anxious to get as many amendments up and taken care of as possible.

I know we cannot do this until probably tomorrow sometime, and it is our understanding there is now a unanimous consent for Senators KYL, OBAMA, SESSIONS, a Democrat, and then me. With that, if no others want to be heard on the amendments, I would like to visit about the amendment we will take up tomorrow.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, in his speech, the President endorsed the idea that people immigrating to this country should assimilate and learn English.

I will quote from his speech:

> . . . We must honor the great American tradition of the melting pot, which has made us one nation out of many peoples. The success of our country depends upon helping newcomers assimilate into society, and embrace our common identity as Americans. Americans are bound together by our shared ideals, an appreciation for our history, respect for the flag we fly, and an ability to speak and write the English language. English is also the key to unlocking the opportunity of America. English allows newcomers to go from picking crops to opening a grocery . . . from cleaning offices to running offices . . . from a life of low-paying jobs to a diploma, a career, and a home of their own. When immigrants assimilate and advance in our society, they realize their dreams . . . they renew our spirit . . . and they add to the unity of Americans.

Last November, speaking to an audience in Davis-Monthan Air Force Base in Tucson, President Bush again stated his support for immigrants to learn English. He said:

> Every new citizen of the United States has an obligation to learn our custom and our values, including liberty and civic responsibility, equality under God and tolerance for others, and the English language.

So this has been very specific. Ronald Reagan addressed it many times, certainly, in the State of the Union Message. I recall being here in 1999, when President Bill Clinton at that time said:

> Our new immigrants . . . have a responsibility to enter the mainstream of America. That means learning English.

It goes on and on and on. I think almost every Member has at one time or another talked in the Senate about the reasons it is necessary for the English language to be part of any kind of an immigration bill.

Today, once again, I am offering my English amendment, No. 3996, along

with my colleagues, Senators SESSIONS, COBURN, BURNS, BUNNING, and others. My amendment follows Congressman PETER KING's bill, H.R. 4408, as well as Senator SHELBY's bill, S. 323, from the 105th Congress, by making English the official language and requiring all official business of the United States to be conducted in English.

It also allows exceptions. This is very important because arguments have been made against it. But there are exceptions where our law specifically says something should be done in another language, such things as protecting someone's legal rights to make sure they understand what their privileges are, what their responsibilities are when they are served.

Also, recently, when we experienced Hurricane Katrina, where an evacuation order was issued, that order could be delivered by the Federal Government in necessary languages to get the message out.

So we have taken care of these problems.

I would suggest there are three main reasons to adopt this amendment. One is for unity and assimilation. To begin with, as the President has said numerous times, learning English is vital to achieving assimilation, assimilating yourself into society. So many people are looking at illegals who are coming over and getting jobs, but they do not stop and think about the fact that in order to become a citizen, you have to assimilate into society so you can enjoy the benefits. They do not come naturally. You have to make it happen.

President Theodore Roosevelt echoed this point at a luncheon for the National Americanization Committee on February 1, 1916. He said:

> Let us say to the immigrant not that we hope he will learn English, but that he has got to learn it. . . . He has got to consider the interest of the United States or he should not stay here.

It goes all the way back for many years. Our leaders have reiterated this. Our country is made up of immigrants from all over the world, immigrants who have joined together under common ideas, common beliefs, and a common language to function as ''one nation under God.''

As we allow great numbers of immigrants, legal and illegal, into the country, we are overwhelming the assimilation process and creating what some have called ''linguistic ghettos,'' segregating these immigrants into a massive underclass who are not able to obtain good-paying jobs and climb out of poverty and Government dependency.

By not requiring immigrants to assimilate and learn English, we are also undermining our unity and importing dangerous, deadly philosophies that go against our American ideals.

September 11 is an example of this, as Muslim extremists executed their jihadist philosophy against the United States and caused thousands of Americans to lose their lives.

The second thing to be considered is the cost. The Office of Management and Budget estimates that it costs taxpayers between $1 billion and $2 billion to provide language assistance under President Clinton's Executive order that came out during his Presidency.

There are also enormous costs associated with the mandate that local governments provide multilingual ballots. For example, Los Angeles County taxpayers spent over $1.1 million in 1996 to provide multilingual voting assistance in Spanish, Chinese, Vietnamese, Japanese, and Filipino, according to a GAO report.

In 2002, Los Angeles's multilingual election costs more than doubled to $3.3 million, according to the Associated Press.

The third reason is, this is something the American people want. All the American people want it. I have never seen anything polled more consistently than this issue has been polled. Three national associations are dedicated solely to this amendment: U.S. English, English First, and Pro-English.

Senator SPECTER's Judiciary Committee invited this amendment in the Legislative Directors' meeting in the Republican Policy Committee by saying it ''welcomed amendments on English'' as a means to enhance ''assimilation'' of immigrants.

This issue has raised millions of dollars in direct mail over the years. These donors must include populists, given the huge levels of support. No other amendment has been more thoroughly vetted. This concept has been around for decades, indeed, for centuries. Historically, the legislation has been bipartisan.

In 1997, several of us joined Senator SHELBY in his official English bill. It was a bipartisan bill with 21 cosponsors, including Democrats Hollings and BYRD and many others. And over 150 current Members of the House of Representatives have cosponsored official English legislation.

Most of the States—27—have made English their official language. This is kind of interesting. The vast majority of the States, on their own, on a State basis, have made English the official language.

There are 51 nations around the world that have made English their official language, but we have not. Now, can you explain to me why Gambia, Ghana, Liberia, Nigeria, Sierra Leone, Uganda, Zambia, and Zimbabwe have made English their official language, yet the United States has not?

The pollsters, consistently over the last 20 years, have all shown positive results at levels in the 80s, the 80-percentile range. In 1988, G. Lawrence Research showed 87 percent favored English as the official language, with only 8 percent opposed and 5 percent not sure.

A 1996 national survey by Luntz Research asked: Do you think English should be made the official language of the United States? Eighty-six percent of Americans supported making English the official language. Only 12 percent opposed it.

Eighty-one percent of first-generation immigrants, 83 percent of second-generation immigrants, and 87 percent of third- and fourth-generation immigrants supported making English the official language.

I think a lot of people have this misunderstanding that this is some kind of a protectionist issue. Yet the vast majority of Latinos, the vast majority of immigrants have supported this, also.

In 2000, Public Opinion Strategies showed 84 percent favored English as the official language, with only 12 percent opposing.

Ninety-two percent of Republicans, 76 percent of Democrats, and 76 percent of Independents favor making English the official language. That is according to a 2004 Zogby International poll.

Another Zogby International poll question on official English—this poll is a month old, conducted between March 14 and 16 of 2006—said: Five out of six likely voters support official English. When informed the United States has no official language, five out of six likely voters—84 percent—agree the country should make English the official language. The majority of Hispanic voters support official English. An overwhelming majority of likely Hispanic voters—71 percent—agree the country should make English the official language.

A bipartisan majority support official English. Official English is not an ''extreme'' position. Eighty-four percent of self-identified ''moderate'' voters support English as the official language.

Hispanics also agree learning English is important. So it is not just that it is the right thing to do, it is what they can do for themselves. The National Council of LaRaza, which opposes official English, commissioned a 2004 Zogby poll showing that Latinos believe in the importance of learning English. Over 97 percent strongly agreed that ''the ability to speak English is important to succeed in this country.''

In south Florida, Hispanics back English, according to a 2005 University of Miami School of Communications/Zogby International survey. ''How important is it for Hispanics who immigrate to the United States to adopt American culture?'' Seventy percent said it is very important. These are Hispanics who are responding.

The December 2002 Pew Hispanic Center/Henry J. Kaiser Family Foundation National Survey of Latinos asked:

> Do you think adult Latino immigrants need to learn English to succeed in the United States or can they succeed even if they only speak Spanish?

About 9 in 10—89 percent—of Latinos indicate that they believe immigrants need to learn to speak English to succeed in the United States.

And this goes on and on and on. There should not be any question in anyone's mind that one of the most

popular notions out there is for us to adopt English as the official language.

Finally, according to ProEnglish, a group dedicated to making English the official language, one out of every five Americans speaks a language other than English at home.

Referring to immigrants speaking English in our country, Congressman STEVE KING of Iowa said:

> I don't think the immigrants are the problem; I think it is the people at the border that are telling them that they don't have to learn English, should not have to and keep them in these cultural enclaves so that then allows them to control the immigrants and gives them political power.

I believe we are doing a great disservice if we do not recognize this as one of the true, great issues of our time. There is no more appropriate time than during the consideration of this immigration bill to bring this out and finally do something we have talked about doing now for over 100 years and getting it done and getting it done on this bill.

Mr. President, let me repeat how much I appreciate the minority leader allowing me to get into the queue. We look forward to having this debated and voted on tomorrow.

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. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

20TH ANNIVERSARY OF TOYOTA IN GEORGETOWN, KENTUCKY

Mr. MCCONNELL. Mr. President, 20 years ago I was pleased and proud to help welcome Toyota to Kentucky. I rise today, equally pleased and proud, to congratulate Toyota on its 20 years of success in the Commonwealth and to wish them much continued success for the future.

Toyota provides 7,000 jobs in the Georgetown, KY, plant that it opened 20 years ago, and the company's manufacturing operations in Kentucky produced half a million American-made cars last year alone. In fact, the Toyota Camry, which is manufactured in Kentucky, has been the most popular model on the American market for the last 4 years and eight times in the past 9 years. Beginning this fall, Toyota will bring the future of automotive technology to Kentucky with the production of the environmentally friendly Camry Hybrid. The Georgetown plant will produce 4,000 models a month.

Since it arrived in Kentucky, Toyota has invested more than $5 billion in its operations. This includes the manufacturing site in Georgetown; Toyota's North American Parts Center-Kentucky, the company's largest parts-distribution center in the world, in Hebron, KY; and its North American manufacturing headquarters in Erlanger, KY. Together, these businesses provide about $500 million a year in paychecks to Kentucky workers. More significantly, Toyota has become an anchor for related suppliers and vendors that provide thousands more jobs for Kentuckians.

Toyota has provided an important economic lesson on the value of insourcing. Some have bemoaned the loss of American jobs to overseas firms. Well, we in Kentucky are proud to have nurtured one of the first and most successful efforts by an overseas manufacturer to bring jobs here. Toyota and Kentucky both have benefited greatly from this partnership over these last 20 years.

And Kentucky has gained more than just jobs—Toyota has proved to be a model member of the business community. It supports education, computer literacy in the workforce, the University of Kentucky Children's Hospital, and many other worthy causes across the Commonwealth. Many Kentuckians have benefited from Toyota's generosity, and we are all happy that Toyota chose Kentucky as its major center for U.S. operations two decades ago.

Mr. President, I ask my colleagues to join me in congratulating the thousands of Kentuckians who work for Toyota for their dedication to achievement and success, both on the job and in their communities. Kentucky is still reaping the rewards of its 20-year partnership with Toyota, and we hope to continue to do so for years to come.

HONORING OUR ARMED FORCES

STAFF SERGEANT LANCE M. CHASE

Mr. INHOFE. Mr. President, I rise today to remember a fallen son of Oklahoma who died while defending his Nation, SSG Lance M. Chase.

Staff Sergeant Chase grew up in Midwest City Oklahoma and graduated from Midwest City High School in 1991 after playing football there. He was also an avid fisherman and fan of NASCAR. Before joining the Army in 1995, Staff Sergeant Chase spent 20 months working for the Oklahoma City Sheriff's Office as a detention officer alongside his father who is a Reserve officer and member of the sheriff's bomb squad.

Staff Sergeant Chase was assigned to 1st Battalion, 12th Infantry Regiment, 4th Infantry Division at Fort Hood Texas. There he trained other soldiers on how to maintain and move M1A2 Abrams tanks and was an honored marksman. After returning from his first tour of duty in Iraq, he got involved with efforts sending books and hygiene products to the Iraqi people. He told his wife Kristen that his biggest joy was seeing Iraqi children returning to their local schools.

Before Staff Sergeant Chase went to Iraq, he told his two sons—Brett, who is 11 years old, and Trevor, who is 9 years old, that he would rather fight this type of terrorist war on their soil than to fight it on our own soil where his children would be in danger. Staff Sergeant Chase was in his second tour of duty in Iraq on January 23, 2006, when his M1A2 Abrams tank was hit by an improvised explosive device in Baghdad, Iraq. He was 32 years old. SSG Chase clearly understood our mission in Iraq and felt that he had helped to make the lives of the Iraqi people better. Staff Sergeant Lance M. Chase deserves to be remembered for the fine soldier that he was and the sacrifice that he made for us.

STAFF SERGEANT JOHN G. DOLES

Mr. President, I wish to honor a brave soldier from Oklahoma who gave his life in service of this Nation. SSG John Doles of the U.S. Army embodies the spirit and values that have protected this country's freedom and continue to spread hope to the far corners of the world.

Sergeant Doles was an ''all-American kid'' he grew up in Chelsea, OK, riding horses and playing football. Sergeant Doles joined the Army in 2000 and attended Airborne School at Fort Benning, GA. He went on to become a Ranger and told his father that this was what he wanted to do with his life because he loved his country.

Sergeant Doles was also a devoted family man. He left behind a wife, Heather, and two children, Logan and Breanna. After his tour in Afghanistan, he planned to reenlist and become an instructor at the Army Ranger Camp at Fort Benning, GA, so he could be closer to his family.

Sergeant Doles was no stranger to the hazards of duty. He participated in one of the largest combat jumps since World War II. His unit parachuted into northern Iraq in March of 2003 with the ''Red Devils.'' This major operation assisted in the swift liberation of Iraq. Sergeant Doles was a squad leader of about a dozen soldiers with the 1st Battalion, 508th Infantry Regiment, part of the 173rd Airborne Brigade. On Friday September 30, 2005, he was killed in an ambush in Shah Wali, Afghanistan. He was 29 years old.

Sergeant Doles gave his utmost to his family and his country. He has left behind many who saw firsthand what a true hero he was. As a son of Oklahoma and a fine example of what this country stands for, Staff Sergeant Doles deserves our honor and remembrance.

PRIVATE FIRST CLASS TRAVIS J. GRIGG

Mr. President, I rise today to honor the memory of a remarkable man. PFC Travis J. Grigg was an Oklahoman through-and-through: a hard worker,

dedicated, friendly, and a lover of his family and country. Those who knew him best remembered him as athletic and caring more about others than himself. He graduated from Inola High School, of Inola, OK, in 1999 and was a starter on the football, basketball, and baseball teams. He entered the U.S. Army in 2004, proudly serving his Nation in Iraq for about a year.

According to his family, Private First Class Grigg found his niche in the Army. He was a team player and a responsible man who once commented, ''I feel like we're helping some people over here.'' He was assigned to the 1st Battalion, 320th Field Artillery Regiment, 101st Airborne Division. He joined the Army to earn money for college to become a teacher and football coach, but after joining, he decided that he wanted to become a firefighter like his father.

November 15, 2005, in Taji, Iraq, Private First Class Grigg was one of four individuals in a HMMWV that was hit when an improvised explosive device detonated. Tragically he, along with four other soldiers, did not survive the incident. He was 24 years old.

Private First Class Grigg will be missed by his father, four sisters, and two brothers. His sacrifice will not soon be forgotten by them his friends, his fellow soldiers, or by his country. I ask that we take this time to honor his name and his life.

PETTY OFFICER SECOND CLASS BRIAN K. JOPLIN

Mr. President, I rise today to honor the memory of a son of Oklahoma, Petty Officer Brian K. Joplin.

Petty Officer Joplin grew up in Hugo, OK and was assigned to Helicopter Mine Countermeasures Squadron 15, based at the Naval Air Station in Corpus Christi, TX. He was an aviation machinist and was known as a mechanic whose talent was second to none. Petty Officer Joplin was always willing to donate his time to his friends and neighbors. He spent his Memorial Day weekend of 2005 repairing and certifying a vintage B–25 Mitchell Bomber that was very much like the one his grandfather flew in World War II.

Petty Officer Joplin was deployed to Iraq in June of 2005. On Tuesday October 4, 2005, he was on a training mission when he fell from his MH–53 Sea Dragon helicopter and was killed. He was 32 years old.

Petty Officer Joplin is survived by his wife of 12 years, Belinda, and his daughters, Tori and Alicia. They will always remember a loving husband and father who had a great sense of humor, patience, and forgiveness and our thoughts are with them. We remember Petty Officer Joplin for his service, dedication, and love of his country, and at the same time, we recognize his valor and commitment. He will not be forgotten. It is because of men like Petty Officer Joplin that I am proud to be a part of this great country. He was a special soldier, a true Oklahoman, and a true American.

PRIVATE FIRST CLASS DAVID J. MARTIN

Mr. President, I rise to pay homage to Army PFC David J. Martin, who gave the ultimate sacrifice for his country with his life. Although he was only 21 years old, Private First Class Marshall was a dedicated defender of America and knew the value of freedom and the sacrifices freedom sometimes demands. For his service, I am proud to honor him on the Senate floor today.

Private First Class Martin was a member of the Second Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team, of the 101st Airborne Division. A native Oklahoman from Edmond, Private First Class Martin was one of four sons of Richard and Janet Martin. Private First Class Martin's mother is the president of the Edmond and North Oklahoma City Chapter of the Blue Star Mothers, a support group for mothers whose children are in the military and also send care packages to our soldiers in Iraq. We hold her in our prayers as all of her sons are serving our country in some way. Private First Class Martin's younger brother, Daniel, also enlisted last year, and his older brothers, Neil and Andrew, are police officers in Edmond, OK.

After graduating from Edmond North High School in 2002, Private First Class Martin briefly attended the University of Central Oklahoma and was a member of the ROTC unit there before enlisting in the Army. He earned an Army Achievement Medal during his training in Fort Benning, GA, for being an outstanding leader.

Private First Class Martin had only been in Iraq for a month when he was tragically killed. On October 31, 2005, the humvee he and three other fellow soldiers were riding in was struck by an improvised explosive device in Al Mahmudiyah, Iraq. I ask that the U.S. Senate now pay tribute to PFC David Martin, a man who knew the true meaning of service and sacrifice. I am proud of him and proud of his demonstrated commitment to winning the freedom of those he did not know. We will not forget this Oklahoman hero, this American patriot—PFC David Martin.

FIRST SERGEANT TOBIAS C. MEISTER

Mr. President, I stand today to honor the memory of a brave American who gave his life defending the Nation. He felt a call to serve his country, to be part of something bigger than himself, and ultimately he paid the highest price. First Sergeant Tobias C. Meister, of Jenks, OK, was assigned to the Army's 321st Civil Affairs Brigade which was deployed to Afghanistan.

First Sergeant Meister was born in Remsen, Iowa and joined the Iowa National Guard in 1992, 2 years prior to graduating from Ramsen-Union Community High School in Iowa. He was an infantryman before transferring to the Reserves in 1998 and attending the University of Texas at San Antonio. There he earned a business degree and later took a job in Tulsa, OK, with the oil and gas firm Horizon Natural Resources.

First Sergeant Meister was an accomplished martial artist who was undefeated as a kickboxer. Those who fought against him knew immediately he was a fierce competitor. One of his opponents said that Meister weighed about ''165 pounds and you knew 100 pounds of it was heart if you saw him fight.'' He loved martial arts and the discipline that it required.

First Sergeant Meister was a drill sergeant and had been named the Army Reserve's Drill Sergeant of the Year in 2002. In 2004, he decided to join those he had been training for combat. On December 28, 2005 in Asadabad, Afghanistan, he was killed at the age of 30 during combat patrol operations when an improvised explosive device was detonated near his humvee.

First Sergeant Meister gave his life for the freedom of millions of Americans and also for the peace and prosperity of the Afghani people crippled by a totalitarian regime. He is survived by his wife Alicia and 18-month-old son Will. The loss of this exemplary husband, father, and soldier is a loss we all feel; our thoughts and prayers are especially with his family and friends. He knew that he and his fellow soldiers were fighting to protect America, to keep their Nation safe. It is for men like First Sergeant Meister that I am proud to be a part of this great country. He was a special soldier, a special man, and a defender of our freedom.

TECHNICAL SERGEANT JASON L. NORTON

Mr. President, I rise today to honor the memory of a man who paid the last full measure for the protection of our freedom. TSgt Jason L. Norton was from Miami, OK, and was assigned to the 3rd Security Forces Squadron at Elmendorf Air Force Base in Alaska serving as a patrol and security officer training police canines. He had been deployed to Iraq in November of 2005.

Technical Sergeant Norton joined the Air Force in 1992 after graduating from Miami High School in 1991, where he played football and wrestled. His Air Force career took him to many different places. He was known as smart, easy to talk to, and always willing to share what he knew with others. He earned 17 medals, including an Air Force Commendation Medal, 4 Air Force Achievement Awards, and 2 Air Force Expeditionary Service Medals. He enjoyed his time in Alaska, earning a reputation as a great Alaskan hunter while also providing his time as a father figure to children who needed one.

For Technical Sergeant Norton, family was everything. Even though he was stationed 4,000 miles away in Alaska, he made a point to return home often to see his family. He met his wife Cristina while he was serving at Tinker Air Force Base in Oklahoma, and they have two children, a daughter, Rebecca, who is 8 years old, and a son Dalton, who is 7. He has been described as a great father who showed an equal devotion to his lifelong friends. Once he traveled back to Oklahoma from Alaska to attend the funeral for the

wife of a longtime friend who had died of cancer.

On January 22, 2006, TSgt Jason L. Norton's vehicle struck an improvised explosive device while conducting a convoy escort in the vicinity of Taji, Iraq. He was 32 years old, and the Air Force posthumously awarded him the Bronze Star and Purple Heart. Mr. President, we have lost a shining example of dedication, service, and sacrifice for others and should never forget the sacrifice of TSgt Jason L. Norton.

ARMY SPECIALIST JOSHUA M. PEARCE

Mr. President, I rise today to remember a young man from Oklahoma, Army SPC Joshua M. Pearce, who knew what it meant to be a soldier and was willing to pay the ultimate price for our freedom.

Specialist Pearce was from Guymon, OK, and was a baseball pitcher on the Guymon High School baseball team who was voted ''Life of the Party'' and ''Best Looking'' by his senior classmates in 2003. He always wanted to be a soldier, so he enlisted in the Army right after graduation, joining his older brother, Jeremy, in the Armed Forces. Specialist Pearce was described by friends and family alike as a person who always made everybody in the room smile.

Specialist Pearce was deployed to Iraq as a part of the 2nd Battalion, 1st Infantry Regiment, 172nd Stryker Brigade Combat Team that is stationed at Fort Wainwright, AK. Over the 6 months he served in Iraq, he talked to his mother, Becky Hilliard, through e-mail, telephone, or instant messaging on a daily basis. In an open letter he wrote on September 11, 2005, Specialist Pearce stated that ''I am not here to kill someone; I am here to help as many as I can live a better life. If killing some people to save the life of a fellow soldier happens to fall in the agenda, so be it. We drive down the streets of these little towns and see little children on the corners bare-footed asking for water, food, or whatever they can get.'' He told his sister, Heidi Barncastle, that ''he was doing this so his nephews didn't have to.''

Specialist Pearce was riding in his Stryker military vehicle on February 26, 2006 near Mosul, Iraq, when it was hit with an improvised explosive device. He was 21 years old. Specialist Pearce did not want his friends and family to mourn his loss should he die. He was doing what he always wanted to do and believed in the mission that he was on. Mr. President, we will not forget this Oklahoma hero and American patriot, SPC Joshua M. Pearce, who died doing something that he loved.

PRIVATE FIRST CLASS JOSHUA FRANCIS POWERS

Mr. President, I rise today to honor one of Oklahoma's brave soldiers who has given us the last full measure to protect our freedom. PFC Joshua Francis Powers' sacrifice for his country should never be forgotten.

Private First Class Powers was from Skiatook, OK. He joined the Army in July of 2005, 1 month after earning his GED. He was remembered as an even-tempered soul who had varied interests from collecting swords and knives, making soap for senior citizens, fishing, and just simply hitting golf balls out into the pasture to occupy his time. He had a penchant for reading, sewing, playing video games, and often served as a peacemaker between his brothers, Michael and Jonathan. He was also a devout son who would often fix his mother Patrica's frozen pipes before he was asked to.

Private First Class Powers was assigned to the 2nd Battalion, 592nd Infantry Regiment, 2nd Brigade Combat Team, 101st Airborne Division at Fort Campbell, KY. After joining the Army, he was worried that his dog, Spunky, who had been his pet since he was in kindergarten, would die of old age before he got home. Private First Class Powers had been in Iraq for only 2½ weeks before he died of noncombat related injuries. He was 21 years old. Mr. President, we should always remember those who served the way PFC Joshua Francis Powers served and sacrificed for our freedom.

CORPORAL JEFFRY A. ROGERS

Mr. President, I wish to honor a true hero who, on November 16, 2005, gave his life while serving in Iraq. Cpl Jeffry Alan Rogers is an example of the selfless dedication that is essential to maintaining this country's freedom.

Corporal Rogers was from Oklahoma City and attended Putnam City North High School. He was one of six from the class of 2002 who enlisted in the military after graduating. He insisted on enlisting in the Marines after witnessing the horrors of September 11 saying, ''We have to keep our world safe. We have to protect our people.''

Corporal Rogers became an outstanding marine assigned to F. Company, 2nd Battalion, 1st Marine Division in Camp Pendleton, CA. His high test scores earned him an invitation to join the security forces and a $50,000 scholarship. He suggested to his parents that they build a house with the money that they had saved for his college education, and he even designed the house where his family now lives in Yukon, OK.

Corporal Rogers is remembered as a courteous and loving man who always said the little things that mean a lot to people. His commanders fondly recall how he invested into those under him and helped them set goals.

In his last letter to his parents, he quoted John 15:13 saying ''Greater love hath no man than this, that a man lay down his life for his friends.'' Mr. President, Cpl Jeffry Rogers indeed demonstrated this deepest love. At 21 years of age, he put aside his own safety, volunteering to serve in the most dangerous of professions. He gave everything, and his sacrifice will be remembered by friends, family, and all of us who are profoundly indebted to him.

TECHNICAL SERGEANT PATRICK L. SHANNON

Mr. President, I rise today to honor a son of Oklahoma who after over 37 years has finally returned home. TSgt Patrick L. Shannon was serving his country in the Vietnam War when he was declared missing in action in 1968 after the radar site he and 18 other servicemen were operating in Laos was attacked by North Vietnamese commandos. We now know that Technical Sergeant Shannon did not survive the attack. He was 30 years old.

Technical Sergeant Shannon was from Owasso, OK, and was operating a radar installation Lima Site 85 atop the Pha Thi Mountain in the Houaphan Province in Laos, which was approximately 13 miles south of the border with North Vietnam. Lima Site 85 was helping to direct U.S. bombing missions of key targets in North Vietnam. On the morning of March 11, 1968, the site was overrun by North Vietnamese commandos. Only 7 of the 19 servicemen survived the attack, and the United States later bombed the site for 4 days to destroy the equipment that was left behind. North Vietnamese soldiers later threw the bodies of the dead servicemen off a cliff because the rocky ground did not permit a burial. This is where the remains of Technical Sergeant Shannon were found.

Technical Sergeant Shannon finally came home last year. A DNA sample from his sister helped to positively identify Technical Sergeant Shannon and bring closure to his family who had wondered what had really happened to him on that fateful day. His youngest child, Paula Wallace, said that her father ''would be happy to be back in America.'' Mr. President, I, too, am happy that TSgt Patrick L. Shannon has finally returned home after answering his country's call to arms.

SERGEANT FIRST CLASS BRANDON K. SNEED

Mr. President, I wish to honor a brave soldier from Oklahoma who gave the last full measure to protect our freedom. SFC Brandon Sneed of the U.S. Army embodied the spirit of service and the values that make this country what it is today.

Sergeant Sneed was a great soldier. He joined soon after graduating from high school in 1990. As he rose through the ranks, he developed a reputation of dependability. He was serving as a field medic with Bravo Company in the 1st Battalion, 30th Infantry Regiment attached to the 69th Armor Regiment serving in Iraq.

Sergeant Sneed was no stranger to the hazards of duty. He would routinely go under fire to retrieve wounded soldiers. His second tour in Iraq was scheduled to end in December of last year.

Sergeant Sneed was also a family man. He married his wife Lori in 1994, and they had three children, Christopher, Brandee, and Brandon, Jr. His family had just moved into a new home. Sergeant Sneed met his wife while they both served their first tour in the Army together; they had plans to open a rehabilitation facility upon his retirement from the Army.

On October 10, 2005, Sergeant Sneed was killed while attempting to rescue

an injured soldier when his Bradley Fighting Vehicle was destroyed by a roadside bomb. This occurred near Ramadi in Iraq's Anbar province. He was 33 years old. He had a strong sense of duty, work ethic, and a caring heart. He was devoted to his family, his country, and gave the highest sacrifice to his soldiers. Sergeant First Class Sneed deserves our honor and remembrance.

CORPORAL JOSHUA J. WARE

Mr. President, I wish to honor one of this country's fallen warriors, a young man that comes from my home State of Oklahoma. Marine Cpl Joshua J. Ware was serving the cause of freedom in Iraq when he paid the ultimate price.

Corporal Ware was born in Lawton, OK. He played football and baseball and ran track at Roland High School. In 2002, 1 year before he graduated, he signed up for the Marine Corps and enlisted just 5 days after graduating from High School and just 2 days after his birthday.

Corporal Ware was serving in Iraq with F Company, 2nd, Battalion, 1st Marine Division, and bravely fought in the second battle of Fallujah. He was on his second tour of duty in Iraq on November 16, 2005, when he was killed as a result of enemy small arms fire in Ubaydi, Iraq. He was 20 years old and was the first Comanche or Kiowa to die in combat since 1968.

Many are left behind who are proud and grieved at his sacrifice. Corporal Ware is survived by his parents, three brothers, and one sister.

The loss of Corporal Ware is one that will continue to be felt as the years pass. He gave more than was required, in life and in the sacrifice of his death. He gave up his own well-being, putting himself in harm's way, and demonstrated courage that demands our recognition. I hope to express our gratefulness for his sacrifice with these simple words and honor him before the Senate today.

THIRTIETH ANNIVERSARY OF THE MOSCOW HELSINKI GROUP

Mr. DODD. Mr. President, last Friday, May 12, marked the 30th anniversary of the oldest active Russian human rights organization, the Moscow Helsinki Group.

The creation of the Moscow Helsinki Group was announced on May 12, 1976, at a press conference called by Academician Andrei Sakharov, who later won the Nobel Peace Prize for his defense of human rights and his commitment to world peace. Formally named the ''Public Group to Assist in the Implementation of the Helsinki Final Act in the USSR,'' its members sought to monitor the Soviet Government's implementation of the historic Helsinki Accords.

At the initiative of Professor Yuri Orlov, a physicist by profession and a veteran human rights activist, the group joined together 11 committed individuals to collect and publicize information on Soviet violations of the human rights provisions enshrined in the Helsinki Accords. The group monitored fundamental rights and freedoms, including freedom of movement and freedom of religion, as well as the basic rights of minorities.

The group documented evidence of systemic human rights abuses and provided reports of Helsinki violations to the Presidium of the Supreme Soviet and the embassies of Helsinki signatory countries in Moscow. Additionally, these reports were widely distributed to Western correspondents. All together, the Moscow Helsinki Group published 195 numbered reports, along with numerous other documents, some of them in cooperative initiatives with other human rights organizations. These reports played a critical role in documenting the Soviet Union's failure to adhere to many of its Helsinki commitments.

The example set by the Moscow Helsinki Group inspired human rights activists elsewhere in the USSR. Helsinki monitoring groups were founded in Ukraine, Lithuania, Georgia, and Armenia, and affiliated groups were also established to combat psychiatric abuse for political purposes and to defend religious liberty in Lithuania. As time went on, more brave individuals joined the Moscow Helsinki Group in its pursuit of truth and accountability.

However, regrettably, the Soviet Government had no intention of tolerating the ''assistance'' provided by the Moscow Helsinki Group in monitoring the Soviet Union's adherence to Helsinki commitments. The state-controlled Soviet press launched a campaign of slander against the group. By early 1977, the group's founders, Dr. Yuri Orlov and Alexander Ginzburg, a longtime activist who had earlier produced the celebrated ''White Book'' on the trial of writers Andrei Sinyavsky and Yuli Daniel, had been arrested on political charges. Cyberneticist Anatoly ''Natan'' Sharansky and retired geologist Malva Landa were arrested shortly thereafter. Orlov was sentenced to 7 years in a labor camp and 5 years in internal exile. Ginzburg received 8 years labor camp and 3 years internal exile. Sharansky was sentenced to a total of 13 years in labor camp and prison, and Landa received 2 years internal exile.

Other members followed this path into the ''Gulag'' or were forced to emigrate. By 1981, KGB pressure had left only three members of the Moscow Helsinki Group at liberty in the Soviet Union, and they were forced to announce the ''suspension'' of their work. In 1984, one of those three, Dr. Elena Bonner, joined her husband, Dr. Sakharov, in forced internal exile in the closed city of Gorky.

Tragically, in December 1986, just as the Soviet political system was showing the signs of the exhaustion that would eventually lead to its collapse, Moscow Helsinki Group member Anatoly Marchenko died during a hunger strike at Chistopol Prison. Just over 2 months later, hundreds of known political and religious prisoners were freed from the Soviet prison system.

With the advent of Glasnost, the Moscow Helsinki Group was formally reestablished in July 1989 by a handful of Helsinki veterans, and several new members joined their cause. Today, the Moscow Helsinki Group continues to work to defend human rights in post-Soviet Russia. And while there have been dramatic changes in Russia since the collapse of the Soviet Union, the lure of authoritarianism still has a strong appeal for some in today's Russia.

Mr. President, on the occasion of its 30th anniversary, I congratulate the members and former members of the Moscow Helsinki Group, many of whom, sadly, are no longer with us, for their courage and fortitude in the struggle against tyranny. I wish the group continued success as they work to advance democracy, defend human rights, and promote a vigorous civil society.

TRIBUTE TO JOHN BRAMLEY

Mr. LEAHY. Mr. President, at the end of this month, John Bramley will step down as provost of the University of Vermont. From a day-to-day standpoint, the provost of a university is more important than the president of a university. The provost is the chief of operations who embraces the president's vision and implements ideas into reality. By ensuring that academics, research, and student life are running smoothly, the provost creates an environment that enriches the lives of students, faculty, administrators, and the community.

As provost of the University of Vermont since 2002, John Bramley has not only excelled as provost, but also set a standard that will serve as a benchmark to measure other provosts around the country.

I have known John since he came to the University of Vermont from England in the early 1990s. I believe that John excelled as provost because of his leadership in earlier positions that he held at the university. John is first and foremost an animal science scholar who is known internationally for his groundbreaking research on bovine mastitis. He is also an excellent teacher who genuinely enjoys the interaction between and challenges from students—both undergraduate and graduate. That became evident when he was recognized with the Joseph Carrigan Teaching Award in 1998.

John easily made the transition to administrator. He directed the university's farm programs, cochaired the agricultural extension programs, chaired the Department of Animal Sciences and, perhaps most notably, was chair of the Faculty Senate—a position held by election among his faculty peers.

I jokingly think that his early demonstration of these administrative

skills likely led to his demise as being tapped interim provost and then eventually as provost in 2002. And we are so grateful that John was at his position, as this turned out to be a critical time in the history of the University of Vermont.

It is no secret that during the 1990s UVM suffered from several years of unstable and rocky leadership. Not surprisingly, such a rapid turnover at the helm of a major university led to many problems including budget shortfalls; low morale among faculty, staff and students; and, less than stellar relations with the local Burlington and statewide communities. The work of both interim president Ed Colodny and John guided the university to calmer waters during that difficult time, and helped to build a strong and valuable foundation for the incoming president.

Under President Fogel's administration, the university has been reinvigorated and its prestige restored. I am sure that President Fogel would agree when I say to all my colleagues that we owe much to John Bramley for bringing the university into this new, promising chapter in its history.

John is stepping down as provost, but I am glad that I do not have to end this speech with a farewell. John will be returning to what I think he enjoys most, his teaching and research. I know he will continue to be an important part of the University of Vermont community and I look forward to continuing to see him on campus.

IN RECOGNITION OF REPRESENTATIVE TINA FALLON

Mr. CARPER. Mr. President. I rise today to recognize Representative Evelyn K. ''Tina'' Fallon upon her retirement from Delaware's House of Representatives after more than 28 years of dedicated public service. Known to friends and colleagues alike as ''Tina,'' she is a woman with a kind heart, diverse interests and great abilities. Tina embodies the best of Delaware.

Born in Dudley, NC, on September 16, 1917, Tina has experienced firsthand the many changes that Delaware has undergone over the years and this level of experience will be difficult, if not impossible, to replace.

A longtime resident of Seaford, DE, Tina holds a bachelor of arts degree from Meredith College, located in Raleigh, NC, and a master's degree in education from the University of Delaware. She married her husband, James D. Fallon, Jr., in 1938, and they had four children together. After James' passing in 1982, Tina continued to raise their sons, George, James, William and Howard.

Before winning her first campaign when she was 61 years old, an age when many public servants are ready to retire, Tina worked for more than 25 years as an educator teaching math and science at Seaford High School. This experience has allowed her to speak with authority about Delaware's education system and the many issues that affect Delaware's young people.

Often recognized as the oldest member of the State legislature, Tina brought a wealth of knowledge to Delaware's House of Representatives along with energy and enthusiasm that belied her age. Her life experience gave her an understanding of faith and family values that transcended party slogans and struck an authentic chord in her constituents and everyone who had the pleasure of calling her their friend.

Representative Fallon quickly became known as one of Delaware's most approachable and hardestworking public officials. Her keen intellect and commonsense approach to problem-solving helped her serve her constituents and make Delaware a better place for us all.

Tina also served as a mentor for incoming members of Delaware's House of Representatives. Her positive attitude and boundless energy set a high standard for her colleagues to follow. A firm believer in acknowledging the hard work and accomplishments of her constituents, Tina was often seen visiting homes and businesses throughout the 39 district while delivering House tributes to those who deserved them.

During my time as Governor, I had the honor of naming Representative Fallon as the ''Travel and Tourism Person of the Year'' in 1998 for her outstanding work to promote and develop Delaware's tourism industry. Delaware's economic health and many small businesses are better off because of her efforts to promote the first State's historical and natural attractions. Also in 1998, she was honored by the National Republican Legislators Association as a ''1998 Legislator of the Year.'' She was one of only 10 people across the Nation to receive this honor.

As a member of the influential Joint Finance Committee, Representative Fallon helped shape Delaware's multibillion dollar annual operating budget. Her ability to work with members of both parties made her an invaluable participant in figuring out how best to fund the current and future needs of Delaware. Tina also chairs the House Tourism Committee and is a member of five other committees as well.

Following her retirement, Tina plans to spend time with her children and grandchildren. After such a distinguished career serving the people of Delaware, I am certain that many will agree with me when I say that her retirement is well deserved. I thank Tina for her friendship, applaud her service, and wish her and her family only the very best in all that lies ahead for them.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

TEN-YEAR ANNIVERSARY OF THE BUFFALO, WV TOYOTA PLANT

• Mr. ROCKEFELLER. Mr. President, I rise today to recognize a milestone in my home State of West Virginia. Ten years ago, in 1996, a world-renowned automobile company, the Toyota Motor Corp., began producing engines and transmissions in my home State, marking the first major automobile manufacturing plant in West Virginia. In the following 10 years, Toyota Motor Manufacturing of West Virginia, TMMWV, has never stopped expanding. It now employs more than 1,100 people and has invested more than $1 billion in our State.

But the story actually begins almost 10 years earlier with a series of meetings I had with Dr. Shoichiro Toyoda, the son of Toyota's founder and its visionary leader for much of the 1980s and 1990s. I met Dr. Toyoda's father, the company founder, during my time in Japan in the 1960s. He soon introduced me to his son, Shoichiro, who would go on to steer Toyota into the 21st century, beginning production of the Lexus line and the Prius hybrid, as well as turning Toyota into a truly global force in the automobile industry. So in the mid-1980s, very early in my Senate career, I began the long, slow process of trying to woo this great company and great family to invest in West Virginia as a key part of their bold plan for investment in the United States and in North America.

I recall walking through cornfields in Putnam County with the Toyota site selection committee—facing the hurdles of excavation, preparation of the site, the narrow valley in Buffalo, highway infrastructure, and the construction of a bridge to reach the site. By the time Toyota decided to make Buffalo its new home, I felt like a full-fledged member of that site selection team. The cornfield of those days is now a state-of-the-art manufacturing facility, with a spotless parking lot outside for the hundreds of West Virginia workers proud to arrive for work there every day.

Many in the company and outside thought this move was a mistake for Toyota. They thought that transportation of materials and people to and from Buffalo would be too difficult. They thought that West Virginians could not do the work.

But Dr. Toyoda saw what others did not—a strong, smart, and friendly workforce and a great place to do business. Although it took many years and a number of meetings with my friend Dr. Toyoda—meetings I now look back upon fondly—Toyota finally decided to place a production facility in West Virginia, and we held our first of many groundbreaking celebrations here in 1996.

Now, Toyota's plant in Buffalo, WV, has gained national and international renown. It is the single most productive engine and transmission facility in all of North America for 3 years running, according to the Harbour Report, which is the auto industry authority on manufacturing efficiency and productivity. Toyota has implemented more recommendations from its Buffalo workforce than from most of its

other facilities. In fact, other much larger cities around the country are envious of our tremendous success. In The Buffalo News recently, we learned that Buffalo, NY, is looking longingly at Buffalo, WV, and its enormous success in the automotive industry.

Toyota is now the second largest automobile producer in the world and has expanded six times in West Virginia alone. Our plant has also spawned a number of automotive suppliers around the State. Toyota has been the anchor to what is now a well-developed supply chain for auto parts, serving not only Toyota but also other car manufacturers in the United States. All of this growth has taken West Virginia, in just 10 short years, to its position today as a major center of American automotive manufacturing.

The credit for these great accomplishments goes, first and foremost, to the men and women of West Virginia, some of whom drive hours a day to work at this plant. But Toyota's management in the United States and in Japan has given these workers the tools they need to succeed and excel. I extend my gratitude for this coordination and my congratulations for 10 years of hard work and great accomplishments.

Again, Mr. President, I commend the workers and Toyota for 10 years of operations in West Virginia. This company, which is a worldwide model for any kind of manufacturing, took a risk on West Virginia. But their investment has paid enormous dividends, just as I promised my friend Dr. Toyoda it would almost 20 years ago.●

LIBYA

Mr. FEINGOLD. Mr. President, Libya's decision to abandon its illegal weapons programs, and today's news that the verification process has been successfully completed, and the fact that Libya is cooperating in international counterterrorism efforts, are tremendously positive developments that make our world safer. Libya's experience demonstrates that countries have more to gain by acting responsibly and abiding by international norms than by seeking weapons of mass destruction. However, the establishment of diplomatic relations between our countries does not mean that Libya's progress on all fronts has been satisfactory. According to the State Department's 2005 human rights report, Libya's human rights record remained poor last year, with Libyan citizens unable to change their government and subject to severe restrictions of their civil liberties. As we begin developing a new relationship with Libya, we must continue to press Libya to improve its human rights record and governance problems, and to address the cases pending in U.S. courts with regard to its terrorist activities of the 1980s.

ADDITIONAL STATEMENTS

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

CONGRATULATING BUDRO KENNETH BAISDEN

● Mr. ROCKEFELLER. Mr. President, today, I want to congratulate Budro Kenneth Baisden and other young, aspiring poets for their poetry as part of the Poetry of Rural Places writing competition. Budro Baisden comes from southern West Virginia and he has lived in our coal fields, surrounded by coal miners and the culture of the coal fields. He participates in the Coalfield Writers, Marshall University Writing Project. This month, as the West Virginia winner, he got to travel to Washington, DC, for the first time, to accept his award, and to read his poem in the Library of Congress. In his poem, Baisden eloquently expresses the arduous life of a coal miner, the adversity that oppresses rural Americans, and the acceptance of a life destined to be spent underground in the mines. Given the mine tragedies that hit West Virginia and other States earlier this year, the spirit and the simplicity of his words implores us to acknowledge the parallel experiences of rural Americans nationwide. The words of this young West Virginia poet should inspire us to think about life through the eyes of a coal miner. It is with great pride that I submit this poem for the RECORD to share with my colleague and the public.

Mr. President, I ask that the poem be printed in the RECORD.

The poem follows:

LIFE THROUGH A COAL MINER'S EYES

Dark at day
Dark at night
It never changes
That's the mines

Cold and wet this they know
Still they put on their hardhats
And go

No one knows why they seek that hole
Deep in the mountains
With all that coal
To risk their lives for a single light pole
That shines through a window of a
Coal miner's home

But there is only one thing that shines so bright
Not the light you pass every night
It's the smile of their wives
When they come home at night

That's life through a coal miner's eyes.

—*Budro Baisden.*

Mr. ROCKEFELLER. Baisden is one of several students visiting Washington for the Poetry of Rural Places program, representing the National Writing Project, NWP, and the Rural School and Community Trust initiatives. Working together in a unique partnership, the NWP and the Rural School and Community Trust have provided students from rural areas nationwide an opportunity to compose and publish original poems that convey their sense of place and vision of life in rural America. Beginning with local programs led by writing project sites, the contest culminates in a national reading event at the Library of Congress. Hopefully, this contest will inspire students nationwide to use the power of poetry to explore their lives, communities, and futures as rural Americans.

I encourage all of my colleagues to read the other poems written by these young people as they offer a profound vision of life in contemporary rural America. Their poems are available at www.ruralpoetry.org.●

DES MOINES POLICE OFFICERS HONORED FOR VALOR

● Mr. HARKIN. Mr. President, I have come to the floor today to salute the achievement of four Des Moines police officers who received richly earned recognition from the National Association of Police Organizations last week at the TOP COPS Awards here in Washington.

Every year for the past 13 years, the National Association of Police Organizations has presented awards to outstanding law enforcement officers across the country for their actions above and beyond the call of duty. This year, Captain Kelly Willis, Sergeant Jeff Edwards, and Officers Chris Hardy and Robert Clark, all of the Des Moines Police Department, were recognized for their professionalism and valor in saving the life of a teenage robbery suspect.

Last winter, when officers attempted to stop a stolen vehicle being driven, the suspect, a teenager from Nebraska, abandoned the vehicle and attempted to swim across the icy waters of the Des Moines River. Sergeant Edwards and Officer Hardy realized the teen was in trouble when the suspect grew tired and his head went under water. They understood the risks of entering the frigid river; nonetheless, they jumped in after the teen and attempted to pull him ashore. Captain Willis and Officer Clark also entered the river to assist with the rescue. After pulling the teenager to shore, Officer Clark performed CPR on the unconscious teen, who was taken to the hospital in critical condition but eventually recovered.

I congratulate these four public servants for their courageous actions last winter. Law enforcement officers are often required to make life-or-death decisions in a split second. This requires superb training and excellent judgment, which these four officers clearly possess in abundance. The people of Des Moines are very fortunate to be served by such outstanding professionals. I thank these four officers for their service, and I congratulate them on their well-deserved recognition by their peers at the TOP COP Awards program last week.●

TRUANCY COURT PROJECT

• Mr. THUNE. Mr. President, today I rise to recognize the students who participated in the Truancy Court Project for the Pennington County Juvenile Diversion Program.

The 17 students who successfully participated in the Truancy Court Project deserve the special recognition they are receiving today. After starting off the school year with a rocky beginning, each individual student took it upon themselves to volunteer for this project and to excel at it. Each of them has improved attendance, improved their relationships with their teachers, and most importantly learned the value of education.

It gives me great pleasure to rise with the citizens of Rapid City and Ellsworth in congratulating the Truancy Court Project students for their successful participation in the program.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 4:00 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4297. An act to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 4954. An act to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2810. A bill to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling program and area agencies on aging, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC – 6837. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, the National Guard ChalleNGe Program Annual Report for Fiscal Year 2005; to the Committee on Armed Services.

EC – 6838. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Department, received on May 15, 2006; to the Committee on Armed Services.

EC – 6839. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report entitled ''Distribution of DoD Depot Maintenance Workloads—Fiscal Years 2005 through 2007''; to the Committee on Armed Services.

EC – 6840. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report entitled ''Foreign Sources of Supply: Assessment of the United States Defense Industrial Base''; to the Committee on Armed Services.

EC – 6841. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, the Department of Defense 2005 Commercial FAIR Act Report and the Department of Defense 2005 Inherently Governmental FAIR Act Report; to the Committee on Armed Services.

EC – 6842. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC – 6843. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC – 6844. A communication from the Secretary of the Treasury, transmitting, pursuant to the law, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC – 6845. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Change in Default Reporting Period'' ((RIN2502–AI20)(FR–4916–F–02)) received on May 15, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC – 6846. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Manufactured Home Construction and Safety Standards Technical Correction'' ((RIN2502–AI12)(FR–4886–C–03)) received on May 15, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC – 6847. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to omitting Libya and adding Venezuela to the list of countries not cooperating fully with U.S. antiterrorism efforts; to the Committee on Foreign Relations.

EC – 6848. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Italy; to the Committee on Foreign Relations.

EC – 6849. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed authorization for the export of significant military equipment in the amount of $50,000,000 or more to Space Systems/Loral and PanAmSat of the United States; to the Committee on Foreign Relations.

EC – 6850. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed authorization for the sale of significant military equipment sold commercially under contract in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC – 6851. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Algeria and Spain; to the Committee on Foreign Relations.

EC – 6852. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC – 6853. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to the Republic of Korea; to the Committee on Foreign Relations.

EC – 6854. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Australia, Canada, and Malaysia; to the Committee on Foreign Relations.

EC – 6855. A communication from the Assistant Secretary, Policy Management and Budget, Department of the Interior, transmitting, pursuant to law, the Final Engineering Report and Water Conservation Plan for the Rocky Boy's/North Central Montana Regional Water System; to the Committee on Energy and Natural Resources.

EC–6856. A communication from the Chairman, U.S. Merit Systems Protection Board, transmitting, the report of draft legislation to authorize appropriations for the Merit Systems Protection Board, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

EC–6857. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–09'' (FAC Case 2005–09) received on May 15, 2006; to the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. ISAKSON, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. BYRD, Mr. DEWINE, and Mr. SANTORUM):

S. 2803. A bill to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEMINT:

S. 2804. A bill to extend the duty suspension on polysiloxane; to the Committee on Finance.

By Mr. DEMINT:

S. 2805. A bill to suspend temporarily the duty on 2,6-Di-tert-butylphenol; to the Committee on Finance.

By Mr. DEMINT:

S. 2806. A bill to suspend temporarily the duty on sodium hypophosphite; to the Committee on Finance.

By Mr. DEMINT:

S. 2807. A bill to suspend temporarily the duty on Cyanuric chloride; to the Committee on Finance.

By Mr. DEMINT:

S. 2808. A bill to suspend temporarily the duty on textured rolled glass sheets; to the Committee on Finance.

By Mr. DEMINT:

S. 2809. A bill to suspend temporarily the duty on 4,4'-Diaminostilbene-2,2'-disulfonic acid; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. DEWINE, Mr. NELSON of Florida, Mr. KYL, Mr. CARPER, Mr. TALENT, Mrs. LINCOLN, Ms. SNOWE, Ms. CANTWELL, Mr. SANTORUM, Mr. BAYH, Mr. BURNS, Mr. CONRAD, Ms. MURKOWSKI, Mrs. MURRAY, Mr. SMITH, and Mr. HATCH):

S. 2810. A bill to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling program and area agencies on aging, and for other purposes; read the first time.

By Ms. STABENOW (for herself and Mr. DORGAN):

S. 2811. A bill to amend title XVIII of the Social Security Act to extend the annual, coordinated election period under the Medicare part D prescription drug program through all of 2006 and to provide for a refund of excess premiums paid during 2006, and for other purposes; to the Committee on Finance.

By Mr. DAYTON:

S. 2812. A bill to amend the Petroleum Marketing Practices Act to prohibit restrictions on the installation of renewable fuel pumps, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 2813. A bill for the relief of Claudia Marquez Rico; to the Committee on the Judiciary.

By Mr. BURNS:

S. 2814. A bill to amend title 10, United States Code, to provide for support of funeral ceremonies for veterans provided by details that consist solely of members of veterans organizations and other organizations, and for other purposes; to the Committee on Armed Services.

By Mr. DODD:

S. 2815. A bill to establish the Commission on Economic Indicators to conduct a study and submit a report containing recommendations concerning the appropriateness and accuracy of the methodology, calculations, and reporting used by the Government relating to certain economic indicators; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. JOHNSON, Mr. DORGAN, and Mr. BIDEN):

S. 2816. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for the manufacture of flexible fuel motor vehicles and to extend and increase the income tax credit for alternative fuel refueling property, and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. JOHNSON, Mr. DORGAN, and Mr. BIDEN):

S. 2817. A bill to promote renewable fuel and energy security of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SALAZAR (for himself, Mr. ALLARD, Mr. BAYH, Mr. BUNNING, Mr. MCCONNELL, and Mr. WYDEN):

S. Res. 480. A resolution expressing the sense of the Senate regarding the Chemical Weapons Convention; to the Committee on Armed Services.

By Mr. FRIST (for himself, Mr. REID, and Mr. ENSIGN):

S. Res. 481. A resolution relative to the death of Jacob Chic Hecht, former United States Senator for the State of Nevada; considered and agreed to.

ADDITIONAL COSPONSORS

S. 647

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 647, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 886

At the request of Mr. MCCAIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 886, a bill to eliminate the annual operating deficit and maintenance backlog in the national parks, and for other purposes.

S. 914

At the request of Mr. ALLARD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 914, a bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 1104

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1104, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1263

At the request of Mr. BOND, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1263, a bill to amend the Small Business Act to establish eligibility requirements for business concerns to receive awards under the Small Business Innovation Research Program.

S. 1354

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1354, a bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

S. 1479

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1479, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1862

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1862, a bill to establish a joint energy cooperation program within the Department of Energy to fund eligible ventures between United States and Israeli businesses and academic persons in the national interest, and for other purposes.

S. 2005

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2005, a bill to provide for the reviewing, updating, and maintenance of National Flood Insurance Program rate maps, and for other purposes.

S. 2010

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 2140

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. LIEBERMAN) 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. 2178

At the request of Mr. SCHUMER, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2392

At the request of Mrs. BOXER, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2392, a bill to promote the empowerment of women in Afghanistan.

S. 2461

At the request of Mr. SANTORUM, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2461, a bill to prohibit United States assistance to develop or promote any rail connections or railway-related connections that traverse or connect Baku, Azerbaijan, Tbilisi, Georgia, and Kars, Turkey, and that specifically exclude cities in Armenia.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2480, a bill to amend the Fairness to Contact Lens Consumers Act with respect to the availability of contact lenses.

S. 2556

At the request of Mr. BAYH, the name of the Senator from Iowa (Mr. HARKIN) 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. 2566

At the request of Mr. LUGAR, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 2566, a bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes.

S. 2614

At the request of Mr. THUNE, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 2614, a bill to amend the Solid Waste Disposal Act to establish a program to provide reimbursement for the installation of alternative energy refueling systems.

S. 2629

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2629, a bill to improve the tracking of stolen firearms and firearms used in a crime, to allow more frequent inspections of gun dealers to ensure compliance with Federal gun law, to enhance the penalties for gun trafficking, and for other purposes.

S. 2658

At the request of Mr. BOND, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Montana (Mr. BURNS) were added as cosponsors of 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.

S. 2682

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2682, a bill to exclude from admission to the United States aliens who have made investments directly and significantly contributing to the enhancement of the ability of Cuba to develop its petroleum resources, and for other purposes.

S. 2703

At the request of Mr. LEAHY, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2703, a bill to amend the Voting Rights Act of 1965.

S. 2725

At the request of Mrs. CLINTON, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 2725, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal Minimum wage and to ensure that increases in the Federal minimum wage keep pace with any pay adjustments for Members of Congress.

S.J. RES. 10

At the request of Mr. SHELBY, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S.J. Res. 10, a joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year.

S. RES. 236

At the request of Mr. COLEMAN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 236, a resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

S. RES. 320

At the request of Mr. ENSIGN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 320, a resolution calling for 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. 420

At the request of Mr. SMITH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 420, a resolution expressing the sense of the Senate that effective treatment and access to care for individuals with psoriasis and psoriatic arthritis should be improved.

S. RES. 462

At the request of Mr. GRASSLEY, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Utah (Mr. HATCH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 462, a resolution designating June 8, 2006, as the day of a National Vigil for Lost Promise.

S. RES. 469

At the request of Mr. ENSIGN, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. Res. 469, a resolution condemning the April 25, 2006, beating and intimidation of Cuban dissident Martha Beatriz Roque.

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 469, supra.

AMENDMENT NO. 3960

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 3960 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 3961

At the request of Mr. ISAKSON, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mr. CORNYN), the Senator from Tennessee (Mr. ALEXANDER), the Senator from New Mexico (Mr. DOMENICI) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of amendment No. 3961 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

At the request of Mr. ALLARD, his name was added as a cosponsor of

amendment No. 3961 proposed to S. 2611, supra.

At the request of Mr. THUNE, his name was added as a cosponsor of amendment No. 3961 proposed to S. 2611, supra.

AMENDMENT NO. 3966

At the request of Mr. COBURN, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 3966 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 3968

At the request of Mr. ALLARD, the names of the Senator from Montana (Mr. BURNS) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of amendment No. 3968 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 3981

At the request of Mr. BINGAMAN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of amendment No. 3981 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 3985

At the request of Mr. ENSIGN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 3985 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. ISAKSON, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. BYRD, Mr. DEWINE, and Mr. SANTORUM):

S. 2803. A bill to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, as the chairman of the Senate Committee on Health, Education, Labor and Pensions I am pleased to announce today the introduction of comprehensive legislation designed to make our Nation's mines and miners safer—the Mine Improvement and New Emergency Response Act of 2006, the MINER Act. I am particularly pleased to note that the MINER Act is the product of a truly bipartisan effort that includes Senator KENNEDY, the committee's ranking member, Senators ISAKSON and MURRAY, the chair and ranking member of the Subcommittee on Employment and Workplace Safety, and Senators ROCKEFELLER and BYRD. They have all worked tirelessly to make this bill a reality, and I am grateful for their leadership on this issue and their co-sponsorship of the MINER Act.

Mining, and coal mining in particular, is vital to our national and local economies, and to our national energy security. No aspect of mining is more important than protecting the health and safety of those whose hard work fuels the industry.

This year our Nation has experienced tragic losses in the coal mines of West Virginia. Following the accident at the Sago mine, Senators ISAKSON, KENNEDY, ROCKEFELLER, and I traveled to West Virginia to meet with the families of those miners whose lives were lost. We were all deeply moved by that experience, and committed to do our best to ensure that such tragedies will not be repeated. To further that commitment, we have sought the views of experts and stakeholders on a wide range of mine safety issues and have conducted hearings and roundtables on such issues as mine safety technology. In the MINER Act, we have done much to reach our common goal of safeguarding the lives of all those who work in our Nation's mines.

The legislation we introduce today addresses the issue of mine safety in a variety of ways. First, the MINER Act would require the development of mine-specific emergency response plans that incorporate safety and technology provisions designed to enhance miner safety. In the area of technology, in particular, the MINER Act recognizes that as safety technology evolves, so, too, must our approach. Thus, the plans that are initially developed must be periodically modified to reflect such changes.

Second, the MINER Act recognizes the critical role of mine rescue teams, and those who serve on them, in enhancing the safety of miners. The legislation directs the Secretary of Labor to issue regulations that will make new provisions for mine rescue teams, and it creates liability protection for those who serve on those teams and their employers.

Third, the MINER Act recognizes that in emergencies the ability to craft a prompt response is dependent upon prompt notification. Thus, the MINER Act provides that in the case of serious life-threatening accidents notification must be made to Federal Mine Safety officials within 15 minutes.

Fourth, the legislation recognizes that despite all efforts, accidents may occur in the future, and that in those instances MSHA should be prepared to provide assistance to and communicate with the families of those affected. Accordingly, the MINER Act requires MSHA to establish a policy to meet both of these objectives.

Fifth, the legislation recognizes the key role of technology in improving mine safety and the key role of the National Institute of Occupational Safety and Health in advancing such technological development. The MINER Act establishes an Office of Mine Safety within NIOSH, a NIOSH-administered grant and contract program designed to foster the development and manufacture of new mine safety equipment, and a NIOSH-chaired interagency working group designed to facilitate the transfer of technology that may be adaptable to mine usage from such other Federal sources as the National Aeronautics and Space Administration, NASA, the Department of Defense. The bill also contains provisions to streamline the testing of new technologies.

Sixth, the MINER Act recognizes there are some areas regarding technology and engineering and mining practice about which uncertainty remains. The MINER Act recognizes that such issues are better addressed with the informed assistance of experts. Thus, the MINER Act creates a technical study panel to review the belt air issue and directs further NIOSH study and testing regarding refuge chambers. It also requires the Secretary to utilize the regulatory process to issue final regulations regarding the strength of seals used in abandoned mining sections. These directives do not prejudge the issues or dictate any result or action. They do, however, provide an important means of developing a body of expert opinion with regard to these Issues.

Seventh, throughout the development of this legislation my long-held view that the vast majority of mine operators take their safety responsibilities with great seriousness has been reinforced. The conscientious efforts of mine operators throughout the country have been the principal reason behind our continual improvement in mine safety over the years. We must recognize this essential fact even as we must also recognize that there are a handful of operators who do not fall in this camp. In the instance of these ''bad actors,'' the MINER Act provides tools MSHA can use to more readily deal with those who fail to pay civil penalties. The MINER Act codifies a tenfold increase in the available criminal penalties, and it creates an increased maximum for flagrant violators in line with the administration's proposal and creates minimum penalties for the most serious types of infractions.

Lastly, the legislation recognizes that training and education play a critical role in the effort to make mines and miners safer. Therefore, the legislation contains scholarship provisions to address the anticipated shortages of trained miners and MSHA personnel as well as fostering the skills of those who will work on the next generation of mine safety technology. It also contains provisions for the establishment of a program to provide a full range of mine safety training grants.

These steps, when taken together, will help make our nation's mines a safer workplace today and in years to come.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. ROCKEFELLER. Mr. President, it is my honor today to join with several of my distinguished colleagues to introduce S. 2803, the Mine Improvement and New Emergency Response,

MINER Act of 2006. This is the first time Congress has taken a critical look at mine safety since the 1970s. It will be the first significant update of statutory mine safety standards in a generation. The advances in this legislation represent long overdue health and safety improvements for our Nation's miners. The MINER Act will affect every mine and every miner in the country. When fully implemented by the Mine Safety and Health Administration, MSHA, and coal operators, the MINER Act will make the men and women who work in our Nation's coal mines safer than they have ever been.

Like many Americans, I was transfixed by the coverage of the tragic events at the Sago Mine in Upshur County, WV, this past January. My heart went out to the families of the miners as they waited and prayed for—and were cruelly denied—a happy ending. Except for the brief elation when we learned of Randal McCloy's miraculous survival, we were all heartbroken by the devastating outcome. Because these were miners and families in my State of West Virginia and because for years I lived and worked in nearby Buckhannon, the tragedy at Sago hit very close to home for me. For current and retired miners and their families across the country, the deaths of the Sago miners were very much the deaths of brothers.

When two more miners went missing after a fire in the Alma No. 1 mine near Melville, in Logan County, WV, I knew my place was there with the families. There was little that could be done to ease the anxiety of the miners' families while they waited and prayed together in the church in Melville, having themselves lived through the Sago tragedy. That day, I was standing with Governor Manchin at the mine mouth and we got the news that no one wanted to hear. We returned to the church to be with the families when they heard the words that crushed their hopes for another miracle. No parent or spouse should have to live through a moment like that ever again. It was clear that better mine safety regulation was essential.

One positive consequence of the broad news coverage of the Sago and Alma tragedies was that the world got a glimpse of West Virginia at its best: people who work hard, love their families, and trust in their God. My trip to Upshur County to meet with the families—and then the immensely sad and too-familiar repeat 2 weeks later to sit and to grieve with families of the Alma miners in Logan County—inspired what I hope will be a more lasting and tangible result. It became my mission to substantially improve and make more rigorous health and safety standards in American coal mines. I believe the MINER Act is legislation that will fulfill those goals and is the very least we can do as we recall the Sago and Alma miners, as well as those who lost their lives at the Longbranch No. 18, Black Castle, Candice No. 2, and Jacob No. 1 mines in West Virginia and at other mines in Kentucky, Utah, Alabama, and Maryland just this year.

The MINER Act amends the Federal Mine Safety and Health Act of 1977 to do the following:

Requires companies to submit to MSHA emergency preparedness and response plans, including requirements to deploy state-of-the-art technologies for two-way communications, miner tracking, improved breathing apparatuses, and lifelines. These improvements must be made immediately wherever feasible and no later than 3 years after enactment. Each miner must have enough breathable air accessible to last for a sustained period of time.

Requires coal operators to supply miners with additional supplies of breathable air, both in working sections of coal mines and at intervals on escapeways so miners can walk out in the event of a disaster.

Increases training on self-rescuers to make sure that technologies are properly deployed in the mine as soon as they become available.

Requires operators to notify MSHA within 15 minutes of a disaster or face up to $60,000 in penalties.

Improves the overall safety of miners by strengthening mine rescue team requirements for all underground mines. Now at least one miner per shift will have to be sufficiently familiar with the mine's operations to serve as a coordinator in the even of an accident, more miners will be rescue-trained, and response time will be cut in half—down to 1 hour.

Requires NIOSH to conduct research, including field testing, of refuge chambers and could result in the Secretary issuing a new regulation to require them.

Creates an Office of Mine Safety in NIOSH to distribute mine safety research and development grants and to coordinate with other Government agencies on technology they use that might be adapted for mine safety purposes.

Establishes a family liaison position for post-accident assistance to miners' families.

Creates for the first time a schedule of higher minimum penalties for the most egregious health and safety violations—essentially doubling fines for serious violations.

Tightens up MSHA fine collection procedures and gives MSHA new authority to shut down mines for failure to pay persistent violations.

Requires the Secretary of Labor to improve standards for seals in abandoned areas of underground coal mines.

Establishes a technical study panel made up of scientists and health and safety experts to review and report to the Secretaries of Labor and Health and Human Services on the use of ''belt air'' and the replacement of worn belts with fire-resistant materials.

Creates three scholarship programs: for community college study in basic safety and mine skills for new miners; for college-level study leading toward employment with MSHA; and college and graduate study in mining-related disciplines.

Creates the Brookwood-Sago Mine Safety Grants Program in the Department of Labor to fund education and training programs designed to identify, avoid, and prevent unsafe working conditions in and around mines.

While television allowed the entire globe to look in on the 24-hour-a-day vigils at Sago and then Alma, I received a number of calls of support and condolences from around the country and around the world. Among the first were calls from Senate Health, Education, Labor, and Pensions, HELP, Committee chairman MIKE ENZI and his ranking Democrat member, TED KENNEDY. Chairman ENZI comes from a coal community in Wyoming and understands the bond between miners and their families. He also understands the hazards of mining coal, and he has been determined from the beginning to put out a good bill that can pass this Congress. I have known and admired MIKE ENZI since he was the mayor of Gillette, WY, and I, while Governor of West Virginia, was serving as chairman of President Carter's Coal Commission. He is a fine and honest man, and it has been a pleasure to work with him on this vitally important legislation.

As for Senator KENNEDY, with the exception of his home State of Massachusetts, there can be few places where his long career in the Senate has had more positive impacts than in my State of West Virginia. Both Senator KENNEDY and Senator ENZI expressed to me their heartfelt sorrow and their unshakable commitment to work with me on mine safety legislation in this Congress.

That commitment had its first demonstration when Chairman ENZI, Senator KENNEDY, and HELP Employment and Workplace Safety Subcommittee chairman JOHNNY ISAKSON joined me on a trip to Upshur County so they could sit with the families of the Sago miners, as well as with survivors of the accident and company officials. Few meetings that I have attended in my public career were as powerful as the more than 2 hours we spent with the Sago families. But the commitment has been proven beyond all doubt as Chairman ENZI and Senators KENNEDY, ISAKSON, MURRAY, and BYRD have worked with me to negotiate the MINER Act over the course of the last several months.

We have had some differences of opinion and worked through issues in which we were all trying to accomplish the same goal but from occasionally different angles. The good will and conscientiousness that Chairman ENZI and Senator ISAKSON have shown in this process give me hope for greater bipartisan cooperation in the future. I am extremely grateful to them for their willingness to work through our honest differences.

While I believe the MINER Act will result in greatly improved safety in

our mines, it is not the last word in health and safety protections for the men and women who work underground. More aggressive measures on mine safety may be needed. Chairman ENZI has produced a very good bill, but I would have included more definitive language to push the introduction of emergency refuge chambers in mines, and I would have prevented the use of belt air anywhere its use presents an unreasonable hazard to miners. In any event, miners should not have to wait much longer for Congress to act. Legislating can be a slow process, but in times of crisis—and I believe we are in a time of crisis in our mines—Congress must act.

As we work to move this legislation through Congress, we must commit with equal dedication to ongoing oversight. I believe I have that commitment from the chairman of the HELP Committee. But we need to ask more of the administration also: in resources—real dollars; in a renewed dedication to an inspector workforce weakened by retirements and attrition; and in more vigilance on the part of mine inspectors, who must be willing to spend the time in those mines where safety concerns go unabated today. On the front lines, I believe our coal companies understand that safe mines are productive mines, and our miners come to work each day ready and willing to do their jobs in the safest way possible.

I commit to work with my cosponsors and all in Congress and the administration who care about miners to get this bill enacted this year and to continue to improve mine safety even after the MINER Act passes.●

Mr. ENZI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

(The bill will be printed in a future edition of the RECORD.)

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. DEWINE, Mr. NELSON of Florida, Mr. KYL, Mr. CARPER, Mr. TALENT, Mrs. LINCOLN, Ms. SNOWE, Ms. CANTWELL, Mr. SANTORUM, Mr. BAYH, Mr. BURNS, Mr. CONRAD, Ms. MURKOWSKI, Mrs. MURRAY, Mr. SMITH, and Mr. HATCH):

S. 2810. A bill to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling program and area agencies on aging, and for other purposes; read the first time.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 2810

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 ''Medicare Late Enrollment Assistance Act of 2006''.

SEC. 2. ELIMINATION OF MONTHS IN 2006 FROM THE CALCULATION OF ANY LATE ENROLLMENT PENALTY UNDER MEDICARE PART D.

(a) ELIMINATION.—Section 1860D–13(b)(3)(B) of the Social Security Act (42 U.S.C. 1895w–113(b)(3)(B)) is amended by adding at the end the following new sentence: ''In no case shall any month in 2006 be considered to be an uncovered month under this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 101(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2071).

SEC. 3. ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE COUNSELING PROGRAMS.

(a) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated $13,000,000 to the Secretary of Health and Human Services for fiscal year 2007, for the purpose of providing grants to States for State health insurance counseling programs receiving assistance under section 4360 of the Omnibus Reconciliation Act of 1990.

(b) ALLOCATION.—

(1) ALLOCATION BASED ON PERCENTAGE OF LOW-INCOME BENEFICIARIES.—The amount of a grant to a State under this section from ½ of the total amount made available under subsection (a) shall be based on the number of individuals that meet the requirement under section 1860D–14(a)(3)(A)(ii) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)(A)(ii)) relative to the total number of part D eligible individuals (as defined in section 1860D–l(a)(3)(A) of such Act (42 U.S.C. 1395w–101(a)(3))) in each State, as estimated by the Secretary of Health and Human Services.

(2) ALLOCATION BASED ON PERCENTAGE OF RURAL BENEFICIARIES.—The amount of a grant to a State under this section from ½ of the total amount made available under subsection (a) shall be based on the number of part D eligible individuals (as so defined) residing in a rural area (as determined by the Administrator of the Centers for Medicare & Medicaid Services) relative to the total number of such individuals in each State, as estimated by the Secretary of Health and Human Services.

(c) AVAILABILITY.—Amounts made available under subsection (a) shall remain available—

(1) for obligation until November 1, 2006; and

(2) for expenditure until June 30, 2008.

SEC. 4. ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.

(a) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated $5,000,000 to the Secretary of Health and Human Services for fiscal year 2007, to enable the Assistant Secretary on Aging to provide grants to States for area agencies on aging (as defined in section 102 of the Older American Act of 1965 (42 U.S.C. 3002)). Such assistance shall be used to provide eligible Medicare beneficiaries with information regarding benefits under title XVIII of the Social Security Act.

(b) ALLOCATION BASED ON PERCENTAGE OF LOW-INCOME AND RURAL BENEFICIARIES.—The amount of a grant to a State under this section from the total amount made available under subsection (a) shall be determined in the same manner as the amount of a grant to a State under section 4 from the total amount made available under subsection (a) of such section is determined under paragraphs (1) and (2) of subsection (b) of such section.

(c) AVAILIBILITY.—Amounts made available under subsection (a) shall remain available—

(1) for obligation until November 1, 2006; and

(2) for expenditure until June 30, 2008.

SEC. 5. MEDICARE ADVANTAGE REGIONAL PLAN STABILIZATION FUND REVISIONS.

(a) IN GENERAL.—Section 1858(e)(5) of the Social Security Act (42 U.S.C. 1395w–27a(e)(5)) is amended by adding at the end the following new subparagraph:

''(C) ADDITIONAL LIMITATION.—In no case may the total expenditures from the Fund—

''(I) prior to October 1, 2007, exceed $566,000,000;

''(II) during the period beginning on October 1, 2007, and ending on September 30, 2011, exceed $4,507,000,000.''

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 221(c) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2181).

By Mrs. FEINSTEIN:

S. 2813. A bill for the relief of Claudia Marquez Rico; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am offering today private relief legislation to provide lawful permanent residence status to Claudia Marquez Rico, a Mexican national living in Redwood City, CA

Born in Jalisco, Mexico, Claudia was brought to the United States by her parents 16 years ago. Claudia was just 6 years old at the time. She has two younger brothers, Jose and Omar, who came to America with her, and a sister, Maribel, who was born in California and is a U.S. Citizen. America is the only home they know.

Six years ago that home was visited by tragedy. As Mr. and Mrs. Marquez were driving to work early on the morning of October 4, 2000, they were both killed in a horrible traffic accident when their car collided with a truck on an isolated rural road.

The children went to live with their aunt and uncle, Hortencia and Patricio Alcala. The Alcalas are a generous and loving couple. They are U.S. citizens with two children of their own. They took the Marquez children in and did all they could to comfort them in their grief. They supervised their schooling, and made sure they received the counseling they needed, too. The family is active in their parish at Buen Pastor Catholic Church, and Patricio Alcala serves as a youth soccer coach. In 2001, the Alcalas were appointed the legal guardians of the Marquez children.

Sadly, the Marquez family received bad legal representation. At the time of their parents' death, Claudia and Jose were minors, and qualified for special immigrant juvenile status. This category was enacted by Congress to protect children like them from the hardship that would result from deportation under such extraordinary circumstances, when a State court deems them to be dependents due to abuse, abandonment or neglect. Today, their younger brother Omar is on track to lawful permanent residence status as a special immigrant juvenile. Unfortunately, the family's previous lawyer failed to secure this relief for Claudia, and she has now reached the age of majority without having resolved her immigration status.

I should note that their former lawyer, Walter Pineda, is currently answering charges on 29 counts of professional incompetence and 5 counts of moral turpitude for mishandling immigration cases and appears on his way to being disbarred.

I am offering legislation on Claudia's behalf because I believe that, without it, this family would endure an immense and unfair hardship. Indeed, without this legislation, this family will not remain a family for much longer.

Despite the adversity they encountered, Claudia and José finished school and now work together in a pet grooming store in Redwood City, where Claudia is the store manager. They support themselves, and they are dedicated to their community and devoted to their family. In fact, last year Claudia became the legal guardian of her 14-year-old sister Maribel, who lives with her and José at their home in Redwood City. Omar, now 17 years old, continues to live with the Alcalas so as not to interrupt his studies at Aragon High School in San Mateo. Again, Maribel is a U.S. citizen, and Omar is eligible for a green card.

Claudia has no close relatives in Mexico. She has never visited Mexico, and she was so young when she was brought to America that she has no memories of it. How can we expect her to start a new life there now?

It would be a grave injustice to add to this family's misfortune by tearing these siblings apart. This is a close family, and they have come to rely on each other heavily in the absence of their deceased parents. This bill will prevent the added tragedy of another wrenching separation.

I ask unanimous consent that the text of the bill be printed in the RECORD along with a letter from Claudia and José Marquez Rico.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2813

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

SECTION 1. PERMANENT RESIDENT STATUS FOR CLAUDIA MARQUEZ RICO.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Claudia Marquez Rico shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Claudia Marquez Rico enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and, if otherwise eligible, shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Claudia Marquez Rico, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Claudia Marquez Rico shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

JANUARY 3, 2005.

Senator DIANNE FEINSTEIN,
U.S. Congress,
Washington, DC.

DEAR SENATOR FEINSTEIN: We are writing to request your assistance in introducing a private bill in the United States Senate on our behalf. We are currently in deportation proceedings before the Immigration Court in San Francisco, California. We are twenty-one and eighteen years old respectively. We have two other siblings, Omar, sixteen, and Maribel, twelve.

Our parents entered the United States without documents in 1990. We were very young at the time and don't remember entering the United States or ever living in Mexico. Our life in the United States is the only thing we have ever known, it is where our family, friends, and community are and have always been.

In October 2000 our parents were both killed in a terrible car accident. We were so sad to suddenly not have our parents and scared about what our future would bring. After the accident we went to live with our aunt and uncle, Hortencia and Patricio Alcala, in San Mateo, California and they became our legal guardians. It was difficult to adjust to life without our parents. We lived in a new home, in a new environment, and attended different schools with new people. Everything in our lives had changed.

Before their deaths, our parents had a case before the Immigration Court in San Francisco, California and we were included in that case. Our youngest sister Maribel was born here in the United States and so she is a citizen and not part of the case. We know that despite the deaths of our parents that case continues and that we may be deported to Mexico. We have a lawyer who is trying to help us with our case, Angela Bean. She said she will be able to help our brother Omar in his case because he is still a minor but that there are few options for us to remain in the United States legally. We are trying to find a solution for our case but are scared we may be deported before we are able to do so.

Our parents came to this country because they wanted a better future for us and all we want is the chance to have the kind of opportunities they sought for us. Jose Elvis wants to study mechanics and then open his own shop and Claudia wants to go to college. All of our dreams would be lost if we had to return to Mexico. We have no family there and no way of supporting ourselves. Even though we were born there, we came to the United States at such a young age it's as if we have never been there before.

We not only worry about our future, but about our sister Maribel if we were forced to go back to Mexico. She is the youngest and we want to be here for her as she grows up and to protect her and teach her things. All we have is each other now and we don't want to be separated from the family we have left.

We ask for your help so that we can remain in the United States and so we can continue to grow and be surrounded by the people and places we know and love, Our lives have been very difficult since the deaths of our parents and we hope that we can remain in this country where we have the opportunities our parents wanted for us and the family support that we need.

Sincerely,

CLAUDIA MARQUEZ-RICO.
JOSE ELVIS MARQUEZ-RICO.

By Mr. DODD:

S. 2815. A bill to establish the Commission on Economic Indicators to conduct a study and submit a report containing recommendations concerning the appropriateness and accuracy of the methodology, calculations, and reporting used by the Government relating to certain economic indicators; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I introduce legislation today to improve the way we measure the condition of America's economy. My bill, the Economic Indicators Commission Act of 2006, would establish a nonpartisan commission of experts to make recommendations concerning the appropriateness and accuracy of the methodology, calculations, and reporting of the government's economic statistics. I am joined in this effort by Representative EMANUEL in the other body.

The statistics that describe our economy provide essential information and guidance for private market actors and public policymakers. Statistics like Gross Domestic Product, GDP, the inflation rate, and the unemployment rate help investors decide how to allocate their money, help entrepreneurs decide whether to start a new business, and help job-seekers decide where to look for new opportunities. Policymakers ranging from central bankers to elected officials rely on the same statistics to make informed decisions about monetary and fiscal policy and public sector investments.

Yet while we rely on these indicators, we know that they paint an imperfect picture. The Bureau of Labor Statistics, BLS, for example, reports two separate measures of employment, which, as many of us may remember, created some controversy in 2003 and 2004 when they provided conflicting assessments of our economy's health. The BLS's two series never match up perfectly, but at one point, one measure showed a loss of 1 million jobs since the recession's official end in November 2001, while the other reported an increase of 1.4 million. The 2004 Economic Report of the President called such a large and sustained divergence ''unprecedented.''

Ben Bernanke, now Chairman of the Federal Reserve Board of Governors,

described well the challenge of relying on imperfect indicators in a 2004 speech to the National Economists Club in Washington, DC. In the speech, Dr. Bernanke made light of a common analogy used to describe American monetary policy, which compares the Federal Reserve's Federal Open Market Committee to the driver of a car—the U.S. economy—who must decide whether to tap the accelerator or the brake in order to maintain proper speed. Dr. Bernanke offered a slightly modified comparison: ''[I]f making monetary policy is like driving a car,'' he said, ''then the car is one that has an unreliable speedometer, a foggy windshield, and a tendency to respond unpredictably and with delay to the accelerator or the brake.''

While our economic statistics will likely never provide perfect, real-time gauges of our economy's performance, that does not mean we should cease seeking to improve them. Chairman Bernanke's predecessor at the Federal Reserve, Alan Greenspan, was known for his search for insight not only by reading economic data, but also by knowing its limitations and pushing for better ways to measure what was happening in the national and global economies. As Chairman Greenspan recognized in a speech to the American Economic Association on January 3, 2004, ''the economic world in which we function is best described by a structure whose parameters are continuously changing.''

Chairman Greenspan makes an important point. As our economy evolves, so too should our methods for measuring it. In a recent Business Week cover story, reporter Michael Mandel outlines one example of how modem features of the 21st century economy may be challenging the accuracy of traditional economic indicators. America's economy, Mandel argues, has become increasingly ''knowledge-based,'' driven by intangible investments in addition to the production of tangible goods. Intangibles, however, are notoriously difficult to measure, so as a result, our traditional indicators may be leaving out a growing portion of the economic picture. If intangibles truly are growing in importance, our statistics must better account for them in order to provide a full and accurate measure of economic activity.

Intangibles aren't the only economic factor that our current indicators may not capture accurately. Researchers in academic and public policy institutions have also questioned the way we measure poverty in America. They suggest that the government's use of ''reported household income'' as the primary measurement tool does not properly account for regional differences in the cost of living or noncash items such as food stamps. As a result, we may be systematically undercounting the number of Americans living in poverty, especially those living in high-cost areas. Mr. President, if we as a Nation are going to effectively fight the scourge of poverty, we must know where to aim and have the ability to measure our progress.

Properly accounting for intangibles and developing more realistic standards of poverty represent only two of the many challenges we face in improving the way we measure our economy. Public servants at each of our government statistical agencies, along with independent researchers, are working continuously and diligently to better the techniques for collecting and reporting information. But the challenge is to bring these efforts together in a larger, coordinated context, with the mission to fundamentally re-examine the way we measure economic activity and our progress as a society.

The legislation I introduce today, the Economic Indicators Commission Act of 2006, will achieve this goal. It establishes a nonpartisan panel of eight experts appointed by Senate and House leadership, in consultation with the chairman and ranking members of the Banking and Finance Committees in the Senate, the Financial Services and Ways and Means Committees in the House, and the Joint Economic Committee. The bill directs the Commission to consult with both users and reporters of data, such as the Federal Reserve and Council of Economic Advisers and the Commerce and Labor Departments, and report its findings and recommendations to the Congress within 12 months.

In order to formulate effective policy and improve market efficiency, we need a full and accurate picture of the economy. Our economic data has the power to literally move markets; it influences billions of dollars worth of investment and public policy decisions. The legislation I introduce today will help Americans make more informed decisions by improving these statistics. Going back to Chairman Benanke's joke about the analogy of the economy as a difficult-to-drive car, this bill will help drivers de-fog the windshield and upgrade the speedometer, for the benefit of all.

Mr. President, I ask unanimous consent that the 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. 2815

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 ''Commission on Economic Indicators Act of 2006''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Federal and State governments and private sector entities depend on the economic statistics published by the Federal Government;

(2) questions have been raised about the accuracy of various measures including productivity, poverty, inflation, employment and unemployment, and wages and income; and

(3) it is essential that these indicators accurately reflect underlying economic activity and conditions.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the Commission on Economic Indicators (in this Act referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 8 members of whom—

(A) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the Chairmen and Ranking Members of the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Finance of the Senate, and the Joint Economic Committee;

(B) 2 shall be appointed by the Minority Leader of the Senate, in consultation with the Chairmen and Ranking Members of the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Finance of the Senate, and the Joint Economic Committee;

(C) 2 shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairmen and Ranking Members of the Committee on Financial Services of the House of Representatives, the Committee on Ways and Means of the House of Representatives, and the Joint Economic Committee; and

(D) 2 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Chairmen and Ranking Members of the Committee on Financial Services of the House of Representatives, the Committee on Ways and Means of the House of Representatives, and the Joint Economic Committee.

(2) QUALIFICATIONS.—Members of the Commission shall be—

(A) appointed on a nonpartisan basis; and

(B) experts in the fields of economics, statistics, or other related professions.

(3) DATE.—The appointments of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner: as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairman.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among its members.

SEC. 4. DUTIES OF THE COMMISSION.

(a) STUDY.—The Commission shall conduct a study of—

(1) economic statistics collected and reported by United States Government agencies, including national income, employment and unemployment, wages, personal income, wealth, savings, debt, productivity, inflation, and international trade and capital flows; and

(2) ways to improve the related statistical. measurements so that such measurements provide a more accurate and complete depiction of economic conditions.

(b) CONSULTATION.—In conducting the study under this section, the Commission shall consult with—

(1) the Chairman of the Federal Reserve Board of Governors;

(2) the Secretary of Commerce;

(3) the Secretary of Labor;

(4) the Secretary of the Treasury;

(5) the Chairman of the Council of Economic Advisers; and

(6) the Comptroller General of the United States.

(c) REPORT.—Not later than 1 year after the date of the first meeting of the Commission, the Commission shall submit a report to Congress which shall contain a detailed statement of the findings and conclusions of the Commission, together with recommendations for such legislation and administrative actions as the Commission considers appropriate, including a recommendation of the appropriateness of establishing a similar commission after the termination of the Commission.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission. The Commission shall maintain the same level of confidentiality for such information made available under this subsection as is required of the head of the department or agency from which the information was obtained.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(B) MEMBERS OF BOARD.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 4.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this Act.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. JOHNSON, Mr. DORGAN, and Mr. BIDEN):

S. 2816. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for the manufacture of flexible fuel motor vehicles and to extend and increase the income tax credit for alternative fuel refueling property, and for other purposes; to the Committee on Finance.

Mr. HARKIN. Today, I am introducing, along with Senators LUGAR, JOHNSON, DORGAN and BIDEN, tax legislation that is designed to complement the Biofuels Security Act of 2006, also being introduced today. I will walk through these provisions very briefly.

The legislation amends the existing tax credit for installing alternative fueling infrastructure, such as E85 fueling pumps and tanks which was enacted as part of last year's energy bill. That existing provision allows a tax credit of 30 percent of the cost of installation, with a maximum credit of $30,000. Our bill modifies this credit in three ways. First, we would eliminate availability of the credit for the large oil companies that would be required to install such E85 pumps under the companion Biofuels Security Act. These companies have the financial wherewithal to install these pumps without the need for a tax credit. Second, for retailers who would not be required to install E85 pumps and tanks under our proposed legislation, our bill would enhance the tax credit to 50 percent of the cost of installation, with a maximum credit of $30,000. Third, for small retailers, that is, those with 5 or fewer stations, our bill would increase the credit to 75 percent of the cost of installation, up to a maximum credit of $45,000.

This tax legislation would also create a new consumer tax credit for the purchase of flexfuel vehicles if the vehicles have no fuel efficiency loss from the use of E85 as compared to regular gasoline. Current flex-fuel models do have some mileage loss. We understand that there is technology available—for example, a Saab ''biofuel'' flex-fuel E–85 vehicle on the market in parts of Europe—allowing vehicles to have no fuel efficiency loss when burning E85 in comparison to gasoline, and perhaps even some mileage gain. The tax incentive we propose here will help foster further development of biofuels-related technology and promote better fuel efficiency as well.

I urge my colleagues to support this important legislation.

Mr. JOHNSON. Mr. President, today I join Senators HARKIN, LUGAR, and DORGAN in introducing a broad package of initiatives to jump-start the distribution of renewable fuels, empower consumers, and achieve our long-standing goal of displacing foreign sources of energy.

The Biofuels Security Act of 2006 stakes out three broad approaches toward increasing production of renewable fuels and connecting the infrastructure required to deliver biofuels to a new fleet of flexible fuel vehicles. In combination these policies can extend home-grown renewable fuels to a predominate place in America's energy mix.

The Biofuels Security Act of 2006 moves forward to aggressively increase the amount of renewable fuels used in the marketplace to a requirement of 60 billion gallons in 2030. Our approach is phased through a realistic and technically feasible glide path beginning with a 10 billion gallon requirement in 2010, escalating to 30 billion gallons in 2020 and doubling that standard in the final decade. Existing ethanol capacity is anticipated to grow by approximately 30 percent in 2006, from 4.4 billion gallons to 6.3 billion gallons by the end of 2006. Domestic ethanol production is meeting demand and ethanol from corn has the capability of producing upwards of another 10 to 15 billion gallons in the next decade. As ethanol production from corn matures, new feedstocks, such as switch grass will compliment corn as a driver toward ethanol production. Setting benchmarks and creating long-term market stability through a demand-driven standard will ensure a competitive biofuel market and help drive down the cost of gasoline and other refined products that pinch consumer budgets.

Tying together future demand are 2 sets of standards and incentives that will transform the availability of higher blends of ethanol fuels. Our bipartisan approach requires auto manufactures to produce vehicles that can run on higher blends of renewable fuels. Flexible fuel vehicles are capable of optimal performance with high ethanol blended fuels, such as E85—a blend of 85 percent ethanol and 15 percent gasoline. Auto manufacturers are gradually

moving toward production methods that can inexpensively modify trucks and cars to perform at the highest standards on E85 fuel. The Nation lacks, however, a long-term policy that sets benchmarks and targets to manufacture dual-fueled vehicles. Today, there are approximately 6 million dual-fueled vehicles in the United States, a small fraction of the 230 million gasoline an diesel-fueled vehicles filling our roads. Through introducing this bill we are committing to the public that a decade after enactment of the Biofuels Security Act all vehicles sold in the in the United States will be dual-fueled vehicles providing maximum performance on all fuel blends.

The second basket of requirements and incentives is targeted toward ensuring that as Americans purchase dual-fueled vehicles that the fueling infrastructure is in place to meet the demand. Retail gasolene stations that market E85 and B20—diesel fuel mixed with biodiesel and petroleum diesel fuel—are few and far between. Fuel distributors and retail station owners who want to market E85 are often locked out through contractual agreements with big oil companies offering certain fuel blends. Accordingly, most gasoline marketers offering E85 are independent distributors and station owners that understand the competitive advantage from distributing alternative fuels. The Biofuels Security Act ties together dual-fueled vehicles with refueling infrastructure through an enhanced tax credit of 75 percent capped at $45,000 for the installation of refueling equipment for small business gas station owners. The credit is phased-back to 50 percent and capped at $30,000 for larger retail gasoline station owners. Our goal is that in a decade at least 40 percent of all retail gasoline stations include an alternative fuel pump.

The Biofuels Security Act of 2006 builds upon the strong consumer demand pushing our country toward portfolio of biofuels—ethanol, biodiesel—from diversified feedstocks grown and refined throughout the country. Combining a long-term renewable fuel requirement to infrastructure and vehicle preference can decrease our reliance on imported energy sources and lower consumer energy costs. All 3 of these pieces need to move in concert in order to maximize the transition from a hydrocarbon-based society to a more balanced and sustainable model.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. JOHNSON, Mr. DORGAN, and Mr. BIDEN):

S. 2817. A bill to promote renewable fuel and energy security of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HARKIN. Mr. President, high prices for gasoline, diesel fuel and other petroleum-based energy continue to cause pain for millions of people, in Iowa and all across the country. Our dependence on foreign oil is a clear and present danger to our national security.

If we are serious about national security, we need a bold national commitment to renewable energy—a commitment on par with the Apollo moon-shot program in the 1960s. Today, I am pleased to be joined by my colleague from Indiana, Senator LUGAR in proposing a major component of such a program—the Biofuels Security Act—a comprehensive plan to ramp-up ethanol and biodiesel production, and to make it available and usable at the pump in every State in America.

Perhaps Senator LUGAR said it best earlier this year when he commented that energy is the albatross around the neck of U.S. national security. The distinguished senior Senator from Indiana has been a thoughtful, prescient thinker about the national security implications of our addiction to foreign oil, and I am delighted to be joining with him, today.

Senators JOHNSON, DORGAN and BIDEN are also original cosponsors of this legislation, for which I am grateful. The Senators have been outspoken champions of biofuels for many years now, and strong advocates for their home States.

The goal of this legislation is to help restore America's energy security—which, in this day and age, is synonymous with national security. Transportation fuels, accounting for two-thirds of our oil imports, are the place to start this transition.

Our plan has three key components. First, we are proposing a substantially higher, but achievable, renewable fuels standard or RFS, requiring that our Nation blend into the gasoline supply 10 billion gallons of renewable fuel annually by the year 2010, 30 billion gallons of renewable fuel annually by the year 2020 and 60 billion gallons annually in the year 2030. The current RFS is 7.5 billion gallons of renewable fuels in 2012. At the time we enacted the present RFS in last year's energy bill, many of us believed this was a reasonably ambitious schedule. However, it is now evident that biofuels growth will outpace this figure within the next couple of years—well in advance of the 2012 target date. This is very good news.

Second, our plan would make E85—the blend of gasoline and 85 percent ethanol—available at gas stations all across America. Major oil companies would be required to increase the number of E85 pumps at their stations by 5 percentage points annually. Within a decade, approximately 25 percent of gas stations nationwide would be required to have E85 pumps.

The major oil companies have the financial wherewithal—and the ability—to provide E85 infrastructure at a growing percentage of gasoline stations over the next decade. This is a reasonable, responsible reinvestment of a fraction of their recent earnings in the many billions of dollars. The bottom line is that our domestic oil companies have a shared responsibility to help enhance our energy security, and this is one excellent way for them to contribute.

Third, our plan would make flex-fuel vehicles nearly universal in the United States. Automakers would be required to increase the production of flex-fuel vehicles—capable of using both gasoline and 85 percent ethanol blends—by 10 percentage points annually, until nearly all new vehicles sold in the U.S. are flex-fuel within a decade. Our legislation calls for all of the auto manufacturers to produce increasing numbers of FFVs, rising to 100 percent of vehicles 10,000 pounds or less over the next decade. This is eminently achievable, and probably easy enough to do much sooner than that.

Recent estimates for the extra cost of manufacturing an FFV are as low as $30. It is a matter of modifying the engine, fuel line and adding a fuel sensor, which most vehicles have anyway. That is less expensive than many other federal requirements for the auto industry. Air bags are more expensive, for instance. And the bottom line is FFVs are being sold for the same price as regular cars.

America's dependence on foreign oil is the source of so many of our problems, today. We are transferring vast amounts of wealth to regimes that are not friendly to our interests. We are vulnerable to price hikes and embargoes. Millions of petrodollars are finding their way into the hands of terrorists and other extremists. And we are accelerating the pace of global warming.

Substituting biofuels for oil in the transportation sector won't solve these problems overnight, but it will make a difference, and a potentially dramatic one in the longer run.

Let me mention a few eye-opening facts and figures to illustrate these points. The United States has less than 5 percent of the world's population, but we consume 25 percent of the world's oil. If crude oil prices remain above $60 a barrel this year, we will spend well over $300 billion on oil imports. Projections indicate that, over the next 25 years, world demand for energy will grow by 50 percent. All of this growth in energy use, of course, contributes to dangerously rising levels of greenhouse gas emissions.

The reality is that gasoline is much more costly than most Americans realize, even at $3 a gallon. According to a recent study entitled the ''The Hidden Cost of Oil,'' gas really costs more than $10 a gallon. This is because of all the costs we don't factor into its price at the pump, including wars, other military expenses, subsidies, and so on.

There is no question that the ambitious goals set forth in this bill are achievable.

Several decades ago, Brazil committed itself to a similar course. Renewable fuels have played a big part in Brazil's achieving energy independence. Currently, ethanol production in

the U.S. is increasing by 25 percent annually. If we sustain that rate of increase, we will be able to reach the aggressive renewable fuels standard in the Harkin-Lugar plan. In fact, we will be able to beat it.

For example, Brazil, years ago directed that all gasoline stations carry ethanol as an alternative fuel. Our legislation would require the major oil companies to do their share by installing E85 pumps over the next decade. This should not pose too much of a challenge or burden.

Another key to Brazil's success is the fact that, in just 3 years' time, nearly 70 percent of new vehicles sold there are flex-fuel vehicles. We are asking the auto companies to accomplish a similar goal of nearly universal production, only we are giving them a decade to phase in the production and sale of flex-fuel vehicles. Most of the companies that sell vehicles in the United States also sell them in Brazil. If they can produce flex-fuel vehicles for Brazil, they can also produce them for the United States.

Let me explain in more detail why what Senator LUGAR and I are proposing can be accomplished.

The 10 billion gallon goal can certainly be met by 2010. The ethanol industry will produce more than 4.5 billion gallons this year. There are 97 ethanol plants in operation, with 35 more coming on-line in the near future. Biodiesel production is growing remarkably, as well, at more than 60 plants nationwide.

The 30-billion-gallon and 60-billion-gallon targets are attainable, as well. A joint study by the Department of Agriculture and the Department of Energy found that biofuels could supply 60 billion gallons of renewable fuels a year—30 percent of current U.S. gasoline consumption—on existing lands without any disruption to our food or feed supply.

The key to ramping-up production will be commercializing ethanol made from feedstocks in addition to corn and other grains, including corn stover, straw from wheat and other crops, switchgrass or even trees. There are a host of provisions that I and others authored in the energy bill— ranging from loan guarantees to increased biomass research and development—to make cellulosic ethanol production a reality.

Currently, at least three companies are planning commercial-scale cellulosic ethanol plants. They could be operating within the next 2 to 3 years. One company, Iogen, has the backing of Shell Oil. Just 2 weeks ago, according to reports, Iogen received a cash infusion from Goldman Sachs. By setting an ambitious new RFS, with a sufficient lead time, I believe the 60–billion-gallon threshold is not only attainable, but beatable.

In any case, should something unexpected happen to interfere with reaching these benchmarks, the Environmental Protection Agency has, within the existing RFS, authority to waive the requirement in whole or in part based on a finding of insufficient supply.

If we take bold actions to guarantee the fuel supply, if we increase the number of flex-fuel vehicles capable of running on E85, and if we increase the infrastructure ofE85 pumps, we will be poised to usher in a new era of energy security much sooner than previously imagined. That is the foundation we lay in this legislation.

This bill would also require that 100 percent of new vehicles purchased for federal fleets be alternative-fueled vehicles, which could include flex-fuel vehicles. The current requirement is 75 percent. I do not see why we shouldn't expect the federal government to be as aggressive as possible in this area.

Last year's energy bill closed a loophole in the purchasing requirement that had allowed agencies to buy alternative-fuel vehicles but not use alternative fuels such as E85. That was a step forward. Requiring all the federal fleet to be alternative fueled is yet another step forward in having the Federal Government lead by example when it comes to alternative fuels.

We also update the Gasohol Competition Act of 1980, legislation designed many years ago to ensure the reasonable availability of ethanol at the pump, so it applies to high blends such as E85 and so that oil companies cannot prevent a franchisee from installing E85 pumps.

The concern back then, and still today, is that petroleum companies were unreasonably preventing or prohibiting ethanol-blended fuels from being offered at gasoline stations. The Gasohol Competition Act did two things. First, it made it unlawful to charge additional credit card fees for gasohol. Second, it prohibited unreasonable discrimination against the sale of gasohol. Our legislation would update the Gasohol Competition Act to prohibit discrimination against E85.

We are also proposing several relatively modest tax components designed to bolster this legislation which will be introduced as stand-alone legislation.

The oil-producing countries think they have us over a barrel, but they will soon get the message: We have had enough. And we are dead serious about determining our own energy future.

I urge my colleagues to cosponsor this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 480—EXPRESSING THE SENSE OF THE SENATE REGARDING THE CHEMICAL WEAPONS CONVENTION

Mr. SALAZAR (for himself, Mr. ALLARD, Mr. BAYH, Mr. BUNNING, Mr. MCCONNELL, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 480

Whereas 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;

Whereas, 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;

Whereas, destroying existing chemical weapons is a homeland security imperative, an arms control priority, and required by United States law; and

Whereas, the elimination and nonproliferation of chemical weapons of mass destruction is of utmost importance to the national security of the United States: Now, therefore, be it

Resolved, That 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 separately or as part of another required report.

SENATE RESOLUTION 481—RELATIVE TO THE DEATH OF JACOB CHIC HECHT, FORMER UNITED STATES SENATOR FOR THE STATE OF NEVADA

Mr. FRIST (for himself, Mr. REID, and Mr. ENSIGN) submitted the following resolution; which was considered and agreed to:

S. RES. 481

Whereas Jacob Chic Hecht served as a special agent in the United States Army Intelligence Corps;

Whereas Jacob Chic Hecht served the people of Nevada with distinction from 1983 to 1989 in the United States Senate;

Whereas Jacob Chic Hecht served as United States Ambassador to the Bahamas from 1989 until 1994; Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Jacob Chic Hecht, former member of the United States Senate; and be it further

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and be it further

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Jacob Chic Hecht.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3994. Mr. SALAZAR (for himself and Mr. MARTINEZ) proposed an amendment to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes.

SA 3995. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3996. Mr. INHOFE (for himself, Mr. SESSIONS, Mr. COBURN, Mr. BUNNING, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3997. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3998. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3999. Mr. KERRY (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2611, supra.

SA 4000. Mr. SANTORUM (for himself, Mr. FRIST, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4001. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4002. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4003. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4004. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4005. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4006. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4007. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4008. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4009. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4010. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4011. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4012. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4013. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4014. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4015. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4016. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4017. Mr. DORGAN proposed an amendment to the bill S. 2611, supra.

SA 4018. Mr. STEVENS (for himself, Mr. LEAHY, Ms. MURKOWSKI, Mr. COLEMAN, Mr. JEFFORDS, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4019. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4020. Mr. BROWNBACK (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4021. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4022. Mr. DOMENICI (for himself, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4023. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4024. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4025. Ms. LANDRIEU (for herself and Mr. DEMINT) submitted an amendment intended to be proposed by her to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4026. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4027. Mr. KYL (for himself, Mr. CORNYN, Mr. GRAHAM, Mr. ALLEN, Mr. MCCAIN, Mr. FRIST, Mr. BROWNBACK, Mr. MARTINEZ, Mr. HAGEL, and Mr. ALEXANDER) proposed an amendment to the bill S. 2611, supra.

SA 4028. Mr. FRIST (for Ms. COLLINS (for herself and Ms. MURKOWSKI)) proposed an amendment to the bill S. 879, to make improvements to the Arctic Research and Policy Act of 1984.

SA 4029. Mr. AKAKA (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 4030. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4031. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4032. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4033. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4034. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4035. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4036. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3994. Mr. SALAZAR (for himself and Mr. MARTINEZ) proposed an amendment to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. __. NATIONAL SECURITY DETERMINATION.

Notwithstanding any other provision of this Act, the President shall ensure that no provision of title IV or title VI of this Act, or any amendment made by either such title, is carried out until after the date on which the President makes a determination that the implementation of such title IV and title VI, and the amendments made by either such title, will strengthen the national security of the United States.

SA 3995. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 354, strike line 3 through 11, and insert the following:

''(I) ADJUSTMENT OF STATUS.—An alien may not adjust to an immigrant classification under this section until the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of this section.

SA 3996. Mr. INHOFE (for himself, Mr. SESSIONS, Mr. COBURN, Mr. BUNNING, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 295, line 22, strike ''the alien—'' and all that follows through page 296, line 5, and insert ''the alien meets the requirements of section 312.''.

On page 352, line 3, strike ''either—'' and all that follows through line 15, and insert ''meets the requirements of section 312(a) (relating to English proficiency and understanding of United States history and Government).''.

On page 614, after line 5, insert the following:

SEC. 766. ENGLISH AS OFFICIAL LANGUAGE.

(a) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following:

''CHAPTER 6—LANGUAGE OF THE GOVERNMENT

''Sec.
''161. Declaration of official language.
''162. Official Government activities in English.
''163. Preserving and enhancing the role of the official language.

''§ 161. Declaration of official language

''English shall be the official language of the Government of the United States.

''§ 162. Official Government activities in English

''The Government of the United States shall conduct its official business in English, including publications, income tax forms, and informational materials.

''§ 163. Preserving and enhancing the role of the official language

''The Government of the United States shall preserve and enhance the role of

English as the official language of the United States of America. Unless specifically stated in applicable law, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. If exceptions are made, that does not create a legal entitlement to additional services in that language or any language other than English. If any forms are issued by the Federal Government in a language other than English (or such forms are completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.''.

(b) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the end the following:

''6. Language of the Government ..... 161''.

SEC. 767. REQUIREMENTS FOR NATURALIZATION.

(a) ENGLISH LANGUAGE REQUIREMENTS.—Section 312(a)(1) (8 U.S.C. 1423(a)(1)) is amended to read as follows:

'' (1) an understanding of, and proficiency in, the English language on a sixth grade level, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State and the Secretary of Education; and''.

(b) REQUIREMENT FOR HISTORY AND GOVERNMENT TESTING.—Section 312(a)(2) (8 U.S.C. 1423(a)(2)) is amended by striking the period at the end and inserting '', as demonstrated by receiving a passing score on a standardized test administered by the Secretary of Homeland Security of not less than 50 randomly selected questions from a database of not less than 1000 questions developed by the Secretary.''.

SA 3997. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I, insert the following:

SEC. . IMMIGRATION TRAINING FOR LAW ENFORCEMENT.

The Assistant Secretary of Homeland Security for the Bureau of Immigration and Customs Enforcement (ICE) shall maximize the training provided by ICE by—

(1) fully utilizing the Center Domestic Preparedness of the Department of Homeland Security to provide—

(A) residential basic immigration enforcement training for State, local, and tribal police officers; and

(B) residential training authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g));

(2) using law-enforcement-sensitive, secure, encrypted, Web-based e-learning, including the Distributed Learning Program of the Federal Law Enforcement Training Center to provide—

(A) basic immigration enforcement training for State, local, and tribal police officers; and

(B) training, mentoring, and updates authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) through e-learning, to the maximum extent possible; and

(3) access to ICE information, updates, and notices for ICE field agents during field deployments.

SA 3998. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 178, line 24, before ''20 detention facilities'', insert ''at least''.

On page 179, line 1, strike ''10,000'' and insert ''20,000''.

Beginning on page 179, strike lines 5 through 23 and insert the following:

(b) CONSTRUCTION OF OR ACQUISITION OF DETENTION FACILITIES.—

(1) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(c) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a).

(2) USE OF ALTERNATE DETENTION FACILITIES.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring additional detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with subsection (a).

(4) DETERMINATION OF LOCATION.—The location of any detention facility constructed or acquired in accordance with this subsection shall be determined, with the concurrence of the Secretary, by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(c) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the United States ports of entry or along the international land borders of the United States.

SA 3999. Mr. KERRY (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 63, between lines 9 and 10, insert the following:

Subtitle F—Rapid Response Measures

SEC. 161. DEPLOYMENT OF BORDER PATROL AGENTS.

(a) EMERGENCY DEPLOYMENT OF BORDER PATROL AGENTS.—

(1) IN GENERAL.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional United States Border Patrol agents (referred to in this subtitle as ''agents'') from the Secretary, the Secretary, subject to paragraphs (1) and (2), may provide the State with not more than 1,000 additional agents for the purpose of patrolling and defending the international border, in order to prevent individuals from crossing the international border into the United States at any location other than an authorized port of entry.

(2) CONSULTATION.—Upon receiving a request for agents under paragraph (1), the Secretary, after consultation with the President, shall grant such request to the extent that providing such agents will not significantly impair the Department's ability to provide border security for any other State.

(3) COLLECTIVE BARGAINING.—Emergency deployments under this subsection shall be made in accordance with all applicable collective bargaining agreements and obligations.

(b) ELIMINATION OF FIXED DEPLOYMENT OF BORDER PATROL AGENTS.—The Secretary shall ensure that agents are not precluded from performing patrol duties and apprehending violators of law, except in unusual circumstances if the temporary use of fixed deployment positions is necessary.

(c) INCREASE IN FULL-TIME BORDER PATROL AGENTS.—Section 5202(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734), as amended by section 101(b)(2), is further amended by striking ''2,000'' and inserting ''3,000''.

SEC. 162. BORDER PATROL MAJOR ASSETS.

(a) CONTROL OF BORDER PATROL ASSETS.—The United States Border Patrol shall have complete and exclusive administrative and operational control over all the assets utilized in carrying out its mission, including, aircraft, watercraft, vehicles, detention space, transportation, and all of the personnel associated with such assets.

(b) HELICOPTERS AND POWER BOATS.—

(1) HELICOPTERS.—The Secretary shall increase, by not less than 100, the number of helicopters under the control of the United States Border Patrol. The Secretary shall ensure that appropriate types of helicopters are procured for the various missions being performed.

(2) POWER BOATS.—The Secretary shall increase, by not less than 250, the number of power boats under the control of the United States Border Patrol. The Secretary shall ensure that the types of power boats that are procured are appropriate for both the waterways in which they are used and the mission requirements.

(3) USE AND TRAINING.—The Secretary shall—

(A) establish an overall policy on how the helicopters and power boats procured under this subsection will be used; and

(B) implement training programs for the agents who use such assets, including safe operating procedures and rescue operations.

(c) MOTOR VEHICLES.—

(1) QUANTITY.—The Secretary shall establish a fleet of motor vehicles appropriate for use by the United States Border Patrol that will permit a ratio of not less than 1 police-type vehicle for every 3 agents. These police-type vehicles shall be replaced not less than every 3 years. The Secretary shall ensure that there are sufficient numbers and types of other motor vehicles to support the mission of the United States Border Patrol.

(2) FEATURES.—All motor vehicles purchased for the United States Border Patrol shall—

(A) be appropriate for the mission of the United States Border Patrol; and

(B) have a panic button and a global positioning system device that is activated solely in emergency situations to track the location of agents in distress.

SEC. 163. ELECTRONIC EQUIPMENT.

(a) PORTABLE COMPUTERS.—The Secretary shall ensure that each police-type motor vehicle in the fleet of the United States Border Patrol is equipped with a portable computer with access to all necessary law enforcement databases and otherwise suited to the unique operational requirements of the United States Border Patrol.

(b) RADIO COMMUNICATIONS.—The Secretary shall augment the existing radio communications system so that all law enforcement personnel working in each area where United States Border Patrol operations are conducted have clear and encrypted 2-way radio communication capabilities at all times. Each portable communications device shall be equipped with a panic button and a global positioning system device that is activated solely in emergency situations to track the location of agents in distress.

(c) HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.—The Secretary shall ensure that each United States Border Patrol agent is issued a state-of-the-art hand-held global positioning system device for navigational purposes.

(d) NIGHT VISION EQUIPMENT.—The Secretary shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and maintained to enable each United States Border Patrol agent working during the hours of darkness to be equipped with a portable night vision device.

SEC. 164. PERSONAL EQUIPMENT.

(a) BORDER ARMOR.—The Secretary shall ensure that every agent is issued high-quality body armor that is appropriate for the climate and risks faced by the agent. Each agent shall be permitted to select from among a variety of approved brands and styles. Agents shall be strongly encouraged, but not required, to wear such body armor whenever practicable. All body armor shall be replaced not less than every 5 years.

(b) WEAPONS.—The Secretary shall ensure that agents are equipped with weapons that are reliable and effective to protect themselves, their fellow agents, and innocent third parties from the threats posed by armed criminals. The Secretary shall ensure that the policies of the Department authorize all agents to carry weapons that are suited to the potential threats that they face.

(c) UNIFORMS.—The Secretary shall ensure that all agents are provided with all necessary uniform items, including outerwear suited to the climate, footwear, belts, holsters, and personal protective equipment, at no cost to such agents. Such items shall be replaced at no cost to such agents as they become worn, unserviceable, or no longer fit properly.

SEC. 165. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this subtitle.

SA 4000. Mr. SANTORUM (for himself, Mr. FRIST, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 306, strike line 13 and insert the following:

SEC. 413. VISA WAIVER PROGRAM EXPANSION.

Section 217(c) (8 U.S.C. 1187(c)) is amended by adding at the end the following:

''(8) PROBATIONARY ADMISSION.—

''(A) DEFINITION OF MATERIAL SUPPORT.—In this paragraph, the term 'material support' means the current provision of the equivalent of, but not less than, a battalion (which consists of 300 to 1,000 military personnel) to Operation Iraqi Freedom or Operation Enduring Freedom to provide training, logistical or tactical support, or a military presence.

''(B) DESIGNATION AS A PROGRAM COUNTRY.—Notwithstanding any other provision of this section, a country may be designated as a program country, on a probationary basis, under this section if—

''(i) the country is a member of the European Union;

''(ii) the country is providing material support to the United States or the multilateral forces in Afghanistan or Iraq, as determined by the Secretary of Defense, in consultation with the Secretary of State; and

''(iii) the Secretary of Homeland Security, in consultation with the Secretary of State, determines that participation of the country in the visa waiver program under this section does not compromise the law enforcement interests of the United States.

''(C) REFUSAL RATES; OVERSTAY RATES.—The determination under subparagraph (B)(iii) shall only take into account any refusal rates or overstay rates after the expiration of the first full year of the country's admission into the European Union.

''(D) FULL COMPLIANCE.—Not later than 2 years after the date of a country's designation under subparagraph (B), the country—

''(i) shall be in full compliance with all applicable requirements for program country status under this section; or

''(ii) shall have its program country designation terminated.

''(E) EXTENSIONS.—The Secretary of State may extend, for a period not to exceed 2 years, the probationary designation granted under subparagraph (B) if the country—

''(i) is making significant progress towards coming into full compliance with all applicable requirements for program country status under this section;

''(ii) is likely to achieve full compliance before the end of such 2–year period; and

''(iii) continues to be an ally of the United States against terrorist states, organizations, and individuals, as determined by the Secretary of Defense, in consultation with the Secretary of State.''.

SEC. 414. AUTHORIZATION OF APPROPRIATIONS.

SA 4001. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 766. ENGLISH FLUENCY REQUIREMENTS FOR CERTAIN EMPLOYEES OF INSTITUTIONS OF HIGHER EDUCATION.

Section 214(g)(5)(A) (8 U.S.C. 1184(g)(5)(A)) is amended to read as follows:

''(A)(i) except as provided in clause (ii), is employed (or has received an offer of employment) at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), or a related or affiliated nonprofit entity; or

''(ii) is employed (or has received an offer of employment) at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), or a related or affiliated nonprofit entity if—

''(I) such employment includes providing classroom instruction; and

''(II) the alien has demonstrated a high proficiency in the spoken English language;''.

SA 4002. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 362, strike line 4 and all that follows through page 363, line 12, and insert the following:

''(e) CONFIDENTIALITY OF INFORMATION.—

''(1) IN GENERAL.—Except as provided in paragraph (1) or (2) or as otherwise provided in this section, or pursuant to written waiver of the applicant or order of a court of competent jurisdiction, no Federal agency or bureau, or any officer or employee of such agency or bureau, may—

''(A) use the information furnished by the applicant pursuant to an application filed under paragraph (1) or (2) of subsection (a) for any purpose other than to make a determination on the application;

''(B) make any publication through which the information furnished by any particular applicant can be identified; or

''(C) permit anyone other than the sworn officers and employees of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

''(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under paragraph (1) or (2) of subsection (a), and any other information derived from such furnished information, to—

''(A) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity; or

''(B) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

''(3) INAPPLICABILITY AFTER DENIAL.—The limitation under paragraph (1)—

''(A) shall apply only until an application filed under paragraph (1) or (2) of subsection (a) is denied and all opportunities for appeal of the denial have been exhausted; and

''(B) shall not apply to use of the information furnished pursuant to such application in any removal proceeding or other criminal or civil case or action relating to an alien whose application has been granted that is based upon any violation of law committed or discovered after such grant.

''(4) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.

SA 4003. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 49, strike lines 7 and 8 and insert the following:

SEC. 131. ELIMINATING RELEASE OF ALIENS APPREHENDED AT OR BETWEEN PORTS OF ENTRY.

On page 50, line 9, insert ''or a flight risk'' after ''risk''.

On page 50, strike lines 10 and 11 and insert the following:

(2) the alien provides a bond of not less than—

(A) $5,000; and

(B) $10,000, if the alien is from a country outside of the Western Hemisphere.

On page 51, between lines 5 and 6, insert the following:

(d) REINSTATEMENT OF PREVIOUS REMOVAL ORDERS.—

(1) IN GENERAL.—Section 241(a)(5) (8 U.S.C. 1231(a)(5)) is amended to read as follows:

''(5) REINSTATEMENT OF PREVIOUS REMOVAL ORDERS.—

''(A) REMOVAL.—If the Secretary of Homeland Security determines that an alien has

entered the United States illegally after having been removed, deported or excluded or having departed voluntarily, under an order of removal, deportation, or exclusion, regardless of the date of the original order or the date of the illegal entry—

''(i) the order of removal, deportation, or exclusion shall be reinstated from its original date and, notwithstanding section 242(a)(2)(D), such order may not be reopened or reviewed;

''(ii) the alien is not eligible and may not apply for any relief under this Act, regardless of the date that an application or request for such relief may have been filed or made; and

''(iii) the alien shall be removed under the order of removal, deportation, or exclusion at any time after the illegal entry.

''(B) PROCEEDINGS NOT REQUIRED.—Reinstatement under this paragraph shall not require proceedings under section 240 or other proceedings before an immigration judge.''.

(2) JUDICIAL REVIEW.—Section 242 (8 U.S.C. 1252) is amended by adding at the end the following:

''(h) JUDICIAL REVIEW OF REINSTATEMENT.—

''(1) REVIEW.—Judicial review of any determination under section 241(a)(5) shall be available in any action under subsection (a).

''(2) NO REVIEW OF ORIGINAL ORDER.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision sections 1361 and 1651 of such title, no court shall have jurisdiction to review any cause or claim, arising from or relating to any challenge to the original order.''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall—

(A) take effect as if enacted on April 1, 1997; and

(B) apply to all orders reinstated or after such date by the Secretary of Homeland Security (or by the Attorney General prior to March 1, 2003), regardless of the date of the original order.

SA 4004. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 359, strike line 13 and all that follows through page 362, line 3, and insert the following:

''(g) TREATMENT OF APPLICANTS DURING REMOVAL PROCEEDINGS.—Notwithstanding any provision of this Act, an alien who is in removal proceedings shall have an opportunity to apply for a grant of status under this title unless a final administrative determination has been made.

SA 4005. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 507 and 508, and insert the following:

Subtitle B—SKIL Act

SEC. 511. SHORT TITLE.

This subtitle may be cited as the ''Securing Knowledge, Innovation, add Leadership Act of 2006'' or the ''SKIL Act of 2006''

SEC. 512. H–IB VISA H0LDERS.

(a) IN GENERAL.—Section 214(g)(5) (8 U.S.C. 1184(g)(5)) is amended—

(1) in subpragraph (B)—

(A) by striking ''nonprofit research'' and inserting ''nonprofit'';

(B) by inserting ''Federal, State, or local'' before ''governmental''; and

(C) by striking ''or'' at the end;

(2) in subparagraph (C)—

(A) by striking ''a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))),'' and inserting ''an institution of higher education in a foreign country,''; and

(B) by striking the period at the end and inserting a semicolon;

(3) by adding at the end, the following new subparagraphs:

''(D) has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

''(E) has been awarded medical specialty certification based on post-doctoral training and experience in the United States; or''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date.

SEC. 513. MARKET-BASED VISA LIMITS.

Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''(beginning with fiscal year 1992)''; and

(B) in subparagraph (A)—

(i) in clause (vi) by striking ''and'';

(ii) in clause (vii), by striking ''each succeeding fiscal year; or'' and inserting ''each of fiscal years 2004, 2005, and 2006;''; and

(iii) by adding after clause (vii) the following:

''(viii) 115,000 in the first fiscal year beginning after the date of the enactment of the Securing Knowledge, Innovation, and Leadership Act of 2006; and

''(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or'';

(2) in paragraph (8), by striking subparagraphs (B)(iv) and (D);

(3) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(4) by inserting after paragraph (8) the following:

''(9) If the numerical limitation in paragraph (1)(A)—

''(A) is reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the given fiscal year; or

''(B) is not reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the given fiscal year.''.

SEC. 514. UNITED STATES EDUCATED IMMIGRANTS.

(a) IN GENERAL.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

''(F) Aliens who have earned a master's or higher degree from an accredited United States university.

''(G) Aliens who have been awarded medical specialty certification based on post-doctoral training and experience in the United States preceding their application for an immigrant visa under section 203(b).

''(H) Aliens who will perform labor in shortage occupations designated by the Secretary of Labor for blanket certification under section 212(a)(5)(A) as lacking sufficient United States workers able, willing, qualified, and available for such occupations and for which the employment of aliens will not adversely affect the terms and conditions of similarly employed United States workers.

''(I) Aliens who have earned a master's degree or higher in science, technology, engineering, or math and have been working in a related field in the United States in a nonimmigrant status during the 3-year period preceding their application for an immigrant visa under section 203(b).

''(J) Aliens described in subparagraph (A) or (B) of section 203(b)(1) or who have received a national interest waiver under section 203(b)(2)(B).

''(K) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b).''.

(b) LABOR CERTIFICATIONS.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) by striking ''or'' at the end of subclause (I);

(2) by striking the period at the end of subclause (II) and inserting ''; or''; and

(3) by adding at the end the following:

(III) is a member of the professions and has a master's degree or higher from an accredited United States university or has been awarded medical specialty certification based on post-doctoral training and experience in the United States.''.

SEC. 515. STUDENT VISA REFORM.

(a) IN GENERAL.—

(1) NONIMMIGRANT CLASSIFICATION.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended to read as follows:

''(F) an alien—

''(i) who—

''(I) is a bona fide student qualified to pursue a full course of study in mathematics, engineering, technology, or the sciences leading to a bachelors or graduate degree and who seeks to enter the United States for the purpose of pursuing such a course of study consistent with section 214(m) at an institution of higher education (as defined by section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security, after consultation with the Secretary of Education, which institution or place of study shall have agreed to report to the Secretary the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn; or

(II) is engaged in temporary employment for optional practical training related to such alien's area of study following completion of the course of study described in subclause (I) for a period or periods of not more than 24 months;

''(ii) who—

''(I) has a residence in a foreign country which the alien has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study, and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study consistent with section 214(m) at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security, after consultation with the Secretary of Education, which institution or place of study shall have agreed to report to the Secretary the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn; or

''(II) is engaged in temporary employment for optional practical training related to such alien's area of study following completion of the course of study described in subclause (I) for a period or periods of not more than 24 months;

''(iii) who is the spouse or minor child of an alien described in clause (i) or (ii) if accompanying or following to join such an alien; or

''(iv) who——

''(I) is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) or (ii) except that the alien's qualifications for and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico; or

''(II) is engaged in temporary employment for optional practical training related to such the student's area of study following completion of the course of study described in subclause (I) for a period or periods of not more than 24 months;''.

(2) ADMISSION.—Section 214(b) (8 U.S.C. 1184(b)) is amended by inserting ''(F)(i),'' before ''(L) or (V)''.

(3) CONFORMING AMENDMENT.—Section 214(m)(1) (8 U.S.C. 1184(m)(1)) is amended, in the matter preceding subparagraph (A), by striking ''(i) or (iii)'' and inserting ''(i), (ii), or (iv)''.

(b) OFF CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS.——

(1) IN GENERAL.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F), as amended by subsection (a), (8 U.S.C. 1101(a)(15)(F)) may be employed in an off campus position unrelated to the alien's field of study if——

(A) the alien has enrolled full time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer——

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of——

(I) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) DISQUALIFICATION.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).

SEC. 516. L–1 VISA HOLDERS SUBJECT TO VISA BACKLOG.

Section 214(c)(2) (8 U.S.C. 1184(c)(2)) is amended by adding at the end the following new subparagraph:

''(G) The limitations contained in subparagraph (D) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(L) on whose behalf a petition under section 204(b) to accord the alien immigrant status under section 203(b), or an application for labor certification (if such certification is required for the alien to obtain status under such section 203(b)) has been filed, if 365 days or more have elapsed since such filing. The Secretary of Homeland Security shall extend the stay of an alien who qualifies for an exemption under this subparagraph until such time as a final decision is made on the alien's lawful permanent residence.''.

SEC. 517. RETAINING WORKERS SUBJECT TO GREEN CARD BACKLOG.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

''(a) ELIGIBILITY.—

''(1) IN GENERAL.—The status of an alien who was inspected and admitted or paroled into the United States or the status of any other alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) may be adjusted by the Secretary of Homeland Security or the Attorney General, in the discretion of the Secretary or the Attorney General under such regulations as the Secretary or Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

''(A) the alien makes an application for such adjustment;

''(B) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence; and

''(C) an immigrant visa is immediately available to the alien at the time the application is filed.

''(2) SUPPLEMENTAL FEE.—An application under paragraph (1) that is based on a petition approved or approvable under subparagraph (E) or (F) of section 204(a)(1) may be filed without regard to the limitation set forth in paragraph (1)(C) if a supplemental fee of $500 is paid by the principal alien at the time the application is filed. A supplemental fee may not be required for any dependent alien accompanying or following to join the principal alien.

''(3) VISA AVAILABILITY.—An application for adjustment filed under this paragraph may not be approved until such time as an immigrant visa becomes available.''.

(b) USE OF FEES.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting before the period at the end ''and the fees collected under section 245(a)(2).''.

SEC. 518. STREAMLINING THE ADJUDICATION PROCESS FOR ESTABLISHED EMPLOYERS.

Section 214(c) (8. U.S.C. 1184) is amended by adding at the end the following new paragraph:

''(1) Not later than 180 days after the date of the enactment of the Securing Knowledge, Innovation, and Leadership Act of 2006, the Secretary of Homeland Security shall establish a precertification procedure for employers who file multiple petitions described in this subsection or section 203(b). Such precertification procedure shall enable an employer to avoid repeatedly submitting I documentation that is common to multiple petitions and establish through a single filing criteria relating to the employer and the offered employment opportunity.''.

SEC. 519. PROVIDING PREMIUM PROCESSING OF EMPLOYMENT-BASED VISA PETITIONS.

(a) IN GENERAL.—Pursuant to section 286(u) of the Immigration and Nationality Act (8 U.S.C. 1356(u)), the Secretary of Homeland Security shall establish and collect a fee for premium processing of employment-based immigrant petitions.

(b) APPEALS.—Pursuant to such section 286(u), the Secretary of Homeland Security shall establish and collect a fee for premium processing of an administrative appeal of any decision on a permanent employment-based immigrant petition.

SEC. 520. ELIMINATING PROCEDURAL DELAYS IN LABOR CERTIFICATION PROCESS.

(a) PREVAILING WAGE RATE.—

(1) REQUIREMENT TO PROVIDE.—The Secretary of Labor shall provide prevailing wage determinations to employers seeking a labor certification for aliens pursuant to part 656 of title 20, Code of Federal Regulation (or any successor regulation). The Secretary of Labor may not delegate this function to any agency of a State.

(2) SCHEDULE FOR DETERMINATION.—Except as provided in paragraph (3), the Secretary of Labor shall provide a response to an employer's request for a prevailing wage determination in no more than 20 calendar days from the date of receipt of such request. If the Secretary of Labor fails to reply during such 20-day period, then the wage proposed by the employer shall be the valid prevailing wage rate.

(3) USE OF SURVEYS.—The Secretary of Labor shall accept an alternative wage survey provided by the employer unless the Secretary of Labor determines that the wage component of the Occupational Employment Statistics Survey is more accurate for the occupation in the labor market area.

(b) PLACEMENT OF JOB ORDER.—The Secretary of Labor shall maintain a website with links to the official website of each workforce agency of a State, and such official website shall contain instructions on the filing of a job order in order to satisfy the job order requirements of section 656.17(e)(1) of title 20, Code of Federal Regulation (or any successor regulation).

(c) TECHNICAL CORRECTIONS.—The Secretary of Labor shall establish a process by which employers seeking certification under section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)), as amended by section 514(b), may make technical corrections to applications in order to avoid requiring employers to conduct additional recruitment to correct an initial technical error. A technical error shall include any error that would not have a material effect on the validity of the employer's recruitment of able, willing, and qualified United States workers.

(d) ADMINISTRATIVE APPEALS.—Motions to reconsider, and administrative appeals of, a denial of a permanent labor certification application, shall be decided by the Secretary of Labor not later than 60 days after the date of the filing of such motion or such appeal.

(e) APPLICATIONS UNDER PREVIOUS SYSTEM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall process and issue decisions on all applications for permanent alien labor certification that were filed prior to March 28, 2005.

(f) EFFECTIVE DATE.—The provisions of this section shall take effect 90 days after the date of enactment of this Act, whether or not the Secretary of Labor has amended the regulations at part 656 of title 20, Code of Federal Regulation to implement such changes.

SEC. 521. COMPLETION OF BACKGROUND AND SECURITY CHECKS.

Section 103 (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

''(i) REQUIREMENT FOR BACKGROUND CHECKS.—Notwithstanding any other provision of law, until appropriate background and security checks, as determined by the Secretary of Homeland Security, have been completed, and the information provided to and assessed by the official with jurisdiction to grant or issue the benefit or documentation, on an in camera basis as may be necessary with respect to classified, law enforcement, or other information that cannot be disclosed publicly, the Secretary of Homeland Security, the Attorney General, or any court may not—

''(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

''(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

''(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.

''(j) REQUIREMENT TO RESOLVE FRAUD ALLEGATIONS.—Notwithstanding any other provision of law, until any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this Act has been investigated and resolved, the Secretary of Homeland Security and the Attorney General may not be required to—

''(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

''(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

''(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.

''(k) PROHIBITION OF JUDICIAL ENFORCEMENT.—Notwithstanding any other provision of law, no court may require any act described in subsection (i) or (j) to be completed by a certain time or award any relief for the failure to complete such acts.''.

SEC. 522. VISA REVALIDATION.

(a) IN GENERAL.—Section 222 (8 U.S.C. 1202) is amended by adding at the end the following:

''(i) The Secretary of State shall permit an alien granted a nonimmigrant visa under subparagraph E, H, I, L, O, or P of section 101(a)(15) to apply for a renewal of such visa within the United States if—

''(1) such visa expired during the 12-month period ending on the date of such application;

''(2) the alien is seeking a nonimmigrant visa under the same subparagraph under which the alien had previously received a visa; and

''(3) the alien has complied with the immigration laws and regulations of the United States.''.

(b) CONFORMING AMENDMENT.—Section 222(h) of such Act is amended, in the matter preceding subparagraph (1), by inserting ''and except as provided under subsection (i),'' after ''Act''.

SA 4006. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 202, line 9, strike ''(B)'' and insert the following:

''(B) The Secretary shall require each employer who employs an H–2C nonimmigrant to register and participate in—

''(i) the System; or

''(ii) the employment eligibility confirmation basic pilot program under title IV of the Illegal Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

''(C)

SA 4007. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 345, strike line 10 and all that follows through page 372, line 12, and insert the following:

Subtitle A—Mandatory Departure and Reentry

SEC. 601. ACCESS TO MANDATORY DEPARTURE AND REENTRY

(a) IN GENERAL.—Chapter 5 of title II (8 U.S.C. 1255 et seq.) is amended by inserting after section 245A the following:

''SEC. 245B. MANDATORY DEPARTURE AND REENTRY.

On page 381, line 23, strike ''3 years'' and insert ''5 years''.

On page 384, line 22, insert ''and'' at the end.

On page 384, line 25, strike ''; and'' and all that follows through page 385, line 2, and insert a period.

On page 394, strike line 11 and all that follows through the matter following line 14, and insert the following:

(b) TABLE OF CONTENTS.—-The table of contents (8 U.S.C. 1101 note) is amended by insert after the item relating to section 245A the following:

''Sec. 245B. Mandatory departure and reentry.''.

On page 394, strike line 15 and insert the following:

(c) CONFORMING AMENDMENT.—Section

On page 394, line 19, strike ''section 245C'' and insert ''section 245B''.

On page 394, strike line 20 and all that follows through ''subsection'' on line 22, and insert the following:

(d) STATUTORY CONSTRUCTION.—Nothing in this section, or any amendment made by this section

On page 395, strike line 1 and insert the following:

(e) AUTHORIZATION OF APPROPRIATIONS.—

On page 395, line 6, strike ''subsection'' and all that follows through line 23, and insert ''section.''.

SA 4008. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 397, strike line 21 and all that follows through page 398, line 13, and insert the following:

(7) WORK DAY.—The term ''work day'' means any day in which the individual is employed 8 or more hours in agriculture.

CHAPTER 1—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

SEC. 613. AGRICULTURAL WORKERS.

(a) BLUE CARD PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 150 work days per year during the 24-month period ending on December 31, 2005;

SA 4009. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 452, strike line 1 and all that follows through page 459, line 10, and insert the following:

''(A) IN GENERAL.—An employer applying to hire H–2A workers under section 218(a), or utilizing alien workers under blue card program established under section 613 of the Comprehensive Immigration Reform Act of 2006, shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for alien workers, not less than (and is not required to pay more than) the greater of—

''(i) the prevailing wage in the occupation in the area of intended employment; or

''(ii) the applicable State minimum wage.

''(B) PREVAILING WAGE DEFINED.—In this paragraph, the term 'prevailing wage' means the wage rate that includes the 51st percentile of employees with similar experience and qualifications in the agricultural occupation in the area of intended employment, expressed in terms of the prevailing rate of pay for the occupation in the area of intended employment.''.

SA 4010. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 438, strike line 6, and all that follows through page 440, line 6.

SA 4011. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 477, strike line 23 and all that follows through page 479, line 17.

SA 4012. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 402, strike line 15 and all that follows through page 407, line 9.

SA 4013. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 421, strike lines 13 through 20, and insert the following:

(8) APPLICATION FEES.—

SA 4014. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 482, line 14, strike ''subsection (d)(1)'' and insert ''subsection (b)''.

On page 482, line 24, strike ''subsection (d)(1)'' and insert ''subsection (b)''.

Beginning on page 485, strike line 4 and all that follows through page 491, line 25.

On page 492, strike lines 1 and 2 and insert the following:

''(b) DISCRIMINATION PROHIBITED.—It is a violation of this sub-

Beginning on page 492, strike line 19 and all that follows through page 493, line 7.

On page 493, line 8, strike ''(e)'' and insert ''(c)''.

On page 493, line 12, strike ''(d)'' and insert ''(b)''.

On page 493, line 17, strike ''(f)'' and insert ''(d)''.

SA 4015. Mr. CHAMBLISS submitted an amendment intended to be proposed

by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 491, after line 25, insert the following:

(11) ATTORNEY'S FEES.—In any action brought under this subsection, the prevailing party shall recover all costs and expenses of litigation, including reasonable attorney's fees, which shall be paid for by the losing party, unless the court finds that the payment of such costs and expenses would be manifestly unjust.

SA 4016. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 26, strike ''500'' and insert ''1,500''.

On page 8, line 10, strike ''1000'' and insert ''2,000''.

On page 8, line 18, strike ''200'' and insert ''400''.

On page 9, strike lines 15 through 21 and insert the following:

preceding fiscal year), by—

''(1) 2,000 in fiscal year 2006; and

''(2) 4,000 in each of fiscal years 2007 through 2011.

On page 180, between lines 6 and 7, insert the following:

SEC. 234. DETENTION POLICY.

(a) DIRECTORATE OF POLICY.—The Secretary shall in consultation, with the Director of Policy of the Directorate of Policy, add at least 3 additional positions at the Directorate of Policy that—

(1) shall be a position at GS–15 of the General Schedule;

(2) are solely responsible for formulating and executing the policy and regulations pertaining to vulnerable detained populations including unaccompanied alien children, victims of torture, trafficking or other serious harms, the elderly, the mentally disabled, and the infirm; and

(3) require background and expertise working directly with such vulnerable populations.

(b) ENHANCED PROTECTIONS FOR VULNERABLE UNACCOMPANIED ALIEN CHILDREN.—

(1) MANDATORY TRAINING.—The Secretary shall mandate the training of all personnel who come into contact with unaccompanied alien children in all relevant legal authorities, policies, and procedures pertaining to this vulnerable population in consultation with the head of the Office of Refugee Resettlement of the Department of Health and Human Services and independent child welfare experts.

(2) DELEGATION TO THE OFFICE OF REFUGEE RESETTLEMENT.—Notwithstanding any other provision of law, the Secretary shall delegate the authority and responsibility granted to the Secretary by the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) for transporting unaccompanied alien children who will undergo removal proceedings from Department custody to the custody and care of the Office of Refugee Resettlement and provide sufficient reimbursement to the head of such Office to undertake this critical function. The Secretary shall immediately notify such Office of an unaccompanied alien child in the custody of the Department and ensure that the child is transferred to the custody of such Office as soon as practicable, but not later than 72 hours after the child is taken into the custody of the Department.

(3) OTHER POLICIES AND PROCEDURES.—The Secretary shall further adopt important policies and procedures—

(A) for reliable age-determinations of children which exclude the use of fallible forensic testing of children's bones and teeth in consultation with medical and child welfare experts;

(B) to ensure the privacy and confidentiality of unaccompanied alien children's records, including psychological and medical reports, so that the information is not used adversely against the child in removal proceedings or for any other immigration action; and

(C) in close consultation with the Secretary of State and the head of the Office of Refugee Resettlement, to ensure the safe and secure repatriation of unaccompanied alien children to their home countries including through arranging placements of children with their families or other sponsoring agencies and to utilize all legal authorities to defer the child's removal if the child faces a clear risk of life-threatening harm upon return.

SEC. 235. DETENTION AND REMOVAL OFFICERS.

(a) IN GENERAL.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purposes, designate a Detention and Removal officer to be placed in each Department field office whose sole responsibility will be to ensure safety and security at a detention facility and that each detention facility comply with the standards and regulations required by subsections (b), (c), and (d).

(b) CODIFICATION OF DETENTION OPERATIONS.—In order to ensure uniformity in the safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all alien detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual of the Department, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(c) DETENTION STANDARDS FOR NUCLEAR FAMILY UNITS AND CERTAIN NON-CRIMINAL ALIENS.—For all facilities used or contracted by the Secretary to hold aliens, the regulations described in subsection (b) shall—

(1) provide for sight and sound separation of alien detainees without any criminal convictions from criminal inmates and pretrial detainees facing criminal prosecution; and

(2) establish specific standards for detaining nuclear family units together and for detaining noncriminal applicants for asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in civilian facilities cognizant of their special needs.

(d) LEGAL ORIENTATION TO ENSURE EFFECTIVE REMOVAL PROCESS.—All alien detainees shall receive legal orientation presentations from an independent nonprofit agency as implemented by the Executive Office for Immigration Review of the Department of Justice in order to both maximize the efficiency and effectiveness of removal proceedings and to reduce detention costs.

On page 239, line 18, strike ''2,000'' and insert ''4,000''.

On page 240, line 10, strike ''1,000'' and insert ''2,000''.

On page 540, between lines 8 and 9, insert the following:

(d) UNITED STATES MARSHALS.—During each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations, add at least 200 Deputy United States Marshals to investigate criminal immigration matters for the fiscal year.

(e) PRO BONO REPRESENTATION.—The Attorney General shall take all necessary and reasonable steps to ensure that alien detainees receive appropriate pro bono representation in immigration matters.

(f) OFFICE OF GENERAL COUNSEL.—During each of fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase the number of positions for attorneys in the Office of General Counsel of the Department by at least 200 to represent the Department in immigration matters for the fiscal year.

SA 4017. Mr. DORGAN proposed an amendment to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 250, between lines 13 and 14, insert the following:

''(1) ELIGIBILITY FOR DEFERRED MANDATORY DEPARTURE STATUS.—The alien shall establish that the alien is eligible for Deferred Mandatory Departure status under section 245C.

SA 4018. Mr. STEVENS (for himself, Mr. LEAHY, Ms. MURKOWSKI, Mr. COLEMAN, Mr. JEFFORDS, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform 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''.

SA 4019. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 345, strike line 6 and all that follows through page 395, line 23, and insert the following:

TITLE VI—WORK AUTHORIZATION FOR UNDOCUMENTED INDIVIDUALS

Subtitle A—Treatment of Individuals Who Remain in United States After Authorized Entry

SEC. 601. ELIGIBILITY FOR H–2C NONIMMIGRANT STATUS.

(a) IN GENERAL.—Notwithstanding the foreign residency requirement under section 101(a)(15)(H)(ii)(c)(aa) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(c)(aa)) and except as provided under subsection (b), an alien is eligible for H–2C nonimmigrant status (as defined in section 218A(n)(7) of such Act) under the terms and conditions established under section 218A of such Act, as added by section 403 of this Act, if the alien establishes that the alien—

(1) entered the United States in accordance with the immigration laws of the United States;

(2) has been continuously in the United States since such date of entry, except for brief, casual, and innocent departures; and

(3) remained in the United States after the end of the period for which the alien was admitted into the United States.

(b) GROUNDS FOR INELIGIBILITY.—An alien is ineligible for H–2C nonimmigrant status if the alien—

(1) has been ordered excluded, deported, removed, or to depart voluntarily from the United States; or

(2) fails to comply with any request for information by the Secretary of Homeland Security.

(c) ADDITIONAL ADMISSION REQUIREMENTS.—

(1) IN GENERAL.—In addition to the admission requirements under section 218A(d) of the Immigration and Nationality Act, an alien who applies H–2C nonimmigrant status pursuant to this section shall submit to the Secretary—

(A) an acknowledgment made in writing and under oath that the alien—

(i) has remained in the United States beyond the period for which the alien was admitted and is subject to removal or deportation, as appropriate, under the Immigration and Nationality Act; and

(ii) understands the terms and conditions of H–2C nonimmigrant status;

(B) any Social Security account number or card in the possession or the alien or relied upon by the alien; and

(C) any false or fraudulent documents in the alien's possession.

(2) USE OF INFORMATION.—None of the documents or other information provided in accordance with paragraph (1) may be used in a criminal proceeding against the alien providing such documents or information.

(d) WAIVER OF NUMERICAL LIMITATIONS.—The numerical limitations under section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) shall not apply to any alien who is granted H–2C nonimmigrant status pursuant to this section.

(e) BENEFITS.—During the period in which an alien is granted H–2C nonimmigrant status pursuant to this section—

(1) the alien shall not be considered to be permanently residing in the United States under the color of law and shall be treated as a nonimmigrant admitted under section 214 of the Immigration and Nationality Act (8 U.S.C. 1184); and

(2) the alien may be deemed ineligible for public assistance by a State (as defined in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)) or any political subdivision of such State, which furnishes such assistance.

(f) TERMINATION.—The Secretary may terminate the H–2C nonimmigrant status of an alien described in subsection (a) if—

(1) the determines that the alien was not in fact eligible for such status; or

(2) the alien commits an act that makes the alien removable from the United States.

(g) RETURN IN LEGAL STATUS.—An alien described in subsection (a) who complies with the terms and conditions of H–2C nonimmigrant status and who leaves the United States before the expiration of such status—

(1) shall not be subject to prosecution under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)); and

(2) if otherwise eligible, may immediately seek readmission to the United States as a nonimmigrant or immigrant.

(h) STATUTORY CONSTRUCTION.—Nothing in this section, or any amendment made by this section, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

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

SA 4020. Mr. BROWNBACK (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—INSPECTIONS AND DETENTIONS

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Secure and Safe Detention and Asylum Act''.

SEC. ____02. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The origin of the United States is that of a land of refuge. Many of our Nation's founders fled here to escape persecution for their political opinion, their ethnicity, and their religion. Since that time, the United States has honored its history and founding values by standing against persecution around the world, offering refuge to those who flee from oppression, and welcoming them as contributors to a democratic society.

(2) The right to seek and enjoy asylum from persecution is a universal human right and fundamental freedom articulated in numerous international instruments endorsed by the United States, including the Universal Declaration of Human Rights, as well as the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and the Convention Against Torture. United States law also guarantees the right to seek asylum and protection from return to territories where one would have a well-founded fear of persecution on account of one's race, religion, nationality, membership in a particular social group, or political opinion.

(3) The United States has long recognized that asylum seekers often must flee their persecutors with false documents, or no documents at all. The second person in United States history to receive honorary citizenship by Act of Congress was Swedish diplomat Raoul Wallenberg, in gratitude for his issuance of more than 20,000 false Swedish passports to Hungarian Jews to assist them flee the Holocaust.

(4) In 1996, Congress amended section 235(b) of the Immigration and Nationality Act, to authorize immigration officers to detain and expeditiously remove aliens without proper documents, if that alien does not have a credible fear of persecution.

(5) Section 605 of the International Religious Freedom Act of 1998 subsequently authorized the United States Commission on International Religious Freedom to appoint experts to study the treatment of asylum seekers subject to expedited removal.

(6) The Departments of Justice and Homeland Security fully cooperated with the Commission, which reviewed thousands of previously unreleased statistics, approximately 1,000 files and records of proceeding related to expedited removal proceedings, observed more than 400 inspections, interviewed 200 aliens in expedited removal proceedings at 7 ports of entry, and surveyed 19 detention facilities and all 8 asylum offices. The Commission released its findings on February 8, 2005.

(7) Among its major findings, the Commission found that, while the Congress, the Immigration and Naturalization Service, and the Department of Homeland Security developed a number of processes to prevent bona fide asylum seekers from being expeditiously removed, these procedures were routinely disregarded by many immigration officers, placing the asylum seekers at risk, and undermining the reliability of evidence created for immigration enforcement purposes. The specific findings include the following:

(A) Department of Homeland Security procedures require that the immigration officer read a script to the alien that the alien should ask for protection—without delay—if the alien has any reason to fear being returned home. Yet in more than 50 percent of the expedited removal interviews observed by the Commission, this information was not conveyed to the applicant.

(B) Department of Homeland Security procedures require that the alien review the sworn statement taken by the immigration officer, make any necessary corrections for errors in interpretation, and then sign the statement.

The Commission found, however, that 72 percent of the time, the alien signs his sworn statement without the opportunity to review it.

(C) The Commission found that the sworn statements taken by the officer are not verbatim, are not verifiable, often attribute that information was conveyed to the alien which was never, in fact, conveyed, and sometimes contain questions which were never asked. These sworn statements look like verbatim transcripts but are not. Yet the Commission also found that, in 32 percent of the cases where the immigration judges found the asylum applicant were not credible, they specifically relied on these sworn statements.

(D) Department of Homeland Security regulations also require that, when an alien expresses a fear of return, he must be referred to an asylum officer to determine whether his fear is ''credible.'' Yet, in nearly 15 percent of the cases which the Commission observed aliens who expressed a fear of return were nevertheless removed without a referral to an asylum officer.

(8) The Commission found that the sworn statements taken during expedited removal proceedings were reliable for neither enforcement nor protection purposes because Department of Homeland Security management reviewed only the paperwork created by the interviewing officer. The agency had no national quality assurance procedures to ensure that paper files are an accurate representation of the actual interview. The Commission recommended recording all interviews between Department of Homeland Security officers and aliens subject to expedited removal, and that procedures be established to ensure that these recordings are reviewed to ensure compliance.

(9) The Commission found that the Immigration and Naturalization Service (INS) issued policy guidance on December 30, 1997, defining criteria for decisions to release asylum seekers from detention. Neither the INS nor the Department of Homeland Security, however, had been following this, or any other discernible criteria, for detaining or releasing asylum seekers. The Study's review of Department of Homeland Security statistics revealed that release rates varied widely, between 5 percent and 95 percent, in different regions.

(10) In order to promote the most efficient use of detention resources and a humane yet secure approach to detention of aliens with a credible fear of persecution, the Commission urged that the Department of Homeland Security develop procedures to ensure that a release decision is taken at the time of the credible fear determination or as soon as feasible thereafter. Upon a determination that the alien has established credible fear, identity and community ties, and that the alien

is not subject to any possible bar to asylum involving violence, misconduct, or threat to national security, the alien should be released from detention pending an asylum determination. The Commission also urged that the Secretary of Homeland Security establish procedures to ensure consistent implementation of release criteria, as well as the consideration of requests to consider new evidence relevant to the determination.

(11) In 1986, the United States, as a member of the Executive Committee of the United Nations High Commissioner for Refugees, noted that in view of the hardship which it involves, detention of asylum seekers should normally be avoided; that detention measures taken in respect of refugees and asylum-seekers should be subject to judicial or administrative review; that conditions of detention of refugees and asylum seekers must be humane; and that refugees and asylum-seekers shall, whenever possible, not be accommodated with persons detained as criminals.

(12) The USCIRF Study found that, of noncriminal asylum seekers and aliens detained, the vast majority are detained under inappropriate and potentially harmful conditions in jails and jail-like facilities. This occurs in spite of the development of a small number of successful nonpunitive detention facilities, such as those in Broward County Florida and Berks County, Pennsylvania.

(13) The Commission found that nearly all of the detention centers where asylum seekers are detained resemble, in every essential respect, conventional jails. Often, aliens with no criminal record are detained alongside criminals and criminal aliens. The standards applied by the Bureau of Immigration and Customs Enforcement for all of their detention facilities are identical to, and modeled after, correctional standards for criminal populations. In some facilities with ''correctional dormitory'' set-ups, there are large numbers of detainees sleeping, eating, going to the bathroom, and showering out in the open in one brightly lit, windowless, and locked room. Recreation in Bureau of Immigration and Customs Enforcement facilities often consists of unstructured activity of no more than 1 hour per day in a small outdoor space surrounded by high concrete walls.

(14) Immigration detention is civil and should be nonpunitive in nature.

(15) A study conducted by Physicians for Human Rights and the Bellevue/New York University Program for Survivors of Torture found that the mental health of asylum seekers was extremely poor, and worsened the longer individuals were in detention. This included high levels of anxiety, depression, and post-traumatic stress disorder. The study also raised concerns about inadequate access to health services, particularly mental health services. Asylum seekers interviewed consistently reported being treated like criminals, in violation of international human rights norms, which contributed to worsening of their mental health. Additionally, asylum seekers reported verbal abuse and inappropriate threats and use of solitary confinement.

(16) The Commission recommended that the secure but nonpunitive detention facility in Broward County Florida Broward provided a more appropriate framework for those asylum seekers who are not appropriate candidates for release.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To ensure that personnel within the Department of Homeland Security follow procedures designed to protect bona fide asylum seekers from being returned to places where they may face persecution.

(2) To ensure that persons who affirmatively apply for asylum or other forms of humanitarian protection and noncriminal detainees are not subject to arbitrary detention.

(3) To ensure that asylum seekers, families with children, noncriminal aliens, and other vulnerable populations, who are not eligible for release, are detained under appropriate and humane conditions.

SEC. __03. DEFINITIONS.

In this title:

(1) ASYLUM OFFICER.—The term ''asylum officer'' has the meaning given the term in section 235(b)(1)(E) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(E)).

(2) ASYLUM SEEKER.—The term ''asylum seeker'' means any applicant for asylum under section 208 or for withholding of removal under section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158) or any alien who indicates an intention to apply for relief under those sections and does not include any person with respect to whom a final adjudication denying the application has been entered.

(3) CREDIBLE OR REASONABLE FEAR OF PERSECUTION.—The term ''credible fear of persecution'' has the meaning given the term in section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)). The term ''reasonable fear'' has the meaning given the term in section 208.31 of title 8, Code of Federal Regulations.

(4) DETAINEE.—The term ''detainee'' means an alien in the Department's custody held in a detention facility.

(5) DETENTION FACILITY.—The term ''detention facility'' means any Federal facility in which an asylum seeker, an alien detained pending the outcome of a removal proceeding, or an alien detained pending the execution of a final order of removal, is detained for more than 72 hours, or any other facility in which such detention services are provided to the Federal Government by contract, and does not include detention at any port of entry in the United States.

(6) IMMIGRATION JUDGE.—The term ''immigration judge'' has the meaning given the term in section 101(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(4)).

(7) STANDARD.—The term ''standard'' means any policy, procedure, or other requirement.

(8) VULNERABLE POPULATIONS.—The term ''vulnerable populations'' means classes of aliens subject to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) who have special needs requiring special consideration and treatment by virtue of their vulnerable characteristics, including experiences of, or risk of, abuse, mistreatment, or other serious harms threatening their health or safety. Vulnerable populations include the following:

(A) Asylum seekers as described in paragraph (2).

(B) Refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), and individuals seeking such admission.

(C) Aliens whose deportation is being withheld under section 243(h) of the Immigration and Nationality Act (as in effect immediately before the effective date of section 307 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–612)) or section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)).

(D) Aliens granted or seeking protection under article 3 of the United Nations Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.

(E) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386), including applicants for visas under subparagraph (T) or (U) of section 101(a)(15)).

(F) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Violence Against Women Act of 2000 (division B of Public Law 106–386).

(G) Unaccompanied alien children (as defined by 462(g) of the Homeland Security Act (6 U.S.C. 279(g)).

SEC. __04. RECORDING SECONDARY INSPECTION INTERVIEWS.

(a) IN GENERAL.—The Secretary shall establish quality assurance procedures to ensure the accuracy and verifiability of signed or sworn statements taken by Department of Homeland Security employees exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act.

(b) FACTORS RELATING TO SWORN STATEMENTS.—Any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) RECORDINGS.—

(1) IN GENERAL.—The recording of the interview shall also include the written statement, in its entirety, being read back to the alien in a language which the alien claims to understand, and the alien affirming the accuracy of the statement or making any corrections thereto.

(2) FORMAT.—The recordings shall be made in video, audio, or other equally reliable format.

(d) INTERPRETERS.—The Secretary shall ensure professional certified interpreters are used when the interviewing officer does not speak a language understood by the alien.

(e) RECORDINGS IN IMMIGRATION PROCEEDINGS.—Recordings of interviews of aliens subject to expedited removal shall be included in the record of proceeding and may be considered as evidence in any further proceedings involving the alien.

SEC. __05. PROCEDURES GOVERNING DETENTION DECISIONS.

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence by striking ''Attorney General'' and inserting'' Secretary of Homeland Security'';

(ii) by striking ''(c)'' and inserting ''(d)''; and

(iii) in the second sentence by striking ''Attorney General'' and inserting ''Secretary''.

(B) in paragraph (2)

(i) by striking ''Attorney General'' in subparagraph (A) and inserting ''Secretary'';

(ii) by striking ''or'' at the end of subparagraph (A);

(iii) by striking ''but'' at the end of subparagraph (B); and

(iv) by inserting after subparagraph (B) the following:

''(C) the alien's own recognizance; or

''(D) a secure alternatives program as provided for in section _____09 of this title; but'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (g), respectively;

(3) by inserting after subsection (a) the following new subsection:

''(b) CUSTODY DECISIONS.—

''(1) IN GENERAL.—In the case of a decision under subsection (a) or (c), the following shall apply:

''(A) The decision shall be made in writing and shall be served upon the alien. A decision to continue detention without bond or parole shall specify in writing the reasons for that decision.

''(B) The decision shall be served upon the alien within 72 hours of the alien's detention or, in the case of an alien subject to section 235 or 241(a)(5) who must establish a credible or reasonable fear of persecution in order to proceed in immigration court, within 72 hours of a positive credible or reasonable fear determination.

''(C) An alien subject to this section may at any time after being served with the Secretary's decision under subsections (a) or (c) request a redetermination of that decision by an Immigration Judge. All decisions by the Secretary to detain without bond or parole shall be subject to redetermination by an Immigration Judge within 2 weeks from the time the alien was served with the decision, unless waived by the alien. The alien may request a further redetermination upon a showing of a material change in circumstances since the last redetermination hearing.

''(2) CRITERIA TO BE CONSIDERED.—The criteria to be considered by the Secretary and the Attorney General in making a custody decision shall include—

''(A) whether the alien poses a risk to public safety or national security;

''(B) whether the alien is likely to appear for immigration proceedings; and

''(C) any other relevant factors.

''(3) APPLICATION OF SUBSECTIONS (a) AND (b).—This subsection and subsection (a) shall apply to all aliens in the custody of the Department of Homeland Security, except those who are subject to mandatory detention under section 235(b)(1)(B)(iii)(IV), 236(c), or 236A or who have a final order of removal and have no proceedings pending before the Executive Office for Immigration Review.'';

(4) in subsection (c), as redesignated—

(A) by striking ''Attorney General'' and inserting ''Secretary''; and

(B) by striking ''or parole'' and inserting '', parole, or decision to release;'';

(5) in subsection (d), as redesignated

(A) by striking ''Attorney General'' and inserting ''Secretary'' each place it appears; and

(B) in paragraph (2), by inserting ''or for humanitarian reasons,'' after ''such an investigation,'';

(6) in subsection (e), as redesignated, by striking ''Attorney General'' and inserting ''Secretary'';

(7) by inserting after subparagraph (e), as redesignated, the following new subparagraph:

''(f) ADMINISTRATIVE REVIEW.—If an Immigration Judge's custody decision has been stayed by the action of the Department of Homeland Security, the stay shall expire in 30 days, unless the Board of Immigration Appeals before that time, and upon motion, enters an order continuing the stay.''; and

(8) in subsection (g), as redesignated, by striking ''Attorney General'' and inserting ''Secretary'' each place it appears..

SEC.__06. LEGAL ORIENTATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary, shall ensure that all detained aliens in immigration and asylum proceedings receive legal orientation through a program administered by the Department of Justice Executive Office for Immigration Review.

(b) CONTENT OF PROGRAM.—The legal orientation program developed pursuant to this subsection shall be implemented by the Executive Office for Immigration Review and shall be based on the Legal Orientation Program in existence on the date of the enactment of this Act.

(c) EXPANSION OF LEGAL ASSISTANCE.—The Secretary shall ensure the expansion through the United States Citizenship and Immigration Service of public-private partnerships that facilitate pro bono counseling and legal assistance for asylum seekers awaiting a credible fear interview. The pro bono counseling and legal assistance programs developed pursuant to this subsection shall be based on the pilot program developed in Arlington, Virginia by the United States Citizenship and Immigration Service.

SEC.__07. CONDITIONS OF DETENTION.

(a) IN GENERAL.—The Secretary shall ensure that standards governing conditions and procedures at detention facilities are fully implemented and enforced, and that all detention facilities comply with the standards.

(b) PROCEDURES AND STANDARDS.—The Secretary shall promulgate new standards, or modify existing detention standards, to improve conditions in detention facilities. The improvements shall address at a minimum the following policies and procedures:

(1) FAIR AND HUMANE TREATMENT.—Procedures to ensure that detainees are not subject to degrading or inhumane treatment such as verbal or physical abuse or harassment, sexual abuse or harassment, or arbitrary punishment.

(2) LIMITATIONS ON SHACKLING.—Procedures limiting the use of shackling, handcuffing, solitary confinement, and strip searches of detainees to situations where it is necessitated by security interests or other extraordinary circumstances.

(3) IVESTIGATION OF GRIEVANCES.—Procedures for the prompt and effective investigation of grievances raised by detainees, including review of grievances by officials of the Department who do not work at the same detention facility where the detainee filing the grievance is detained.

(4) ACCESS TO TELEPHONES.—Procedures permitting detainees sufficient access to telephones, and the ability to contact, free of charge, legal representatives, the immigration courts, the Board of Immigration Appeals, and the Federal courts through confidential toll-free numbers.

(5) LOCATION OF FACILITIES.—Location of detention facilities, to the extent practicable, near sources of free or low cost legal representation with expertise in asylum or immigration law.

(6) PROCEDURES GOVERNING TRANSFERS OF DETAINEES.—Procedures governing the transfer of a detainee that take into account—

(A) the detainee's access to legal representatives; and

(B) the proximity of the facility to the venue of the asylum or removal proceeding.

(7) QUALITY OF MEDICAL CARE.—Prompt and adequate medical care provided at no cost to the detainee, including dental care, eye care, mental health care; individual and group counseling, medical dietary needs, and other medically necessary specialized care. Medical facilities in all detention facilities used by the Department maintain current accreditation by the National Commission on Correctional Health Care (NCCHC). Requirements that each medical facility that is not accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) will seek to obtain such accreditation. Maintenance of complete medical records for every detainee which shall be made available upon request to a detainee, his legal representative, or other authorized individuals.

(8) TRANSLATION CAPABILITIES.—The employment of detention facility staff that, to the extent practicable, are qualified in the languages represented in the population of detainees at a detention facility, and the provision of alternative translation services when necessary.

(9) RECREATIONAL PROGRAMS AND ACTIVITIES.—Daily access to indoor and outdoor recreational programs and activities.

(c) SPECIAL STANDARDS FOR NONCRIMINAL DETAINEES.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the special characteristics of noncriminal, nonviolent detainees, and ensure that procedures and conditions of detention are appropriate for a noncriminal population; and

(2) ensure that noncriminal detainees are separated from inmates with criminal convictions, pretrial inmates facing criminal prosecution, and those inmates exhibiting violent behavior while in detention.

(d) SPECIAL STANDARDS FOR VULNERABLE POPULATIONS.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the unique needs of asylum seekers, victims of torture and trafficking, families with children, detainees who do not speak English, detainees with special religious, cultural or spiritual considerations, and other vulnerable populations; and

(2) ensure that procedures and conditions of detention are appropriate for the populations listed in this subsection.

(e) TRAINING OF PERSONNEL.—

(1) IN GENERAL.—The Secretary shall ensure that personnel in detention facilities are given specialized training to better understand and work with the. population of detainees held at the facilities where they work. The training should address the unique needs of—

(A) asylum seekers;

(B) victims of torture or other trauma; and

(C) other vulnerable populations.

(2) SPECIALIZED TRAINING.—The training required by this subsection shall be designed to better enable personnel to work with detainees from different countries, and detainees who cannot speak English. The training shall emphasize that many detainees have no criminal records and are being held for civil violations.

SEC.__08. OFFICE OF DETENTION OVERSIGHT.

(a) ESTABLISHMENT OF THE OFFICE.—

(1) IN GENERAL.—There shall be established within the Department an Office of Detention Oversight (in this title referred to as the ''Office'').

(2) HEAD OF THE OFFICE.—There shall be at the head of the Office an Administrator who shall be appointed by, and report to, the Secretary.

(3) EFFECTIVE DATE.—The Office shall be established and the head of the Office appointed not later than 6 months after the date of the enactment of this Act.

(b) RESPONSIBILITIES OF THE OFFICE.—

(1) INSPECTIONS OF DETENTION CENTERS.—The Office shall—

(A) undertake frequent and unannounced inspections of all detention facilities;

(B) develop a procedure for any detainee or the detainee's representative to file a written complaint directly with the Office; and

(C) report to the Secretary and to the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement all findings of a detention facility's noncompliance with detention standards.

(2) INVESTIGATIONS.—The Office shall—

(A) initiate investigations, as appropriate, into allegations of systemic problems at detention facilities or incidents that constitute serious violations of detention standards;

(B) report to the Secretary and the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement the results of all investigations; and

(C) refer matters, where appropriate, for further action to—

(i) the Department of Justice;

(ii) the Office of the Inspector General of the Department of Homeland Security;

(iii) the Civil Rights Office of the Department of Homeland Security; or

(iv) any other relevant office of agency.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—The Office shall annually submit a report on its findings on detention conditions and the results of its investigations to the Secretary, the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives.

(B) CONTENTS OF REPORT.—

(i) ACTION TAKEN.—The report described in subparagraph (A) shall also describe the actions to remedy findings of noncompliance or other problems that are taken by the Secretary, the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement, the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement, and each detention facility found to be in noncompliance.

(ii) RESULTS OF ACTIONS.—The report shall also include information regarding whether the actions taken were successful and resulted in compliance with detention standards.

(4) REVIEW OF COMPLAINTS BY DETAINEES.—The Office shall establish procedures to receive and review complaints of violations of the detention standards promulgated by the Secretary. The procedures shall protect the anonymity of the claimant, including detainees, employees or others, from retaliation.

(c) COOPERATION WITH OTHER OFFICES AND AGENCIES.—Whenever appropriate, the Office shall cooperate and coordinate its activities with—

(1) the Office of the Inspector General of the Department of Homeland Security;

(2) the Civil Rights Office of the Department of Homeland Security;

(3) the Privacy Officer of the Department of Homeland Security;

(4) the Civil Rights Section of the Department of Justice; and

(5) any other relevant office or agency.

SEC.__09. SECURE ALTERNATIVES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a secure alternatives program. For purposes of this subsection, the secure alternatives program means a program under which aliens may be released under enhanced supervision to prevent them from absconding, and to ensure that they make required appearances.

(b) PROGRAM REQUIREMENTS.—

(1) NATIONWIDE IMPLEMENTATION.—The Secretary shall facilitate the development of the secure alternatives program on a nationwide basis, as a continuation of existing pilot programs such as the Intensive Supervision Appearance Program (ISAP) developed by the Department of Homeland Security.

(2) UTILIZATION OF ALTERNATIVES.—The program shall utilize a continuum of alternatives based on the alien's need for supervision, including placement of the alien with an individual or organizational sponsor, or in a supervised group home.

(3) ALIENS ELIGIBILE FOR SECURE ALTERNATIVES PROGRAM.—

(A) IN GENERAL.—Aliens who would otherwise be subject to detention based on a consideration of the release criteria in section 236(b)(2), or who are released pursuant to section 236(d)(2), shall be considered for the secure alternatives program.

(B) DESIGN OF PROGRAMS.—Secure alternatives programs shall be designed to ensure sufficient supervision of the population described in subparagraph (A).

(4) CONTRACTS.—The Department shall enter into contracts with qualified nongovernmental entities to implement the secure alternatives program. In designing the program, the Secretary shall—

(A) consult with relevant experts; and

(B) consider programs that have proven successful in the past, including the Appearance Assistance Program developed by the Vera Institute and the Intensive Supervision Appearance Program (ISAP) developed by the Department of Homeland Security.

SEC.__10. LESS RESTRICTIVE DETENTION FACILITIES.

(a) CONSTRUCTION.—The Secretary shall facilitate the construction or use of secure but less restrictive detention facilities.

(b) CRITERIA.—In developing detention facilities pursuant to this section, the Secretary shall—

(1) consider the design, operation, and conditions of existing secure but less restrictive detention facilities, such as the Department of Homeland Security detention facilities in Broward County, Florida, and Berks County, Pennsylvania;

(2) to the extent practicable, construct or use detention facilities where—

(A) movement within and between indoor and outdoor areas of the facility is subject to minimal restrictions;

(B) detainees have ready access to social, psychological, and medical services;

(C) detainees with special needs, including those who have experienced trauma or torture, have ready access to services and treatment addressing their needs;

(D) detainees have ready access to meaningful programmatic and recreational activities;

(E) detainees are permitted contact visits with legal representatives, family members, and others;

(F) detainees have access to private toilet and shower facilities;

(G) prison-style uniforms or jumpsuits are not required; and

(H) special facilities are provided to families with children.

(c) FACILITIES FOR FAMILIES WITH CHILDREN.—For situations where release or secure alternatives programs are not an option, the Secretary shall ensure that special detention facilities are specifically designed to house parents with their minor children, including ensuring that—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) living and sleeping quarters for parents and minor children are not physically separated.

(d) PLACEMENT IN NONPUNITIVE FACILITIES.—Priority for placement in less restrictive facilities shall be given to asylum seekers, families with minor children, vulnerable populations, and nonviolent criminal detainees.

(e) PROCEDURES AND STANDARDS.—Where necessary, the Secretary shall promulgate new standards, or modify existing detention standards, to promote the development of less restrictive detention facilities.

SEC.__11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SEC.__12. EFFECTIVE DATE.

Except as otherwise provided, this title shall take effect 6 months after the date of the enactment of this Act.

SA 4021. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . IDENTIFICATION REQUIREMENTS.

(a) REQUIREMENT FOR IDENTIFICATION CARDS TO INCLUDE CITIZENSHIP INFORMATION.—Section 7212(b)(2)(D) of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 30301 note) is amended by striking ''and'' at the end of clause (vi), by inserting ''and'' at the end of clause (vii), and by adding at the end the following new clause:

''(viii) whether the person is a United States citizen;''.

(b) IDENTIFICATION REQUIRED FOR VOTING IN PERSON.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 305 the following new section:

''SEC. 304. IDENTIFICATION OF VOTERS AT THE POLLS.

''(a) IN GENERAL.—Notwithstanding the requirements of section 303(b), each State shall require individuals casting ballots in an election for Federal office in person to present before voting a current valid photo identification which is issued by a governmental entity and which meets the requirements of section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 30301 note).

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2008.''.

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking ''and 303'' and inserting ''303, and 304''.

SA 4022. Mr. DOMENICI (for himself, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.__. ADDITIONAL DISTRICT COURT JUDGESHIPS.

The President shall appoint, by and with the advice and consent of the Senate, such additional district court judges as are necessary to carry out the 2005 recommendations of the Judicial Conference for district courts in which the criminal immigration filings totaled more than 50 per cent of all criminal filings for the 12-month period ending September 30, 2004.

SA 4023. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. .COOPERATION WITH THE GOVERNMENT OF MEXICO.

(A) COOPERATION REGARDING BORDER SECURITY.—The Secretary of State, in cooperation with the Secretary and representatives of Federal, State, and local law enforcement agencies that are involved in border security and immigration enforcement efforts, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico regarding—

(1) improved border security along the international border between the United States and Mexico;

(2) the reduction of human trafficking and smuggling between the United States and Mexico;

(3) the reduction of drug trafficking and smuggling between the United States and Mexico;

(4) the reduction of gang membership in the United States and Mexico;

(5) the reduction of violence against women in the United States and Mexico; and

(6) the reduction of other violence and criminal activity.

(b) COOPERATION REGARDING EDUCATION ON IMMIGRATION LAWS.—The Secretary of State, in cooperation with other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to carry out activities to educate citizens and nationals of Mexico regarding eligibility for status as a non-immigrant under Federal law to ensure that the citizens and nationals are not exploited while working in the United States.

(c) COOPERATION REGARDING CIRCULAR MIGRATION.—The Secretary of State, in cooperation with the Secretary of Labor and other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico to encourage circular migration, including assisting in the development of economic opportunities and providing job training for citizens and nationals in Mexico.

(d) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress a report on the actions taken by the United States and Mexico under this section.

SA 4024. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. KYL., Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 8, between lines 20 and 21, insert the following:

(3) DEPUTY UNITED STATES MARSHALS.—In each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations, increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals that investigate criminal matters related to immigration.

On page 9, line 3, strike ''(2)'' and insert the following:

(2) DEPUTY UNITED STATES MARSHALS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a)(3).

(3)

SA 4025. Ms. LANDRIEU (for herself and Mr. DEMINT) submitted an amendment intended to be proposed by her to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE —INTERCOUNTRY ADOPTION REFORM

SEC. 01. SHORT TITLE.

This title may be cited as the ''Intercountry Adoption Reform Act of 2006'' or the ''ICARE Act''.

SEC. 02. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) That a child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love, and understanding.

(2) That intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her country of origin.

(3) There has been a significant growth in intercountry adoptions. In 1990, Americans adopted 7,093 children from abroad. In 2004, they adopted 23,460 children from abroad.

(4) Americans increasingly seek to create or enlarge their families through intercountry adoptions.

(5) There are many children worldwide that are without permanent homes.

(6) In the interest of children without a permanent family and the United States citizens who are waiting to bring them into their families, reforms are needed in the intercountry adoption process used by United States citizens.

(7) Before adoption, each child should have the benefit of measures taken to ensure that intercountry adoption is in his or her best interest and that prevents the abduction, selling, or trafficking of children.

(8) In addition, Congress recognizes that foreign-born adopted children do not make the decision whether to immigrate to the United States. They are being chosen by Americans to become part of their immediate families.

(9) As such these children should not be classified as immigrants in the traditional sense. Once fully and finally adopted, they should be treated as children of United States citizens.

(10) Since a child who is fully and finally adopted is entitled to the same rights, duties, and responsibilities as a biological child, the law should reflect such equality.

(11) Therefore, foreign-born adopted children of United States citizens should be accorded the same procedural treatment as biological children born abroad to a United States citizen.

(12) If a United States citizen can confer citizenship to a biological child born abroad, then the same citizen is entitled to confer such citizenship to their legally and fully adopted foreign-born child immediately upon final adoption.

(13) If a United States citizen cannot confer citizenship to a biological child born abroad, then such citizen cannot confer citizenship to their legally and fully adopted foreign-born child, except through the naturalization process.

(b) PURPOSES.—The purposes of this title are—

(1) to ensure that any adoption of a foreign-born child by parents in the United States is carried out in the manner that is in the best interest of the child;

(2) to ensure that foreign-born children adopted by United States citizens will be treated identically to a biological child born abroad to the same citizen parent; and

(3) to improve the intercountry adoption process to make it more citizen friendly and focused on the protection of the child.

SEC. 03. DEFINITIONS.

In this title:

(1) ADOPTABLE CHILD.—The term ''adoptable child'' has the same meaning given such term in section 101(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(c)(3)), as added by section ____ 24(a) of this Act.

(2) AMBASSADOR AT LARGE.—The term ''Ambassador at Large'' means the Ambassador at Large for Intercountry Adoptions appointed to head the Office pursuant to section ____ 11(b).

(3) COMPETENT AUTHORITY.—The term ''competent authority'' means the entity or entities authorized by the law of the child's country of residence to engage in permanent placement of children who are no longer in the legal or physical custody of their biological parents.

(4) CONVENTION.—The term ''Convention'' means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993.

(5) FULL AND FINAL ADOPTION.—The term ''full and final adoption'' means an adoption—

(A) that is completed according to the laws of the child's country of residence or the State law of the parent's residence;

(B) under which a person is granted full and legal custody of the adopted child;

(C) that has the force and effect of severing the child's legal ties to the child's biological parents;

(D) under which the adoptive parents meet the requirements of section ____ 25; and

(E) under which the child has been adjudicated to be an adoptable child in accordance with section ____ 26.

(6) OFFICE.—The term ''Office'' means the Office of Intercountry Adoptions established under section ____ 11(a).

(7) READILY APPROVABLE.—A petition or certification is ''readily approvable'' if the documentary support provided along with such petition or certification demonstrates that the petitioner satisfies the eligibility requirements and no additional information or investigation is necessary.

Subtitle A—Administration of Intercountry Adoptions

SEC. 11. OFFICE OF INTERCOUNTRY ADOPTIONS.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, there shall be established within the Department of State, an Office of Intercountry Adoptions which shall be headed by the Ambassador at Large for Intercountry Adoptions.

(b) AMBASSADOR AT LARGE.—

(1) APPOINTMENT.—The Ambassador at Large shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who have background, experience, and training in intercountry adoptions.

(2) CONFLICTS OF INTEREST.—The individual appointed to be the Ambassador at Large shall be free from any conflict of interest that could impede such individual's ability to serve as the Ambassador.

(3) AUTHORITY.—The Ambassador at Large shall report directly to the Secretary of State, in consultation with the Assistant Secretary for Consular Affairs.

(4) REGULATIONS.—The Ambassador at Large may not issue rules or regulations unless such rules or regulations have been approved by the Secretary of State.

(5) DUTIES OF THE AMBASSADOR AT LARGE.—The Ambassador at Large shall have the following responsibilities:

(A) IN GENERAL.—The primary responsibilities of the Ambassador at Large shall be—

(i) to ensure that any adoption of a foreign-born child by parents in the United States is carried out in the manner that is in the best interest of the child; and

(ii) to assist the Secretary of State in fulfilling the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14911 et seq.).

(B) ADVISORY ROLE.—The Ambassador at Large shall be a principal advisor to the

President and the Secretary of State regarding matters affecting intercountry adoption and the general welfare of children abroad and shall make recommendations regarding—

(i) the policies of the United States with respect to the establishment of a system of cooperation among the parties to the Convention;

(ii) the policies to prevent abandonment, to strengthen families, and to advance the placement of children in permanent families; and

(iii) policies that promote the protection and well-being of children.

(C) DIPLOMATIC REPRESENTATION.—Subject to the direction of the President and the Secretary of State, the Ambassador at Large may represent the United States in matters and cases relevant to international adoption in—

(i) fulfillment of the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14911 et seq.);

(ii) contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations and other international organizations of which the United States is a member; and

(iii) multilateral conferences and meetings relevant to international adoption.

(D) INTERNATIONAL POLICY DEVELOPMENT.—The Ambassador at Large shall advise and support the Secretary of State and other relevant Bureaus of the Department of State in the development of sound policy regarding child protection and intercountry adoption.

(E) REPORTING RESPONSIBILITIES.—The Ambassador at Large shall have the following reporting responsibilities:

(i) IN GENERAL.—The Ambassador at Large shall assist the Secretary of State and other relevant Bureaus in preparing those portions of the Human Rights Reports that relate to the abduction, sale, and trafficking of children.

(ii) ANNUAL REPORT ON INTER-COUNTRY ADOPTION.—Not later than September 1 of each year, the Secretary of State shall prepare and submit to Congress an annual report on intercountry adoption. Each annual report shall include—

(I) a description of the status of child protection and adoption in each foreign country, including—

(aa) trends toward improvement in the welfare and protection of children and families;

(bb) trends in family reunification, domestic adoption, and intercountry adoption;

(cc) movement toward ratification and implementation of the Convention; and

(dd) census information on the number of children in orphanages, foster homes, and other types of nonpermanent residential care as reported by the foreign country;

(II) the number of intercountry adoptions by United States citizens, including the country from which each child emigrated, the State in which each child resides, and the country in which the adoption was finalized;

(III) the number of intercountry adoptions involving emigration from the United States, including the country where each child now resides and the State from which each child emigrated;

(IV) the number of placements for adoption in the United States that were disrupted including the country from which the child emigrated, the age of the child, the date of the placement for adoption, the reasons for the disruption, the resolution of the disruption, the agencies that handled the placement for adoption, and the plans for the child, and in addition, any information regarding disruption or dissolution of adoptions of children from other countries received pursuant to the section 422(b)(14) of the Social Security Act (42 U.S.C. 622(b)(14));

(V) the average time required for completion of an adoption, set forth by the country from which the child emigrated;

(VI) the current list of agencies accredited and persons approved under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.) to provide adoption services;

(VII) the names of the agencies and persons temporarily or permanently debarred under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.), and the reasons for the debarment;

(VIII) the range of adoption fees involving adoptions by United States citizens and the median of such fees set forth by the country of origin;

(IX) the range of fees charged for accreditation of agencies and the approval of persons in the United States engaged in providing adoption services under the Convention; and

(X) recommendations of ways the United States might act to improve the welfare and protection of children and families in each foreign country.

(c) FUNCTIONS OF OFFICE.—The Office shall have the following 7 functions:

(1) APPROVAL OF A FAMILY TO ADOPT.—To approve or disapprove the eligibility of a United States citizen to adopt a child born in a foreign country.

(2) CHILD ADJUDICATION.—To investigate and adjudicate the status of a child born in a foreign country to determine whether that child is an adoptable child.

(3) FAMILY SERVICES.—To provide assistance to United States citizens engaged in the intercountry adoption process in resolving problems with respect to that process and to track intercountry adoption cases so as to ensure that all such adoptions are processed in a timely manner.

(4) INTERNATIONAL POLICY DEVELOPMENT.—To advise and support the Ambassador at Large and other relevant Bureaus of the Department of State in the development of sound policy regarding child protection and intercountry adoption.

(5) CENTRAL AUTHORITY.—To assist the Secretary of State in carrying out duties of the central authority as defined in section 3 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14902).

(6) ENFORCEMENT.—To investigate, either directly or in cooperation with other appropriate international, Federal, State, or local entities, improprieties relating to intercountry adoption, including issues of child protection, birth family protection, and consumer fraud.

(7) ADMINISTRATTON.—To perform administrative functions related to the functions performed under paragraphs (1) through (6), including legal functions and congressional liaison and public affairs functions.

(d) ORGANIZATION.—

(1) IN GENERAL.—All functions of the Office shall be performed by officers employed in a central office located in Washington, D.C. Within that office, there shall be 7 divisions corresponding to the 7 functions of the Office. The director of each such division shall report directly to the Ambassador at Large.

(2) APPROVAL TO ADOPT.—The division responsible for approving parents to adopt shall be divided into regions of the United States as follows:

(A) Northwest.

(B) Northeast.

(C) Southwest.

(D) Southeast.

(E) Midwest.

(F) West.

(3) CHILD ADJUDICATION.—To the extent practicable, the division responsible for the adjudication of foreign-born children as adoptable shall be divided by world regions which correspond to the world regions used by other divisions within the Department of State.

(4) USE OF INTERNATIONAL FIELD OFFICERS.—Nothing in this section shall be construed to prohibit the use of international field officers posted abroad, as necessary, to fulfill the requirements of this Act.

(5) COORDINATION.—The Ambassador at Large shall coordinate with appropriate employees of other agencies and departments of the United States, whenever appropriate, in carrying out the duties of the Ambassador.

(e) QUALIFICATIONS AND TRAINING.—In addition to meeting the employment requirements of the Department of State, officers employed in any of the 7 divisions of the Office shall undergo extensive and specialized training in the laws and processes of intercountry adoption as well as understanding the cultural, medical, emotional, and social issues surrounding intercountry adoption and adoptive families. The Ambassador at Large shall, whenever possible, recruit and hire individuals with background and experience in intercountry adoptions, taking care to ensure that such individuals do not have any conflicts of interest that might inhibit their ability to serve.

(f) USE OF ELECTRONIC DATABASES AND FILING.—To the extent possible, the Office shall make use of centralized, electronic databases and electronic form filing.

SEC. 12. RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES.

Section 505(a)(1) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 note) is amended by inserting ''301, 302,'' after ''205,''.

SEC. 13. TECHNICAL AND CONFORMING AMENDMENT.

Section 104 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14914) is repealed.

SEC. 14. TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—Subject to subsection (c), all functions under the immigration laws of the United States with respect to the adoption of foreign-born children by United States citizens and their admission to the United States that have been vested by statute in, or exercised by, the Secretary of Homeland Security immediately prior to the effective date of this Act, are transferred to the Secretary of State on the effective date of this Act and shall be carried out by the Ambassador at Large, under the supervision of the Secretary of State, in accordance with applicable laws and this Act.

(b) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, the Ambassador at Large may, for purposes of performing any function transferred to the Ambassador at Large under subsection (a), exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function pursuant to this subtitle.

(c) LIMITATION ON TRANSFER OF PENDING ADOPTIONS.—If an individual has filed a petition with the Immigration and Naturalization Service or the Department of Homeland Security with respect to the adoption of a foreign-born child prior to the date of enactment of this Act, the Secretary of Homeland Security shall have the authority to make the final determination on such petition and such petition shall not be transferred to the Office.

SEC. 15. TRANSFER OF RESOURCES.

Subject to section 1531 of title 31, United States Code, upon the effective date of this act, there are transferred to the Ambassador

at Large for appropriate allocation in accordance with this Act, the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department of Homeland Security in connection with the functions transferred pursuant to this subtitle.

SEC. 16. INCIDENTAL TRANSFERS.

The Ambassador at Large may make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this subtitle. The Ambassador at Large shall provide for such further measures and dispositions as may be necessary to effectuate the purposes of this subtitle.

SEC. 17. SAVINGS PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, including collective bargaining agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Ambassador at Large, the former Commissioner of the Immigration and Naturalization Service, or the Secretary of Homeland Security, or their delegates, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred pursuant to this subtitle; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date);

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law, except that any collective bargaining agreement shall remain in effect until the date of termination specified in the agreement.

(b) PROCEEDINGS.—

(1) PENDING.—The transfer of functions under section ____ 14 shall not affect any proceeding or any application for any benefit, service, license, permit, certificate, or financial assistance pending on the effective date of this subtitle before an office whose functions are transferred pursuant to this subtitle, but such proceedings and applications shall be continued.

(2) ORDERS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) DISCONTINUANCE OR MODIFICATION.—Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(c) SUITS.—This subtitle shall not affect suits commenced before the effective date of this subtitle, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of State, the Immigration and Naturalization Service, or the Department of Homeland Security, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred pursuant to this section, shall abate by reason or the enactment of this Act.

(e) CONTINUANCE OF SUIT WITH SUBSTITUTION OF PARTIES.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and pursuant to this subtitle such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this subtitle, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred pursuant to any provision of this subtitle shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred pursuant to such provision.

Subtitle B—Reform of United States Laws Governing Intercountry Adoptions

SEC. 21. AUTOMATIC ACQUISITION OF CITIZENSHIP FOR ADOPTED CHILDREN BORN OUTSIDE THE UNITED STATES.

(a) AUTOMATIC CITIZENSHIP PROVISIONS.—

(1) AMENDMENT OF THE INA.—Section 320 of the Immigration and Nationality Act (8 U.S.C. 1431) is amended to read as follows:

"SEC. 320. CONDITIONS FOR AUTOMATIC CITIZENSHIP FOR CHILDREN BORN OUTSIDE THE UNITED STATES.

''(a) IN GENERAL.—A child born outside of the United States automatically becomes a citizen of the United States—

''(1) if the child is not an adopted child—

''(A) at least 1 parent of the child is a citizen of the United States, whether by birth or naturalization, who has been physically present (as determined under subsection (b)) in the United States or its outlying possessions for a period or periods totaling not less than 5 years, at least 2 of which were after attaining the age of 14 years; and

''(B) the child is under the age of 18 years; or

''(2) if the child is an adopted child, on the date of the full and final adoption of the child—

''(A) at least 1 parent of the child is a citizen of the United States, whether by birth or naturalization, who has been physically present (as determined under subsection (b)) in the United States or its outlying possessions for a period or periods totaling not less than 5 years, at least 2 of which were after attaining the age of 14 years;

''(B) the child is an adoptable child;

''(C) the child is the beneficiary of a full and final adoption decree entered by a foreign government or a court in the United States; and

''(D) the child is under the age of 16 years.

''(b) PHYSICAL PRESENCE.—For the purposes of subsection (a)(2)(A), the requirement for physical presence in the United States or its outlying possessions may be satisfied by the following:

''(1) Any periods of honorable service in the Armed Forces of the United States.

''(2) Any periods of employment with the United States Government or with an international organization as that term is defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288) by such citizen parent.

''(3) Any periods during which such citizen parent is physically present outside the United States or its outlying possessions as the dependent unmarried son or daughter and a member of the household of a person—

''(A) honorably serving with the Armed Forces of the United States; or

''(B) employed by the United States Government or an international organization as defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288).

''(c) FULL AND FINAL ADOPTION.—In this section, the term 'full and final adoption' means an adoption—

''(1) that is completed under the laws of the child's country of residence or the State law of the parent's residence;

''(2) under which a person is granted full and legal custody of the adopted child;

''(3) that has the force and effect of severing the child's legal ties to the child's biological parents;

''(4) under which the adoptive parents meet the requirements of section ____ 25 of the Intercountry Adoption Reform Act of 2006; and

''(5) under which the child has been adjudicated to be an adoptable child in accordance with section ____ 26 of the Intercountry Adoption Reform Act of 2006.''.

(b) CONFORMING AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act (66 Stat. 163) is amended by striking the item relating to section 320 and inserting the following:

''Sec. 320. Conditions for automatic citizenship for children born outside the United States''.

(c) EFFECTIVE DATE.—This section shall take effect as if enacted on June 27, 1952.

SEC. 22. REVISED PROCEDURES.

Notwithstanding any other provision of law, the following requirements shall apply with respect to the adoption of foreign born children by United States citizens:

(1) Upon completion of a full and final adoption, the Secretary shall issue a United States passport and a Consular Report of Birth for a child who satisfies the requirements of section 320(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1431(a)(2)), as amended by section ____ 21 of this Act, upon application by a United States citizen parent.

(2) An adopted child described in paragraph (1) shall not require the issuance of a visa for travel and admission to the United States but shall be admitted to the United States upon presentation of a valid, unexpired United States passport.

(3) No affidavit of support under section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a) shall be required in the case of any adoptable child.

(4) The Secretary of State, acting through the Ambassador at Large, shall require that agencies provide prospective adoptive parents an opportunity to conduct an independent medical exam and a copy of any medical records of the child known to exist (to the greatest extent practicable, these documents shall include an English translation) on a date that is not later than the earlier of the date that is 2 weeks before the adoption, or the date on which prospective adoptive parents travel to such a foreign country to complete all procedures in such country relating to adoption.

(5) The Secretary of State, acting through the Ambassador at Large, shall take necessary measures to ensure that all prospective adoptive parents adopting internationally are provided with training that includes counseling and guidance for the purpose of promoting a successful intercountry adoption before such parents travel to adopt the child or the child is placed with such parents for adoption.

(6) The Secretary of State, acting through the Ambassador at Large, shall take necessary measures to ensure that—

(A) prospective adoptive parents are given full disclosure of all direct and indirect costs of intercountry adoption before the parents are matched with a child for adoption;

(B) fees charged in relation to the intercountry adoption be on a fee-for-service basis not on a contingent fee basis; and

(C) that the transmission of fees between the adoption agency, the country of origin, and the prospective adoptive parents is carried out in a transparent and efficient manner.

(7) The Secretary of State, acting through the Ambassador at Large, shall take all measures necessary to ensure that all documents provided to a country of origin on behalf of a prospective adoptive parent are truthful and accurate.

SEC. 23. NONIMMIGRANT VISAS FOR CHILDREN TRAVELING TO THE UNITED STATES TO BE ADOPTED BY A UNITED STATES CITIZEN.

(a) NONIMMIGRANT CLASSIFICATION.—

(1) IN GENERAL.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by adding at the end the following:

''(W) an adoptable child who is coming into the United States for adoption by a United States citizen and a spouse jointly or by an unmarried United States citizen at least 25 years of age, who has been approved to adopt by the Office of International Adoption of the Department of State.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Such section 101(a)(15) is further amended—

(A) by striking ''or'' at the end of subparagraph (U); and

(B) by striking the period at the end of subparagraph (V) and inserting ''; or''.

(b) TERMINATION OF PERIOD OF AUTHORIZED ADMISSION.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

''(s) In the case of a nonimmigrant described in section 101(a)(15)(W), the period of authorized admission shall terminate on the earlier of—

''(1) the date on which the adoption of the nonimmigrant is completed by the courts of the State where the parents reside; or

''(2) the date that is 4 years after the date of admission of the nonimmigrant into the United States, unless a petitioner is able to show cause as to why the adoption could not be completed prior to such date and the Secretary of State extends such period for the period necessary to complete the adoption.''.

(c) TEMPORARY TREATMENT AS LEGAL PERMANENT RESIDENT.—Notwithstanding any other law, all benefits and protections that apply to a legal permanent resident shall apply to a nonimmigrant described in section 101(a)(15)(W) of the Immigration and Nationality Act, as added by subsection (a), pending a full and final adoption.

(d) EXCEPTION FROM IMMUNIZATION REQUIREMENT FOR CERTAIN ADOPTED CHILDREN.—Section 212(a)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)) is amended—

(1) in the heading by striking ''**10 YEARS**'' and inserting ''**18 YEARS**''; and

(2) in clause (i), by striking ''10 years'' and inserting ''18 years''.

(e) REGULATIONS.—Not later than 90 days after the enactment of this Act, the Secretary of State shall prescribe such regulations as may be necessary to carry out this section.

SEC. 24. DEFINITION OF ADOPTABLE CHILD.

(a) IN GENERAL.—Section 101(c) of the Immigration and Nationality Act (8 U.S.C. 1101(c)) is amended by adding at the end the following:

''(3) The term 'adoptable child' means an unmarried person under the age of 18—

''(A)(i) whose biological parents (or parent, in the case of a child who has one sole or surviving parent) or other persons or institutions that retain legal custody of the child—

''(I) have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption and that such consent has not been induced by payment or compensation of any kind and has not been given prior to the birth of the child;

''(II) are unable to provide proper care for the child, as determined by the competent authority of the child's residence; or

''(III) have voluntarily relinquished the child to the competent authorities pursuant to the law of the child's residence; or

''(ii) who, as determined by the competent authority of the child's residence—

''(I) has been abandoned or deserted by their biological parent, parents, or legal guardians; or

''(II) has been orphaned due to the death or disappearance of their biological parent, parents, or legal guardians;

''(B) with respect to whom the Secretary of State is satisfied that the proper care will be furnished the child if admitted to the United States;

''(C) with respect to whom the Secretary of State is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship and that the parent-child relationship of the child and the biological parents has been terminated (and in carrying out both obligations under this subparagraph the Secretary of State, in consultation with the Secretary of Homeland Security, may consider whether there is a petition pending to confer immigrant status on one or both of the biological parents);

''(D) with respect to whom the Secretary of State, is satisfied that there has been no inducement, financial or otherwise, offered to obtain the consent nor was it given before the birth of the child;

''(E) with respect to whom the Secretary of State, in consultation with the Secretary of Homeland Security, is satisfied that the person is not a security risk; and

''(F) whose eligibility for adoption and emigration to the United States has been certified by the competent authority of the country of the child's place of birth or residence.''.

(b) CONFORMING AMENDMENT.—Section 204(d) of the Immigration and Nationality Act (8 U.S.C. 1154(d)) is amended by inserting ''and an adoptable child as defined in section 101(c)(3)'' before ''unless a valid home-study''.

SEC. 25. APPROVAL TO ADOPT.

(a) IN GENERAL.—Prior to the issuance of a visa under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section ____ 23(a) of this Act, or the issuance of a full and final adoption decree, the United States citizen adoptive parent shall have approved by the Office a petition to adopt. Such petition shall be subject to the same terms and conditions as are applicable to petitions for classification under section 204.3 of title 8 of the Code of Federal Regulations, as in effect on the day before the date of enactment of this Act.

(b) EXPIRATION OF APPROVAL.—Approval to adopt under this Act is valid for 24 months from the date of approval. Nothing in this section may prevent the Secretary of Homeland Security from periodically updating the fingerprints or an individual who has filed a petition for adoption.

(c) EXPEDITED REAPPROVAL PROCESS OF FAMILIES PREVIOUSLY APPROVED TO ADOPT.—The Secretary of State shall prescribe such regulations as may be necessary to provide for an expedited and streamlined process for families who have been previously approved to adopt and whose approval has expired, so long as not more than 4 years have lapsed since the original application.

(d) DENIAL OF PETITION.—

(1) NOTICE OF INTENT.—If the officer adjudicating the petition to adopt finds that it is not readily approvable, the officer shall notify the petitioner, in writing, of the officer's intent to deny the petition. Such notice shall include the specific reasons why the petition is not readily approvable.

(2) PETITIONER'S RIGHT TO RESPOND.—Upon receiving a notice of intent to deny, the petitioner has 30 days to respond to such notice.

(3) DECISION.—Within 30 days of receipt of the petitioner's response the Office must reach a final decision regarding the eligibility of the petitioner to adopt. Notice of a formal decision must be delivered in writing.

(4) RIGHT TO AN APPEAL.—Unfavorable decisions may be appealed to the Department of State and, after the exhaustion of the appropriate appeals process of the Department, to a United States district court.

(5) REGULATIONS REGARDING APPEALS.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall promulgate formal regulations regarding the process for appealing the denial of a petition.

SEC. 26. ADJUDICATION OF CHILD STATUS.

(a) IN GENERAL.—Prior to the issuance of a full and final adoption decree or a visa under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section ____ 23(a) of this Act—

(1) the Ambassador at Large shall obtain from the competent authority of the country of the child's residence a certification, together with documentary support, that the child sought to be adopted meets the definition of an adoptable child; and

(2) not later than 15 days after the date of the receipt of the certification referred to in paragraph (1), the Secretary of State shall make a final determination on whether the certification and the documentary support are sufficient to meet the requirements of this section or whether additional investigation or information is required.

(b) PROCESS FOR DETERMINATION.—

(1) IN GENERAL.—The Ambassador at Large shall work with the competent authorities of the child's country of residence to establish a uniform, transparent, and efficient process for the exchange and approval of the certification and documentary support required under subsection (a).

(2) NOTICE OF INTENT.—If the Secretary of State determines that a certification submitted by the competent authority of the child's country of origin is not readily approvable, the Ambassador at Large shall—

(A) notify the competent authority and the prospective adoptive parents, in writing, of the specific reasons why the certification is not sufficient; and

(B) provide the competent authority and the prospective adoptive parents the opportunity to address the stated insufficiencies.

(3) PETITIONERS' RIGHT TO RESPOND.—Upon receiving a notice of intent to find that a certification is not readily approvable, the prospective adoptive parents shall have 30 days to respond to such notice.

(4) DECISION.—Not later than 30 days after the date of receipt of a response submitted under paragraph (3), the Secretary of State shall reach a final decision regarding the child's eligibility as an adoptable child. Notice of such decision must be in writing.

(5) RIGHT TO AN APPEAL.—Unfavorable decisions on a certification may be appealed through the appropriate process of the Department of State and, after the exhaustion

of such process, to a United States district court.

SEC. 27. FUNDS.

The Secretary of State shall provide the Ambassador at Large with such funds as may be necessary for—

(1) the hiring of staff for the Office;

(2) investigations conducted by such staff; and

(3) travel and other expenses necessary to carry out this title.

Subtitle C—Enforcement

SEC. 31. CIVIL PENALTIES AND ENFORCEMENT.

(a) CIVIL PENALTIES.—A person shall be subject, in addition to any other penalty that may be prescribed by law, to a civil money penalty of not more than $50,000 for a first violation, and not more than $100,000 for each succeeding violation if such person—

(1) violates a provision of this title or an amendment made by this title;

(2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country—

(A) a decision for an approval under title II;

(B) the relinquishment of parental rights or the giving of parental consent relating to the adoption of a child; or

(C) a decision or action of any entity performing a central authority function; or

(3) engages another person as an agent, whether in the United States or in a foreign country, who in the course of that agency takes any of the actions described in paragraph (1) or (2).

(b) CIVIL ENFORCEMENT.—

(1) AUTHORITY OF ATTORNEY GENERAL.—The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.

(2) FACTORS TO BE CONSIDERED IN IMPOSING PENALTIES.—In imposing penalties the court shall consider the gravity of the violation, the degree of culpability of the defendant, and any history of prior violations by the defendant.

SEC. 32. CRIMINAL PENALTIES.

Whoever knowingly and willfully commits a violation described in paragraph (1) or (2) of section ____ 31(a) shall be subject to a fine of not more than $250,000, imprisonment for not more than 5 years, or both.

SA 4026. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

(a) At the appropriate place, insert the following:

SEC. . VERIFICATION OF CITIZENSHIP FOR VOTER ELIGIBILITY.

(a) REQUIRING PROVISION OF CERTAIN INFORMATION BY APPLICANTS.—

(1) IN GENERAL.—Section 303(a)(5)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(a)(5)(A)) is amended—

(A) by redesignating clause (iii) as clause (iv); and

(B) by inserting after clause (ii) the following new clause:

''(iii) REQUIRED PROVISION OF PLACE OF BIRTH AND STATEMENT OF CITIZENSHIP.—Notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes the place of birth of the applicant and indicates that the applicant is a United States citizen.''.

(C) EFFECTIVE DATE.—Section 303(d)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15483(d)(I)) is amended—

(i) in subparagraph (A), by inserting ''and (C)'' after ''subparagraph (B)''; and

(ii) by adding at the end the following new subparagraph:

''(C) REQUIRED PROVISION OF PLACE OF BIRTH AND STATEMENT OF CITIZENSHIP.—Each State and jurisdiction shall be required to comply with the requirements of subsection (a)(5)(A)(iii) on and after November 1, 2007.''.

(b) REQUIRING FEDERAL VERIFICATION OF CERTAIN INFORMATION.—Section 205(r)(8) of the Social Security Act (42 U.S.C. 405(r)(8) is amended—

(1) in subparagraph (C), by striking ''applications for voter registration,'' and all that follows through the period at the end and inserting ''all applications for voter registration to which section 303(a)(5) of the Help America Vote Act of 2002 applies''; and

(2) in subparagraph (D)(i)(I) by inserting ''the place of birth, status as a United States citizen,'' after ''year),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to applications for voter registration submitted on or after November 1, 2007.

SA 4027. Mr. KYL (for himself, Mr. CORNYN, Mr. GRAHAM, Mr. ALLEN, Mr. MCCAIN, Mr. FRIST, Mr. BROWNBACK, Mr. MARTINEZ, Mr. HAGEL, and Mr. ALEXANDER) proposed an amendment to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 358, line 3, insert ''(other than subparagraph (C)(i)(II))'' after ''(9)''.

On page 359, after line 12 insert the following:

''(6) INELIGIBILITY.—

''(A) IN GENERAL.—An alien is ineligible for adjustment to lawful permanent resident status under this section if—

''(i) the alien has been ordered removed from the United States—

''(I) for overstaying the period of authorized admission under section 217;.

''(II) under section 235 or 238; or

''(III) pursuant to a final order of removal under section 240;

''(ii) the alien failed to depart the United States during the period of a voluntary departure order issued under section 240B;

''(iii) the alien is subject to section 241(a)(5);

''(iv) the Secretary of Homeland Security determines that—

''(I) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

''(II) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

''(III) there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

''(v) the alien has been convicted of a felony or 3 or more misdemeanors.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), an alien who has not been ordered removed from the United States shall remain eligible for adjustment to lawful permanent resident status under this section if the alien's ineligibility under subparagraph (A) is solely related to the alien's—

''(i) entry into the United States without inspection;

''(ii) remaining in the United States beyond the period of authorized admission; or

''(iii) failure to maintain legal status while in the United States.

''(C) WAIVER.—The Secretary may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraph (A) if the alien was ordered removed on the basis that the alien, (1) entered without inspection, (ii) failed to maintain status, or (iii) was ordered removed under 212(a)(6)(C)(i) prior to April 7, 2006, and—

''(i) demonstrates that the alien did not receive notice of removal proceedings in accordance with paragraph (1) or (2) of section 239(a); or

''(ii) establishes that the alien's failure to appear was due to exceptional circumstances beyond the control of the alien; or

''(iii) the alien's departure from the U.S. now would result in extreme hardship to the alien's spouse, parent, or child who is a citizen of the United States or an alien lawfully admitted for permanent residence.

''On page 376, strike lines 13 through 20 and insert the following:

''(4) INELIGIBILITY.—

''(A) IN GENERAL.—The alien is ineligible for Deferred Mandatory Departure status if the alien—

''(i) has been ordered removed from the United States—

''(I) for overstaying the period of authorized admission under section 217;

''(II) under section 235 or 238; or

''(III) pursuant to a final order of removal under section 240;

''(ii) the alien failed to depart the United States during the period of a voluntary departure order issued under section 240B;

''(iii) the alien is subject to section 241(a)(5)

''(iv) the Secretary of Homeland Security determines that—

''(I) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

''(II) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

''(III) there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

''(v) the alien has been convicted of a felony or 3 or more misdemeanors.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), an alien who has not been ordered removed from the United States shall remain eligible for adjustment to lawful permanent resident status under this section if the alien's ineligibility under subparagraph (A) is solely related to the alien's—

''(i) entry into the United States without inspection,

''(ii) remaining in the United States beyond the period of authorized admission; or

''(iii) failure to maintain legal status while in the United States.

''(C) WAIVER.—The Secretary may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraph (A) if the alien was ordered removed on the basis that the alien

''(i) entered without inspection,

''(ii) failed to maintain status, or

''(iii) was ordered removed under 212(a)(6)(C)(1) prior to April 7, 2006, and—

''(I) demonstrates that the alien did not receive notice of removal proceedings in accordance with paragraph (1) or (2) or section 239(a);

''(II) establishes that the alien's failure to appear was due to exceptional circumstances beyond the control of the alien, or

''(III) the alien's departure from the U.S. now would result in extreme hardship to the alien's spouse, parent, or child who is a citizen of the United States or an alien lawfully admitted for permanent residence.''

SA 4028. Mr. FRIST (for Ms. COLLINS (for herself and Ms. MURKOWSKI)) proposed an amendment to the bill S. 879,

to make improvements to the Arctic Research and Policy Act of 1984; as follows:

On page 2, strike line 7 and all that follows through the end of the bill.

SA 4029. Mr. AKAKA (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 345, between lines 5 and 6, insert the following:

SEC. 509. CHILDREN OF FILIPINO WORLD WAR II VETERANS.

Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by sections 505 and 508, is further amended by adding at the end the following:

''(J) Aliens who are eligible for a visa under paragraph (1) or (3) of section 203(a) and are the children of a citizen of the United States who was naturalized pursuant to section 405 of the Immigration Act of 1990 (8 U.S.C. 1440 note).''.

SA 4030. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 431, strike line 16 and all that follows through page 432, line 21, and insert the following:

''(D) TEMPORARY WORK OR SERVICES.—The employer is seeking to employ a specific number of agricultural workers on a temporary basis.

''(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

''(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

''(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

''(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute;

''(B) TEMPORARY WORK OR SERVICES.—The employer is seeking to employ a specific number of agricultural workers on a temporary basis.

SA 4031. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 485, strike line 4 and all that follows through page 491, line 25, and insert the following:

''(b) LEGAL ASSISTANCE TO H–2A WORKERS.—The Legal Services Corporation, or any employee or agent of the Legal Services Corporation, may not provide legal assistance to, or on behalf of, any H–2A worker, unless the H–2A worker is present in the United States at the time the legal assistance is provided.

''(c) MEDIATION.—The Legal Services Corporation, or any employee or agent of the Legal Services Corporation may not bring a civil action for damages on behalf of a nonimmigrant described in section 101(a)(15)(H)(ii)(a) unless at least 90 days before the date on which the action is brought—

''(1) a request has been made to the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute; and

''(2) a mediation has been attempted.

''(d) CLARIFICATION OF PRIVATE PROPERTY RIGHTS.—The Legal Services Corporation, or any employee or agent of the Legal Services Corporation may not enter the property of an employer of aliens described in section 101(a)(15)(H)(ii)(a) without a prearranged appointment with a specific individual.

''(e) RECOVERING ATTORNEYS' FEES.—In any action under this section, the prevailing party shall have all costs and expenses, including reasonable attorneys' fees, paid for by the losing party, unless the ruling court finds that the payment of such costs and expenses would be manifestly unjust.

SA 4032. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 401, line 18, strike ''$100'' and insert ''$1,000''.

SA 4033. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 407, strike line 10 and all that follows through page 429, line 7, and insert the following:

(c) PERIOD OF AUTHORIZED ADMISSION.—

(1) IN GENERAL.—An alien may be granted blue card status for a period not to exceed 2 years.

(2) RETURN TO COUNTRY.—At the end of the period described in paragraph (1), the alien shall return to the country of nationality or last residence of the alien.

(3) ELIGIBILITY FOR NONIMMIGRANT VISA.—On return to the country of nationality or last residence of the alien under paragraph (2), the alien may apply for any nonimmigrant visa.

(d) LOSS OF EMPLOYMENT.—

(1) IN GENERAL.—The blue card status of an alien shall terminate if the alien is not employed for at least 60 consecutive days.

(2) RETURN TO COUNTRY.—An alien whose period of authorized admission terminates under paragraph (1) shall return to the country of nationality or last residence of the alien.

(e) PROHIBITION OF CHANGE OR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—An alien with blue card status shall not be eligible to change or adjust status in the United States.

(2) LOSS OF ELIGIBILITY.—An alien with blue card status shall lose the blue card status if the alien—

(A) files a petition to adjust status to legal permanent residence in the United States; or

(B) requests a consular processing for an immigrant or nonimmigrant visa outside the United States.

SA 4034. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 409, line 19, strike ''$400'' and insert ''$1,000''.

SA 4035. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 231.

SA 4036. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 129, beginning on line 15, strike all through page 130, line 16, and insert the following:

''(a) PROTECTION OF VULNERABLE PERSONS.—A person who is seeking protection, classification or status, as defined in subsection (b), shall not be prosecuted under section 1028, 1542, 1544, 1546 or 1548, of this title, or section 275 or 276 of the Immigration and Nationality Act (8 U.S.C. 1325 or 1326), in connection with the person's entry or attempted entry into the United States until the person's application for such protection, classification, or status has been adjudicated and denied in accordance with the Immigration and Nationality Act.

''(b) DEFINITION.—For purposes of this section, a person who is seeking protection, classification, or status is a person who—

''(1) has filed an application for asylum under section 208 of the Immigration and Nationality Act, withholding of removal under section 241(b)(3) of such Act, or relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment under title 8 of the Code of Federal Regulations, or after apprehension indicates without delay an intention to apply for such protection and promptly files the application;

''(2) has been referred for a credible fear interview, a reasonable fear interview, or an asylum-only hearing under section 235 of the Immigration and Nationality Act or title 8 of the Code of Federal Regulations; or

''(3) applies for classification or status under section 101(a)(15)(T), 101(a)(15)(U), 101(a)(27)(J), 101(a)(51), 216(c)(4)(C), 240A(b)(2) or 244(a)(3) of the Immigration and Nationality Act (as in effect on March 31, 1997).

''(c) SAVINGS PROVISION.—Nothing in this section

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 16, 2006, at 10 a.m., to conduct a hearing on the nominations of Mr. James Lambright, of Missouri, to be President, Export-Import Bank of the United States; Mr. Armando J. Bucelo, Jr., of Florida, to be a member of the Board of Directors of the Securities Investor Protection Corporation; Mr.

Todd S. Farha, of Florida, to be a member of the Board of Directors of the Securities Investor Protection Corporation; Mr. Jon T. Rymer, of Tennessee, to be Inspector General, Federal Deposit Insurance Corporation; Mr. John Cox, of Texas, to be Chief Financial Officer, U.S. Department of Housing and Urban Development; and Mr. William Hardiman, of Michigan, to be a member of the Board of Directors of the National Institute of Building Sciences.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 16, 2006, at 2 p.m., to conduct a hearing on the ''Role of Hedge Funds in our Capital Markets.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SMITH. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 16, 2006, at 10 a.m., on the Transportation Security Administration's Transportation Worker Identification Credential—TWIC—Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 16 at 10 a.m. The purpose of this hearing is to receive testimony regarding the status of the Yucca Mountain Repository Project within the Office of Civilian Radioactive Waste Management at the Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, May 16, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to consider the nomination of Susan C. Schwab to be United States Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary, Executive Office of the President, vice Robert J. Portman.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in Open Executive Session on Tuesday, May 16, 2006, in 215 Dirksen Senate Office Building, to consider favorably reporting the nomination of W. Ralph Basham, of Virginia, to be Commissioner of Customs, Department of Homeland Security, vice Robert C. Bonner, resigned.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 16, 2006, at 9:30 a.m. to hold a hearing on Energy Security and Oil Dependence.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in Open Executive Session on Tuesday, May 16, 2006, to review and make recommendations on proposed legislation implementing the U.S.-Oman Free Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Retirement Security and Aging, be authorized to hold a hearing during the session of the Senate on Tuesday, May 16, 2006 at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SMITH. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet Tuesday, May 16, 2006, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building.

Witness List

Panel I: Anita S. Earls, Director of Advocacy, University of North Carolina Center for Civil Rights, Chapel Hill, North Carolina; Pamela S. Karlan, Kenneth and Harle Montgomery Professor of Public Interest Law, and Associate Dean for Research and Academics, Stanford University School of Law, Stanford, California; Keith Gaddie, Professor, Department of Political Science, University of Oklahoma, Norman, Oklahoma; Theodore S. Arrington, Chair, Department of Political Science, University of North Carolina, Charlotte, Charlotte, North Carolina; and Richard H. Pildes, Sudler Family Professor of Law, New York University School of Law, New York, New York.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SMITH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 16, 2006 at 10:30 a.m. to hold a confirmation hearing on Kenneth Wainstein to be Assistant Attorney General for National Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. SMITH. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 16, at 2:30 p.m.

The purpose of the hearings is to receive testimony on the following bills: S. 1686, a bill to amend the Constitution Heritage Act of 1988 to provide for the operation of the National Constitution Center; S. 2417 and H.R. 4192, bills to authorize the secretary of the Interior to designate the President William Jefferson Clinton birthplace home in Hope, Arkansas, as a national historic site and unit of the National Park System, and for other purposes; S. 2419 and H.R. 4882, bills to ensure the proper remembrance of Vietnam Veterans and the Vietnam War by providing a deadline for the designation of a visitor center for the Vietnam Veterans Memorial; S. 2568, a bill to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail; S. 2627, a bill to amend the Act of August 21, 1935, to extend the authorization for the National Park System Advisory Board, and for other purposes; and S. Res. 468, a resolution supporting the continued administration of Channel Islands National Park, including Santa Rosa Island, in accordance with the laws (including regulations) and policies of the National Park Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, on behalf of Senator BAUCUS, I ask unanimous consent that the following fellows and interns of the Finance Committee be permitted floor privileges during the Senate's consideration of S. 2611, the immigration bill:

Lauren Shields, Caroline Ulbrich, Laura Kellams, Tiffany Smith, and Tara Rose.

MEASURE PLACED ON THE CALENDAR—H.R. 4954

Mr. FRIST. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

Mr. FRIST. In order to place the bill on the calendar, under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 107–252, Title II, Section 214, appoints the following individual to serve as a member of the Election Assistance Board of Advisors: Wesley R. Kliner, Jr. of Tennessee.

MEASURE READ THE FIRST TIME—S. 2810

Mr. FRIST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2810) to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling programs and area agencies on aging, and for other purposes.

Mr. FRIST. Mr. President, I ask unanimous consent for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

RELATIVE TO THE DEATH OF FORMER SENATOR JACOB CHIC HECHT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 481, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 481) relative to the death of Jacob Chic Hecht, former United States Senator for the State of Nevada.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, yesterday morning in Las Vegas Chic Hecht died. Chic Hecht was a former Senator and a fellow Nevadan. On behalf of the entire Senate family, I extend condolences to Chic's wife, Gail, and their daughters, Leslie and Lori.

Chic was a man very small in stature, but his life has left a big shadow on the State of Nevada and the entire United States. Chic's political career was outstanding, and I consider it a privilege that I could serve with and know him.

When I was Lieutenant Governor of Nevada, Chic served in the Nevada State Senate. When I was elected to the Congress in 1982, he was elected to the Senate. A few years later, I had the good fortune of joining him here.

Chic was someone who had no guile. He made it through his political career recognizing that he was never going to be a dynamic speaker. He spoke with a distinct lisp. But this is something that people in Nevada came to admire and appreciate. People had great affection for him, as you can tell from his first Senate race.

Chic's election to the Senate is described as being the biggest political upset in the history of the State of Nevada. He beat a man who had served in the Senate 24 years, Senator Howard Cannon, a man who had been chairman of the Rules Committee, Commerce Committee and Armed Services Committee. It was a tremendous upset.

Chic was rightfully proud of that election. ''Only in America could this happen,'' he said the night that he beat Howard Cannon. ''Put that down. That is what makes America great.''

Even Chic's opponents liked and respected him.

In 1988, Chic was beaten by Senator Richard Bryan. But as Senator Bryan said, they were good friends during the race and continued being good friends after. That was Chic Hecht.

As successful as he was in the political field, he was even more successful as an entrepreneur. He made his money in a number of different ways. One was selling women's clothing. The other was in the banking business. He was extremely successful.

But public service called him. In addition to his Nevada legislature and Senate experience, he also served as Ambassador to the Bahamas from 1989 to 1994.

During the 1950s, Chic was a member of the Army. At that time, Chic was an undercover person—a spy. He was known for this his entire life. During some of his campaigns, people checked to find out if, in fact, this man of small stature really was a spy because if that was not the case, they planned to use it against him in the campaign. But they couldn't, because it was true. He served with distinction in the military.

Here's another example of the kind of man Chic was.

We had today, as we have for many decades, our Tuesday caucuses. During the time Senator Hecht served in the Senate, he attended the Republican Tuesday caucus. Well, one Tuesday, JOHN KERRY was late coming to the Democratic caucus, and he came across Chic Hecht, who was in a state of distress because while eating lunch with the Republican caucus, he had some food lodged in his throat. He couldn't breathe. He staggered out of the Republican conference and, fortuitously, JOHN KERRY recognized that something was wrong. Senator KERRY applied the Heimlich maneuver, and the food came out. Chic Hecht was told by the doctors that he had a matter of a few seconds to live.

Now, to show the kind of man Chic Hecht was, every Christmas, even though he was proud of his Jewish faith, every Christmas thereafter, recognizing that that was a day of celebration for Senator KERRY, Senator Hecht called JOHN KERRY to tell him that he appreciated his having saved his life.

And what a life it was.

Nevada has had a great loss. I hope that Chic's family recognizes the greatness of this man. I know there are many in Nevada who do.

As strongly as I feel about Chic Hecht, his friends run deep in our state. My good friend Art Marshall, who is a good, strong Democrat and has helped me on everything that I have ever done, spoke with admiration of his deep friendship with Chic Hecht. They were from different political parties, but always had a very good relationship. Art called me nearly every day to tell me how Chic was doing while he wrestled with cancer.

Today, Chic's suffering is over. He will be missed.

In time, the pain of his loss will pass, but never our memories and appreciation for this man. Chic Hecht, Senator from Nevada.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 481) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 481

Whereas Jacob Chic Hecht served as a special agent in the United States Army Intelligence Corps;

Whereas Jacob Chic Hecht served the people of Nevada with distinction from 1983 to 1989 in the United States Senate;

Whereas Jacob Chic Hecht served as United States Ambassador to the Bahamas from 1989 until 1994;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Jacob Chic Hecht, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Jacob Chic Hecht.

ARCTIC RESEARCH AND POLICY AMENDMENTS ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of S. 879, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 879) to make improvements to the Arctic Research and Policy Act of 1984.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment that is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4028) was agreed to as follows:

(Purpose: To strike the sections regarding Commission awards and representation and reception activities)

On page 2, strike line 7 and all that follows through the end of the bill.

The bill (S. 879), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 879

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 ''Arctic Research and Policy Amendments Act of 2005''.

SEC. 2. CHAIRPERSON OF THE ARCTIC RESEARCH COMMISSION.

(a) COMPENSATION.—Section 103(d)(1) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4102(d)(1)) is amended in the second sentence by striking ''90 days'' and inserting '', in the case of the chairperson, 120 days, and, in the case of any other member, 90 days,''.

(b) REDESIGNATION.—Section 103(d)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4102(d)(2)) is amended by striking ''Chairman'' and inserting ''chairperson''.

ORDERS FOR WEDNESDAY, MAY 17, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:15 a.m. on Wednesday, May 17. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. 2611, the Comprehensive Immigration Reform Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, today we have made some progress on the immigration bill. Tomorrow we will continue to work through this complex bill, starting with the Kyl-Cornyn amendment, which is the pending amendment. Senators can expect a vote on this amendment in the morning. I remind everyone again that we still have many amendments to consider and, therefore, I hope Senators will be reasonable and agree to short time agreements.

As a reminder, Senators who have amendments to offer should be working with the bill managers in order to have their amendments debated and considered. Senators can expect a full day tomorrow, with votes throughout the day. I would also say it will be necessary to schedule sessions into the night to consider additional amendments.

I hope we can make great progress during the daylight hours. But if we consume a lot of time on each amendment, it will be necessary to continue into the evening with votes. As we have talked about now for several weeks, it is important that we consider a large number of amendments, a broad range of amendments, many to each section of this bill. It will require the cooperation of all of our colleagues with this goal in mind.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment as a further mark of respect for former Senator Chic Hecht.

There being no objection, the Senate, at 7:05 p.m., adjourned until Wednesday, May 17, 2006, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate May 16, 2006:

THE JUDICIARY

FRANCISCO AUGUSTO BESOSA, OF PUERTO RICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO, VICE JUAN M. PEREZ-GIMENEZ, RETIRED.

REFORM BOARD (AMTRAK)

R. HUNTER BIDEN, OF DELAWARE, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE MICHAEL S. DUKAKIS, TERM EXPIRED.

DONNA R. MCLEAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE JOHN ROBERT SMITH, TERM EXPIRED.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

JOHN H. HILL, OF INDIANA, TO BE ADMINISTRATOR OF THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, VICE ANNETTE SANDBERG, RESIGNED.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

JOHN RAY CORRELL, OF INDIANA, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, VICE JEFFREY D. JARRETT.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, May 16, 2006:

THE JUDICIARY

MILAN D. SMITH, JR., OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

EXTENSIONS OF REMARKS

CONGRATULATING DR. GENE BOLLES ON RECEIVING THE AMERICAN ASSOCIATION OF NEUROLOGICAL SURGEONS' 2006 HUMANITARIAN AWARD

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to congratulate Dr. Gene Bolles on receiving the American Association of Neurological Surgeons' 2006 Humanitarian Award. The award recognizes "members who have done extraordinary work in neurosurgery, going way beyond their normal practice and bringing their skills to areas around the world that desperately need them." I can think of no better recipient for this honor than Dr. Bolles.

Dr. Bolles practiced neurosurgery in Boulder for 32 years before serving as chief of neurosurgery at the Landstuhl Regional Medical Center in Germany. There he repaired the shattered bodies of our U.S. soldiers who had been wounded in Afghanistan and Iraq. Now Dr. Bolles is in Kurdistan helping Iraqi physicians better care for civilians wounded in the war.

Gene Bolles has been using his skills and talent for humanitarian good for over twenty-five years. He was the first person to establish a neurosurgery program in Belize City. He has traveled to Indonesia several times with the purpose of providing medication to and performing surgery on the indigenous people there. Each year, he makes a trip to Albania to educate neurosurgeons and to keep them abreast of the latest technologies. In recent years, Dr. Bolles has used his first-hand experience to draw attention to the living casualties from the United States' actions in Iraq and Afghanistan.

Dr. Gene Bolles is a remarkable man. I greatly admire his energy, commitment and humanity. I ask my colleagues to join me in congratulating Dr. Bolles for his incredible work for people around the world and in particular for his work on behalf of our soldiers abroad. He is a great Coloradan and a great American. I wish him continued health and happiness in the future.

TRIBUTE TO DR. ALVIN D. GREENBERG AS HE RECEIVES THE 2006 TORCH OF LIBERTY AWARD

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Ms. DELAURO. Mr. Speaker, in my hometown of New Haven, Connecticut, friends, family and colleagues will gather to pay tribute to one of our community's most outstanding citizens and a dear friend of mine. I am proud to stand today and join the Connecticut Anti-Defamation League as they honor Dr. Alvin D. Greenberg with the 2006 Greater New Haven Torch of Liberty Award.

Our communities would not be the same without the efforts of individuals whose work truly benefits our families and neighborhoods. Each year, the Connecticut Anti-Defamation League presents the prestigious Torch of Liberty Award to an outstanding leader in the community, recognizing their unique commitment and dedication. Alvin is a remarkable reflection of the true spirit of community service. With extraordinary compassion and generosity, he has touched the lives of thousands of families throughout Greater New Haven through both his professional career and volunteer efforts.

Currently serving as the President of Temple Medical Center, Administrator of Yale-New Haven Ambulatory Services Corporation, Director of the Neuro-Rehabilitation Center and as a consultant in neurosurgery at Yale-New Haven Hospital, Dr. Greenberg continues to remain an active member of our medical community. His commitment and dedication to his patients and all of those who receive services at these various facilities is unparalleled. Throughout his distinguished career, Dr. Greenberg's integrity, collegiality, and expertise have earned him the respect not only of his colleagues, but of members of the medical field across the state. In addition to his professional contributions, Dr. Greenberg has dedicated countless hours to a variety of local organizations. The Union Trust Bank, the Juvenile Diabetes Research Foundation of Greater New Haven, and the Shubert Performing Arts Theater are just a few of those across the region who have benefited from his work.

It is not often that you find individuals who so willingly devote both their professional and personal time and energies to improving the quality of life for others. In his lifetime of good work and compassionate service, Dr. Greenberg has done just that. I am honored to rise today and join his wife, Barbara; his three children, family, friends, and colleagues to pay tribute to my good friend Dr. Alvin Greenberg for the many contributions he has made to Greater New Haven. I cannot think of a more appropriate honor than the Torch of Liberty Award to recognize the generosity and commitment Alvin has shown to our community. He has truly made a difference.

IN SUPPORT OF CHARTER SCHOOLS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Ms. MCCOLLUM of Minnesota. Mr. Speaker, today, I rise in support of the seventh annual National Charter Schools Week, and to congratulate charter schools and their students, parents, teachers, and administrators for their commitment to innovation in public education.

I am proud to represent the district that is home to the first charter school in the United States, City Academy, which opened in St. Paul, Minnesota in 1992. Minnesota was the first state to pass charter school legislation in 1991. Today there are more than 120 charter schools in Minnesota that enroll more than 20,000 students.

Charter schools fulfill an important role in our nation's public education system. They encourage new ways of learning and require strong partnerships with the community. Charter schools often provide children who struggle in a traditional classroom the opportunity to thrive and grow.

In St. Paul and surrounding community there are more than two dozen charter schools. Each one provides a unique learning environment for its students—from the Academia Cesar Chavez Charter School which integrates Latino cultural values in its learning environment to the Community of Peace Academy that provides a violence-free environment for inner city children. Each of the charter schools in my district have focused their missions around a core set of values in order to provide a quality educational experience for their students.

It is with appreciation that I rise today to commend the teachers and students of charters schools, and the communities that support them, for their contributions and achievements.

TRIBUTE TO STUDENTS FROM MUNSTER HIGH SCHOOL

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. VISCLOSKY. Mr. Speaker, it gives me great pleasure to pay tribute to the outstanding achievements of an exceptional group of students from Munster High School, located in Indiana's First Congressional District. From April 29 to May 1, 2006, these students competed in the National Finals of the We the People: The Citizen and the Constitution program held in Washington, DC. For their knowledge and understanding of the American government, these extraordinary young people were awarded the Central Region Award at this year's competition.

The We the People program, administered by the Center for Civic Education, is a program that reaches over 28 million elementary, middle, and high school students. The goal of the program is to provide students with an understanding of the fundamentals of the Constitution and the Bill of Rights. The program helps students to understand their rights under the American governmental system.

The people of Munster, as well as the entire Northwest Indiana community, can be proud of the following members of this truly remarkable class of students: Sara Brown, Emily Clark, Andrea Coulis, Kim Dooley, Reem (Sara)

Farooq, Scott Goodwin, Lauren Hudak, Hannah Huebner, Casey Jedrzejczak, Alexis Jeter, Joseph Kasenga, Emily Lyness, Thomas Paliga, Shobba Pai, Samantha Skrobot, Tamiko Toyama, Lindsay Weiss, and Matt Westerlund. The teacher for this award winning team was Michael Gordon.

Mr. Speaker, I would like to once again extend my most heartfelt congratulations to the members of Munster High School's We the People program for their commitment to excellence, as well as to the faculty members who have instilled in their students the desire to succeed. The values exhibited by these young people and their interest in the history and fundamentals of our great Nation serve to inspire us all. I am proud to represent these fine individuals in Congress, and I am proud to have been given this opportunity to recognize these future leaders. I look forward to their future achievements as they continue to rise to the top.

TRIBUTE TO THE PFIZER PLANT RESEARCH LABORATORY AT THE NEW YORK BOTANICAL GARDEN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to honor The New York Botanical Garden as it celebrates the grand opening of the Pfizer Plant Research Laboratory on May 16, 2006. The opening marks the completion of the Garden's science campus, and is the only one of its kind at any botanical garden in the country.

Founded in 1891, The New York Botanical Garden is one of the world's great collections of plants, the region's leading educational center for gardening and horticulture, and an international center for plant research.

The Botanical Garden's presence in the Bronx adds to the borough's diversity and provides a temporary oasis from the ubiquitous presence of concrete and steel in the city.

Realizing the integral role it must play in the quest to unlock the secrets of plants in order to cure diseases and protect the earth, the Garden has created the Pfizer Plant Research Laboratory at The New York Botanical Garden with leadership support from Pfizer Inc. and The Pfizer Foundation.

The Pfizer Plant Research Laboratory marks a new era of scientific research at The New York Botanical Garden's International Plant Science Center. The laboratory is the latest addition in The Botanical Garden's comprehensive 15-year renaissance and will further its urgent mission to discover, decipher, document, and defend Earth's vast biodiversity.

The two-story, 28,000-square-foot laboratory provides highly advanced scientific research facilities, including robotic workstations and a high-throughput DNA sequencer. It forms a center for collaborative research in molecular systematics and plant genomics, serving scientists and graduate students not just from The Botanical Garden, but also from the region and indeed the whole world. The Pfizer Laboratory is the largest and finest laboratory research facility in any botanical garden in the United States, enabling scientists to reconstruct the genealogy of plants and fungi and to probe the mysteries of genes and genomes.

Mr. Speaker, it is only fitting for a structure that will house such important and groundbreaking work to be an architectural gem. Indeed, the Lab designed by Susan T. Rodriguez and Polshek Partnership Architects is nothing short of breathtaking. The free-standing building is located on a site across from the Steere Herbarium and overlooks the scenic Twin Lakes. The building's integration into its natural setting reinforces the vital importance of the natural world in the scientists' research. The exterior of the laboratory complements the design and materials of the adjacent Steere Herbarium and Library Building. Large windows in the labs and graduate study suites look out on the built and natural landscapes, and an inviting courtyard provides space for all types of gatherings.

I salute The New York Botanical Garden for its continued efforts not only to provide a beautiful museum of plants but also an environment for important research and development. I also salute Pfizer, a product of our sister borough, for its commitment to further mankind's understanding of the plant world. It is their shared hope, and indeed, mine, that one day this research will yield beneficial knowledge to curtail human suffering.

Mr. Speaker, may the collaboration of these two respected institutions provide fascinating and useful discoveries for generations to come.

11TH ANNUAL EXCELLENCE IN BUSINESS AWARDS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the 11th Annual Excellence in Business Award honorees for making outstanding contributions to the central San Joaquin Valley.

The recipients of the 11th Annual Excellence in Business Award are as follows:

Agriculture—Kevin and Diane Herman, The Specialty Crop Co.

Charitable/Nonprofit—Peter Carey, Self-Help Enterprises.

Financial/Banking/Insurance—County Bank.

Health Care—Family Health Care Network.

Manufacturing—ADCO Manufacturing.

Professional Services—Diane Anderson, Agricultural & Priority Pollutants Laboratory Inc.

Real Estate/Construction—Dirk Poeschel, Dirk Poeschel Land Development Services.

Retail/Wholesale—The Charles McMurray Company.

Small Business—Nelson's ACE Hardware.

Hall of Fame—Jack Stone, Stone Land Co.

Mr. Speaker, I rise to congratulate each of the Excellence in Business Award honorees for their leadership and numerous contributions to the community. I urge my colleagues to join me in wishing each recipient many more years of continued success.

PATARA: THE ORIGINS OF AMERICAN DEMOCRACY, 1800 YEARS AND 7,000 MILES AWAY

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. STEARNS. Mr. Speaker, the city of Patara in Turkey sports a fantastic beach that sprawls for more than 11 miles. It recently rated number one on the London Sunday Times' list of the world's best beaches. But Patara is worth our attention for more than sand and surf. An archeological team led by Akdeniz University Professors Fahri Isik and Havva Iskan Isik recently unearthed an ancient parliament building in Patara—the meeting place of the first federal republic in recorded human history. The building, called the Bouleuterion, housed at least twenty-three city-states of the Lycian League, which existed along the Mediterranean coast of Turkey from about 167 BC until 400 AD.

The Lycian League's republican governing system, utilizing proportional representation, was unparalleled in the ancient world, and fascinated the pioneering philosophers of the Enlightenment, particularly Montesquieu. Depending on the size of the member cities, each elected one, two or three representatives to the Lycian parliament. When cities were too small, two or three banded together to share one representative vote. The six largest cities in the League had the right to three votes. The parliament elected a president, called the "Lyciarch," which at various times served as the League's religious, military, and political leader. Although it is contested, there is evidence to suggest that women could be, and in fact were, Lyciarch.

In Book IX of Montesquieu's Spirit of the Laws, after charting the highs and lows of the earliest republics, he stresses the utility of a confederacy. He cites the Lycian League as an example: "It is unlikely that states that associate will be of the same size and have equal power. . . . If one had to propose a model of a fine federal republic, I would choose the republic of Lycia."

Montesquieu's interest in the Lycian way of government would prove central to our founding. Thanks to his writings, in the debates about our own Constitution, Alexander Hamilton and James Madison cited the Lycian League as a model for our own system of government.

As well, in literal linkage, the semi-circular configuration of seats in this House of Representatives is exactly the same seating arrangement as in the Bouleuterion in Patara. The Bouleuterion's throne-like perch, where the elected Lyciarch sat, is much the same as the seat of the Speaker of the House of Representatives.

On June 30, 1787, at the Constitutional Convention in Philadelphia, James Madison appealed to the delegates' understanding of the Lycian League. The Convention had just rejected the "New Jersey Plan", which called for a rather modest revision of our Nation's first constitutional framework, the failed Articles of Confederation. The delegates resolved to come up with a new constitution, but had few notions in common of how it should proceed.

A delegate from Connecticut, Oliver Ellsworth, had just finished arguing for the Articles

of Confederation's principle that every State should be equal in the national arena. He specifically asked, ''Where is or was a confederation ever formed, where equality of voices was not a fundamental principle?''

James Madison replied that the Lycian League was different, according representation in reflection of actual size. His Virginia plan provided for a bicameral legislature, with both houses' representation based on States' population. He eventually had to accept a compromise, with a people's house of proportional representation, our House of Representatives, in tandem with a Senate of equal State representation.

Hamilton and Madison also cited the Lycian League in defense of representative democracy. While direct rule usually resulted in either tyranny or anarchy, the two founders felt that delegation of authority to elected representatives would allow the government to function properly.

The ideas and debates of our founding fathers may seem archaic to our modem times, but we face questions of federalism every day in this Congress. A federalist system of government divides power between a central authority (the Federal Government) and constituent political units (the States and localities). The delineation of that power comes into question particularly often on the Energy & Commerce Committee, of which I am a Subcommittee Chairman, whether we are debating the proper authority over electricity transmission across State lines, the regulation of hazardous waste, or the transmission of information through our telecommunications infrastructure.

Meanwhile, whether we are helping Iraq and other Middle Eastern countries develop representative democratic systems, or providing advice to the burgeoning democracies of post-Soviet Eastern Europe, we effectively reenact the Constitutional Convention's debates about the Lycian League and the nature of democracy around the world. We are doing what we can to help spread freedom and democracy, in our own image. Unfortunately, while it is relatively easy to conceive of the best model of government—as our founding fathers did, and Montesquieu did before them—the diversity of the real world, in geography, ethnicity, religion, and history, makes applying that best model quite difficult in practice.

The British archeologist George Bean highlighted some of the unique features of the Lycian League—features not dissimilar to our own country's: ''Among the various races of Anatolia, the Lycians always held a distinctive place. Locked away in their mountainous country, they had a fierce love of freedom and independence, and resisted strongly all attempts at outside domination; they were the last in Asia Minor to be incorporated as a province into the Roman Empire.''

Our experience so far in guiding the nascent democracy in Iraq should certainly illustrate that representative democracy may not be perfectly replicable, at least overnight.

Fifteen years ago, all a visitor to Patara would have noticed were the tops of a few old stones. Today, the excavations at Patara have unearthed the remains of an entire city. The archeological team has rescued numerous buildings and items from the sand and scrub brush, besides the Bouleuterion parliament building, including: a large necropolis; a Roman bath; a sizeable semicircular theater; a sprawling main avenue leading to the market square; a Byzantine basilica (one of 22 churches once packed into Patara); one of the world's oldest lighthouses; and a fortified wall.

I would encourage everyone to visit Patara, for its beauty and for its archeological significance. The excavation site is 10–15 minutes from the glorious beach, and will be opened to the public in 2007. While we wait, one of Turkey's largest museums, the Antalya Archaeological Museum, displays many of the finds from Patara and the surrounding area.

We owe a great debt to Turkey's Ministry of Culture and the Akdeniz University in Antalya for their dedication of time and money to bringing the ancient ruins of Patara out of the dust and back into our lives.

In closing, I would like to thank: Dr. Gul Isin, Associate Professor of Archeology at Akdeniz Antalya in Turkey, who has been diligently working with Dr. Fahri Isik and Dr. Havva Iskan Isik to uncover the mysteries of the Patara site; Professor James W. Muller of the University of Alaska, Anchorage, who dissected how the Lycian League affected the founding fathers; and the American Friends of Turkey, the Friends of Patara, and former Representatives Stephen Solarz and Robert Livingston, who graciously introduced me to the archeological findings at Patara, and the important work of Professors Isin and Muller.

BAY AREA RIDGE TRAIL TRIBUTE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in recognizing the completion of the 300th mile of the San Francisco Bay Area Ridge Trail on June 3, 2006.

The Bay Area Ridge Trail was the vision of William Penn Mott Jr., who served as the head of the East Bay Regional Park District, California State Parks and as the Director of the National Park Service.

Through a lifetime of service, Mr. Mott saw the importance of preserving ridge top lands for scenic, watershed, and habitat values. A key strategy for gaining public support for a significant program of land conservation, in his view, was to create responsible, appropriate and managed ways for the public to access and enjoy these lands through trails.

A ''Bay Area ridge trail,'' in the grand tradition of the Appalachian and Pacific Crest trails, could connect people to places around them and build support for land preservation and protection.

To bring this vision into reality, a group of public land managing agencies, nonprofit organizations, and local trails and community advocates began meeting in 1987 to plan the route of a ridgeline trail to connect protected land areas and promote additional land preservation. These initial meetings were led by the National Park Service and the People for Open Space (now, the Greenbelt Alliance).

In 1988, this planning process led to the birthing of a new nonprofit organization known as the Bay Area Ridge Trail Council to coordinate the efforts of these public and private partners and promote the concept of the trail to the public.

I am proud to have played a role in the success of the trail by helping to win congressional support for it.

The first trail was dedicated on May 13, 1989, in San Mateo County in the Wunderlich and Huddart County Parks and Purissima Creek Redwoods Open Space Preserve. Since 1989, a series of trails have been dedicated as part of the growing Ridge Trail system.

On June 3, 2006, the 300th mile will be dedicated in my district at the Crockett Hills Regional Park, in Contra Costa County. The total trail is expected to be over 500 miles in length; therefore this dedication brings the trail to more than halfway toward its completion.

The Council today is an independent nonprofit organization with a staff of six, a board of directors of 32, seven active County Committees organizing efforts locally, volunteers numbering in the hundreds, and over 3,500 members working together to complete the trail. As an organization, the Council has many strengths: a diverse and active Board of Directors; a skilled and committed staff; strong public name recognition; a compelling vision and clear mission; numerous strong partnerships with public agencies; strong political support from federal, state, county, and local governments; and committed local volunteer support.

No other organization in the Bay Area fills the important niche of providing public access to a regional network of ridgeline trails and open spaces and connecting local trails and communities to one another.

Beyond the Council, many public partners and nonprofit organizations work to make the Ridge Trail a reality. Our public agency partners also bring many strengths. The Bay Area enjoys a multitude of public agencies, local governments, and special districts committed to the preservation and protection of land and to providing public recreational access. These organizations have extremely capable and committed boards, directors, and staffs. Many of these organizations also enjoy dedicated public funding from parcel tax assessments, sales tax or general fund support that allows them to pursue a capital program of land acquisition and trail development.

As many of these partners helped to give birth to the Bay Area Ridge Trail Council, they have remained committed to helping complete the vision. The region also enjoys some of the most respected, skilled and well-funded land trusts in the nation that partner with the Council where our land acquisition needs overlap.

Collectively, these public and private agencies have already acquired much of the land needed for the next 100 miles of the Ridge Trail.

Some of the partners involved in the Bay Area Ridge Trail include The Golden Gate National Recreation Area, the John Muir National Historic Site, the Presidio Trust, the California Coastal Conservancy, California State Parks, the California Department of Fish and Game, the East Bay Regional Park District, the Mid Peninsula Regional Open Space District, Santa Clara County Parks Department, Santa Clara County Open Space Authority, San Mateo County Parks, the City of San Francisco, Marin County Open Space District, Sonoma County Agricultural Preservation and Open Space District, Sonoma County Regional Parks, Napa County, Solano County, the Sonoma Land Trust, Solano Land Trust,

the Land Trust of Napa County, East Bay Municipal Utility District, San Francisco Water Department, Marin Municipal Water District.

The Bay Area Ridge Trail creates many public benefits from helping to preserve uplands habitat and watershed lands, protecting scenic vistas valued by communities and providing the public with access to these vista points. By preserving a corridor of green land, the trail also helps define the edges of urban development, while creating managed ways for the urban public to enjoy these open areas.

Through their involvement in building, maintaining and enjoying the Ridge Trail, trail users, community members, and private landowners can be given an opportunity to give back to their community and steward the land. The trail also helps with environmental restoration as it can be sited in a way to reduce environmental damage while providing access to the outdoors. The trail provides a recreational outlet in an increasingly dense metropolitan region; and increasing the health and well being of all who use the trail, a critical component in addressing the public health concern of obesity. And, in some cases, it can provide an alternative to using a private auto to travel from one's home to school or place of business.

I commend the Bay Area Ridge Trail Council and its partners on completing the 300th mile of the Bay Area Ridge Trail on June 3, 2006, in conjunction with National Trails Day and wish the Council and all its partners continued success with this important effort.

IN HONOR OF DR. EILENE GALLOWAY'S 100TH BIRTHDAY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. GORDON. Mr. Speaker, I rise today to honor a distinguished American, Dr. Eilene Marie Galloway, on her 100th birthday. Dr. Galloway has lived a life of distinguished service to this Nation and to her profession, and it is fitting that we pause to recognize her accomplishments and to wish her well as she attains this significant milestone.

Dr. Galloway was born Eilene Marie Slack in Kansas City, Missouri on May 4, 1906—less than three years after the Wright Brothers achieved the first airplane flight. She married George Galloway in 1924. They had two sons, David and Jonathon, who have given her six grandchildren and five great-grandchildren. Dr. Galloway graduated from Swarthmore College in 1928 and holds honorary doctorates from Swarthmore and Lake Forest College. She is a proud member of Kappa Alpha Theta sorority.

Throughout her professional career, Dr. Galloway has been an influential force in the development and analysis of domestic and international space policy and law. When Sputnik was launched on October 4, 1957, she was working as a Senior Specialist in International Relations for the Legislative Reference Service (the forerunner of today's Congressional Research Service) at the Library of Congress. She was immediately asked to work with Senate Majority Leader Lyndon B. Johnson and Senate Armed Services Committee Chairman Richard Russell to develop America's response to the Soviet Union's space initiative. In that capacity, she helped to draft the National Aeronautics and Space Act of 1958, which established NASA and has remained an enduring framework for U.S. civil space policy.

From that time forward, Dr. Galloway has worked tirelessly with the U.S. Congress and as a consultant to NASA, the Federal Communications Commission, and the State Department to assess alternatives and develop approaches for U.S. and international space policy and law regarding the exploration and utilization of outer space. The international aspects of space activities have been a major recurring theme of Dr. Galloway's work. For example, she served as a consultant to Majority Leader Johnson in 1958 when he addressed the United Nations and recommended the creation of a Committee on Peaceful Uses of Outer Space (COPUOS). She has worked with COPUOS for decades, whether serving as part of the U.S. delegation or as liaison to COPUOS for the International Astronautical Federation (IAF). During that time, she helped draft the U.N. treaties that govern exploration of outer space, the Moon, and other celestial bodies. She also was instrumental in creating the International Institute of Space Law (IISL) in 1958, which has served as the forum for legal scholars and others from around the world to debate the myriad legal issues associated with space exploration and utilization.

Dr. Galloway has continued to be an active participant in space policy and space law debates for almost five decades, as well as serving as a resource to researchers and the media on historical and current space policy issues and mentoring new members of the space policy and space law communities. Her contributions to her profession have led to her selection as an Honorary Fellow of the American Institute of Aeronautics and Astronautics—the highest rank possible in the Institute, election as a Fellow of the American Astronautical Society, receipt of the Lifetime Achievement Award from the International Institute of Space Law, receipt of the Theodore Von Karman Award from the International Academy of Astronautics, receipt of the Lifetime Achievement Award from Women in Aerospace and numerous other awards and citations.

Mr. Speaker, Dr. Eilene Marie Galloway has served her profession and this country with distinction for many years. She is a worthy role model for young women and men everywhere, and she is an inspiration to all of us. I know my colleagues in the U.S. Congress join me in wishing Dr. Galloway a very happy 100th birthday.

TRIBUTE TO HOWARD ROITMAN

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Mr. Howard Roitman. On May 12, 2006, Mr. Roitman is leaving the Colorado Department of Public Health and Environment to assume the position of Deputy Executive Director of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) here in Washington.

Howard Roitman has worked on important environmental issues and programs for the State of Colorado for nearly 20 years. He joined the Colorado Department of Public Health and Environment in 1987 to serve as manager of the Uranium Mill Tailings Remedial Action Program. He later served as director of the department's combined remedial action and Superfund oversight programs before becoming director of the Hazardous Materials and Waste Management Division. Since January 2003 he has been the department's director of environmental programs.

His service has resulted in a safer, higher quality of life for all Coloradans. He was personally involved or oversaw efforts to cleanup radioactive waste piles, superfund sites, waste disposal facilities and pollution control and materials management at many industries and businesses across the State.

In addition to his service at the Department of Public Health and Environment, he was past president the Association of State and Territorial Solid Waste Management Officials, an organization that supports the environmental agencies of the states and trust territories. He also served as the chair of the Environmental Council of the States compliance committee and as chair of the Council's subcommittee on Long Term Stewardship. In his work on the subcommittee, he was responsible for successful negotiation of a memorandum of understanding with the U.S. Environmental Protection Agency and the U.S. Departments of Energy, Defense, and Interior. He also is recognized as a national spokesman for states on federal facilities issues. He also is on the faculty of the University of Denver's University College Environmental Policy and Management Program.

Prior to his work with the State of Colorado, he worked for the Solicitor's Office and the Office of Surface Mining for the U.S. Department of Interior's Denver regional office and private consulting work in government regulation, natural resources and environmental protection.

Howard Roitman is now moving on to a nationwide organization where he can share his expertise on environmental protection with other States and the Nation. ASTSWMO focuses on the needs of state hazardous waste programs; non hazardous municipal solid waste and industrial waste programs; recycling, waste minimization and reduction programs; Superfund and State hazardous waste cleanup programs; waste management and cleanup activities at federal facilities, and underground storage tank and leaking underground storage tank programs.

Howard Roitman has also spoken eloquently about the need for State-based programs and actions to address climate change. He is one of a growing number of State-based regulators who understand this environmental challenge.

Colorado has benefited from Howard Roitman's strong public service commitment and environmental ethic. I ask my colleagues to thank him for this service and to wish him much success at his new post.

TRIBUTE TO CHIEF FRANCISCO ORTIZ AS HE RECEIVES THE 2006 DISTINGUISHED COMMUNITY SERVICE AWARD

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Ms. DELAURO. Mr. Speaker, today, in my hometown of New Haven, Connecticut, friends, family and colleagues will gather to pay tribute to one of our community's most outstanding citizens and a dear friend of mine. I am proud to stand today and join the Connecticut Anti-Defamation League as they honor New Haven Police Chief Francisco Ortiz, Jr. with the 2006 Distinguished Community Service Award.

We owe a great debt of gratitude to those who dedicate themselves to public service, especially those who serve as law enforcement officials. These brave men and women face dangers and challenges that few of us can imagine. Over twenty-five years ago, Francisco (Cisco) Ortiz joined the New Haven Police Department and, over his career, worked his way through the ranks. In his time with the department he has been assigned to every major unit in the Department serving with both integrity and distinction. There were very few that were surprised when he was selected as Chief of the Department—a role in which he has served for the last several years.

Even more inspiring than his leadership in the Department has been the diversity of roles he has taken on in the community. Volunteer, board member, department liaison—Chief Ortiz has been a strong and vocal advocate for the families and residents of New Haven. Working with such organizations as the Community Consultation Center, Easter Seals/Goodwill Industries, and the New Haven Labor Day Road Race, Chief Ortiz has demonstrated a unique compassion and concern for our community and his efforts have touched the lives of many. Chief Ortiz is also a member of the Juvenile Justice Advisory Committee, the Connecticut Puerto Rican Parade Committee, and the Connecticut Special Olympics Law Enforcement Torch Run. He is also a Senior Fellow and one of the founders of the Yale Child Study Center's Development/Community Policing Program—a program which I have been proud to be a part of. His active participation in our community as a professional, volunteer, and advocate has made all the difference.

Each year, the Connecticut Anti-Defamation League presents the Distinguished Community Service Award to an outstanding leader in the community, recognizing their unique commitment and dedication. Chief Ortiz is a remarkable reflection of the true spirit of community service. I am proud to stand today to join his family, friends, and the many colleagues and community members who have gathered this evening to extend my heart-felt congratulations to my dear friend, Chief Francisco (Cisco) Ortiz, Jr. as he is honored with this very special award. It is a fitting tribute to his many years of service to our community and his continued dedication to improving the quality of life for others.

CONGRATULATING THE WASHINGTON HIGH SCHOOL SCIENCE OLYMPIAD TEAM

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. BUTTERFIELD. Mr. Speaker, today I am proud to rise to congratulate the students of the Washington High School Science Olympiad Team for winning the North Carolina State Science Olympiad. Competing against 250 teams from around the state, the young men and women from Washington defeated some of the premier science and math high schools in the State.

Washington High School is becoming known in North Carolina for its excellence in science education. This year's victory represents the second straight year Washington High School has been named North Carolina's top team and the third time in the last four years.

This week they will travel to Bloomington, Indiana, to compete in the National Science Olympiad against equally capable schools from around the Nation. I am confident that the students of Washington High School will demonstrate their expertise again in competing to the best of their abilities with some of the best funded specialty schools in the country.

The students and faculty of Washington High School continue to show they can achieve great things with what little they are given, and it is my hope that my colleagues will agree that with the proper means, these students can achieve anything. Again, I congratulate the students of Washington High School for their great achievements and wish them the best of luck on May 17. We are very proud of them.

''THE ENDANGERED LAND OF RENTER-WORLD''

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most effective advocates for housing for people of moderate and low income to have served recently in our federal government is Nicolas P. Retsinas. Mr. Retsinas now directs the Joint Center for Housing Studies at Harvard University, and he recently published an extremely important and cogent article in the Boston Globe, on May 5. One of the great mistakes that is made by people who talk about housing policy is to talk as if we are concerned only with promoting homeownership. Homeownership is a very important thing, and increasing the number of people who enjoy it is a desirable goal. But it is also the case that tens of millions of Americans for a variety of reasons, primarily economic, are unlikely ever to be homeowners, and if we do not pay attention to the need for a good stock of affordable rental housing, we will be condemning large numbers of our fellow citizens to substandard lives in many ways. Under the current Administration, as Mr. Retsinas points out, Federal policy badly neglects the needs of those who must rent.

It is true that a bias in public policy against renters unfortunately predates the Bush Administration, but it is this Administration that has greatly exacerbated it by its assault on the various programs by which we provide rental housing at affordable levels for moderate and low-income people. Using his literary device of talking of ''Owner-World,'' and ''Renter-World,'' Mr. Retsinas notes that, ''Today parts of Renter-World constitute a desperation sector of America. Poor people, crammed into too-small apartments, struggle to pay for food, rent, transportation, and medical care.''

Mr. Speaker, given Mr. Retsinas' experience in administering housing problems, his great scholarly expertise in this subject, and most of all his compassion and understanding of the needs for rental housing as part of a comprehensive national housing policy, I ask that his important article from the May 5 Boston Globe be printed here.

[From the BOSTON GLOBE, May 5, 2006]

THE ENDANGERED LAND OF RENTER-WORLD

(By Nicholas P. Retsinas)

Welcome to Renter-World, home to more than 34 million households. Renter-World denizens, aka tenants, comprise all ages. Eighty percent of all twentysomething households rent; so do 4 million senior households. Tenants come in all socioeconomic strata: Twenty percent of renters earn more than $60,000 a year; another 20 percent earn less than $10,000.

Yet a myopic Uncle Sam barely sees Renter-World.

Instead, Uncle Sam focuses on Owner-World. Owner-World captures the federal tax breaks: The homeownership tax deductions for mortgage interest and property taxes top $100 billion a year and are rising rapidly.

Owner-World also captures the federal attention: For almost 100 years, starting with a 1918 Department of Labor campaign and continuing through Franklin Delano Roosevelt's New Deal, Bill Clinton's National Homeownership Partnership, and George Bush's Ownership Society, the federal government has been promoting homeownership. Today 69 percent of households own a home—an all-time high.

From Uncle Sam's vantage, that statistic marks success. Homeownership is the American ''dream;'' the crucial first step on a family's pathway to the middle class. A homeowner amasses equity, so that one day he can own a piece of America. That vested interest spurs involvement in schools, in neighborhoods, in political life. Just as important, the home gives the owner a financial cushion. Even if owners do not reap the windfall of a superheated market, the home can still be a hedge against inflation.

Indeed, we are a nation of immigrants who have marked the exodus with a series of papers: green cards, citizenship, and mortgages. The ''American dream'' may be a three-bedroom Cape on a tiny lot, but immigrants have come here for that dream.

So Uncle Sam's myopia is understandable. He expects renters to move on—to become owners. That is what they too expect.

Renter-World, however, is in trouble.

Even though we are building new rental units, we are not adding to the net ''affordable'' (a euphemism for cheap) units. That supply is shrinking. Between 1993 and 2003, we lost 2 million low-rent units from the rental inventory. At the same time, rents are rising, especially for newly constructed units.

Consider the plight of the lowest income renters: 70 percent pay-more than half of their income for housing. The National Low Income Coalition could not find one county

in the United States where a minimum wage worker, paying 30 percent of his or her income for housing, could afford a one-bedroom apartment.

As for the government rent subsidies aimed at alleviating the hardship of low-income tenants, those too have shrunk.

The war on terror and the war in Iraq have pushed them off the agenda.

Today parts of Renter-World constitute a desperation sector of America. Poor people, crammed into too-small apartments, struggle to pay for food, rent, transportation, and medical care.

To paraphrase Linda Loman, lamenting the plight of her husband, Willy, in ''Death of a Salesman'': ''Attention must be paid'' to these renters.

The reason is pragmatic.

In the past, Renter-World has been a gateway to Owner-World. Low-income workers, renting for a few years, have saved up enough for the downpayment on a house, and, with scrimping, have kept up with mortgage payments. But today's renters cannot so easily make that leap. The Big Box shelver, married to the fast food waitress, may want the American dream. They may have left family thousands of miles away to seize the dream. But without some housing relief, they will never leave Renter-World.

And the promise of America, the dream for millions of Americans, is to leave Renter-World. That first mortgage—often the first mortgage for a family—constitutes step one in the economic mobility we value. High rents trap families, anchoring them on the bottom rung of the ladder that we want them to climb.

For the sake of the renters, and of the nation as a whole, Uncle Sam must pay attention to Renter-World.

TRIBUTE TO THE 75TH ANNIVERSARY OF THE BURLINGTON BRISTOL BRIDGE

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. SAXTON. Mr. Speaker, I rise today to recognize the Burlington Bristol Bridge as it turns 75 years old. The Burlington Bristol Bridge (1931–2006) is a vital transportation asset to the residents of South Jersey, connecting New Jersey to Pennsylvania.

The bridge replaced a ferry service which carried passengers across the Delaware River to Burlington, Bristol and the amusement park on Burlington Island. Bridge construction commenced on April 28, 1930, and was completed one year later, for a total cost of approximately $1.5 million.

This landmark bridge stretches 2,301 feet from abutment to abutment, and is 20 feet in width, with one lane in each direction.

For many years after its construction, the bridge's lift span at 540 feet was the longest movable span ever built. It is a vertical ''Lift'' type of movable bridge, which raises regularly to allow large vessels to pass beneath.

Approximately 27,000 vehicles per day, or 9.9 million vehicles annually traverse it.

This man-made wonder has faithfully served the residents of South Jersey and Pennsylvania for three-quarters of a century, and will continue to do so for many more years. Its contributions to travelers and the citizens of South Jersey are hereby recognized.

INTRODUCTION OF THE ''PROTECTING AMERICAN'S MINERS ACT''

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. GEORGE MILLER of California. Since the beginning of this year, we have witnessed numerous accidents in our Nation's underground mines. So far this year, 26 underground coal miners have died, more than the total for all of last year. Preliminary investigative reports and public hearings have made it clear that prompt action is necessary if we are to avoid a continued loss of life and disruptions to a vital American energy source.

For many months, I have been urging the Committee on Education and the Workforce to take action on this matter by marking up the legislation introduced by the West Virginia delegation. Sadly, that has not occurred. While the Senate is making progress on this matter in a bipartisan manner, the responsible leaders in this body have declined to treat this matter with the seriousness it deserves. The Administration, which helped create the problem by withdrawing regulatory initiatives that could have saved lives and moving enforcement resources into compliance assistance, is likewise lacking in purpose and direction in addressing this crisis.

Accordingly, today I rise to introduce new mine safety legislation, together with Congressman RAHALL of West Virginia, Congressman OWENS of New York, Congressman CHANDLER of Kentucky, Congressman HOLT of New Jersey, Congressman ARTUR DAVIS of Alabama, and Congressman MOLLOHAN of West Virginia. This legislation does not detract in any way from our continued pleas to this body to move forward with the West Virginia bill. It does, however, include refinements and new provisions based upon what we have learned since that bill was introduced. An identical bill is being introduced in the Senate by Senators KENNEDY, ROCKEFELLER, MURRAY and DURBIN, and we understand the refinements and new provisions reflected in this legislation are under active discussion in the responsible Senate committee. We hope that these new ideas will advance the discussion and lead to prompt action by this body. We will not let up on this, nor will we let complacency take root.

Following is a detailed section-by-section discussion of the new bill, entitled the ''Protecting America's Miners Act.'' I encourage all of my colleagues to join me in support of this legislation, and in demanding action by this body before new tragedies strike.

SUMMARY OF PROTECTING AMERICA'S MINERAL ACT

(1) Short Title. ''Protecting America's Miners Act''.

(2) Sense of Congress. This legislation is necessary because of the failure by the current Administration to protect miners and properly prepare for the future.

(3) Definitions. Relevant definitions from the Mine Safety and Health Act of 1977 are incorporated into this free-standing legislation.

(4) Improved escape and refuge requirements to help protect miners in the event of an emergency.

This section would establish improved safety standards to help underground coal miners survive an underground emergency. Highlights include—

Requiring atmospheric detection and warning systems to alert miners to dangerous levels of harmful and explosive gases;

Requiring two-way messaging systems to communicate between miners and the surface once they are available; in the interim, one-way messaging systems and backup telephone lines would be required;

Requiring caches of self-rescuers for escape, and, until such time as the mine has established underground refuges, also requiring special caches to support prolonged stays underground;

Requiring underground refuges, meeting criteria based on past experience in the U.S. and abroad, to protect miners unable to escape from a mine; and

Requiring miners to be equipped with tracking devices to facilitate rescue.

The bill authorizes MSHA to revise these standards by regulation in order to improve them over time. This is the approach taken in 1977 when the current Mine Act was established. Similarly, MSHA is authorized to issue modifications of these standards for individual mines as with any safety standard under the requirements of existing law. Additional research on related topics is required by section 11 of the bill.

Because of the nature of these requirements, the bill would make any violation of them an ''imminent danger'' so that MSHA can act promptly to ensure mines are in compliance.

SECTION 5—FACILITATING THE PROMPT INITIATION OF RESCUE AND MINE RECOVERY EFFORTS

The bill would set up an Emergency Call Center to be sure MSHA is ready to receive information on emergencies—so callers don't find themselves going from answering machine to answering machine. The Call Center would have to be supplied by the Secretary with home and emergency numbers for key agency personnel, local emergency services, mine rescue teams, and others.

The bill would require that operators notify MSHA within 15 minutes of any emergency or serious incident. The bill ensures MSHA gets prompt notice of close calls, not just situations in which there are deaths or serious injuries.

The bill would separate mines into two categories for purposes of what mine rescue team requirements are applicable:

Those mines with less than 36 employees can contract out for mine rescue services to the nearest mines which maintain such teams, provided that: (1) the mine must include some of its own employees in the rescue team; (2) all rescue team members must be able to reach the mine within 1 hour; and (3) the operator must hold at least two rescue drills a year to ensure the team becomes familiar with the mine.

Those mines with 36 or more employees must have their own mine rescue teams (although they could contract for additional teams). These mines must also hold at least two rescue drills a year.

The bill would also require the Secretary to promptly initiate an expedited rulemaking to revise existing mine rescue team requirements, and to consult broadly with existing mine rescue teams, other rescue organizations, local and State emergency authorities and others in this regard. The rules would cover training and qualifications for rescue team members, the equipment and technology used in rescue, the structure and organization of mine rescue teams, and other factors which have been identified by mine rescue team members at recent public hearings as posing problems during recent rescue efforts. Section 11 of the bill contains related research requirements.

SECTION 6—ENHANCING THE INVESTIGATION OF MINE ACCIDENTS

This section directs the Secretary of Labor to issue regulations on an expedited basis concerning the investigation of mine accidents. No such regulations currently exist, and so each investigation is ad hoc.

The Secretary is directed to consult widely in developing these regulations—including directly contacting family members who can be identified of any miner who perished in a mining accident of any type in the last 10 years. Miner families are authorized to be involved in all aspects of the investigation, and an advocate is to be appointed to facilitate their participation.

The regulations are to require public hearings be held in connection with any fatal accident or any accident which could have resulted in multiple fatalities.

This section would also authorize a majority of the families of any miners killed in an accident, or an authorized miner representative, to request that an additional investigation be conducted by the Chemical Safety Board or other appropriate federal agency. This would permit a more independent review of major accidents in which MSHA's own conduct may be an issue.

SECTION 7—ENHANCING OPERATOR AND OWNER INCENTIVES TO AVOID SERIOUS RISKS TO MINERS

The bill would direct the Secretary to revise the regulations which layout the process for citing operators who engage in a ''pattern of violations.'' Such a penalty has never been assessed by MSHA despite the number of scoff-laws that have been identified. The changes required by the legislation would ensure that MSHA is required to make decisions on these situations in a timely way, and the Secretary is authorized to withdraw miners from the entire mine until a pattern of violations is corrected. The bill would also significantly increase the penalties for a ''pattern of violations'' up to $1 million, and bar the Review Commission from reducing such penalties.

The bill also takes strong action to ensure operators pay their assessed penalties. The bill would forbid operators from contesting citations unless the assessed penalties are placed in escrow, and it would add criminal penalties for failure to pay.

The bill would also establish a minimum penalty of $500 and a maximum penalty of $250,000 for other violations. However, if the Secretary determines that the violation could have significantly and substantially contributed to a hazard, the bill would establish the minimum penalty as $1000 and the maximum penalty as $500,000. In addition, the bill establishes a penalty of between $60,000 and $100,000 for the failure to provide timely notification of accidents. The bill eliminates the requirement of current law that the size of the mine and the impact on an operator's ability to continue in business must be considered in assessing penalties.

SECTION 8—ENHANCING THE WILLINGNESS OF MINERS AND OTHERS TO REPORT SERIOUS PROBLEMS BEFORE ACCIDENTS OCCUR

This would establish a Miner Ombudsman in the Office of the Inspector General in DOL to take safety and health complaints from miners. The purpose of this provision is to help assure miners that their identities will not be compromised if they report mine safety and health problems to the Department.

SECTION 9—ENHANCING SPECIFIC PROTECTIONS FOR UNDERGROUND COAL MINES

This section would require the Secretary to expeditiously revise three existing standards to enhance the protection of underground coal miners.

(a) Conveyor belts and ventilation (''belt-air'' rule). The belts that carry coal out of a mine can ignite a fire or explosion due to friction. The legislation requires MSHA to expeditiously revise its regulations to adopt long-standing recommendations of the National Institute for Occupational Safety and Health that conveyor belts be designed to minimize flammability. Until the revised rules go into effect, the legislation suspends rules adopted in 2004 that generally permitted increased airflow over these conveyor belts. During this time, MSHA would, however, be permitted to return to its pre-2004 practice of permitting such additional airflow on a mine by mine basis following a public hearing on a request for such a modification.

(b) Seals. Seals are walls constructed in underground coal mines to enclose abandoned areas that they do not want to ventilate. Sealed areas can become highly explosive due to methane gas, and hence the seals have to meet prescribed standards. The bill would require MSHA to expeditiously adopt more protective standards. In addition to requiring seals to withstand more pressure than under the current rules, the Secretary is directed to consider whether it should inspect all seals during construction to be sure they are built according to plan. In addition to requiring an improved standard, the bill would require the Secretary to promptly conduct a special inspection of all current seals in underground coal mines composed on non-traditional materials to ensure they are properly constructed.

(c) Respirable (coal) dust. Black lung continues to be diagnosed among younger coal miners. To eliminate this disease forever, the bill requires the Secretary to expeditiously revise the current standard to reduce the allowable level of respirable dust to that recommended by the National Institute for Occupational Safety and Health. Consistent with other findings by NIOSH, the bill would eliminate the current requirement that several samples be averaged before a citation can be issued, and requires compliance samples to be taken by the Secretary or by placing personal dust monitors on at least 3 miners per shift.

SECTION 10—TRANSITION TO A NEW GENERATION OF INSPECTORS

It takes 18 months to train a new inspector; and government personnel ceilings and retirement rules mean there may be a critical gap in mine safety and health inspectors over the next few years even if there is money appropriated in sufficient quantities to take on new staff. The bill provides that for a 5-year period, MSHA inspector staffing is exempted from personnel ceilings (only funding governs) and from certain pension reductions that make it difficult to use retired inspectors as necessary to fill the gap.

An additional problem for MSHA is to simultaneously provide both enforcement and compliance assistance, particularly for small mine operators. The bill would provide that for a 5-year period, government resources be used exclusively for enforcement, while compliance assistance to the industry be funded exclusively through a user fee. The user fee would be $100 for every penalty assessed on any mine operator. This money would be used exclusively to provide the industry with technical support and advice, and priority would be given to requests for small mines (those with less than 20 miners).

Because of the unusual nature of these provisions, special monitoring by the Congress is appropriate, and an annual report would be required each of the five years that these requirements would be in effect.

SECTION 11—TECHNOLOGY RESEARCH PRIORITIES

The legislation requires that in implementing its research activities in the next five years, the National Institute for Occupational Safety and Health give due consideration to new technologies, and existing technologies that could be adopted for use in underground mines, which could facilitate the survival of miners in an emergency.

The bill notes that such technologies include, but are not limited to:

Longer lasting self-rescuers;

Two-way communication devices;

Improved battery capacity and specifications to handle multiple devices;

Improved technology to determine underground conditions during an emergency situation; and

Improved technology for mine rescue crews.

RECOGNIZING PAUL REDMAN

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. TIBERI. Mr. Speaker, I rise today to recognize and pay tribute to Paul Redman, an ndividual who has contributed his time and effort to the central Ohio community for over a decade. Paul's talent has made the Franklin Park Conservatory one of the signature cultural sites in Columbus.

The Franklin Park Conservatory provides an important service to Ohioans. It provides not only a showcase for the beauty of nature but serves as a vital educational source on botanical and ecological matters. The extensive facilities allow thousands of individuals throughout the region to participate in the study and appreciation of nature and various nature-based art.

Paul's professionalism has drawn the premier artists of our day to display their work at the conservatory. His tireless efforts to provide the best exhiibits and value for the community have served to enhance central Ohio's reputation for quality people and superior work. His contributions to the civic and cultural landscape of central Ohio will continue to impact generations to come. His exemplary leadership and service have added to central Ohio's growing fame as one of the most vibrant areas in America.

I am pleased to recognize Paul's commitment to central Ohio and his outstanding tenure as Executive Director of the Franklin Park Conservatory. I'm proud to echo the sentiments expressed by so many prestigious voices across the country, and I wish him all the best in his future endeavors.

TRIBUTE TO CHRISTINE BURROUGHS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise in gratitude to recognize the continued extraordinary achievements, community leadership and contributions of Christine Burroughs, Director of InnVision the Way Home. InnVision is a leading provider of services for homeless and low-income individuals and families in Santa Clara County.

Ms. Burroughs has successfully led InnVision the Way Home since 1991. During

her tenure, she has grown the organization from a small, grass-roots agency into a leading provider of housing and support services to over 16,000 homeless individuals and families in Santa Clara and San Mateo Counties. She managed a staff of 115 at 20 sites with an annual operating budget of $10 million and $17 million in assets. She spearheaded the development of many community partnerships and at least 12 capital projects including the building and/or rehabilitation of various shelters, transitional housing facilities, permanent affordable apartments and multi-service centers. Program development included: mental health services, alcohol/drug rehabilitation, job training and children's activities for all ages.

In 1997, Ms. Burroughs was honored as a "Woman of Achievement" by the San Jose Mercury News (Women's Fund) and received commendations from City and County officials, as well as the Management Center in San Francisco. In 2004 and 2005, San Jose Magazine heralded her as one of Silicon Valley's Power 100. Currently, as a member of the San Jose Rotary Club, she serves on 2 committees whose focus is youth development. She is also a long-time member of First Presbyterian Church of San Jose and has served in leadership roles on various local coalitions and boards advocating for the homeless. Christine is a new board member of the Children's Musical Theatre in San Jose.

Ms. Burroughs paved "the way home" for countless people in need of assistance so as to improve their struggle for independence, freedom and dignity. Hope is the mainstay of achieving success, and Ms. Burroughs provided that element of strength for so many individuals and families.

Ms. Burroughs portrayed a pillar of strength, solidarity and integrity, by which all who met her (service providers or beneficiaries of services) became transformed to reach a better plan in life. She has been a tireless advocate for those persons unable to share their voice for themselves or their families. I hereby honor Christine Burroughs, on this special day of her retirement and wish her all the best in the years to come.

CONGRATULATING RECIPIENTS OF THE NINTH ANNUAL WIRTH CHAIR AWARDS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. UDALL of Colorado. Mr. Speaker I rise today to congratulate four recipients of the Ninth Annual Wirth Chair Awards. The Wirth Chair was started by my good friend and predecessor, former Senator Tim Wirth. The Wirth Chair is committed to helping governments, businesses and non-profit groups and community organizations form sustainable development partnerships that carefully balance economic, environmental and expanded social welfare objectives and strategies. Their tremendous work is widely respected throughout the country. This year's recipients are very deserving of this prestigious honor.

Good Dirt Radio received the award for electronic media. The program is broadcast from Durango, Colorado. Good Dirt airs radio stories aimed at inspiring listeners to take ecological action in their own communities. Good Dirt is an all volunteer effort. Word is catching on about their good work, and I am confident that they will continue to grow and be successful.

Harumi Kato of the Yamagata Broadcasting Company was honored for her short film entitled "Little Steps in Colorado for Sustainable Living." The program was also broadcast in Japan in October of last year. She plans to have more viewings in Japan in the future because she wants people there to know "that despite not signing the Kyoto Protocols, some Americans are really concerned about taking action in many ways to protect our environment by practicing sustainable living."

Rick Gilliam of Western Resource Advocates was the primary author of Amendment 37. This was the first time that a renewable energy standard was put to a popular vote. The successful initiative required that 10 percent of Colorado's electricity be derived from renewable sources by 2015. I campaigned vigorously for this initiative and saw firsthand how hard the people associated with this effort worked on the campaign. It was because of their commitment that the initiative was passed despite being out spent ten-to-one by the opposition. Morey Wolfson, Robin Hubbard, Ron Larson, Matt Baker, Ron Lehr, Ken Regelson and Stephanie Bonin were all instrumental getting Amendment 37 passed.

Finally, the City of Denver was recognized for its historic sustainability initiative, "Greenprint Denver." The initiative advances and supports the integration of environmental impacts into the city's programs and policies, along with economic and social considerations. The comprehensive set of strategies includes: measurably reducing greenhouse gas emissions city wide, developing and implementing a municipal green building policy, increasing residential recycling, and increasing urban forest cover for air and water quality and aesthetic benefits.

I am inspired by all of these laudable efforts. I ask my colleagues to join me in congratulating these Wirth Chair Award recipients for their tremendously important good work.

IN RECOGNITION OF PAUL MILLER, EXECUTIVE DIRECTOR OF KIDANGO

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Paul Miller, Executive Director of Kidango, a private, nonprofit agency providing a variety of services to children and families in Alameda, Santa Clara and San Francisco Counties. Paul Miller has successfully led Kidango to become a leader in providing quality childcare and child development services to children and support services to their families.

Mr. Miller joined Kidango in 1979 and has helped the organization grow from serving just 90 children at one Fremont, California center to over 2,800 children attending forty plus centers throughout the San Francisco Bay Counties. Kidango has over 350 employees. Miller points with pride to his dedicated and committed regional and center directors, teaching staff, maintenance, food service and administrative staff, all who have an integral role in making sure the families and children Kidango serve receive the best quality programs possible.

Recent evidence of Paul Miller's ability to seize new opportunities and offer quality programs for children is readily apparent in Union City, California, where Kidango operates a preschool program on every New Haven Unified School District campus. Building on a 20-year relationship, the school district and Kidango launched a Preschool for All program in 2001. By the following year, Union City has the distinction of being the first district in the State of California to offer Preschool for All. The flagship New Haven-Kidango Preschool for All program has caught the attention of educators and policymakers throughout the State of California.

Mr. Miller continues to work hard to introduce Universal Preschool to other Bay Area school districts and the California Superintendent of Public Instruction has appointed him to the Universal Preschool Task Force.

In addition to.his exemplary administrative leadership at Kidango, Paul Miller is a major force throughout the State of California advocating for public policy that promotes quality childcare and early education. He is actively involved in the Child Development Policy Institute, the leader in the childcare and development field on fiscal and public policy matters, and the principal advocate for children and families in California's legislative budget process.

Paul Miller's 30 plus years of advocacy for children and their families are beyond measure. He is committed and dedicated to excellence as demonstrated by the growth and success of Kidango. He works tirelessly with a single focus of inspiring all children and their families by promoting their potential and diversity through quality education and nurturing relationships.

Paul will be recognized at a well-deserved Kidango Staff Appreciation Dinner on May 20, 2006. I join them in appreciating him for his good work.

IN HONOR AND MEMORY OF STAFF SERGEANT ROBERT HERNANDEZ

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to honor the life of a fallen Maryland soldier, Staff Sergeant Robert Hernandez, a veteran reservist of 24 years who died on the 28th day of March 2006.

Sergeant Hernandez was a member of the 3rd Battalion, 318th Regiment Military Police, 80th Division, U.S. Army Reserve, Fort Meade. He was killed when a makeshift bomb detonated near his military vehicle during combat operations in Al Taquaddurn, Iraq.

The 47-year-old soldier was a former member of the Baltimore and Washington Police Departments. He was praised by colleagues for his hard work and jovial personality. He easily earned respect from those who knew him and worked with him daily.

As a member of the Prince George's County force, Sergeant Hernandez offered his expertise in a division that lacked Spanish-speaking

officers. He served as a field training officer assisting officers who graduated from the police academy. He also served as a mentor at a local elementary school. Sergeant Hernandez is remembered for his leadership skills and ability to help others.

Sergeant Hernandez is survived by his fiancee and three children of Silver Spring. He is also survived by his parents in Puerto Rico. He will forever be remembered as a dependable, trustworthy and captivating person with a passion for life, children, family, and country.

Mr. Speaker, I ask that you join with me today in honoring the life and memory of a Maryland hero. Staff Sergeant Robert Hernandez was loyal to the citizens of the United States and deserves our recognition and appreciation.

BLUMENAUER AMENDMENT TO THE AGRICULTURE APPROPRIATIONS BILL FY 2007

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. BLUMENAUER. Mr. Speaker, tomorrow I will be offering an amendment, cosponsored by Congressman JEFF FLAKE, to the Agriculture Appropriations bill. The amendment will prevent any funds in the appropriations bill to go towards salaries or expenses of personnel who make loans in excess of 17 cents per pound for raw sugar cane or 21.6 per pound for refined beet sugar. This is, in effect, a 6 percent cut to the Sugar Loan Program.

TRIBUTE TO MSGR. CIPPEL OF ST. FRANCES CABRINI PARISH

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor a devout servant of the Catholic faith, Msgr. John A. Cippel of the St. Frances Cabrini Parish in Spring Hill, FL. Monsignor Cippel is retiring after more than 46 years as an ordained priest in the Catholic Church, the last 6 serving as monsignor at St. Frances Cabrini.

Msgr. John A. Cippel is the second pastor of St. Frances Cabrini Parish. Appointed in January 1996 by Bishop Robert Lynch to succeed the founding pastor, Father David Banks, Monsigor Cippel has served the parish with distinction for more than 10 years.

Ordained a priest on January 28, 1960, Father Cippel is an alumnus of St. Vincent Seminary, Latrobe, PA, and St. Louis seminary, Carthage, Tunisia. His first years of priesthood were spent as a missionary in Tanzania, East Africa.

Returning to the United States in 1973 to continue his studies at Andover Newton Theological School in Boston, Monsignor Cippel received the Degree of doctor of ministry from that institution in 1975.

Following his graduation, Monsignor Cippel moved to Florida to begin his ministry as a priest in the Diocese of St. Petersburg. His first assignments were associate pastor at St. Martha's Parish, Sarasota, St. Charles' Parish, Port Charlotte, and St. Mary's Parish, St. Petersburg. In addition to serving as pastor of St. Cecelia Parish, Clearwater from 1981 to 1990, Monsignor Cippel was also chosen as the spiritual director of St. Vincent de Paul Seminary, Boynton Beach, FL. He came to St. Frances Cabrini after completing a 5-year span at this seminary.

Mr. Speaker, over the years I have had the opportunity to see Monsignor Cippel interact on a personal and spiritual basis with his parishoners at St. Frances Cabrini. Most Thanksgivings I have been at the church working with the congregation and Monsignor Cippel to help prepare the Thanksgiving feast for those parishoners and all residents without family on the holiday.

Working alongside Monsignor Cippel I saw the compassion in his eyes and the dedication in his heart to serving those in need. For many years he has been a voice of reason in the Hernando County area and someone to whom the entire Catholic community looked up to for widsom and clarity of thought.

Mr. Speaker, on the occasion of Monsignor Cippel's retirement, I would like to commend him for his decades of work on behalf of the thousands of men and women whose lives he has touched and influenced. Monsignor Cippel has given so much to the men and women of Catholic faith and it is time that we say thank you to him as he leaves the St. Frances Parish.

IN RECOGNITION OF NORWAY'S CONSTITUTION DAY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today to recognize the people of the Kingdom of Norway and extend my congratulations to King Harald V, and to Prime Minister Jens Stoltenberg, as Norway celebrates its national day of recognition of the adoption of its constitution on May 17, 2006.

It was on May 17, 1814, that Norway adopted its constitution, making the country free and independent. The United States and Norway have long had a strong relationship, founded on cooperation on important bilateral and regional issues, as well as on shared values. Our countries are engaged on every level, including on economic, security and cultural matters, in a relationship that reflects a shared commitment to further strengthening our relationship. The strength of our friendship allows our two nations to openly engage on issues for which we might not share a common perspective, and work together to build common ground on issues of great importance to our citizens.

Norway holds a strategic position within the European community, and through its I membership in NATO and the European Union, Norway is a voice of reason in security matters that impact both its region and the world. In addition, Norway is a global leader in providing humanitarian aid to crises around the world, in aiding refugees, and in promoting human rights around the globe. I commend the Norwegian government for the important and life-saving work it is engaged in around the world.

As a Minnesotan, I and many of my constituents feel a particular bond to Norway, as so many ancestors of Minnesotans come from that great country. The strong links that have formed between Minnesota and Norway extend to business partnerships and social connections. Minnesotans also share with Norwegians the strong desire in helping to alleviate the suffering that is a daily struggle for so many around the world. Both Minnesotans and Norwegians feel compelled to act in the name of peace and democracy around the world, and I am proud there is such a strong Norwegian influence in Minnesota.

Mr. Speaker, we should extend warm regards and congratulations to the people of Norway, the Norwegian Government, King Harald V and Queen Sonja, and Prime Minister Stoltenberg as they celebrate the adoption of their constitution. They have consistently been warm friends of the United States, and I look forward to working with the Norwegian people on every level in the future, to ensure that our two countries maintain a strong relationship.

LIBRARY OF CONGRESS EMPLOYEE TRANSITION ASSISTANCE ACT OF 2006

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise to draw our colleagues' attention to legislation I have introduced (H.R. 5328) to make it easier for talented, experienced employees of the Congressional Research Service (CRS) facing loss of their jobs later this year to find positions elsewhere in the Federal government.

The need for this legislation is both apparent and pressing. In September 2005, the CRS, a unit of the Library of Congress, announced to 59 support employees that their positions will be eliminated not later than September 30, 2006, by a reduction-in-force (RIF) if necessary. The CRS Director, Daniel Mulhollan, argues that the 59 positions have become unnecessary due to technological advances that have changed the way CRS fulfills its mission, which is to serve Congress.

Several of our colleagues and I share serious concerns about this decision and question the CRS management practices which led to it. Since the announcement, I have personally met with affected employees and others, many of whom suggested, among other things, that CRS has placed insufficient emphasis on training and professional development offering opportunities for advancement. Moreover, given the Library's history in matters involving racial discrimination, many people inside and outside the organization are troubled by the fact that a large majority of the affected employees are women, African-Americans and other minorities.

Without debating the merits or demerits of Director Mulhollan's decision, clearly Congress should do everything reasonably possible to help these dedicated CRS employees to continue their careers elsewhere in the Federal government. It is certainly the compassionate and equitable thing to do; most if not all of the employees have never received an unsatisfactory performance review, and many are sole

breadwinners who have devoted their entire careers to public service. It is also the smart thing to do, from the standpoint of the taxpayer, who has invested in these employees over the years, and who would lose the value of that investment if the employees were to take positions elsewhere. As a former personnel director, I certainly recognize that for any organization, including the Federal government, to maximize its effectiveness, it needs to attract the most talented people it can, invest in those people, and retain them. It makes sense to enable talented employees to transfer their skills to other agencies, if they wish to remain in Federal service and cannot find suitable positions in the Library or CRS.

The legislation which I have introduced would accomplish two things toward that end. First, it would give Library employees who have successfully completed a probationary period in a non-temporary position ''competitive status'' when seeking vacant positions in Executive departments and agencies for which the employees have the required qualifications. Currently, service in the Library, a Legislative-branch agency, does not confer competitive status, leaving Library employees at a disadvantage when competing for vacancies in Executive agencies requiring competitive status. The provision would become effective immediately, and is designed to assist current CRS employees who may wish to apply for positions throughout the government, as well as other CRS or Library employees seeking positions in the future.

Second, the legislation would render Library employees (including the Congressional Research Service) eligible for a program, administered by the Office of Personnel Management for displaced employees in the Executive branch, which provides ''special selection priority'' for employees facing a reduction-in-force. Thus, Library employees, including the CRS personnel facing loss of their jobs later this year, would qualify for priority selection to positions across the Executive branch.

Mr. Speaker, in 1990 Congress enacted similar legislation granting competitive status to employees of the Judicial branch. It made sense then for employees of the Federal courts, and it makes sense for the employees of the Library of Congress today.

Mr. Speaker, my legislation has the support of the Librarian of Congress, Dr. James Billington, and Director Mulhollan, who have assured me that they will do everything possible to identify suitable positions in the Library for the affected employees. I take them at their word and hope their efforts succeed for every employee who wants to continue contributing to the agency's success.

This Congress could not discharge its responsibilities without the support of the employees of the Congressional Research Service and the Library of Congress, who provide unbiased, non-partisan, timely, reliable information to its Members every day. As Ranking Member of the Committee on House Administration, which oversees the Library and CRS, I am eager to see this precious asset preserved, and I trust that Library management will do everything within its power to avoid a RIF in 2006 or any other year. In the meantime, H.R. 5328 will make it easier for the CRS employees now facing loss of their jobs to transfer their skills and expertise to other Federal agencies and continue their careers in public service. I urge all Members to join in supporting this urgent legislation.

IN REMEMBRANCE OF G.V. ''SONNY'' MONTGOMERY

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. RAHALL. Mr. Speaker, I rise today to remember the life of a man that I am proud to have called a colleague and a friend, Gillespie V. ''Sonny'' Montgomery. Sonny had already been serving the people of Mississippi for 10 years by the time I had been elected to Congress, but his drive and tenacity for the men and women of his District and of the armed services: rivaled that of any of my freshman class of 1977.

The epitome of one man making a difference, Sonny helped expand the G.I. Bill to Guardsmen and Reservists and helped make possible the dream of a higher education to countless Americans. His efforts to elevate the Veterans Administration into the 14th Cabinet level department truly ensured, in his words, that ''veterans will no longer have to go through the back door to the White House.''

Few men leave the kind of lasting legacy that Sonny leaves. When I am back home in West Virginia, I see him in the faces of the West Virginia National Guard. The time before his accomplishments seem to stand in stark contrast to the current realities of serving our great Nation, and it reminds us all of how justice always needs an advocate.

I see how one man can better the lives of so many, and it reminds and reaffirms in me what it means to be a public servant.

This coming Memorial Day, we will remember and pay tribute to those who have served our country, in doing so we also remember and pay tribute to Sonny.

As the Lord welcomes him back home into the Kingdom of Heaven, may we all honor his legacy by picking up the torch that he so skillfully carried.

HONORING G.V. ''SONNY'' MONTGOMERY

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. GIBBONS. Mr. Speaker, on behalf of the state of Nevada, I would like to recognize the late Gillespie V. ''Sonny'' Montgomery for all of his lifetime achievements. Sonny passed away on May 12 of this year. His 30 years in Congress and 13 years as Chairman of the House Veterans' Affairs Committee do not even begin to reveal all that he has done for this country.

As a strong Veterans' advocate, he was the man responsible for rallying Congress to pass The Montgomery G.I. Bill, which offered education benefits to National Guard and Reserve personnel for the first time. Mr. Montgomery also served on the House Armed Services Committee, where he made progress in the quality of life for both the National Guard and reserve units. As a veteran himself, he seemed to establish a stubbornness about him that pressed for improved treatment of veterans on Capitol Hill, where he gained the nickname ''Mr. Veteran.''

After returning home from World War II, he returned to active duty during the Korean War as part of the National Guard. Shortly thereafter, Sonny began his political career in 1956 when he was elected to the Mississippi State Senate, where he served for ten years before joining the United States House of Representatives in 1967. He remained in the National Guard and retired in 1980 with the rank of major general.

In 2005, he received the highest form of civilian honor when President Bush awarded him with the Presidential Medal of Freedom. Sonny Montgomery was the embodiment of freedom and worked every day of his professional life to strengthen our national defense and to ensure that this nation honors the soldiers who protect our freedom.

Not only has this country lost a dedicated serviceman and former Member of Congress, but we have also lost a great friend.

CONGRATULATING AMTRAK ON ITS 35TH ANNIVERSARY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. OBERSTAR. Mr. Speaker, I rise today to congratulate the National Railroad Passenger Corporation, known more commonly as Amtrak, and its workers for achieving 35 years of operation as America's passenger rail service provider.

Prior to the creation of Amtrak, passenger rail service had fallen on hard times. Freight railroads had a common carrier obligation to provide passenger train service, but virtually all of them were losing money and wanted to be rid of it. Regrettably, it was the policy of many of the freight railroads to simply allow the service to deteriorate to the point where ridership was so sparse that the Interstate Commerce Commission would grant the carriers permission to discontinue their passenger train operations. Some of the railroads went beyond benign neglect and actively downgraded the service to discourage people from riding the trains.

Indeed, passenger rail service had been in decline since 1920. Americans' preferences shifted to air and auto to meet their intercity transportation needs. In 1920, passenger rail was the dominant mode of intercity transportation; by 1970 passenger rail service had declined to relative insignificance. Many thought that the day of the passenger train was over, and that, outside of a few densely populated corridors, passenger trains were destined to join the stagecoach and the flatboat as relics of America's transportation history.

Fortunately, that was not the case. Congress understood the long-term value of and public need for intercity passenger rail service and passed the Rail Passenger Service Act of 1970 to create Amtrak.

On May 1, 1971, Amtrak assumed responsibility of the nation's passenger trains from the freight railroads and began service when Clocker No. 235 departed New York Penn Station at 12:05 a.m. bound for Philadelphia. It was clear from the outset that Amtrak would have to face a number of challenges. Years of freight railroad neglect of passenger operations meant that stations and terminals were

often old and run down, that passenger cars offered dated amenities, and the equipment was prone to failure. The nation's railroad infrastructure was in a serious state of disrepair. Trains, even some passenger trains, crept along at 10–15 miles-per-hour in some places and derailments were becoming distressingly commonplace. By the time Amtrak commenced operations in 1971, the number of daily intercity passenger trains had been reduced from 11,000 in 1964 to fewer than 300 in 1970.

Today, despite chronic under-investment, Amtrak has managed to replace and upgrade many car and locomotive fleets, rehabilitate once dilapidated train stations, and introduce a variety of new services in an effort to keep people riding the rails. Ridership has grown from 4.4 million on 184 trains operated in 1971 to more than 24 million on 100,000 trains operated in 2005, a record level for Amtrak. And just last month, despite increasing freight congestion on the nation's railways, Amtrak's on-time performance on the Northeast Corridor reached 90 percent.

In other words, Amtrak survived—survived the inadequate equipment and facilities; survived the budget cutters, and survived the competition from low-cost airlines. And now, as we see gas prices soaring to more than $3 a gallon, we see the wisdom of keeping intercity passenger rail service in place in the United States.

This month, Congress will begin its annual debate on funding for Amtrak. The Administration and a minority in Congress will once again argue for inadequate or no funding for Amtrak. In the past 35 years combined, Amtrak has received less federal funding than we will spend on highways in just this fiscal year. The Federal Government has also established robust funding mechanisms for aviation and public transit, and Congress has always properly supported Federal investment in these modes. But not for Amtrak: Amtrak is forced to beg for federal funding year after year, and rarely gets what it needs because of false expectations that it should be profitable.

Railroads throughout the world receive some government support to supplement the revenues paid by passengers. China invests $16 to $20 billion annually in passenger rail. Japan and Germany devote 20 percent of their total annual transportation budget to passenger rail, totaling $3 to $4 billion each. A host of other nations also invest heavily in passenger rail—France, for example. When I was a graduate student at the College of Europe in Belgium, part of our work was to travel to various parts of Europe and see different economic systems. I traveled from Paris to Lyon, almost 300 miles. It was a 4½ hour trip. I went back in 1989, as chair of the Aviation Subcommittee. We were following the trail of Pam Am 103. I just wanted to experience the TGV (Train à Grande Vitesse). The same trip took 2:01 hours. At a certain point, the train passed a small airfield where a twin-engine aircraft had taken off, and the train passed the plane at 180 mph.

We can do the same here in the United States. The Federal Government just needs to step up and take charge with a strong program to support passenger rail.

Congratulations again to Amtrak and its workers for 35 years of public service. Not only are you a vital link to our nation's past, you are indispensable to our Nation's transportation future.

ENERGY LEGISLATION (H.R. 5253 AND H.R. 5254)

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in support of the Federal Energy Price Protection Act (H.R. 5253). By protecting consumers at the gas pump, this legislation takes an important step towards a more responsible federal energy policy.

H.R. 5253 bans price gouging in the sale of fuels, permits states to bring price gouging lawsuits against wholesalers or retailers and sets meaningful penalties for those convicted. After nearly a year of opposing these consumer protections, Republicans have finally realized this is a necessary and appropriate action to addressing rising gas prices. However, this is only a first step—it is what we do next that really matters.

We should not expect our energy situation to change until Congress gets serious about tackling our oil dependence. With the booming economies of China and India squeezing global oil supply, and political instability among key oil producing countries like Iran, Venezuela, Nigeria and Iraq, it is likely that world oil prices will remain volatile and could continue rising for some time to come. Unfortunately, the Republicans are proposing to meet this serious challenge with an ill-conceived policy of distraction.

The Refinery Permit Process Schedule Act (H.R. 5254) is a cynical attempt to relieve public pressure for new energy policies and divert attention away from meaningful solutions. It empowers the Secretary of Defense to evade state environmental laws and overrule the wishes of local communities by "streamlining" siting and permitting of new refineries on closed military bases. I strongly oppose this bill, which blames state environmental regulations for rising gas prices and would undermine local control in a misguided attempt to ease them. H.R. 5254 is another attempt by the Republican majority to sell Americans the false promise of easy answers.

With families burdened with gas at $3 per gallon, it is time for real leadership, vision and commitment from Washington to make the smart investments that will protect our BNation's economic security and our planet's future. A clean energy future that addresses oil dependence and environmental concerns such as climate change is achievable. It starts by rescinding the billion of dollars in subsidies for oil and gas companies and with investments in research and extending incentives for alternative energy sources such as wind, biomass and biofuels that keep energy costs down, create jobs and make us more competitive in the global economy. As Robert Samuelson stated in today's Washington Post, the United States has the energy policy it deserves but not the one it needs. It's time for real solutions.

[From the Washington Post, May 3, 2006]

HOW WE GOT TO $3 A GALLON

(By Robert J. Samuelson)

The United States has the energy policy it deserves, although not the one it needs. Having been told for years that their addiction to cheap gasoline was on a collision course with increasingly insecure supplies of foreign oil, Americans are horrified to discover that this is actually the case. But for all the public outcry and political hysteria, high gasoline prices haven't significantly hurt the economy—and may not do so. Since 2003 the economy has grown about 3.6 percent annually. It's still advancing briskly. That may be the real news.

But first, how did we get to $3 a gallon? The basic story is simple enough. Oil was cheap in the 1990s. From 1993 to 1999, crude prices averaged about $17 a barrel. Low prices discouraged exploration and encouraged consumption. China emerged as a big user. In 1995 global demand was about 70 million barrels daily; now it's almost 84 million barrels daily.

Spare production capacity slowly vanished, meaning that now any supply interruption—or rumor of interruption—sends prices up sharply. An Iraqi pipeline is attacked; prices jump. Nigerian rebels menace oil fields; prices jump.

These pressures get transmitted quickly to the pump, because there are few fixed-price contracts in the oil business. At each stage of distribution—from producers to refiners, from refiners to retailers—prices are adjusted quickly. They're often tied to prices on major commodities exchanges, where oil and other raw materials are traded.

"A gas station will get a delivery every four to eight days at a different price," says Mary Novak of Global Insight. Even between deliveries, station owners may push prices up because they know that "for my next tankload, I'll have to pay the market price."

Of course, profits have exploded. Production and refining costs haven't risen in tandem with prices. To the extent that oil companies have their own crude reserves—as opposed to buying from producing nations—they've reaped a bonanza. From 2002 to 2005, profits for most U.S. oil companies more than quadrupled, to almost $140 billion a year, the American Petroleum Institute reports. But the really big winners are the oil-producing countries. In 2005 their oil revenue exceeded $750 billion, up from $300 billion in 2002. (Crude oil and taxes represent about three-quarters of the retail price of gasoline; refining, distribution and marketing account for the rest.)

It's conventional wisdom that big increases in oil prices usually trigger a recession—or at least a sharp slowdown. Why haven't they? One oft-cited reason is that the economy has become more energy-efficient. True. Compared with 1973, Americans use 57 percent less oil and natural gas per dollar of output; compared with 1990, the decline is 24 percent. Cars and trucks have gotten more efficient, though not much more so since 1990. New industries (software programming, health clubs) use less energy than the old (steelmaking, farming). But there's a larger reason: The conventional wisdom is wrong.

Big oil price increases in the past (1973–74, 1979–80 and 1990–91) did not cause recessions, though recessions occurred at roughly the same time. The connection has been repeated so often that most people probably accept it as gospel. But much economic research has concluded that it's a myth. These recessions resulted mainly from rising inflation—inflation that preceded higher oil prices—and the Federal Reserve's efforts to suppress it. Higher oil prices merely made matters slightly worse. In 1980, for example, consumer prices rose 12.5 percent; excluding energy prices, they increased 11.7 percent.

This may explain the economy's resilience. One hopeful sign: most nonenergy companies aren't yet passing along higher energy costs to their customers. "Businesses have had wide profit margins," says Mark Zandi of

Moody's Economy.com. ''They may be willing to eat the higher costs.'' In 2006, he expects the economy to grow 3.5 percent, with average unemployment of 4.7 percent.

Indeed, he thinks oil prices may retreat to about $50 a barrel, from today's levels of about $70, later this year. Higher prices will slightly dampen demand, and added supplies will create some spare production capacity. Naturally, he could be wrong. Energy economist Philip K. Verleger Jr. thinks oil could be headed for $100 a barrel, with inflation going to 5 percent and inducing a recession. Continuing strong oil demand will collide with rigid supply (both production and refining). The conventional wisdom—wrong in the past—could be right in the future.

Whatever happens, the larger question is how Americans build on this episode. It may feel good to vilify the major oil companies and the oil cartel. But that won't help. We now import 60 percent of our oil; large imports will continue indefinitely. So far, we've escaped a true calamity. We may not be so lucky in the future. We could minimize our vulnerabilities to supply interruptions and price increases. We could open up more acreage (including Alaska) to drilling. We could orchestrate—through tougher fuel economy standards and a gradually rising energy tax—a big shift toward more-efficient vehicles. Once again, we've been warned. Will we contine to ignore it?

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4571–S4646

Measures Introduced: Fifteen bills and two resolutions were introduced, as follows: S. 2803–2817, and S. Res. 480–481. **Page S4617**

Measures Passed:

Relative to Death of Former Senator Jacob Chic Hecht: Senate agreed to S. Res. 481, relative to the death of Jacob Chic Hecht, former United States Senator for the State of Nevada. **Page S4645**

Arctic Research and Policy Amendments Act: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 879, to make improvements to the Arctic Research and Policy Act of 1984, and the bill was passed, after agreeing to the following amendment proposed thereto: **Pages S4645–46**

Frist (for Collins/Murkowski) Amendment No. 4028, to strike the sections regarding Commission awards and representation and reception activities. **Page S4646**

Comprehensive Immigration Reform Act: Senate continued consideration of S. 2611, to provide for comprehensive immigration reform, taking action on the following amendments proposed thereto: **Pages S4575–S4610**

Adopted:

By 79 yeas to 16 nays (Vote No. 122), Salazar Amendment No. 3994, to prohibit implementation of title IV and title VI until the President determines that implementation of such titles will strengthen the national security of the United States. **Pages S4577–85**

Bingaman/Feinstein Amendment No. 3981, to reduce the number of H–2C nonimmigrants to 200,000 during any fiscal year. (By 18 yeas to 79 nays (Vote No. 124), Senate earlier failed to table the amendment.) **Pages S4600–03**

Kerry/Bingaman Amendment No. 3999, to improve the capacity of the United States Border Patrol to rapidly respond to threats to border security. **Pages S4603–05**

Rejected:

By 40 yeas to 55 nays (Vote No. 121), Cornyn (for Isakson) Amendment No. 3961, to prohibit the granting of legal status, or adjustment of current status, to any individual who enters or entered the United States in violation of Federal law unless the border security measures authorized under Title I and section 233 are fully completed and fully operational. **Page S4584**

Dorgan Amendment No. 4017, to prohibit aliens who are currently outside the United States from participating in the H–2C guestworker visa program. (By 69 yeas to 28 nays (Vote No. 123), Senate tabled the amendment.) **Pages S4585–S4600**

Pending:

Kyl Amendment No. 4027, to make certain aliens ineligible for adjustment to lawful permanent resident status or Deferred Mandatory Departure status. **Pages S4605–10**

A unanimous-consent agreement was reached providing that at 9:15 a.m. on Wednesday, May 17, 2006, Senate continue consideration of the bill. **Page S4646**

Appointments:

Election Assistance Board of Advisors: The Chair, on behalf of the Majority Leader pursuant to the Public Law 107–252, Title II, Section 214, appointed the following individual to serve as a member of the Election Assistance Board of Advisors: Wesley R. Kliner, Jr., of Tennessee. **Page S4645**

Nominations Confirmed: Senate confirmed the following nomination:

By unanimous vote of 93 yeas (Vote No. EX. 120), Milan D. Smith, Jr., of California, to be United States Circuit Judge for the Ninth Circuit. **Pages S4573–75**

Nominations Received: Senate received the following nominations:

Francisco Augusto Besosa, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

R. Hunter Biden, of Delaware, to be a Member of the Reform Board (Amtrak) for a term of five years.

Donna R. McLean, of the District of Columbia, to be a Member of the Reform Board (Amtrak) for a term of five years.

John H. Hill, of Indiana, to be Administrator of the Federal Motor Carrier Safety Administration.

John Ray Correll, of Indiana, to be Director of the Office of Surface Mining Reclamation and Enforcement. **Page S4646**

Messages From the House: **Page S4616**

Measures Placed on Calendar: **Page S4616**

Measures Read First Time: **Page S4616**

Executive Communications: **Pages S4616–17**

Additional Cosponsors: **Pages S4617–19**

Statements on Introduced Bills/Resolutions: **Pages S4619–26**

Additional Statements: **Pages S4615–16**

Amendments Submitted: **Pages S4626–43**

Authorities for Committees to Meet: **Pages S4643–44**

Privileges of the Floor: **Page S4644**

Record Votes: Five record votes were taken today. (Total—124) **Pages S4575, S4584, S4585, S4599–S4600, S4603**

Adjournment: Senate convened at 9:45 a.m., and as a further mark of respect to the memory of the late Jacob Chic Hecht, former United States Senator from the State of Nevada, in accordance with S. Res. 481, adjourned at 7:03 p.m., until 9:15 a.m., on Wednesday, May 17, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S4646.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS:

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nominations of James Lambright, of Missouri, to be President of the Export-Import Bank of the United States, Armando J. Bucelo, Jr., and Todd S. Farha, both of Florida, each to be a Director of the Securities Investor Protection Corporation, Jon T. Rymer, of Tennessee, to be Inspector General, Federal Deposit Insurance Corporation, John W. Cox, of Texas, to be Chief Financial Officer, Department of Housing and Urban Development, and William Hardiman, of Michigan, to be a Member of the Board of Directors of the National Institute of Building Sciences, after each nominee testified and answered questions in their own behalf.

HEDGE FUNDS

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities and Investment concluded a hearing to examine the role of hedge funds in U.S. capital markets, after receiving testimony from Randal K. Quarles, Under Secretary of the Treasury for Domestic Finance; Susan Ferris Wyderko, Director, Office of Investor Education and Assistance, U.S. Securities and Exchange Commission; Patrick M. Parkinson, Deputy Director, Division of Research and Statistics, Board of Governors of the Federal Reserve System; James A. Overdahl, Chief Economist, U.S. Commodity Futures Trading Commission; Richard T. McCormack, Center for Strategic and International Studies, and Adam Lerrick, American Enterprise Institute, both of Washington, D.C.; James Chanos, Coalition of Private Investment Companies, New York, New York; and Kurt N. Schacht, Chartered Financial Analyst Institute, Charlottesville, Virginia.

TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL PROGRAM

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the Transportation Security Administration's Transportation Worker Identification Credential Program, after receiving testimony from Michael P. Jackson, Deputy Secretary of Homeland Security; George P. Cummings, City of Los Angeles Harbor Department, San Pedro, California; Lisa B. Himber, Maritime Exchange for the Delaware River and Bay, Philadelphia, Pennsylvania; and Larry I. Willis, AFL–CIO, Washington, D.C.

YUCCA MOUNTAIN REPOSITORY PROJECT

Committee on Energy and Natural Resources: Committee concluded an oversight hearing to examine the status of the Yucca Mountain Repository Project within the Office of Civilian Radioactive Waste Management at the Department of Energy, focusing on the history of high-level nuclear waste disposal, after receiving testimony from B. John Garrick, Chairman, U.S. Nuclear Waste Technical Review Board; Paul M. Golan, Acting Director, Office of Civilian Radioactive Waste Management, Department of Energy; William Wehrum, Jr., Acting Assistant Administrator for Air and Radiation, U.S. Environmental Protection Agency; and Robert R. Loux, Nevada Agency for Nuclear Projects, Carson City.

LAND BILLS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to examine S. 1686, to amend the Constitution Heritage Act of 1988 to provide for the operation of the

National Constitution Center, S. 2417 and H.R. 4192, bills to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, S. 2419 and H.R. 4882, bills to ensure the proper remembrance of Vietnam veterans and the Vietnam War by providing a deadline for the designation of a visitor center for the Vietnam Veterans Memorial, S. 2568, to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail, S. 2627, to amend the Act of August 21, 1935, to extend the authorization for the National Park System Advisory Board, and S. Res. 468, supporting the continued administration of Channel Islands National Park, including Santa Rosa Island, in accordance with the laws (including regulations) and policies of the National Park Service, after receiving testimony from Senators Warner, Sarbanes, Boxer, and Pryor; Stephen P. Martin, Deputy Director, National Park Service, Department of the Interior; Patricia Gallagher, Executive Director, National Capital Planning Commission; Patrick F. Noonan, Conservation Fund, Arlington, Virginia; Harry G. Robinson III, TRG Consulting Studio, Washington, D.C.; and Rimantas Saikus, Cleveland, Ohio.

NOMINATION

Committee on Finance: Committee concluded a hearing to examine the nomination of Susan C. Schwab, of Maryland, to be United States Trade Representative, with the rank of Ambassador, after the nominee testified and answered questions in her own behalf.

OIL DEPENDENCE

Committee on Foreign Relations: Committee concluded a hearing to examine strategies for reducing dependence on oil, focusing on S. 2435, to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, after receiving testimony from Vinod Khosla, Khosla Ventures, Menlo Park, California; and Jason S. Grumet, National Commission on Energy Policy, Washington, D.C.

RETIREMENT COMMUNITIES

Committee on Health, Education, Labor, and Pensions: Subcommittee on Retirement Security and Aging concluded a hearing to examine naturally occurring retirement communities and what impact they may have on the ability to create livable community options for all Americans, after receiving testimony from Elinor Ginzler, AARP, Washington, D.C.; Fredda Vladeck, United Hospital Fund, New York, New York; Joyce Garver Keller, Ohio Jewish Communities, Columbus; Ann Sutton Burke, Jewish Family Service, Cincinnati, Ohio; Julia Pierson, Senior Home Services Comprehensive Housing Assistance, Inc., Baltimore, Maryland; and Beth K. Shapiro, Jewish Federation of Greater Washington, Rockville, Maryland.

VOTING RIGHTS ACT

Committee on the Judiciary: Committee held a hearing to examine the continuing need for Section 5 preclearance requirements of the Voting Rights Act, including trends in minority participation in the seven states originally covered by the Act, renewal of the Act, and the history and prospects for minority voter participation in the states originally covered by Section 5, receiving testimony from Anita S. Earls, University of North Carolina Center for Civil Rights, Chapel Hill; Pamela S. Karlan, Stanford Law School, Stanford, California; Keith Gaddie, University of Oklahoma, Norman; Theodore S. Arrington, University of North Carolina, Charlotte; and Richard H. Pildes, New York University School of Law, New York, New York.

Hearing will continue on tomorrow.

NOMINATION

Select Committee on Intelligence: Committee concluded a hearing to examine the nomination of Kenneth L. Wainstein, of Virginia, to be Assistant Attorney General for National Security, Department of Justice, after the nominee, who was introduced by Senator Warner, testified and answered questions in his own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: public bills, H.R. 5387–5398 were introduced.

Pages H2640–41

Additional Cosponsors: Page H2641

Reports Filed: Reports were filed today as follows:

Supplemental report on H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007 (H. Rept. 109–463, Pt. 2);

H. Res. 815, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 109–466);

H. Res. 816, providing for consideration of H.R. 4200 to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes (H. Rept. 109–467); and

Supplemental report on H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007 (H. Rept. 109–464, Pt. 2). Page H2640

Speaker: Read a letter from the Speaker wherein he appointed Representative Boustany to act as Speaker pro tempore for today. Page H2599

Recess: The House recessed at 12:41 p.m. and reconvened at 2 p.m. Page H2600

Suspensions: The House agreed to suspend the rules and pass the following measures:

Right-to-Ride Livestock on Federal Lands Act of 2005: H.R. 586, to preserve the use and access of pack and saddle stock animals on public lands, including wilderness areas, national monuments, and other specifically designated areas, administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service where there is a historical tradition of such use; Pages H2601–03

Allowing the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation to enter into a lease or other temporary conveyance of water rights recognized under the Fort Peck-Montana Compact for the purpose of meeting the water needs of the Dry Prairie Rural Water Association, Incorporated: H.R. 2978, to allow the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation to enter into a lease or other temporary conveyance of water rights recognized under the Fort Peck-Montana Compact for the purpose of meeting the water needs of the Dry Prairie Rural Water Association, Incorporated; Page H2603

Coastal Barrier Resources Reauthorization Act of 2005: S. 1869, to reauthorize the Coastal Barrier Resources Act—clearing the measure for the President; Pages H2603–05

Neotropical Migratory Bird Conservation Improvement Act of 2006: H.R. 518, amended, to require the Secretary of the Interior to refine the Department of the Interior program for providing assistance for the conservation of neotropical migratory birds; Pages H2605–06

James Campbell National Wildlife Refuge Expansion Act of 2005: S. 1165, to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii—clearing the measure for the President; Pages H2606–07

Redesignating the Mason Neck National Wildlife Refuge in Virginia as the Elizabeth Hartwell Mason Neck National Wildlife Refuge: H.R. 3682, to redesignate the Mason Neck National Wildlife Refuge in Virginia as the Elizabeth Hartwell Mason Neck National Wildlife Refuge; Pages H2607–08

Supporting the goals and ideals of Peace Officers Memorial Day: H. Res. 788, to support the goals and ideals of Peace Officers Memorial Day; Pages H2608–10

Recognizing the cultural and educational contributions of American Ballet Theatre throughout its 65 years of service as "America's National Ballet Company": H. Res. 751, to recognize the cultural and educational contributions of American Ballet Theatre throughout its 65 years of service as "America's National Ballet Company"; and Pages H2610–11

Condemning the murder of American journalist Paul Klebnikov on July 9, 2004, in Moscow and the murders of other members of the media in the Russian Federation: H. Res. 499, amended, to condemn the murder of American journalist Paul Klebnikov on July 9, 2004, in Moscow and the

murders of other members of the media in the Russian Federation. **Pages H2616–17**

Suspensions—Proceedings Postponed: The House completed debate on the following measures under suspension of the rules. Further consideration of the measures will resume tomorrow, May 17th.

Calling on the Government of the United Kingdom to immediately establish a full, independent, public judicial inquiry into the murder of Northern Ireland defense attorney Pat Finucane, as recommended by international Judge Peter Cory as part of the Weston Park agreement and a way forward for the Northern Ireland Peace Process: H. Res. 740, to call on the Government of the United Kingdom to immediately establish a full, independent, public judicial inquiry into the murder of Northern Ireland defense attorney Pat Finucane, as recommended by international Judge Peter Cory as part of the Weston Park agreement and a way forward for the Northern Ireland Peace Process; and **Pages H2612–15**

Condemning in the strongest terms the terrorist attacks in Dahab and Northern Sinai, Egypt, on April 24 and 26, 2006: H. Res. 795, to condemn in the strongest terms the terrorist attacks in Dahab and Northern Sinai, Egypt, on April 24 and 26, 2006. **Pages H2615–16**

Recess: The House recessed at 6:46 p.m. and reconvened at 6:56 p.m. **Page H2639**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H2641–42.

Quorum Calls—Votes: There were no Yea-and-Nay votes, and there were no Recorded votes. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 6:58 p.m.

Committee Meetings

ENERGY AS A WEAPON: U.S. POLICY IMPLICATIONS

Committee on Government Reform, Subcommittee on Energy and Resources and the Subcommittee on National Security, Emerging Threats and International Relations held a joint hearing entitled ''Energy as a Weapon: Implications for U.S. Policy.'' Testimony was heard from Karen Harbert, Assistant Secretary, Policy and International Affairs, Department of Energy; Paul Simons, Deputy Assistant Secretary, Energy, Sanctions, and Commodity Policy, Department of State; and public witnesses.

JUDGES—PAY AND BENEFITS

Committee on Government Reform: Subcommittee on Federal Workforce and Agency Organization held a hearing entitled ''Fair and Balanced? The Status of Pay and Benefits for Non-Article III Judges.'' Testimony was heard from Nancy Kichak, Associate Director, Division for Strategic Human Resources Policy, OPM; William Cowan, Deputy Chief Administrative Law Judge, Federal Energy Regulatory Commission, Department of Energy; Ronald G. Bernoski, Administrative Law Judge, SSA; and public witnesses.

PANDEMIC INFLUENZA STRATEGY

Committee on Homeland Security: Held a hearing entitled ''Are We Ready?: Implementing the National Strategy for Pandemic Influenza.'' Testimony was heard from Jeffrey W. Runge, M.D., Acting Under Secretary, Science and Technology and Chief Medical Officer, Department of Homeland Security; John Agwonobi, M.D., Assistant Secretary, Health, Department of Health and Human Services; John Clifford, D.V.D., Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, USDA; and Peter F. Verga, Deputy Assistant Secretary, Homeland Defense, Department of Defense.

MEDICAL OUTREACH AND U.S. DIPLOMACY

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Relations held a hearing on Medical Outreach: An Instrument of U.S. Diplomacy. Testimony was heard from Cheryl Austein-Casnoff, Associate Administrator, Office of Health Information Technology, Health Resources and Services Administration, Department of Health and Human Services; the following officials of the Department of State. Ralph Braibanti, Director, Office of Space and Advanced Technology, Bureau of Oceans and International Environmental and Scientific Affairs, and Richard Greene, Director, Office of Health, Infectious Diseases and Nutrition Bureau for Global Health, U.S. Agency for International Development; and public witnesses.

OVERSIGHT—COPYRIGHT ACT

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on Section 115 Reform Act (SIRA) of 2006. Testimony was heard from public witnesses.

AGRICULTURE, RURAL, DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Committee on Rules: Testimony heard; action deferred.

BUDGET RESOLUTION, FY 2007

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any resolution reported on the legislative day of May 17, 2006, providing for consideration of the concurrent resolution (H. Con. Res. 376) establishing the congressional budget for the United States Government for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011, or addressing budget enforcement or priorities.

FOREST EMERGENCY RECOVERY AND RESEARCH ACT

Committee on Rules: Granted, by voice vote, a structured rule providing one hour of general debate on H.R. 4200, Forest Emergency Recovery and Research Act, with 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources, 20 minutes equally divided and controlled by the chairman and ranking minority chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule waives all points of order against consideration of the bill. The rule provides that in lieu of the amendment recommended by the Committee on Resources now printed in the bill, the amendment in the nature of a substitute consisting of the text of the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 8 of rule XVIII, shall be considered as an original bill for the purpose of amendment under the five-minute rule and shall be considered as read. The rule waives all points of order against that amendment in the nature of a substitute printed in the Congressional Record.

The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report accompanying the resolution 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 the report. Finally, the rule provides one motion to recommit with or without instructions.

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 17, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine the United States Department of Agriculture Rural Utilities Service Broadband Program, 10:30 a.m., SR–328A.

Committee on Appropriations: Subcommittee on Defense, to hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of Defense, 10 a.m., SD–192.

Committee on Armed Services: to hold hearings to examine the roles and missions of the National Guard in support of the Bureau of Customs and Border Protection, 4 p.m., SH–216.

Committee on Environment and Public Works: to hold hearings to examine the nominations of Dale Klein, of Texas, to be Member of the Nuclear Regulatory Commission, and Molly A. O'Neill, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency, 9:30 a.m., SD–628.

Committee on Finance: to hold hearings to examine physician-owned specialty hospitals, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine Iran's political/nuclear ambitions and U.S. policy options, 9:30 a.m., SD–419.

Full Committee, to hold hearings to examine the nominations of Michael D. Kirby, of Virginia, to be Ambassador to the Republic of Moldova, John A. Cloud, Jr., of Virginia, to be Ambassador to the Republic of Lithuania, April H. Foley, of New York, to be Ambassador to the Republic of Hungary, Tracey Ann Jacobson, of the District of Columbia, to be Ambassador to the Republic of Tajikistan, Michael Wood, of the District of Columbia, to be Ambassador to Sweden, and Robert Anthony Bradtke, of Maryland, to be Ambassador to the Republic of Croatia, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: business meeting to consider the proposed Ryan White Modernization Act of 2006, proposed Mine Safety and Health Act of 2006, proposed Older Americans Act Amendments of 2006, S. 860, to amend the National Assessment of Educational Progress Authorization Act to require State academic assessments of student achievement in United States history and civics, and the Nominations of Jerry Gayle Bridges, of Virginia, to be Chief Financial Officer, and Vince J. Juaristi, of Virginia, to be a Member of the Board of Directors, both of the Corporation for National and Community Service, Harry R. Hoglander, of Massachusetts, and Peter W. Tredick, of California, each to be a Member of the National Mediation Board, J. C. A. Stagg, of Virginia, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation, Kent D. Talbert, of Virginia, to be General Counsel, Department of Education, and Horace A. Thompson, of Mississippi, to be a Member of the Occupational Safety and Health Review Commission, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nomination of Robert J. Portman, of Ohio, to be Director of the Office of Management and Budget, 10 a.m., SD–342.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to resume hearings to examine the Federal government's security clearance process, focusing on the progress of the Office of Personnel Management in implementing a plan to address the longstanding backlog of security clearance investigations, including the next steps by the Office of Management and Budget, and the recent halt by the Defense Security Service in processing government contractor security clearances, 2:30 p.m., SD–342.

Committee on Indian Affairs: to hold an oversight hearing to examine Indian youth suicide, 9:30 a.m., SR–485.

Committee on the Judiciary: to hold hearings to examine understanding the benefits and cost of Section 5 preclearance requirements of the Voting Rights Act, 9 a.m., SD–226.

Select Committee on Intelligence: to receive a closed briefing regarding intelligence matters, 2 p.m., SH–219.

House

Committee on Appropriations, to consider the following appropriations for Fiscal Year 2007: Homeland Security; and Energy and Water Development, and Related Agencies, 9 a.m., 2359 Rayburn.

Committee on Education and the Workforce, to mark up H.R. 5293, Senior Independence Act of 2006, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, hearing on H.R. 2048, Motor Vehicle Owners' Right to Repair Act of 2005, 10 a.m., 2123 Rayburn.

Subcommittee on Health, hearing on Planning for Long-Term Care, 2 p.m., 2123 Rayburn.

Committee on Financial Services, hearing on the State of the International Financial System, 10 a.m., 2128 Rayburn.

Subcommittee on Domestic and International Policy, Trade, and Technology, hearing on H.R. 5337, Reform of National Security Reviews of Foreign Direct Investments Act, 2 p.m., 2128 Rayburn.

Committee on Government Reform, hearing entitled "Low Clearance" Why Did DOD Suddenly Stop Processing Private Sector Security Clearances?" 1 p.m., 2154 Rayburn.

Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing entitled "RU–486—Demonstrating a Low Standard for Women's Health?" 2 p.m., 2203 Rayburn.

Committee on Homeland Security, to mark up the following measures: H.R. 5451, National Emergency Management Reform and Enhancement Act of 2006; and H. Res. 809, Directing the Secretary of the Department of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the Secretary's possession relating to any existing or previous agreement between the Department of Homeland Security and Shirlington Limousine and Transportation, Incorporated, of Arlington, Virginia, 10 a.m., 311 Cannon.

Committee on International Relations, Subcommittee on Asia and the Pacific, hearing on the United States and South Asia: An Expanding Agenda, 1:30 p.m., 2172 Rayburn.

Subcommittee on the Middle East and Central Asia, hearing to Review U.S. Assistance Programs to Egypt, 2 p.m., 2200 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, oversight hearing on Privacy in the Hands of the Government: The Privacy Officer for the Department of Homeland Security and the Privacy Officer for the Department of Justice; followed by markup of H.R. 2840, Federal Agency Protection of Privacy Act of 2005, 2 p.m., 2141 Rayburn.

Committee on Resources, to mark up H.R. 5018, American Fisheries Management and Marine Life Enhancement Act, 10 a.m., 1324 Longworth.

Committee on Rules, to consider the following: H.R. 5386, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007; and H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, 4 p.m., H–313 Capitol.

Committee on Science, Subcommittee on Energy, hearing on Plug-in Hybrid Electric Vehicles: Legislation to Promote Research and Development, 10 a.m., 2318 Rayburn.

Committee on Small Business, to mark up H.R. 5352, Small Business Reauthorization Act of 2006, 11:30 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, to mark up the following: additional lease resolutions from the GSA FY 2007 Capital Investment and Leasing Program; H.R. 5013, Disaster Recovery Personal Protection Act of 2006; H.R. 5187, To amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy for the Performing Arts for fiscal year 2007; and H.R. 5316, RESPOND Act of 2006, 11 a.m., 2167 Rayburn.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine the role of the Office for Democratic Institutions and Human Rights relating to advancing the human dimension in the OSCE, focusing on the Office for Democratic Institutions and Human Rights and its role in monitoring elections in OSCE countries, 2 p.m., SD–226.

Next Meeting of the SENATE

9:15 a.m., Wednesday, May 17

Senate Chamber

Program for Wednesday: Senate will continue consideration of S. 2611, Comprehensive Immigration Reform Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, May 17

House Chamber

Program for Wednesday: Consideration of H.R. 4200—Forest Emergency Recovery and Research Act (Subject to a Rule); and H.R. 5384—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 2007 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

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